IOWA ADMINISTRATIVE BULLETIN

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PREFACE

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

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

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

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

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CITATION of Administrative Rules

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

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

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

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

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

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

The Administrative Rules Review Committee will hold its regular, statutory meeting on Monday, December 8, 2025, at 10 a.m. in Room 116, State Capitol, Des Moines, Iowa. For more information, contact Jack Ewing at jack.ewing@legis.iowa.gov. The following rules will be reviewed:

APPEAL BOARD, STATE[543]

MANAGEMENT DEPARTMENT[541]"umbrella"

General provisions, ch 1 Filed **ARC 9695C** . . . 11/12/25
Tort claims, ch 2 Filed **ARC 9696C** . . . 11/12/25
General claims, ch 3 Filed **ARC 9697C** . . . 11/12/25
Budget appeals, ch 4 Filed **ARC 9698C** . . . 11/12/25
Uniform rules, ch 5 Filed **ARC 9699C** . . . 11/12/25
Public records and fair information practices; agency procedure for rule making, rescind chs 6, 7 Filed **ARC 9700C** 11/12/25

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Public records and fair information practices, rescind ch 2 Notice **ARC 9693C** . . . 11/12/25
Petitions for rule making, rescind ch 3 Notice **ARC 9694C** . . . 11/12/25
Declaratory orders, rescind ch 4 Notice **ARC 9681C** . . . 11/12/25
Office procedure for rule making, rescind ch 5 Notice **ARC 9680C** . . . 11/12/25
Waivers, rescind ch 7 Notice **ARC 9682C** . . . 11/12/25

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MANAGEMENT DEPARTMENT[541]"umbrella"

Operations of city finance committee, ch 1 Notice **ARC 9683C** . . . 11/12/25
Budget amendments and fund transfers, ch 2 Notice **ARC 9684C** . . . 11/12/25
Budget forms, ch 3 Notice **ARC 9685C** . . . 11/12/25
Employee benefits, ch 4 Notice **ARC 9686C** . . . 11/12/25
Law enforcement officer training reimbursement, adopt ch 5; rescind ch 9 Notice **ARC 9688C** . . . 11/12/25
Tax rate suspension appeal, adopt ch 6; rescind ch 10 Notice **ARC 9687C** . . . 11/12/25
Uniform rules on agency procedure, ch 7 Notice **ARC 9689C** . . . 11/12/25
Public information and fair information practices, rescind ch 8 Notice **ARC 9690C** . . . 11/12/25

COLLEGE STUDENT AID COMMISSION[283]

EDUCATION DEPARTMENT[281]"umbrella"

Organization and operation, ch 1 Notice **ARC 9737C** . . . 11/26/25
Commission procedure for rulemaking and petitions for rulemaking, ch 2 Notice **ARC 9738C** . . . 11/26/25
Declaratory orders, ch 3 Notice **ARC 9739C** . . . 11/26/25
Due process and contested cases, adopt ch 4, rescind ch 5 Notice **ARC 9740C** . . . 11/26/25
Public records and fair information practices, ch 6 Notice **ARC 9746C** . . . 11/26/25
Uniform rules for waivers, ch 7 Notice **ARC 9747C** . . . 11/26/25
Postsecondary educational institutions—federally recognized accreditation, 12.2, 12.5(3) Notice **ARC 9768C** . . . 11/26/25
Health care professional incentive program, ch 17 Notice **ARC 9767C** . . . 11/26/25
Court reporter equipment grant program, ch 19 Notice **ARC 9766C** . . . 11/26/25
Iowa national guard benefits program, amend ch 20 Notice **ARC 9769C** . . . 11/26/25
Approval of postsecondary schools, ch 21 Notice **ARC 9759C** . . . 11/26/25
Iowa minority grants for economic success (IMAGES), rescind ch 22 Filed **ARC 9761C** . . . 11/26/25
Rural Iowa primary care loan repayment program, rescind ch 24 Notice **ARC 9770C** . . . 11/26/25
Mental health professional loan repayment program, rescind ch 31 Notice **ARC 9771C** . . . 11/26/25
Chiropractic loan forgiveness program, rescind ch 33 Filed **ARC 9762C** . . . 11/26/25

COUNTY FINANCE COMMITTEE[547]

MANAGEMENT DEPARTMENT[541]"umbrella"

Definitions; general provisions, ch 1 Notice **ARC 9675C** . . . 11/12/25
Uniform rules on agency procedure, adopt ch 2; rescind ch 6 Notice **ARC 9676C** . . . 11/12/25
Studies and reports, rescind ch 3 Notice **ARC 9674C** . . . 11/12/25
County budgets, rescind ch 4 Notice **ARC 9691C** . . . 11/12/25
Annual financial reports, rescind ch 5 Notice **ARC 9677C** . . . 11/12/25
Declaratory orders, rescind ch 7 Notice **ARC 9662C** . . . 11/12/25
Agency procedure for rule making, rescind ch 8 Notice **ARC 9678C** . . . 11/12/25
Public records and fair information practices, rescind ch 9 Notice **ARC 9679C** . . . 11/12/25

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Tax credits for investments in qualifying businesses, rescind ch 115 Notice **ARC 9671C** 11/12/25
Tax credits for investments in certified innovation funds, ch 116 Notice **ARC 9672C** 11/12/25

HUMAN SERVICES DEPARTMENT[441]

Refugee cash assistance—time limit for eligibility, 60.7 Filed **ARC 9701C** 11/12/25
Conditions of eligibility, ch 75 Filed **ARC 9763C** 11/26/25
Enrollment and reenrollment, ch 76 Filed **ARC 9702C** 11/12/25
Grace period for premium payment—Medicaid, hawki, 86.8 Notice **ARC 9660C** 11/12/25
Child support guidelines, amendments to chs 98, 99, 101, 102 Filed **ARC 9764C** 11/26/25
Payments for foster care, ch 156 Notice **ARC 9673C** 11/12/25

INSPECTIONS AND APPEALS DEPARTMENT[481]

Health care facility audits; audits unit, rescind ch 22; adopt ch 84 Notice **ARC 9748C** 11/26/25
Economic fraud bureau, rescind ch 72; adopt ch 82 Notice **ARC 9749C** 11/26/25
Medicaid fraud control unit, rescind ch 73; adopt ch 83 Notice **ARC 9750C** 11/26/25
Public assistance debt recovery unit (PADRU), ch 90 Notice **ARC 9753C** 11/26/25
General provisions for social and charitable gambling, ch 100 Notice **ARC 9760C** 11/26/25
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General provisions for all amusement devices, ch 104 Notice **ARC 9757C** 11/26/25
Registered amusement devices, ch 105 Notice **ARC 9756C** 11/26/25
Card game tournaments by veterans organizations, ch 106 Notice **ARC 9755C** 11/26/25
Sign language interpreters and transliterators—license reactivation, 961.6 Filed **ARC 9720C** 11/26/25

MEDICINE BOARD[653]

PUBLIC HEALTH DEPARTMENT[641]"umbrella"

Physician supervision of a physician assistant pursuant to Iowa Code chapter 148C, ch 21 Filed **ARC 9703C** 11/12/25

NATURAL RESOURCES DEPARTMENT[561]

Special nonresident deer and turkey licenses, ch 12 Filed **ARC 9704C** 11/12/25

PUBLIC HEALTH DEPARTMENT[641]

General provisions for radiation and radiation protection standards, ch 37 Notice **ARC 9772C** 11/26/25
Permits to operate ionizing radiation producing machines or administer radioactive materials for medical imaging, ch 38 Notice **ARC 9773C** 11/26/25
Registration and safety requirements for radioactive materials, ch 39 Notice **ARC 9754C** 11/26/25
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Radon testing and analysis requirements, ch 43 Notice **ARC 9752C** 11/26/25
Radon mitigation requirements, ch 44 Notice **ARC 9751C** 11/26/25
Radiation safety requirements for industrial radiographic operations, particle accelerators for nonhuman use, analytical X-ray equipment, and well-logging, rescind ch 45 Notice **ARC 9744C** 11/26/25
Brain injury services program, ch 56 Filed **ARC 9705C** 11/12/25
Volunteer health care provider program, ch 88 Notice **ARC 9664C** 11/12/25
Board-certified behavior analyst and board-certified assistant behavior analyst (BCBA/BCaBA) grants program, ch 107 Notice **ARC 9665C** 11/12/25
Prescription drug donation repository program, ch 109 Filed **ARC 9765C** 11/26/25
County medical examiners, ch 127 Notice **ARC 9667C** 11/12/25
Service program operations, 132.3(4)"e" Notice **ARC 9659C** 11/12/25
Love our kids grant, rescind ch 141 Notice **ARC 9669C** 11/12/25
Iowa physician orders for scope of treatment, rescind ch 145 Notice **ARC 9666C** 11/12/25
Tobacco use prevention and control community partnership initiative, rescind ch 151 Filed **ARC 9706C** 11/12/25
Tobacco use prevention and control funding process, rescind ch 152 Notice **ARC 9663C** 11/12/25
Child support noncompliance, ch 192 Notice **ARC 9668C** 11/12/25

PUBLIC SAFETY DEPARTMENT[661]

Sheriff's uniforms, ch 3 Notice **ARC 9722C** 11/26/25

Governor's traffic safety bureau, ch 20 Notice **ARC 9728C** 11/26/25
Marijuana eradication procedures, ch 28 Notice **ARC 9723C** 11/26/25
Human trafficking prevention training—lodging providers, ch 29 Notice **ARC 9721C** 11/26/25
Complaints against employees, rescind ch 35 Notice **ARC 9726C** 11/26/25
Notification of law enforcement agency by hospital prior to discharge of a person with serious mental impairment, rescind ch 88 Notice **ARC 9727C** 11/26/25
Division of criminal investigation criminalistics laboratory, ch 150 Notice **ARC 9724C** 11/26/25
Ignition interlock devices, ch 158 Notice **ARC 9658C** 11/12/25
Public safety survivor benefits fund, rescind ch 292 Notice **ARC 9725C** 11/26/25

REVENUE DEPARTMENT[701]
GovConnectIowa, 6.4, 7.3 Filed **ARC 9707C** 11/12/25
Device excise tax, ch 235 Filed **ARC 9710C** 11/12/25
Franchise tax—investment subsidiary combined returns, 304.16, 501.16, 602.20, 602.33 Notice **ARC 9745C** 11/26/25
Mixed drinks or cocktails, 1000.19, 1000.22 Filed **ARC 9708C** 11/12/25
Dishonored payment for alcoholic liquor; disputed beer barrel and wine gallonage taxes, 1000.28, 1000.32 Filed **ARC 9709C** 11/12/25

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Precinct election officials and other election personnel training requirements, 21.362 Filed **ARC 9711C** 11/12/25

TREASURER OF STATE[781]
Iowa educational savings plan trust—withdrawals, rollovers, 16.11(3), 16.13(2) Filed **ARC 9774C** 11/26/25

VOLUNTEER SERVICE, IOWA COMMISSION ON[817]
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WORKFORCE DEVELOPMENT DEPARTMENT[871]
Placement, rescind ch 54 Filed **ARC 9712C** 11/12/25
Youth affairs, rescind ch 56 Filed **ARC 9713C** 11/12/25
Work force investment program, rescind ch 57 Filed **ARC 9714C** 11/12/25
Iowa job training partnership program, rescind ch 58 Filed **ARC 9715C** 11/12/25
Mentor advisory board, rescind ch 59 Filed **ARC 9716C** 11/12/25
Strategic workforce development fund, rescind ch 61 Filed **ARC 9717C** 11/12/25
Workforce development fund, ch 64 Filed **ARC 9718C** 11/12/25
Employment agency licensing, ch 78 Filed **ARC 9719C** 11/12/25

ADMINISTRATIVE RULES REVIEW COMMITTEE MEMBERS

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

Senator Dave Rowley
Vice Chair
Senate District 5

Senator Mike Bousselot
Senate District 21

Senator Dan Dawson
Senate District 10

Senator Janet Petersen
Senate District 18

Senator Cindy Winckler
Senate District 49

Representative Chad Ingels
Chair
House District 68

Representative Amy Nielsen
House District 85

Representative Rick Olson
House District 39

Representative Ryan Weldon
House District 41

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

ADMINISTRATIVE SERVICES DEPARTMENT[11]

Regulatory Analysis

Notice of Intended Action to be published: subrule 63.3(4) and rule 11—63.21(8A,70A)
"State Employee Paid Leave"

Iowa Code section(s) or chapter(s) authorizing rulemaking: 8A.104(5) and 8A.413
State or federal law(s) implemented by the rulemaking: 2025 Iowa Acts, House File 889

Public Hearing

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

December 16, 2025 11 a.m.	A Level, Room 7 Hoover 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 Administrative Services no later than 4:30 p.m. on the date of the public hearing. Comments should be directed to:

Tami Wiencek
Hoover State Office Building, Third Floor
1305 East Walnut Street
Des Moines, Iowa 50319
Email: tami.wiencek@iowa.gov

Purpose and Summary

The intended purpose of this proposed rulemaking is to provide administrative guidance for two areas of paid leave that are now law pursuant to 2025 Iowa Acts, House File 889. Certain State employees in their first four years of employment who do not use sick leave during a full month of employment can now choose to convert that month's sick leave for one-half day of additional vacation time. In addition, 2025 Iowa Acts, House File 889, provides that a State employee parent who gives birth or adopts a child is entitled to four weeks of paid leave. A State employee parent who does not give birth is entitled to one week of paid leave.

Analysis of Impact

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

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

The State of Iowa will bear the cost of the types of paid leave described in this rulemaking. Those costs are indeterminable but are believed to be insignificant.

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

Many employees of the State of Iowa, though undetermined in number, will benefit from this proposed rulemaking. The State Board of Regents is excluded from the sick leave conversion portion of 2025 Iowa Acts, House File 889.

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 for both the sick leave conversion and the paid parental leave portion of 2025 Iowa Acts, House File 889, are indeterminable because it is not known how many employees will participate in the leave opportunities. While the Department does not anticipate a fiscal impact, costs would be funded through existing agency budgets.

- **Qualitative description of impact:**

2025 Iowa Acts, House File 889, section 1, is intended to provide the option for new hires to accrue an additional one-half day of vacation per month in exchange for one and one-half days of sick leave. This is intended to assist in recruitment and retention of experienced hires into State employment in a fiscally neutral manner since an employee would be required to exchange and therefore forego approximately 12 hours of sick leave in a month to receive an additional 4 hours of vacation.

2025 Iowa Acts, House File 889, section 2, is intended to support families employed by the State to encourage appropriate time off to care for newborn or newly adopted children. This supports the Governor's goals of promoting healthy families and communities by supporting employees who are growing their families in the first key months of child development and bonding.

3. **Costs to the State:**

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

Costs to agencies are indeterminable because it cannot be estimated how many employees will take advantage of these leave opportunities. Concerning sick leave conversion, for those who choose to participate, the State would see a significant decrease in the sick leave bank liability and a corresponding 33 percent increase to vacation leave liability. As such, employees participating in this program would likely see a decrease in value of their available leave balance of approximately 66 percent.

Concerning paid parental leave, the Department estimates the value of the leave in Year 1 to be $1.032 million for State employees, excluding the Department of Transportation, the Board of Regents, the State Fair Authority, and Community-Based Corrections. This is calculated from birth rates from 2019 Centers for Disease Control data. The Department does not anticipate a fiscal impact for the parental leave opportunity. Costs, if any, would be funded by existing agency operating budgets.

- **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:**

Both sections of 2025 Iowa Acts, House File 889, are intended to assist with recruitment and retention of State employees. This is based upon feedback to the Department from State agencies. According to the Gallup Poll, a conservative estimate of the cost to replace an employee ranges from 50 percent to 200 percent of the employee's annual salary. In 2023, 3,527 employees separated from the State voluntarily or involuntarily.

The Department estimates the annual salary of those separated employees at approximately $60,000 per year. Using the Gallup Poll estimates, this equates to turnover costs to the State between $105.8 million and $423.2 million in 2023.

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

As stated, the Department does not anticipate a fiscal impact.

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

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

Not applicable. The rules are a result of feedback from agencies regarding recruitment and retention of new hires. The rules are intended to be fiscally neutral.

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

The proposed rules are not anticipated to carry a significant cost to State government, while also providing leave opportunities to enhance recruitment and retention efforts.

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?

Not applicable.

Text of Proposed Rulemaking

ITEM 1. Amend subrule 63.3(4) as follows:

63.3(4) There is no limit on the accumulation of sick leave. An employee in the first four years of employment who has accrued at least 80 hours of sick leave may elect to accrue additional vacation in lieu of the normal sick leave accrual. A conversion shall not be made if the accrued sick leave is less than 80 hours in the pay period in which the conversion would be made. After the fourth year of employment, an employee who has accrued at least 240 hours of sick leave may elect to accrue additional vacation in lieu of the normal sick leave accrual. ~~An employee who has made an election to convert sick leave to vacation will be credited with four hours of vacation for each full month when sick leave is not used during that month.~~ A conversion shall not be made if the accrued sick leave is less than 240 hours in the pay period in which the conversion would be made. An employee who has made an election to convert sick leave to vacation will be credited with four hours of vacation for each full month when sick leave is not used during that month. The conversion of sick leave shall be prorated for employees who are normally scheduled to work less than full-time (40 hours per week). An employee's maximum vacation accrual may be increased under this subrule up to 96 hours.

ITEM 2. Adopt the following **new** rule 11—63.21(8A,70A):

11—63.21(8A,70A) Paid parental leave. Employees entitled to leave under the federal Family and Medical Leave Act of 1993 shall be provided paid parental leave pursuant to Iowa Code section 70A.24 as enacted by 2025 Iowa Acts, House File 889.

Regulatory Analysis

Notice of Intended Action to be published: 187—Chapter 1
"Description of Organization"

Iowa Code section(s) or chapter(s) authorizing rulemaking: 17A.3, 524.208, and 524.213
State or federal law(s) implemented by the rulemaking: Iowa Code sections 17A.3 and 524.208

Public Hearing

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

December 16, 2025 9 a.m.	Suite 300 200 East Grand Avenue Des Moines, Iowa
December 18, 2025 9 a.m.	Suite 300 200 East Grand Avenue Des Moines, Iowa

Public Comment

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

Zak Hingst
200 East Grand Avenue, Suite 300
Des Moines, Iowa 50309-1827
Phone: 515.242.0332
Email: zak.hingst@idob.state.ia.us

Purpose and Summary

Pursuant to Executive Order 10 (January 10, 2023) the Division of Banking proposes to rescind Chapter 1 relating to the organization and administration of the Division, thereby eliminating language that duplicates statutory language, eliminating unnecessary and inconsistent language, and removing unnecessarily restrictive terms.

Analysis of Impact

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

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

The proposed rulemaking rescinds existing rules and does not impose any costs on any class of persons.

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

The proposed rulemaking will benefit readers of the Iowa Administrative Code by eliminating unnecessary language.

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 eliminates unnecessary language and does not impose costs on any party.

- **Qualitative description of impact:**

The proposed rulemaking eliminates unnecessary language.

3. **Costs to the State:**

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

The proposed rulemaking does not impose any costs on the Division or any other agency.

- **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 costs. Inaction would similarly impose no costs but would contradict Executive Order 10 by perpetuating outdated and unnecessary language in the Iowa Administrative Code.

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

The Division has not identified any less costly or less intrusive alternative to rescinding this chapter entirely.

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

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

The Division did not consider any alternative methods because the Division concluded the existing rules are unnecessary and should be rescinded.

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

The Division proposes to rescind this chapter.

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 eliminates the existing chapter and does not have a substantial impact on small business. Eliminating the chapter does not establish compliance or reporting requirements, nor does it establish design or operational standards.

Text of Proposed Rulemaking

ITEM 1. Rescind and reserve **187—Chapter 1**.

Regulatory Analysis

Notice of Intended Action to be published: 187—Chapter 2
"Application Procedures"

Iowa Code section(s) or chapter(s) authorizing rulemaking: 524.213

State or federal law(s) implemented by the rulemaking: Iowa Code sections 17A.3, 524.213, 524.303, 524.305, 524.312, 524.544, 524.802, 524.802A, 524.825, 524.901, 524.1201, 524.1303, 524.1401, 524.1402, 524.1403, 524.1404, 524.1405, 524.1410, 524.1413, 524.1414, 524.1415, 524.1505, 524.1508, and 524.1509

Public Hearing

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

December 16, 2025 9 a.m.	Suite 300 200 East Grand Avenue Des Moines, Iowa
December 18, 2025 9 a.m.	Suite 300 200 East Grand Avenue Des Moines, Iowa

Public Comment

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

Zak Hingst
200 East Grand Avenue, Suite 300
Des Moines, Iowa 50309-1827
Phone: 515.242.0332
Email: zak.hingst@idob.state.ia.us

Purpose and Summary

Pursuant to Executive Order 10 (January 10, 2023), the Division proposes to rescind Chapter 2 and adopt a new chapter in lieu thereof. This rulemaking eliminates language that is duplicative of statutory language, eliminates unnecessary and inconsistent language, removes unnecessarily restrictive terms, and updates outdated language.

Analysis of Impact

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

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

State banks filing applications with the Division to engage in activities that require prior approval of the Division will bear the costs of the proposed rulemaking.

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

State banks interested in filing applications with the Division for authorization to engage in business activities that require prior approval of the Division will benefit from the enhanced clarity of the new 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:**

State banks filing applications to engage in the covered business activities will be required to pay the appropriate application fee as established in the rule. State banks filing applications under the proposed rule may also incur costs to draft the application. The amount of these costs will vary depending on the complexity of the issues and the compensation of staff or service providers who draft the application.

- **Qualitative description of impact:**

The proposed rulemaking will provide clarity about the Division's process for filing, reviewing, and responding to applications filed by state banks seeking to engage in any of the covered activities that require prior approval from the Division.

3. **Costs to the State:**

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

The Division incurs staff time to review and process applications submitted by State banks to engage in any of the covered activities for which prior approval is statutorily mandated.

- **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 State banks filing applications to engage in any of the covered activities compared to the existing Chapter 2, and it benefits State banks by rescinding application fees for most applications that currently have fees established by rule as well as providing clarity about the process and requirements associated with applying for approval to engage in business activities for which the Division's approval is statutorily required. The cost of inaction would be lack of guidance for State banks interested in obtaining approval to engage in any of the covered activities, which would engender confusion about the applicable process and requirements for obtaining that approval.

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

The Division determined that many of the existing applications fees established by rule are unnecessary and hereby proposes to rescind those application fees. The Division did not identify any other, less costly methods of fulfilling the process of accepting and reviewing these statutorily required applications.

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

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

The Division considered retaining the existing schedule of application fees for bank applications.

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

The alternative method of retaining all existing application fees for bank applications would not change the costs the Division incurs in terms of staff time to review and process applications but would more equitably allocate the cost of reviewing and processing bank applications by requiring banks that submit applications to bear a higher proportion of that cost. The Division has rejected this approach in favor of the proposed rulemaking, which removes most of the existing application fees that do not generally impose a substantial cost and time burden on the Division.

Small Business Impact

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

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

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

The proposed rules benefit small business by eliminating application fees that banks that also qualify as small businesses would otherwise have to pay when submitting applications to the Division.

Text of Proposed Rulemaking

ITEM 1. Rescind 187—Chapter 2 and adopt the following **new** chapter in lieu thereof:

CHAPTER 2
APPLICATION PROCEDURES

187—2.1(17A,524) Organization of a state-chartered bank. Persons desiring to organize a state-chartered bank should first meet with the superintendent to discuss the proposal.

This rule is intended to implement Iowa Code section 524.303.

187—2.2(17A,524) Conversion into state bank.

2.2(1) *Application.* A national bank, federal savings association, out-of-state bank, or state or federally chartered credit union desiring to become a state bank should first meet with the superintendent to discuss the proposal.

2.2(2) *Commencement of business as state bank.* The superintendent's "Authorization To Do Business" as a state bank will be issued to be effective on the date of conversion.

2.2(3) *Resulting state bank.* The resulting state bank shall submit the oath of directors, list of shareholders, and certificate of elections and appointments to the superintendent on forms to be provided by the superintendent. The oath of directors is to be signed prior to the first meeting of the board of directors following the effective date of the conversion. The list of shareholders is to be completed as of the effective date of conversion.

This rule is intended to implement Iowa Code sections 524.1410 and 524.1413 through 524.1415.

187—2.3(17A,524) Merger or purchase and assumption.

2.3(1) *Definition.* For purposes of this rule, "merger" means a merger in which the resulting bank is a state bank. "Purchase and assumption" means a transaction in which a state bank purchases the assets and assumes the liabilities of another bank or credit union.

2.3(2) *State bank as seller.* In the case of a purchase and assumption, if the bank being acquired is a state bank, appropriate forms and instructions for the voluntary liquidation of the bank may be obtained from the superintendent.

2.3(3) *Examination and investigation.* The superintendent may conduct an examination or investigation as deemed necessary.

2.3(4) *Decision.* The superintendent shall approve or deny the application within 90 days after the purchase and assumption application has been accepted for processing and within 180 days after the merger application has been accepted for processing.

This rule is intended to implement Iowa Code sections 524.1401 through 524.1405.

187—2.4(17A,524) Establishment of a bank office.

2.4(1) *Application.* A state bank desiring to establish and operate a bank office shall submit to the superintendent an "Application to Establish a Bank Office."

2.4(2) *Guidelines.* In determining whether to approve or deny a bank office application for other than a mobile office, a bank-owned courier service, or a convenience office, the superintendent will consider the following factors:

a. Whether the convenience and needs of the public and existing customers of the applicant bank will be served by the proposed office.

b. Whether the capital structure of the applicant bank is adequate in relation to the costs and anticipated increased business, if any, occasioned by the proposed office.

c. The history of operation and management of the applicant bank.

d. Such other factors as the superintendent may determine are relevant.

2.4(3) *Decision.* The superintendent shall approve or deny the application within 120 days after the application has been accepted for processing. If the application is approved, the superintendent shall issue a bank office certificate for the establishment and operation of the bank office to be effective on a specific date and at a designated location.

This rule is intended to implement Iowa Code sections 524.312 and 524.1201.

187—2.5(17A,524) Change of location of principal place of business or bank office. A state bank desiring to relocate its principal place of business or a bank office shall submit to the superintendent an "Application to Relocate the Principal Place of Business" or "Application to Relocate a Bank Office."

This rule is intended to implement Iowa Code section 524.312.

187—2.6(17A,524) Change of control.

2.6(1) *Application.* An application by any person to purchase or otherwise acquire, directly or indirectly, outstanding shares of a state bank that would result in control or a change in control shall be submitted in the format requested by the superintendent and, at a minimum, contain the following information:

a. Copy of the agreement between the purchaser and seller for the sale of stock that results in the buyer acquiring a majority interest in the state bank.

b. Terms of any financing, including any bank stock loan, including the amount to be borrowed, rate of interest, number of years the loan is to run, collateral pledged to secure the indebtedness, and any other pertinent information relating to such loan.

c. Financial statement of the purchaser and a résumé related to the purchaser's past experience and affiliations.

d. Pro forma statement of the purchaser's income and expenses during the term of any bank stock loan and a statement from the purchaser indicating which assets will be converted to cash or pledged as security to provide the initial equity.

e. Projections of statement of condition of the state bank to be purchased during the term of any bank stock loan.

f. Projections of income and expenses of the state bank to be purchased during the term of any bank stock loan.

g. Any plans that the purchaser may have that would represent major changes in the present staff or policies of the state bank involved.

h. When requested by the superintendent, an affidavit signed by the purchaser stating that the majority interest in the state bank is not being acquired for the benefit of another person or company.

2.6(3) *Decision.* The superintendent shall approve or deny the application within 90 days after the application has been accepted for processing. Upon receipt of a certificate of approval, the applicant may proceed to conclude the purchase transaction, subject to such terms and conditions as the superintendent may impose.

This rule is intended to implement Iowa Code section 524.544.

187—2.7(17A,524) Amendment or restatement of articles of incorporation.

2.7(1) *Application.* State banks desiring to effect a reverse stock split or similar change in capital structure by such renewal, amendment, or restatement should contact the superintendent to discuss the proposal prior to its adoption.

2.7(2) *Decision.* Upon filing such articles, the secretary of state will return the original to the state bank and will also issue a certificate to the state bank indicating the date the filing was effective.

This rule is intended to implement Iowa Code sections 524.1505, 524.1508, and 524.1509.

187—2.12(17A,524) Supplemental application procedures.

2.12(1) *Hearings.* If the superintendent deems a public hearing necessary with respect to any application, the superintendent may establish appropriate procedures to provide a method by which all persons interested in the subject matter of such applications may present their views. Interested persons may also present their views in a more informal manner when deemed appropriate by the superintendent.

2.12(2) *Public file.*

a. The public file in each case consists of the application with supporting data and supplementary information, with the exception of material deemed by the superintendent to be confidential. In addition, the public file shall contain all data and information submitted by interested persons in favor of or in opposition to such application, excluding any material deemed by the superintendent to be confidential. The superintendent or the superintendent's designee shall not deem information confidential for purposes of the two immediately preceding sentences unless the person submitting the information requests that such information be deemed confidential. All factual information contained in any internal investigation report made by a bank examiner shall also be made a part of the public file unless deemed confidential by the superintendent. The person submitting the application shall not request that the entire application be deemed confidential.

b. The public file is available for inspection in the office of the superintendent upon request pursuant to Iowa Code chapter 22 and 187—Chapter 7.

2.12(3) *General application procedures.* Unless otherwise provided by statute or rule, the following general provisions cover all applications:

a. Application forms are available on the division's website or upon request.

b. The superintendent may conduct an investigation in association with an application as deemed necessary.

c. The decision by the superintendent shall be conveyed in writing to the applicant.

d. If the application is approved, the superintendent will deliver a certificate of approval or other appropriate form of authorization to the applicant.

This rule is intended to implement Iowa Code sections 17A.3, 524.305, 524.312, 524.1201, 524.1303, and 524.1403.

187—2.14(524) Investment in a bank service corporation or other subsidiary.

2.14(1) *Application.* An application by a state bank to invest in a bank service corporation or other subsidiary for purposes of engaging in an authorized activity shall be in letter form and contain, at a minimum, the following information.

a. A detailed description of the proposed authorized activity of the bank service corporation or other subsidiary.

b. A detailed description of the location(s) where the bank service corporation or other subsidiary proposes to conduct its authorized activity.

c. Evidence that the bank service corporation or other subsidiary will:

(1) Be adequately capitalized in relation to the risks associated with the proposed authorized activity;

(2) Have sufficient managerial resources to perform the proposed authorized activity;

(3) Obtain all licenses and approvals from other regulatory agencies necessary to perform the proposed authorized activity;

(4) Maintain a separate and adequate accounting system and other corporate records; and

(5) Conduct its authorized activity pursuant to independent policies and procedures designed to inform customers and prospective customers of the bank service corporation or other subsidiary that it is a separate organization from the state bank.

d. A legal opinion that the proposed authorized activity of the bank service corporation or other subsidiary is permissible under state and federal laws and regulations if requested by the superintendent.

e. The amount that the state bank proposes to initially invest in the bank service corporation or other subsidiary.

f. A copy of the resolution adopted by the state bank's board of directors authorizing the investment in the bank service corporation or other subsidiary.

2.14(2) *Investment limitation.* Unless state or federal statutes impose specific limitations relating to investments in the shares of a corporation by a state bank, a state bank's maximum permissible investment in an individual bank service corporation or other subsidiary is 15 percent of its aggregate capital as defined in Iowa Code section 524.103 and a state bank's maximum permissible investment in all bank service corporations or subsidiaries is 5 percent of its total assets. At the superintendent's discretion, a higher investment limitation may be established for an investment by a state bank in an operations subsidiary as defined in Iowa Code section 524.103. For purposes of this rule, "invest" or "investment" includes any advance of funds to a bank service corporation or other subsidiary, whether by the purchase of stock, the making of a loan, or otherwise.

2.14(4) *Decision.* The superintendent shall approve or deny the application within 60 days after the application is received.

2.14(5) *Revocation.* The superintendent may revoke a previously granted approval to invest in a bank service corporation or another subsidiary and order divestiture of the shares, pursuant to the contested case provisions of Iowa Code chapter 17A, if any of the following occur:

a. The financial condition of the state bank has significantly deteriorated;

b. The superintendent determines the authorized activity is being conducted unlawfully or in an unsafe or unsound manner; or

c. Other relevant factors exist that the superintendent may determine are grounds to revoke the authorized activity.

This rule is intended to implement Iowa Code section 524.802.

187—2.15(524) Securities activities.

2.15(1) *Scope.* Iowa law authorizes state banks to engage in any aspect of the securities business. Recommending and selling interests in mutual funds, annuities, and other nondeposit investment products on bank premises may be conducted directly by a state bank, through a subsidiary or an affiliate of a state bank, or through an arrangement with a third-party vendor.

2.15(2) *Board responsibilities.* The board of directors of a state bank shall evaluate the risks associated with the securities activities proposed and the method by which the securities activities will be conducted on its premises. The board of directors shall be responsible for ensuring that any securities activities conducted on its premises will comply with all applicable state and federal laws and regulations as well as any policy statements issued that relate to securities activities. Specifically, if a state bank develops and implements a particular program where nondeposit investment products are recommended and sold to retail customers, that program shall ensure that customers are clearly and fully informed of the nature of and risks associated with those types of products. If an affiliate, a subsidiary, or a third-party vendor is used to recommend and sell nondeposit investment products, all signs, advertisements and other promotional material should clearly identify the affiliate, subsidiary, or third-party vendor as the seller and should not suggest by use of a trade name that the state bank is

the seller. The board of directors shall be responsible for complying with the joint federal Interagency Statement on Retail Sales of Nondeposit Investment Products or any substitution therefor or revision thereof.

2.15(3) *Application.* An application by a state bank to engage in any securities activities shall be in letter form and contain, at a minimum, the following commitments:

a. That the proposed securities activities will be conducted either directly by the state bank, through a subsidiary or an affiliate of the state bank, or through an arrangement with a third-party vendor. In specific cases, it may be necessary for the applicant to provide a legal opinion stating that the proposed activities are authorized.

b. That the state bank's board of directors has evaluated the risks associated with the proposed securities activities and has adopted a written statement that addresses these risks and the procedures to be used to ensure compliance with all applicable laws, regulations and policy statements. The scope and level of detail of the written statement should reflect the state bank's level of involvement in the securities activities. If securities activities are to be conducted on bank premises by an affiliate, a subsidiary, or a third-party vendor, the written statement should also address the scope of those activities, as well as the procedures for monitoring compliance by the affiliate, subsidiary, or third-party vendor with all applicable laws, regulations, and policy statements.

c. That, if securities activities are to be conducted through an affiliate, a subsidiary, or a third-party vendor, the board of directors has performed an appropriate review of the affiliate, subsidiary, or third-party vendor. A copy of the written agreement between the parties shall accompany the application.

d. That the location(s) on bank premises where the proposed securities activities will be conducted will be physically distinct and separate from the area where deposits are taken. Proper signs or other means must be used to distinguish the area where the sale of retail nondeposit investments products will be conducted from the area where insured deposits are normally taken. If securities activities are to be conducted on bank premises by an affiliate, a subsidiary, or a third-party vendor, all signs or other means used to identify this area shall provide to the retail customer a clear and accurate representation of the entity conducting the securities activities.

e. That clear and concise oral and written disclosures will be provided to retail customers. A copy of the proposed written disclosures shall accompany the application.

f. That the state bank, its subsidiary or affiliate, or a third-party vendor will complete background checks on all personnel authorized to recommend and sell nondeposit investment products and that all such personnel will be properly trained and appropriately licensed prior to commencing any securities activities and thereafter while conducting securities activities on the premises of the state bank.

Notwithstanding the application requirements set forth herein, if the securities activity being conducted is limited to discount brokerage or referral services, then the state bank only needs to notify the superintendent that it intends to engage in the limited securities activity.

2.15(6) *Revocation.* The superintendent may revoke a previously granted approval to conduct securities activities on the premises of the state bank, pursuant to the contested case provisions of Iowa Code chapter 17A, if any of the following occur.

a. The financial condition of the state bank has significantly deteriorated.

b. The superintendent determines the securities activities are being conducted unlawfully or in an unsafe or unsound manner.

c. Other relevant factors exist that the superintendent may determine are grounds for a revocation of the securities activities.

This rule is intended to implement Iowa Code section 524.825.

187—2.16(524) Futures, forward, and standby contracts.

2.16(1) *Scope.*

a. Futures contracts are defined as standardized contracts traded on and guaranteed by organized exchanges to purchase or sell a specified security or a bank certificate of deposit on a future date at a specified price. Forward contracts are defined as over-the-counter contracts for forward placement or delayed delivery of securities in which one party agrees to purchase and another to sell a specified security at a specified price for future delivery. Contracts specifying settlement in excess of 30 days following the trade date are deemed to be forward contracts. Standby contracts are defined as optional forward contracts. For example, the buyer of a standby contract (put option) pays a fee for the right or option to sell securities to the other party at a stated price at a future time. The seller of a standby contract receives the fee and must stand ready to buy the securities at the other party's option.

b. Futures contracts, forward contracts, and standby contracts may be used by state banks to reduce their existing interest rate risk exposure resulting from their overall investment activities and as a general hedge against interest rate exposure associated with undesired mismatches in interest-sensitive assets and liabilities. At no time shall futures, forward, and standby contracts be used to speculate on future interest rate movements.

c. State banks may, without the prior approval of the superintendent, purchase shares in permissible investment companies, up to a maximum of 15 percent of aggregate capital, which use futures contracts, forward contracts, and standby contracts, as well as repurchase agreements and securities lending arrangements as a part of their portfolio management strategies. It remains the responsibility of the board of directors making these purchases to ensure that a particular investment company is a proper holding for the state bank's investment portfolio.

2.16(2) *Application.* An application by a state bank to engage in futures contracts, forward contracts, and standby contracts shall be in letter form and contain, at a minimum, the following information:

a. A description of the type(s) of contracts the state bank proposes to purchase and sell.

b. A copy of the board of directors' resolution authorizing the specific type(s) of contracts proposed to be purchased and sold.

c. A copy of the policy adopted by the state bank's board of directors that shall include specific policy objectives that outline permissible contract strategies and their relationship to overall investment activities and asset-liability management; the names, responsibilities, and authority limits of the personnel authorized to engage in futures, forward, and standby contracts; limitations applicable to futures, forward, and standby contract positions; the personnel to be used to review at least monthly the state bank's contract positions to ascertain compliance with such limits; the exchanges and firms through which authorized personnel may conduct futures, forward, and standby contracts; and the dollar limit on transactions with each firm.

d. A representation that the state bank has sufficient managerial resources to engage in futures, forward, and standby contracts.

2.16(5) *Revocation.* The superintendent may revoke the approval of the state bank to engage in futures, forward and standby contracts, pursuant to the contested case provisions of Iowa Code chapter 17A, if any of the following occur.

a. The financial condition of the state bank has significantly deteriorated.

b. The superintendent determines the futures, forward, or standby contract activities are being conducted unlawfully or in an unsafe or unsound manner.

c. Other relevant factors exist that the superintendent may determine are grounds for a revocation of the activities.

This rule is intended to implement Iowa Code section 524.901.

187—2.17(17A,524) Mobile offices, courier services, and convenience offices.

2.17(1) *Definitions.*

"Bank-owned courier service" means a service that has the sole purpose of serving specific customers with pick-up or delivery services for banking activities such as deposits, withdrawals, and loan transactions.

"Convenience office" means a bank office at a fixed site that is open only at certain times or dates, such as at a nursing home, college orientation, or fair. The sole purpose of a convenience office is to serve the convenience of the bank's customers at specified special events or who may have limited mobility.

"Mobile office" means a bank office that does not have a permanent site and functions out of a mobile banking unit that stops at predetermined locations to conduct banking activities.

2.17(2) *Scope.* A state bank may provide courier services to its customers by using a third-party provider operated under the provider's name or using the state bank's employees operating in the state bank's own name. Customer deposits picked up by a courier service become deposits of the state bank at the time the deposits are picked up by the courier service. A state bank that establishes and operates courier services in its own name using its own employees must establish the vehicle it uses to provide courier services as a bank office in accordance with the provisions of this rule.

A state bank that uses a third party to provide courier services to its customers may pay the third party directly for those services and may charge its customers for third-party courier services as the state bank deems appropriate. Superintendent approval is not required for a state bank to provide courier services to its customers by using a third party.

2.17(3) *Policy.* The board of directors of a state bank that operates a mobile office, bank-owned courier service, or convenience office shall adopt a policy governing operation of the mobile office, bank-owned courier service, or convenience office. The policy shall be appropriate for the nature and scope of the state bank's use of the mobile office, bank-owned courier service, or convenience office and shall at a minimum:

a. Address the steps the bank will take to protect the security of the office, its customers, employees, its customers' financial information and deposits. The security plan may include implementation of customer and employee security systems such as security cameras, external lighting, and internal or attached protection zones.

b. Require the bank to maintain deposit insurance coverage for the mobile office, bank-owned courier service, or convenience office.

c. Require the bank to main adequate insurance coverage covering the bank in case of robbery, accident, other loss of items, delay in the delivery of items to other destinations, and other liabilities associated with operating the office.

d. Address types of activities the bank will conduct from the mobile office, bank-owned courier service, or convenience office.

e. Require the bank to maintain a daily log of operations including descriptions of the time and locations of each stop made by the mobile office or bank-owned courier service, the locations and the hours a convenience office was operated, and the names of the bank personnel working at the mobile office, bank-owned courier service, or convenience office during those times.

f. Address what, if any, signage the state bank will place on the mobile office, bank-owned courier service, or convenience office.

g. For mobile offices and bank-owned courier services, address how the state bank will determine the locations at which it will provide services and the times it will be at those locations, including how the state bank will ensure that the mobile office, bank-owned courier service, or convenience office is located in a safe location and has the necessary permission of the owner of the property where the mobile office, bank-owned courier service, or convenience office is located to operate at that location.

2.17(4) *Necessary federal approval.* If the state bank must receive approval from any federal agency, such as the Federal Deposit Insurance Corporation (FDIC), prior to operating a mobile office, bank-owned courier service, or convenience office, such federal approval will be a condition of approval by the superintendent of banking of the application to operate a mobile office, bank-owned courier service, or convenience office.

2.17(5) *Interstate banking.* A mobile office or bank-owned courier service shall not operate in another state unless the state bank has obtained any required permissions from the other state and the appropriate federal regulator.

This rule is intended to implement Iowa Code sections 524.213 and 524.1201.

187—2.18(17A,524) New or innovative electronic activities.

2.18(1) *Scope.* When considering a proposal to engage in new or innovative electronic activities pursuant to Iowa Code section 524.802A, the superintendent will consider the factors enumerated in Iowa Code section 524.802A(2), including whether the state bank has the expertise necessary to understand and manage the risks associated with the activity.

2.18(2) *Board responsibilities.* The board of directors of a state bank considering engaging in a new or innovative electronic activity shall first evaluate the risks associated with the proposed new or innovative electronic activity and ensure that the state bank conducts the proposed new or innovative electronic activities in compliance with Iowa Code section 524.802A(3).

2.18(3) *Application.* A state bank desiring to engage in new or innovative electronic activities should first meet with the superintendent to discuss the proposed electronic activities. After meeting with the superintendent, a state bank proposing to engage in new or innovative electronic activities shall submit a formal proposal to the superintendent that contains, at a minimum, the following information:

a. A description of the proposed new or innovative electronic activities, including how the proposed electronic activities align with the strategy and business objectives of the state bank.

b. A description of any state or federal laws and regulations expected to apply to the proposed electronic activities, e.g., compliance (terms, conditions, disclosures), Bank Secrecy Act, federal securities laws.

c. A description of the state bank's corporate governance process that will oversee the proposed electronic activities, including ongoing monitoring to identify and handle any problems or incidents that may arise.

d. A description of the resources and management information systems necessary to oversee the electronic activities.

e. Due diligence materials, including risk assessments (e.g., operational risk, liquidity risk, strategic risk, compliance risk) and information on third-party relationships.

f. A description of any other licenses or approvals required from any regulatory authority to engage in the proposed new or innovative electronic activities.

g. A description of the capital position of the state bank in relation to the risks associated with the proposed new or innovative electronic activities.

h. A description of the state bank's exit strategy for the proposed new or innovative electronic activity if the activity proves unsuccessful.

2.18(4) *Other relevant factors.* The following provisions apply to a state bank seeking approval to engage in new or innovative electronic activities pursuant to Iowa Code section 524.802A:

a. The state bank shall contact its primary federal regulator to determine any federal legal requirements that may apply to the proposed activity and the permissibility of the activity under applicable federal law.

b. Upon approval to engage in a new or electronic activity, a state bank that shares any electronic space, including a co-branded website, with a bank subsidiary, affiliate, or any other third party, must take reasonable steps to clearly, conspicuously, and understandably distinguish between the products and services offered by the state bank and those offered by the state bank's subsidiary, affiliate, or any other third party.

This rule is intended to implement Iowa Code section 524.802A.

187—2.19(17A,524) Required fees. The following is a schedule of the fees for corporate applications filed by state banks adopted by the superintendent:

Conversion to a state bank:	$5,000 + examination fee
New (de novo) state bank:	$15,000
Certificate of Good Standing or Proof of Official Records:	$25

This rule is intended to implement Iowa Code sections 524.213, 524.303, 524.305, 524.1410, 524.1413, and 524.1415.

Regulatory Analysis

Notice of Intended Action to be published: 187—Chapter 4
"State Banking Council"

Iowa Code section(s) or chapter(s) authorizing rulemaking: 524.213
State or federal law(s) implemented by the rulemaking: Iowa Code section 524.205

Public Hearing

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

December 16, 2025 9 a.m.	Suite 300 200 East Grand Avenue Des Moines, Iowa
December 18, 2025 9 a.m.	Suite 300 200 East Grand Avenue Des Moines, Iowa

Public Comment

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

Zak Hingst
200 East Grand Avenue, Suite 300
Des Moines, Iowa 50309-1827
Phone: 515.242.0332
Email: zak.hingst@idob.state.ia.us

Purpose and Summary

Pursuant to Executive Order 10 (January 10, 2023), the Division proposes to rescind Chapter 4 relating to the organization and administration of the State Banking Council, thereby eliminating language that duplicates statutory language, eliminating unnecessary and inconsistent language, and removing unnecessarily restrictive terms.

Analysis of Impact

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

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

The proposed rulemaking rescinds the existing rules and does not impose any costs on any class of persons.

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

The proposed rulemaking will benefit readers of the Iowa Administrative Code by eliminating unnecessary language.

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 eliminates unnecessary language and does not impose costs on any party.

- **Qualitative description of impact:**

The proposed rulemaking eliminates unnecessary language.

3. **Costs to the State:**

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

The proposed rulemaking does not impose any costs on the Division or any other agency.

- **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 costs. Inaction would similarly impose no costs but would contradict Executive Order 10 by perpetuating outdated and unnecessary language in the Iowa Administrative Code.

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

The Division has not identified any less costly or less intrusive alternative to rescinding this chapter entirely.

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

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

The Division considered the alternative method of retaining or revising the existing language.

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

The Division considered the alternative method of retaining or revising the existing language but concluded that rescinding the chapter would best achieve the goals of Executive Order 10.

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 rescinds existing language and does not have a substantial impact on small business. The rulemaking does not establish compliance or reporting requirements, nor does it establish design or operational standards.

Text of Proposed Rulemaking

ITEM 1. Rescind and reserve **187—Chapter 4**.

Regulatory Analysis

Notice of Intended Action to be published: 187—Chapter 5
"Petitions for Rulemaking"

Iowa Code section(s) or chapter(s) authorizing rulemaking: 17A and 524.213
State or federal law(s) implemented by the rulemaking: Iowa Code section 17A.7(1)

Public Hearing

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

December 16, 2025 9 a.m.	Suite 300 200 East Grand Avenue Des Moines, Iowa
December 18, 2025 9 a.m.	Suite 300 200 East Grand Avenue Des Moines, Iowa

Public Comment

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

Zak Hingst
200 East Grand Avenue, Suite 300
Des Moines, Iowa 50309-1827
Phone: 515.242.0332
Email: zak.hingst@idob.state.ia.us

Purpose and Summary

Pursuant to Executive Order 10 (January 10, 2023), the Division proposes to rescind Chapter 5 and to adopt a new chapter in lieu thereof. The new chapter will incorporate Iowa Code chapter 17A by reference and provide contact information for the Division.

Analysis of Impact

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

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

People who want to petition the Division to commence or to participate in a rulemaking process may incur costs.

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

The proposed rulemaking will benefit people interested in requesting that the Division undertake a rulemaking process or interested in participating in a rulemaking process.

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

- **Quantitative description of impact:**

Members of the public who want to request that the Division commence a rulemaking process or participate in an ongoing rulemaking process may incur costs to draft and submit documents to the

Division relating to rulemakings or to participate in opportunities for oral proceedings. The amount of these costs will vary depending on the complexity of the issues and the compensation of staff or service providers who draft the application.

- **Qualitative description of impact:**

The proposed rulemaking will clarify the Division's procedures for receiving and responding to petitions to initiate rulemakings.

3. **Costs to the State:**

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

Division staff time is required to administer the procedures for rulemaking, including reviewing and replying to petitions filed and potentially drafting documents associated with any rulemaking process initiated due to such a petition.

- **Anticipated effect on State revenues:**

The 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 costs of petitioning the Division to initiate a rulemaking or participating in such a rulemaking process are minimal and incurred only by those who choose to participate. The proposed rulemaking will provide clarity about the Division's procedures for receiving and reviewing petitions to initiate rulemakings as required by Iowa Code section 17A.7(1).

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

The Division has not identified any less costly methods or less intrusive methods of describing the procedure for petitioning the Division to initiate a rulemaking.

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

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

The Division did not consider any alternative methods.

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

The Division did not consider any alternative methods because the Division did not identify any less costly or less intrusive methods of describing the process to petition the Division to initiate a 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?

The proposed rulemaking does not have a substantial impact on small business. The rulemaking does not establish compliance or reporting requirements, nor does it establish design or operational standards.

Text of Proposed Rulemaking

ITEM 1. Rescind 187—Chapter 5 and adopt the following **new** chapter in lieu thereof:

CHAPTER 5
PETITIONS FOR RULEMAKING

187—5.1(17A) Petition for rulemaking. The division hereby adopts, with the following amendments, rules X.2(17A) through X.4(17A) of the Uniform Rules on Agency Procedure relating to petitions for rulemaking, which are published on the general assembly's website at www.legis.iowa.gov/DOC/Rules/Current/UniformRules.pdf, as rules 187—5.2(17A) through 187—5.4(17A) below.

Any person may file a petition for rulemaking with the division at the address found on the division's website: idob.iowa.gov. Petitions may also be delivered by email to an email address supplied by the division's legal counsel. A petition is deemed filed when it is received by the division. The division shall provide the petitioner with a file-stamped copy of the petition if the petitioner provides the division an extra copy for this purpose. The petition must be typewritten and substantially conform to the following form:

DEPARTMENT OF INSURANCE AND FINANCIAL SERVICES
DIVISION OF BANKING

Petition by (Name of Petitioner) For the (adoption, amendment, or repeal) of rules relating to (state subject matter).	}	PETITION FOR RULEMAKING

The petition must provide the following information:

1. A statement of the specific rulemaking action sought by the petitioner including the text or a summary of the contents of the proposed rule or amendment to a rule and, if it is a petition to amend or rescind a rule, a citation and the relevant language to the particular portion or portions of the rule proposed to be amended or rescinded.
2. A citation to any law deemed relevant to the division's authority to take the action urged or to the desirability of that action.
3. A brief summary of petitioner's arguments in support of the action urged in the petition.
4. A brief summary of any data supporting the action urged in the petition.
5. The names and addresses of other persons, or a description of any class of persons, known by the petitioner to be affected by or interested in, the proposed action which is the subject of the petition.
6. Any request by petitioner for a meeting provided for by rule 187—5.4(17A).

5.1(1) The petition must be dated and signed by the petitioner or the petitioner's representative. It must also include the name, mailing address, and telephone number of the petitioner and petitioner's representative and a statement indicating the person to whom communications concerning the petition should be directed.

5.1(2) The division may deny a petition because it does not substantially conform to the required form.

187—5.3(17A) Inquiries. In lieu of the words "(designate official by full title and address)." insert "Division of Banking, 200 East Grand Avenue, Suite 300, Des Moines, Iowa 50309-1827."

These rules are intended to implement Iowa Code section 17A.7.

Regulatory Analysis

Notice of Intended Action to be published: 187—Chapter 6
"Petition for Declaratory Orders"

Iowa Code section(s) or chapter(s) authorizing rulemaking: 524.213
State or federal law(s) implemented by the rulemaking: Iowa Code section 17A.9

Public Hearing

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

December 16, 2025 9 a.m.	Suite 300 200 East Grand Avenue Des Moines, Iowa
December 18, 2025 9 a.m.	Suite 300 200 East Grand Avenue Des Moines, Iowa

Public Comment

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

Zak Hingst
200 East Grand Avenue, Suite 300
Des Moines, Iowa 50309-1827
Phone: 515.242.0332
Email: zak.hingst@idob.state.ia.us

Purpose and Summary

Pursuant to Executive Order 10 (January 10, 2023), the Division proposes to rescind Chapter 6 and adopt a new chapter in lieu thereof. The new chapter will remove language that repeats statutory language or is otherwise unnecessary.

Analysis of Impact

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

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

People interested in petitioning the Division for a declaratory order may incur the costs of preparing and submitting a petition for a declaratory order.

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

People interested in petitioning the Division for a declaratory order will benefit from the proposed rulemaking, which will further clarify the procedures applicable to preparing and submitting such a petition.

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:**

People who choose to utilize the process outlined in the proposed rulemaking and petition the Division for a declaratory order may incur costs associated with drafting and submitting such

petitions. The amount of these costs will vary depending on the complexity of the issues and the compensation of staff or service providers who draft the application.

- **Qualitative description of impact:**

The proposed rulemaking will provide clarity about the form, contents, and procedure for filing declaratory orders, the procedural rights people will have with respect to those petitions, and the Division's disposition of such petitions, as well as the types of situations under which the Division will not issue a declaratory order.

3. **Costs to the State:**

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

Division staff time will be required to review, evaluate, and respond to all petitions for declaratory orders that are filed. The proposed rulemaking does not impose any additional costs on the State compared to the existing chapter.

- **Anticipated effect on State revenues:**

The 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 costs associated with choosing to invoke the process to petition the Division for a declaratory order are minimal and are incurred only by people who choose to file such a petition. The amount of these costs will vary depending on the complexity of the issues and the compensation of staff or service providers who draft the application. The proposed rulemaking will provide clarity regarding the Division's procedures with respect to such petitions.

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

The Division has not identified any less costly or less intrusive methods of describing the form and procedures for petitioning the Division for a declaratory order.

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

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

The Division did not consider any alternative methods.

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

The Division did not consider any alternative methods because the Division did not identify any less costly or less intrusive methods to address the form and procedures for petitioning the Division for a declaratory order.

Small Business Impact

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

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

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

The proposed rules do not have a substantial impact on small business. The rules do not establish compliance or reporting requirements, nor do they establish design or operational standards.

Text of Proposed Rulemaking

ITEM 1. Rescind 187—Chapter 6 and adopt the following **new** chapter in lieu thereof:

CHAPTER 6
PETITION FOR DECLARATORY ORDER

187—6.1(17A) Petition for declaratory order. Any person may file a petition with the division for a declaratory order as to the applicability to specified circumstances of a statute, rule, or order within the primary jurisdiction of the division. Petitions shall be filed at the address found on the division's website: idob.iowa.gov; Attn: Legal Counsel. Petitions may also be delivered by email to an email address supplied by the division's legal counsel. A petition is deemed filed when it is received by the division. The division shall provide the petitioner with a file-stamped copy of the petition if the petitioner provides the division an extra copy for this purpose. The petition must be typewritten and substantially conform to the following form:

DEPARTMENT OF INSURANCE AND FINANCIAL SERVICES
DIVISION OF BANKING

Petition by (Name of Petitioner) for a Declaratory Order on (Cite provisions of law involved).	}	PETITION FOR DECLARATORY ORDER

The petition must provide the following information:

1. A clear and concise statement of all relevant facts on which the order is requested.
2. A citation and the relevant language of the specific statutes, rules, policies, decisions, or orders, whose applicability is questioned, and any other relevant law.
3. The questions the petitioner wants answered, stated clearly and concisely.
4. The answers to the questions desired by the petitioner and a summary of the reasons urged by the petitioner in support of those answers.
5. The reasons for requesting the declaratory order and disclosure of the petitioner's interest in the outcome.
6. A statement indicating whether the petitioner is currently a party to another proceeding involving the questions at issue and whether, to the petitioner's knowledge, those questions have been decided by, are pending determination by, or are under investigation by, any governmental entity.
7. The names and addresses of other persons, or a description of any class of persons, known by the petitioner to be affected by, or interested in, the questions presented in the petition.
8. Any request by the petitioner for a meeting provided for by rule 187—6.7(17A).

The petition must be dated and signed by the petitioner or the petitioner's representative. It must also include the name, mailing address, and telephone number of the petitioner and petitioner's representative and a statement indicating the person to whom communications concerning the petition should be directed.

187—6.2(17A) Notice of petition. Within 15 days after receipt of a petition for a declaratory order, the division shall give notice of the petition to all persons not served by the petitioner pursuant to rule 187—6.6(17A) to whom notice is required by any provision of law. The division may also give notice to any other persons.

187—6.3(17A) Intervention.

6.3(1) Persons who qualify under any applicable provision of law as an intervenor and who file a petition for intervention within six days of the filing of a petition for declaratory order shall be allowed to intervene in a proceeding for a declaratory order.

6.3(2) Any person who files a petition for intervention at any time prior to the issuance of an order may be allowed to intervene in a proceeding for a declaratory order at the discretion of the division.

6.3(3) A petition for intervention shall be filed at the address found on the division's website: idob.iowa.gov; Attn: Legal Counsel. Such petitions may also be delivered by email to an email address supplied by the division's legal counsel. A petition is deemed filed when it is received by the division. The division will provide the petitioner with a file-stamped copy of the petition for intervention if the petitioner provides an extra copy for this purpose. A petition for intervention must be typewritten and substantially conform to the following form:

DEPARTMENT OF INSURANCE AND FINANCIAL SERVICES
DIVISION OF BANKING

Petition by (Name of Original Petitioner) for a Declaratory Order on (Cite provisions of law cited in original petition).	}	PETITION FOR INTERVENTION

The petition for intervention must provide the following information:

1. Facts supporting the intervenor's standing and qualifications for intervention.
2. The answers urged by the intervenor to the question or questions presented and a summary of the reasons urged in support of those answers.
3. Reasons for requesting intervention and disclosure of the intervenor's interest in the outcome.
4. A statement indicating whether the intervenor is currently a party to any proceeding involving the questions at issue and whether, to the intervenor's knowledge, those questions have been decided by, are pending determination by, or are under investigation by, any governmental entity.
5. The names and addresses of any additional persons, or a description of any additional class of persons, known by the intervenor to be affected by, or interested in, the questions presented.
6. Whether the intervenor consents to be bound by the determination of the matters presented in the declaratory order proceeding.

The petition must be dated and signed by the intervenor or the intervenor's representative. It must also include the name, mailing address, and telephone number of the intervenor and intervenor's representative, and a statement indicating the person to whom communications should be directed.

187—6.4(17A) Briefs. The petitioner or any intervenor may file a brief in support of the position urged. The division may request a brief from the petitioner, any intervenor, or any other person concerning the questions raised.

187—6.5(17A) Inquiries. Inquiries concerning the status of a declaratory order proceeding may be made to the address found on the division's website: idob.iowa.gov; Attn: Legal Counsel. Inquiries may also be made by email to an email address supplied by the division's legal counsel.

187—6.6(17A) Service and filing of petitions and other papers.

6.6(1) Except where otherwise provided by law, every petition for declaratory order, petition for intervention, brief, or other paper filed in a proceeding for a declaratory order shall be served upon each of the parties of record to the proceeding, and on all other persons identified in the petition for declaratory order or petition for intervention as affected by or interested in the questions presented,

simultaneously with their filing. The party filing a document is responsible for service on all parties and other affected or interested persons.

6.6(2) All petitions for declaratory orders, petitions for intervention, briefs, or other papers in a proceeding for a declaratory order shall be filed at the address found on the division's website: idob.iowa.gov; Attn: Legal Counsel. Filings may also be made by email to an email address supplied by the division's legal counsel. All petitions, briefs, or other papers that are required to be served upon a party shall be filed simultaneously with the division.

6.6(3) Method of service, time of filing, and proof of mailing shall be as provided by rule on contested cases: 187—11.12(17A).

187—6.7(17A) Consideration. Upon request by the petitioner, the division must schedule a brief and informal meeting between the original petitioner, all intervenors, and division staff to discuss the questions raised. The division may solicit comments from any person on the questions raised. Also, comments on the questions raised may be submitted to the division by any person.

187—6.8(17A) Action on petition.

6.8(1) The division shall act on the petition in the time frame established by Iowa Code section 17A.9(5).

6.8(2) The date of issuance of an order or of a refusal to issue an order is as defined in rule on contested cases: 187—11.2(17A).

187—6.9(17A) Refusal to issue order.

6.9(1) The division shall not issue a declaratory order where prohibited by Iowa Code section 17A.9(1) and may refuse to issue a declaratory order on some or all questions raised for the following reasons:

a. The petition does not substantially comply with the required form.

b. The petition does not contain facts sufficient to demonstrate that the petitioner will be aggrieved or adversely affected by the failure of the division to issue an order.

c. The division does not have jurisdiction over the questions presented in the petition.

d. The questions presented by the petition are also presented in a current rulemaking, contested case, or other division or judicial proceeding, that may definitively resolve them.

e. The questions presented by the petition would more properly be resolved in a different type of proceeding or by another body with jurisdiction over the matter.

f. The facts or questions presented in the petition are unclear, overbroad, insufficient, or otherwise inappropriate as a basis upon which to issue an order.

g. There is no need to issue an order because the questions raised in the petition have been settled due to a change in circumstances.

h. The petition is not based upon facts calculated to aid in the planning of future conduct but is, instead, based solely upon prior conduct in an effort to establish the effect of that conduct or to challenge a division decision already made.

i. The petition requests a declaratory order that would necessarily determine the legal rights, duties, or responsibilities of other persons who have not joined in the petition, intervened separately, or filed a similar petition and whose position on the questions presented may fairly be presumed to be adverse to that of the petitioner.

j. The petitioner requests the division to determine whether a statute is unconstitutional on its face.

6.9(2) A refusal to issue a declaratory order must indicate the specific grounds for the refusal and constitutes final division action on the petition.

6.9(3) Refusal to issue a declaratory order pursuant to this provision does not preclude the filing of a new petition that seeks to eliminate the grounds for the refusal to issue an order.

187—6.10(17A) Contents of declaratory order—effective date. In addition to the order itself, a declaratory order must contain the date of its issuance, the name of the petitioner and all intervenors, the specific statutes, rules, policies, decisions, or orders involved, the particular facts upon which it is based, and the reasons for its conclusion. A declaratory order is effective on the date of issuance.

187—6.11(17A) Copies of orders. A copy of all orders issued in response to a petition for a declaratory order shall be mailed promptly to the original petitioner and all intervenors.

187—6.12(17A) Effect of a declaratory order. A declaratory order has the same status and binding effect as a final order issued in a contested case proceeding. It is binding on the division of banking, the petitioner, and any intervenors and is applicable only in circumstances where the relevant facts and the law involved are indistinguishable from those on which the order was based. As to all other persons, a declaratory order serves only as precedent and is not binding on the division. The issuance of a declaratory order constitutes final division action on the petition.

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

Regulatory Analysis

Notice of Intended Action to be published: 187—Chapter 7
"Public Records and Fair Information Practices"

Iowa Code section(s) or chapter(s) authorizing rulemaking: 22.11 and 524.213
State or federal law(s) implemented by the rulemaking: Iowa Code section 22.11

Public Hearing

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

December 16, 2025 9 a.m.	Suite 300 200 East Grand Avenue Des Moines, Iowa
December 18, 2025 9 a.m.	Suite 300 200 East Grand Avenue Des Moines, Iowa

Public Comment

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

Zak Hingst
200 East Grand Avenue, Suite 300
Des Moines, Iowa 50309-1827
Phone: 515.242.0332
Email: zak.hingst@idob.state.ia.us

Purpose and Summary

Pursuant to Executive Order 10 (January 10, 2023), the Division proposes to rescind Chapter 7 and adopt a new chapter in lieu thereof. The new chapter eliminates language that is duplicative of statutory language, eliminates unnecessary and inconsistent language, removes unnecessarily restrictive terms, and updates outdated language.

Analysis of Impact

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

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

People who request access to public records held by the Division will bear the costs of the proposed rulemaking.

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

People interested in requesting access to public records held by the Division will benefit from enhanced clarity regarding the process for submitting such requests, the fees that may apply when processing requests, and clear guidance regarding which records may be available and which records are confidential.

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:**

People who request access to public records held by the Division may incur costs associated with the Division's review of and compliance with such requests. The amount of those costs will vary depending on the complexity and breadth of specific requests.

- **Qualitative description of impact:**

The proposed rulemaking will provide clarity about the Division's process for receiving and responding to public records requests, the fees that may be associated with such requests, and the types of records that are public or confidential.

3. **Costs to the State:**

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

The Division incurs staff time to review public records requests, identify relevant and responsive documents, and review and produce (or withhold) documents as appropriate.

- **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 people who submit public records requests to the Division compared to the existing Chapter 7.

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

The Division has identified the option of eliminating any fees associated with responding to public records requests as less costly to requestors.

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

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

The alternative method the Division considered was eliminating any potential fees for responding to public records requests.

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

The Division chose the proposed rulemaking instead of eliminating all fees because the Division incurs expenses in the form of staff time when processing, reviewing, and responding to public records requests. The proposed rulemaking includes a fee structure that helps offset that cost by having requestors bear a fair and reasonable portion of that cost.

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 does not establish compliance or reporting requirements, nor does it establish design or operational standards.

Text of Proposed Rulemaking

ITEM 1. Rescind 187—Chapter 7 and adopt the following **new** chapter in lieu thereof:

CHAPTER 7
PUBLIC RECORDS AND FAIR INFORMATION PRACTICES

The Iowa division of banking hereby adopts, with the following exceptions and amendments, the Uniform Rules of Agency Procedure relating to public records and fair information practices, which are published on the Iowa general assembly's website at www.legis.iowa.gov/DOCS/Rules/Current/UniformRules.pdf.

187—7.1(17A,22) Definitions. As used in this chapter:

"Agency" means the Iowa division of banking.

"Superintendent" means the superintendent of banking.

187—7.3(17A,22) Requests for access to records.

7.3(1) *Location of records.* A request for access to a record should be directed to the division at the address identified in rule 187—subrule 1.3(2) or online as instructed on the division's website. If a request for access to a record is misdirected, agency personnel will promptly forward the request to the appropriate person within the agency.

7.3(2) *Office hours.* Open records shall be made available during all customary office hours, which are 8 a.m. to 4:30 p.m. daily, excluding Saturdays, Sundays, and legal holidays.

7.3(7) *Fees.*

c. Supervisory fee. In lieu of "(specify time period)" insert "one-half hour". Delete the parenthetical sentence at the end of the paragraph.

187—7.9(17A,22) Disclosures without the consent of the subject.

7.9(1) Open records are routinely disclosed without the consent of the subject.

7.9(2) To the extent allowed by law, disclosure of confidential records may occur without the consent of the subject. Disclosure, if lawful, will generally occur without notice to the subject as follows:

a. For a routine use as defined in rule 187—7.10(17A,22) or in any notice given 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 the head 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.

187—7.10(17A,22) Routine use.

7.10(1) "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.

7.10(2) To the extent allowed by law, the following uses are considered routine uses of all agency records:

a. Disclosure to those 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 need to use confidential records.

b. Disclosure of information indicating an apparent violation of the law to appropriate law enforcement authorities for investigation and possible criminal prosecution, civil court action, or regulatory order.

c. Disclosure to the department of inspections, appeals, and licensing for matters in which it is performing services or functions on behalf of the agency.

d. 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.

e. 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.

f. Any disclosure specifically authorized by the statute under which the record was collected or maintained.

187—7.11(17A,22) Consensual disclosure of confidential records.

7.11(1) *Consent to disclosure by a subject individual.* To the extent permitted by law, the subject may consent in writing to agency disclosure of confidential records as provided in rule 187—7.7(17A,22).

7.11(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, to the extent permitted by law, be treated as an authorization to release sufficient information about the subject to the official to resolve the matter.

187—7.12(17A,22) Release to subject.

7.12(1) The subject of a confidential record may file a written request to review confidential records about that person as provided in rule 187—7.6(17A,22). However, the agency need not release the following records to the subject:

a. The identity of a person providing information to the agency need not be disclosed directly or indirectly to the subject of the information when the information is authorized to be held confidential pursuant to Iowa Code section 22.7(18) or other provision of law.

b. Records need not be disclosed to the subject when they are the work product of an attorney or are otherwise privileged.

c. Peace officers' investigative reports may be withheld from the subject except as required by Iowa Code section 22.7(5).

d. As otherwise authorized by law.

7.12(2) Where 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.

187—7.13(17A,22) Availability of records.

7.13(1) *Open records.* Agency records are open for public inspection and copying unless otherwise provided by rule or law.

7.13(2) *Confidential records.* The following records may be withheld from public inspection. Records are listed by category, according to the legal basis for withholding them from public inspection.

a. Tax records made available to the agency under Iowa Code sections 422.20 and 422.72.

b. Records that are exempt from disclosure under Iowa Code section 22.7.

c. Minutes of closed meetings of a government body under Iowa Code section 21.5(4).

d. Identifying details in final orders, decisions, and opinions to the extent required to prevent a clearly unwarranted invasion of personal privacy or trade secrets under Iowa Code section 17A.3(1)*"d."*

e. Those portions of agency staff manuals, instructions or other statements issued that set forth criteria or guidelines to be used by agency staff in auditing, in making inspections, in settling commercial disputes or negotiating commercial arrangements, or in the selection or handling of cases, such as operational tactics or allowable tolerances or criteria for the defense, prosecution or settlement of cases, when disclosure of these statements would:

(1) Enable law violators to avoid detection;

(2) Facilitate disregard of requirements imposed by law; or

(3) Give a clearly improper advantage to persons who are in an adverse position to the agency under Iowa Code sections 17A.2 and 17A.3.

f. All agency records, including shareholder lists furnished to the superintendent pursuant to Iowa Code section 524.541, that are not public records pursuant to Iowa Code section 524.215.

g. Reports of examinations conducted by the superintendent and reports of examination received by or furnished to the superintendent pursuant to Iowa Code section 524.217.

h. All information obtained by examiners and described in Iowa Code section 524.212.

i. All applications, reports, materials, documents, information and other writings obtained from the Federal Deposit Insurance Corporation, Federal Reserve Bank, Comptroller of the Currency or any agency of the United States government that would cause the denial of services or information to the agency under Iowa Code section 22.9; the Privacy Act of 1974 (5 U.S.C. 552a) and Part 310 of the Federal Deposit Insurance Corporation Rules and Regulations (12 CFR 310).

j. Records that constitute attorney work product, attorney-client communications, or that are otherwise privileged. Attorney work product is confidential under Iowa Code sections 22.7(4), 622.10, and 622.11, Iowa R.C.P. 122(c), Fed. R. Civ. P. 26(b)(3), and case law. Attorney-client communications are confidential under Iowa Code sections 622.10 and 622.11, the rules of evidence, the Code of Professional Responsibility, and case law.

k. Any other information made confidential by law.

187—7.14(17A,22) Personally identifiable information. This rule describes the nature and extent of personally identifiable information that is collected, maintained, and retrieved by the agency by personal identifier in record systems as defined in rule 187—7.1(17A,22). The division does not maintain groups of records to be retrieved by individual identifiers. Division records concerning regulated entities may contain financial and other personal information about individuals who are officers, shareholders, employees, or customers of regulated entities or who do business with such individuals. The division does not currently have a data processing system that matches, collates, or permits the comparison of personally identifiable information in one record system with personally identifiable information in another record system. The record systems maintained by the agency are as follows.

7.14(1) *Personnel files.* The agency maintains files containing information about employees, families and dependents, and applicants for positions with the agency. The files include an individual's employment history such as hiring and recruitment correspondence, salary, payroll and benefit information, record of personnel actions, military status, affirmative action statistics, education and training completed, professional certification achievements, professional organizational involvement, performance evaluation reports, and other information concerning the employer-

employee relationship. This information is collected pursuant to Iowa Code section 524.208, and some of the information is confidential under Iowa Code sections 22.7(11) and 22.7(18). The information is maintained on paper; and certain parts are also contained in the agency's data processing system, as well as the state's mainframe automated data processing system.

7.14(2) *Payroll records.* Records showing individual earnings, hours worked, leave usage, class, position, salary range, deductions, net pay with agency summaries, and other related information. These records contain personally identifiable information collected under the authority of Iowa Code section 524.208, and some of the information may be confidential under Iowa Code section 22.7(11). The information is maintained on paper, with certain records maintained on the state's payroll automated data processing system.

187—7.15(17A,22) Other groups of records routinely available for public inspection. This rule describes groups of records maintained by the agency other than record systems as defined in rule 187—7.1(17A,22). These records are routinely available to the public. However, the agency's files of these records may contain confidential information. In addition, the records listed in subrules 7.15(1) through 7.15(4) may contain information about individuals.

7.15(1) *Rulemaking.* Rulemaking records may contain information about individuals making written or oral comments on proposed rules. This information is collected pursuant to Iowa Code section 17A.4. This information is not stored on an automated data processing system.

7.15(2) *Banking council records.* Agendas, minutes and materials presented to the Iowa division of banking council are available from the office of the Iowa division of banking, except those records concerning closed sessions that are exempt from disclosure under Iowa Code section 21.5, or that are otherwise confidential by law. Banking council records contain information about people who participate in meetings. This information is collected pursuant to Iowa Code section 21.3. This information is not retrieved by individual identifier and is not stored on an automated data processing system.

7.15(3) *Publications.* News releases, annual reports, project reports, agency newsletters, etc., are available from the office of the Iowa division of banking. Agency news releases, project reports, and newsletters may contain information about individuals, including agency staff or members of agency councils or committees. This information is not retrieved by individual identifier and is not stored on an automated data processing system.

7.15(4) *Orders issued by the superintendent.* All findings of fact, conclusions of law, and orders issued by the superintendent subsequent to a public hearing under the provisions of chapter 17A, except as otherwise provided by law. These records may contain information about individuals.

7.15(5) *Published materials.* The agency uses many legal and technical publications in its work. The public may inspect these publications upon request. Some of these materials may be protected by copyright law.

7.15(6) *Policy manuals.* The agency's employees' manual, containing information concerning policies and procedures for programs administered by the agency, is available in the office of the agency. Policy manuals do not contain information about individuals.

7.15(7) *Reports to superintendent.* Reports obtained by the superintendent pursuant to the provisions of Iowa Code section 524.220. These reports are considered open records.

7.15(8) *Officers and directors.* Lists of officers and directors filed with the superintendent pursuant to the provisions of Iowa Code section 524.541. These reports are considered open records.

7.15(9) *Other.* All other records that are not exempted from disclosure by law.

187—7.16(17A,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 rules 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 is governed by applicable legal and constitutional principles, statutes, rules of discovery, evidentiary privileges, and applicable rules of the agency.

These rules are intended to implement Iowa Code section 22.11.

Regulatory Analysis

Notice of Intended Action to be published: 187—Chapter 8
"Approved Rating Services"

Iowa Code section(s) or chapter(s) authorizing rulemaking: 12B.10 and 524.213
State or federal law(s) implemented by the rulemaking: Iowa Code sections 12B.10 and 524.213

Public Hearing

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

December 16, 2025 9 a.m.	Suite 300 200 East Grand Avenue Des Moines, Iowa
December 18, 2025 9 a.m.	Suite 300 200 East Grand Avenue Des Moines, Iowa

Public Comment

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

Zak Hingst
200 East Grand Avenue, Suite 300
Des Moines, Iowa 50309-1827
Phone: 515.242.0332
Email: zak.hingst@idob.state.ia.us

Purpose and Summary

Pursuant to Executive Order 10 (January 10, 2023), the Division proposes to rescind Chapter 8 and adopt a new chapter in lieu thereof. The new chapter eliminates language that is duplicative of statutory language, eliminates unnecessary and inconsistent language, removes unnecessarily restrictive terms, and updates outdated language. This includes eliminating existing rule 187—8.9(524) to eliminate unnecessary and outdated language and consolidating relevant language from rule 187—8.10(524) into similar rules in 187—Chapter 2.

Analysis of Impact

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

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

The proposed rulemaking does not impose any additional costs on persons interested in knowing the approved rating services for purposes of investing public funds in the permissible investments authorized pursuant to Iowa Code section 12B.10.

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

The proposed rulemaking will benefit persons, primarily custodians of public funds, interested in knowing the identity of rating services the superintendent has approved for purposes of Iowa Code section 12B.10 and in investing public funds in permissible investments authorized pursuant to Iowa Code section 12B.10.

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 retaining the rule regarding approved rating services is critical to ensuring that custodians of public funds remain able to invest public funds in permissible investments authorized pursuant to Iowa Code section 12B.10. Without this rule, the custodians of public funds may be unable to invest in certain permissible investments.

- **Qualitative description of impact:**

The proposed rulemaking will clarify the existing rule by eliminating outdated and unnecessary language, updating language about approved rating services and ensuring that custodians of public funds remain able to invest public funds in permissible investments authorized pursuant to Iowa Code section 12B.10.

3. **Costs to the State:**

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

The Division does not incur any costs to implement and enforce the proposed rulemaking.

- **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. Inaction would result in custodians of public funds being unable to invest in certain permissible investments under Iowa Code section 12B.10 for which the superintendent must identify approved rating agencies by rule before custodians are authorized to make the investments. This would likely be detrimental to the ability of custodians of public funds to prudently manage those public funds.

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

The Division has not identified any less costly or less intrusive methods that exist for establishing approved rating services for purposes of Iowa Code section 12B.10.

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

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

The Division did not consider any alternatives.

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

The Division did not identify any less costly or intrusive methods other than rescinding the unnecessary language in this rule and retaining the provision that is critical to ensuring that custodians of public funds remain able to make certain investments that are authorized pursuant to Iowa Code section 12B.10 provided the division has adopted a rule identifying approved rating services.

Small Business Impact

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

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

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

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

The proposed rules do not have a substantial impact on small business. The rules do not establish design or operational standards.

Text of Proposed Rulemaking

ITEM 1. Rescind 187—Chapter 8 and adopt the following **new** chapter in lieu thereof:

CHAPTER 8
APPROVED RATING SERVICES

187—8.1(12B) Approved rating services. Rating services approved by the superintendent as provided by Iowa Code section 12B.10 for use by the treasurer of state and the treasurer of each political subdivision in determining qualifying commercial paper investments include all nationally recognized statistical rating organizations registered with the United States Securities and Exchange Commission.

This rule is intended to implement Iowa Code section 12B.10.

Regulatory Analysis

Notice of Intended Action to be published: 187—Chapter 9
"Investment and Lending Powers"

Iowa Code section(s) or chapter(s) authorizing rulemaking: 524.213, 524.905, and 524.908
State or federal law(s) implemented by the rulemaking: Iowa Code sections 524.905 and 524.908

Public Hearing

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

December 16, 2025 9 a.m.	Suite 300 200 East Grand Avenue Des Moines, Iowa
December 18, 2025 9 a.m.	Suite 300 200 East Grand Avenue Des Moines, Iowa

Public Comment

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

Zak Hingst
200 East Grand Avenue, Suite 300
Des Moines, Iowa 50309-1827
Phone: 515.242.0332
Email: zak.hingst@idob.state.ia.us

Purpose and Summary

Pursuant to Executive Order 10 (January 10, 2023), the Division proposes to rescind Chapter 9 and adopt a new chapter in lieu thereof. The new chapter eliminates language that is duplicative of statutory language, eliminates unnecessary and inconsistent language, removes unnecessarily restrictive terms, and updates outdated language.

Analysis of Impact

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

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

State banks seeking to make real estate-secured loans or engage in leasing transactions will bear the costs of this rulemaking.

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

State banks interested in making real estate-secured loans or engaging in leasing transactions will benefit from the proposed rulemaking as these provisions authorize State banks to engage in these activities and clarify the applicable safety and soundness requirements.

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

- **Quantitative description of impact:**

The proposed rulemaking requires State banks interested in making real estate-secured loans to incur costs to obtain evidence of title documents required to comply with this chapter (attorney title opinions, Iowa Title Guaranty certificates, or title insurance policies) and to develop and monitor the required policies. State banks requesting an exception to these rules or the authority to exceed the established lending limits may incur costs to draft the request. The amount of those costs will vary depending on the complexity of the issues and the compensation of staff or service providers who draft the request.

- **Qualitative description of impact:**

State banks interested in making real estate-secured loans will benefit from the increased clarity of the proposed rulemaking, which outlines the steps State banks must take to engage in real estate-secured lending in a safe and sound manner and may benefit from reduced costs due to the proposed changes that would require evidence of title only on certain residential real estate. State banks interested in engaging in leasing transactions will also benefit from the increased clarity of the proposed rulemaking, which establishes the steps State banks must take to engage in leasing transactions in a safe and sound manner. State banks will also benefit from the continued flexibility of the rulemaking, which acknowledges that the requirements of the rule may not fit all situations and makes exceptions to these general rules available to State banks in certain circumstances.

3. **Costs to the State:**

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

The Division incurs staff time to review real estate-secured loans and leasing transactions for compliance with these rules during regular examinations of State banks.

- **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 State banks seeking to make real estate-secured loans or engage in leasing transactions, and the cost of inaction on these points would be ambiguity and failure to fulfill the Division's statutory obligation to promulgate rules governing these activities that permit State banks to offer these products in a safe and sound manner. The Division has concluded that the benefit of establishing guidance for State banks regarding these activities outweighs the cost of inaction. With respect to evidence of title requirements, the Division concludes that the current benefits do not fully justify the costs because banks subject to independent standards of prudential regulation, either federal or in other states, are not required to obtain evidence of title in all cases. The proposed rulemaking would reduce the number of transactions for which evidence of title is required in an effort to better align the costs and benefits of this rulemaking.

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

The Division has not identified any less costly or less intrusive methods for providing guidance to State banks interested in making real estate-secured loans or engaging in leasing transactions because the proposed rulemaking establishes baseline safety and soundness parameters for State banks wishing to engage in these transactions while also providing substantial discretion to State banks when establishing relevant policies and also acknowledging the inadequacy of a one-size-fits-all approach by adopting clear exceptions to the general requirements for both.

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

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

The Division considered the alternative method of retaining the existing rule requiring State banks to obtain evidence of title, and incur the associated costs, for all real estate-secured loans unless an exemption applies.

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

The Division concluded that benefits to prudential regulation do not fully justify the costs of requiring State banks to obtain evidence of title on all real estate-secured loans and the proposed rulemaking would therefore reduce the number of transactions for which evidence of title is required in an effort to better align the costs and benefits of this rulemaking. The Division did not identify any other less costly or less intrusive means of addressing the safety and soundness expectations for State banks engaging in real estate-secured lending or in leasing transactions.

Small Business Impact

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

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

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

The proposed rules will benefit small businesses by reducing the number of real estate-secured loans for which State banks are required, by rule, to obtain evidence of title. State banks will no longer be required to incur that cost in all cases, and existing policy exceptions will also remain in place.

Text of Proposed Rulemaking

ITEM 1. Rescind 187—Chapter 9 and adopt the following **new** chapter in lieu thereof:

CHAPTER 9
INVESTMENT AND LENDING POWERS

187—9.1(17A,524) Real estate lending. This rule applies to real estate loans originated by a state bank or acquired by purchase, assignment, or otherwise.

9.1(1) *Written policy.*

a. The board of directors of a state bank shall formulate and maintain a written real estate lending policy that is appropriate for its size and the nature and scope of its operation. Each policy must be comprehensive and consistent with safe and sound lending practices. The standards and limits established in the policy must be reviewed and approved at least annually by the board. The real estate lending policy should reflect the level of risk that is acceptable to the board and should provide clear and measurable underwriting standards that enable the state bank's lending staff to evaluate all relevant credit factors. The real estate lending policy, at a minimum, should:

(1) Identify the geographic area where the state bank will consider lending.

(2) Establish loan portfolio diversification standards.

(3) Set appropriate terms and conditions by type of real estate loan.

(4) Establish loan origination and approval procedures.

(5) Establish prudent underwriting standards that include clear and measurable loan-to-value limitations.

(6) Establish review and approval procedures for exempted loans.

(7) Establish loan administration procedures.

(8) Establish real estate appraisal and evaluation programs.

(9) Require the bank to monitor the portfolio and provide timely reports to the board of directors.

(10) Establish procedures for conformance with secondary market investor requirements where applicable.

b. When formulating the real estate policy, the board should consider both internal and external factors, such as size and condition of the state bank, expertise of its lending staff, avoidance of undue concentrations of risk, compliance with all real estate-related laws and rules, and general market conditions.

9.1(2) *Loan-to-value limits.* The board of directors of the state bank shall establish its own internal loan-to-value (LTV) limits for real estate loans.

9.1(3) *In-transit loans.* Real estate loans made for sale into the secondary market are considered in transit for a period of 90 days after being sold and are not considered risk assets for reserving purposes during this time period.

9.1(4) *Evidence of title.* The state bank shall obtain, when lending for the purpose of acquisition or for the purpose of refinance of acquisition of an interest in real estate that is an owner-occupied one- to four-family dwelling occupied or used or intended to be occupied for residential purposes, when a new mortgage, deed of trust, or similar instrument is filed, one of the following:

a. A written legal opinion by an attorney admitted to practice in the state in which the real estate is located showing marketable title in the mortgagor and describing any existing liens and stating that the state bank's mortgage, deed of trust, or similar instrument is a lien on the real estate. An Iowa title guaranty certificate issued by the Iowa title guaranty division of the Iowa finance authority satisfies this requirement.

b. Title insurance written by an insurance company licensed to do business in the state in which the real property is located describing any existing liens and insuring the title to the real property and the validity and enforceability of the mortgage, deed of trust, or similar instrument as a lien on the real property.

9.1(5) *Exceptions.* Because other factors significantly outweigh the need to apply the provisions of this rule in certain real estate transactions, the following transactions are exempt from this rule:

a. Loans guaranteed, insured, or for which a written commitment for such has been issued by the U.S. government or its agencies.

b. Loans guaranteed, insured, or for which a written commitment for such has been issued by the state of Iowa, a political subdivision, or agency thereof, provided that the state bank has determined that the guarantor or insurer has the financial capacity and willingness to perform under the terms of the agreement.

c. Acceptance of real estate as collateral to secure debts previously contracted in good faith.

d. Securities collateralized by real estate, but in which a state bank may invest pursuant to Iowa Code section 524.901.

e. With the prior approval of the superintendent, any other loans approved, issued, insured, or guaranteed by any other federal or state-sponsored program.

9.1(6) *Exempted transactions.* In addition to the exemptions set forth in subrule 9.2(5), it may be appropriate, in light of all relevant credit considerations, including community reinvestment factors, for state banks, in certain instances, to originate or purchase real estate loans that do not meet the requirements of this rule. State banks are allowed to make such loans; however, the aggregate amount of all real estate loans that fall into this category shall not exceed aggregate capital as reflected on the state bank's most recent consolidated report of condition, unless prior approval to exceed this limitation has been obtained from the superintendent. These exempted loans must be identified by the board of directors by name and outstanding balance and be reviewed by the board at least annually. Examiners, during the course of their examinations, will determine whether these exempted loans are adequately documented and appropriate in light of overall safety and soundness considerations. No real estate loans to directors, officers, or principal shareholders or their related interests shall be allowed in the exempted category of this subrule.

This rule is intended to implement Iowa Code section 524.905.

187—9.2(17A,524) Leasing.

9.2(1) *Definitions.* For purposes of this rule, the following definitions apply.

"Aggregate rentals payable" means the total of minimum lease payments (net of unearned income) that the lessee is obligated to make or can be required to make plus any guarantee of the residual value or of rental payments beyond the lease term by an eligible guarantor, provided the guarantor is financially capable of discharging the obligation.

"Full payout lease" means one in which the lessor's service is limited to the financing of the asset, with the lessee paying all other costs, including maintenance and taxes, and has the option of purchasing the asset at the end of the lease for a nominal price. The lease shall be fully amortized over the term of the lease or lifetime of the asset, whichever is less.

"Inception" means the date of the lease agreement or commitment, if earlier, or the date the lease is purchased by the state bank. For purposes of this definition, a commitment shall be in writing, signed by the parties in interest to the transaction, and specifically set forth the principal terms of the transaction. However, if the property covered by the lease is a fixture yet to be constructed or has not been acquired by the lessor at the date of the lease agreement or commitment, the inception is the date that construction of the property is completed or the property is acquired by the lessor. The inception date of a lease assumed in a business combination accounted for as a purchase is the date the combination is recorded for accounting purposes.

"Independent third-party appraiser" means an individual not involved with the lease transaction, except as the appraiser, with no direct or indirect interest, financial or otherwise, in the property appraised or the parties involved with the transaction. The bank shall take appropriate steps to ensure the appraiser exercises independent judgment and that the appraisal is adequate.

"Lease servicer" means an entity that collects monthly principal and interest payments from the lessee and then forwards the payments to the purchasing institution or maintains lease records for a fee.

"Leasing company" means an enterprise that makes leases or assembles leases for resale to a bank. Leases acquired by a state bank from an affiliated leasing company will be treated for purposes of this rule the same as if the lease was originated by the bank itself. The provisions of Iowa Code section 524.1101 apply when determining if an affiliate relationship exists.

"Lessee" means the party using the leased property.

"Lessor" means the party owning the leased property.

"Residual value" means the estimated fair value of the leased property at the end of the lease term.

9.2(2) *General direct and purchased lease guidelines.*

a. The board of directors of the state bank shall formulate and maintain a written lease policy that is appropriate for the size, nature and scope of the bank's operation. Each policy must be comprehensive and consistent with safe and sound banking practices. The standards and limits established in the policy must be reviewed and approved at least annually by the board. The bank's lease policy, at a minimum, should:

(1) Identify acceptable lease servicers and lessors (purchased leases only).

(2) Establish aggregate volume of paper to be purchased from approved servicers and lessors (purchased leases only).

(3) Identify the geographic area where the bank will consider purchasing or originating leases.

(4) Establish lease portfolio diversification standards.

(5) Set appropriate terms and conditions by type of leases.

(6) Establish lease origination and approval procedures.

(7) Establish prudent underwriting standards.

(8) Establish lease administration procedures.

(9) Establish appraisal and evaluation programs.

(10) Monitor the portfolio and provide timely reports to the board of directors.

(11) Set forth permitted exceptions to the policy.

When formulating the lease policy, the board should consider both internal and external factors, such as size and condition of the state bank, expertise of the lending staff, avoidance of undue concentrations of risk, and general market conditions.

b. Whether the bank is serving as lessor or acquiring a lease through purchase, a bank employee shall perform an independent credit analysis of the lessee.

c. The bank or an affiliated leasing company shall obtain collateral values, lien status, lease agreements, participation agreements, and title documentation within 45 calendar days from inception with original documentation being maintained in the bank's or affiliated leasing company's credit files.

d. A bank employee, an officer of an affiliated lease originator, or an independent third-party appraiser shall conduct at inception, and at least annually thereafter, an inspection of the leased tangible personal property, unless prior approval to waive the inspection requirements has been obtained from the superintendent. For a lease to a governmental unit, the bank shall conduct an inspection at inception or maintain written verification by an official of the governmental unit to confirm the existence of the leased property.

e. Ongoing documentation requirements to support the lease are the same as if the bank had made a direct loan to the lessee for purchase of the asset being leased.

f. The lease shall be a full payout lease that is a noncancelable obligation of the lessee with the obligation serving the same purpose as other forms of bank financing. For purposes of this rule, a lease to a governmental unit that contains a fiscal funding clause would be considered a noncancelable lease if the likelihood of exercise of the fiscal funding clause is assessed as being remote.

g. Property covered by the lease is limited to tangible personal property, excluding livestock. In addition, a state bank may purchase or construct a municipal building, and, as holder of legal title, lease the same to a municipality or other public authority having resources sufficient to make payment of all rentals as they become due. The lease agreement shall address liability issues and provide that upon its expiration the lessee will become owner of the building or facility.

h. The lease shall require rental payments to be made on a periodic basis, but at least annually.

i. The term of a lease shall not exceed seven years if made to a nongovernmental unit or ten years if made to a governmental unit without the prior approval of the superintendent.

j. Aggregate rentals payable by the customer under leases of personal property shall conform to the limits imposed by Iowa Code section 524.904.

k. All lease receivables shall be booked in accordance with the instructions for preparation of the consolidated reports of condition and income.

l. Unguaranteed residual value established by the lessor for any lease, whether originated by the state bank or acquired through purchase, shall not exceed 25 percent of the original cost of the leased property. The amount of any estimated residual value guaranteed by a manufacturer, the lessee, or a third party that is not an affiliate of the bank may exceed 25 percent of the original cost of property where the bank has determined and can provide full supporting documentation that the guarantor has the resources to meet the guarantee. While this guideline prohibits unguaranteed residual values that exceed 25 percent of the original cost, the estimated residual value shall be reasonable in relation to the type of property leased so the primary risk taken by the bank is the creditworthiness of the lessee and not the market value of the leased property. All estimated residual values shall be reviewed at least annually. If the state bank carries the estimated residual value on its books and a review of the estimated residual value results in a lower estimate than had been previously established, the accounting for the transactions shall be revised using the new estimate. The resulting reduction in the net investment shall be recognized as a loss in the period in which the estimate is changed. An upward adjustment of the residual value shall not be made.

m. Consumer leases, whether originated or purchased by a state bank, shall conform to Iowa Code section 537.3202 and Chapter 5 of the Truth-in-Lending Act (15 U.S.C. 1601 et seq.).

n. If an affiliate of a state bank is regarded as the originator of a lease, the affiliate is subject to the provisions of Iowa Code section 524.1105.

9.2(3) *Specific purchased lease guidelines.*

a. If the obligations acquired carry full recourse endorsements, guaranty, or an agreement to repurchase of the lessor or servicer negotiating the sale of the leases, then the endorser, guarantor, or repurchaser shall also be deemed to be a customer of the bank. This customer's obligation would be limited to 15 percent of aggregate capital of the state bank.

b. The bank shall obtain on any lease servicer, at least annually, financial information or evidence of insurance coverage for errors, omissions, and fraudulent acts, and evaluate this information to determine the creditworthiness of the lease servicer. The bank shall maintain on file documentation that this insurance coverage is in an amount sufficient for the volume of leases being serviced by the lease servicer.

9.2(4) *Specific direct leasing guidelines.* Acceptable methods of accounting for investment tax credits shall be used.

9.2(5) *Exempted transactions.* In some instances it may be appropriate, in light of all relevant credit considerations, to originate or purchase leases that do not conform with the requirements of paragraphs 9.3(2)*"c," "d,"* and *"e."* The outstanding aggregate rentals payable of all originated and purchased leases that fall into this category shall not exceed 25 percent of aggregate capital as reflected on the state bank's most recent consolidated report of condition, unless prior approval to exceed this limitation has been obtained from the superintendent. These exempted leases shall be identified by the board of directors by name and outstanding balance and reviewed by the board at least annually. Examiners, during the course of their examinations, will determine whether these exempted leases are adequately documented and appropriate in light of overall safety and soundness considerations. No leases to directors, officers, or substantial shareholders or their related interests shall be allowed in the exempted category of this subrule.

This rule is intended to implement Iowa Code section 524.908.

Regulatory Analysis

Notice of Intended Action to be published: 187—Chapter 11
"Contested Cases"

Iowa Code section(s) or chapter(s) authorizing rulemaking: 524.213
State or federal law(s) implemented by the rulemaking: Iowa Code chapter 17A

Public Hearing

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

December 16, 2025 9 a.m.	Suite 300 200 East Grand Avenue Des Moines, Iowa
December 18, 2025 9 a.m.	Suite 300 200 East Grand Avenue Des Moines, Iowa

Public Comment

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

Zak Hingst
200 East Grand Avenue, Suite 300
Des Moines, Iowa, 50309-1827
Phone: 515.242.0332
Email: zak.hingst@idob.state.ia.us

Purpose and Summary

Pursuant to Executive Order 10 (January 10, 2023), the Division proposes to rescind Chapter 11 and adopt a new chapter in lieu thereof. This rulemaking eliminates language that is duplicative of statutory language, eliminates unnecessary and inconsistent language, removes unnecessarily restrictive terms, and updates outdated language.

Analysis of Impact

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

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

People who request contested case proceedings will bear the costs of the proposed rulemaking.

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

People who request contested case hearings may benefit from the improved clarity of this 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:**

People who request contested case proceedings may incur costs to draft the request or other documents associated with the proceedings. The amount of those costs will vary depending on the complexity of the issues and the compensation paid to staff or other service providers who draft the documents. Other costs that may be incurred by people who request contested case proceedings

include expenses related to service and filing of documents, discovery procedures, and recording costs.

- **Qualitative description of impact:**

The proposed rulemaking will provide clarity about the Division's processes for conducting contested case proceedings.

3. **Costs to the State:**

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

The Division uses staff time to administer and oversee contested case proceedings.

- **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 persons requesting contested case proceedings compared to the existing Chapter 11.

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

The Division has not identified any less costly methods or less intrusive methods for addressing the process of contested case proceedings.

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

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

The Division did not consider any alternative methods.

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

The Division did not consider any alternative methods because the Division 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. The rules do not establish compliance or reporting requirements, nor do they establish design or operational standards.

Text of Proposed Rulemaking

ITEM 1. Rescind 187—Chapter 11 and adopt the following **new** chapter in lieu thereof:

CHAPTER 11
CONTESTED CASES

187—11.1(17A) Scope. Except when inconsistent with Iowa Code chapter 524, this chapter applies to contested case proceedings conducted by the division of banking.

187—11.2(17A) Definitions. Except where otherwise specifically defined by law:

"Contested case" means a proceeding as described in Iowa Code section 17A.2(5) and includes any matter defined as a no factual dispute contested case under Iowa Code section 17A.10A.

"Issuance" means the date of mailing of a decision or order or date of delivery if service is by other means unless another date is specified in the order.

"Party" means the same as defined in Iowa Code section 17A.2.

"Presiding officer" means the superintendent of banking, the superintendent's designee or, under certain circumstances, an administrative law judge.

"Proposed decision" means the presiding officer's recommended findings of fact, conclusions of law, decision, and order in a contested case in which the superintendent did not preside.

187—11.3(17A) Time.

11.3(1) Time shall be computed as provided in Iowa Code section 4.1(34).

11.3(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.

187—11.4(17A) Requests for contested case proceeding. Requests for contested case proceedings shall be filed with the division in writing within the time specified by the particular rules or statutes governing the subject matter or, in the absence of such law, the time specified in the division action in question. The request for a contested case proceeding should state the name and address of the requester, identify the specific division action which is disputed and, where the requester is represented by a lawyer, identify the provisions of law or precedent requiring or authorizing the holding of a contested case proceeding in the particular circumstances involved, and include a short and plain statement of the issues of material fact in dispute.

187—11.5(17A) Notice of hearing.

11.5(1) *Delivery.* Delivery of the notice of hearing constitutes the commencement of the contested case proceeding. Delivery may be executed by:

a. The methods specified in Iowa Code section 17A.12;

b. First-class mail; or

c. Publication, as provided in the Iowa Rules of Civil Procedure.

11.5(2) *Contents.* The notice of hearing shall contain the information specified by Iowa Code section 17A.12(2) and the following information:

a. Identification of all parties including the name, address, and telephone number of the person who will act as advocate for the division or the state and of parties' counsel where known;

b. Reference to the procedural rules governing conduct of the contested case proceeding;

c. Reference to the procedural rules governing informal settlement;

d. Identification of the presiding officer, if known—if not known, a description of who will serve as presiding officer;

e. Notification of the time period in which a party may request, pursuant to Iowa Code section 17A.11 and rule 187—11.6(17A), that the presiding officer be an administrative law judge;

f. A statement requiring the respondent to submit an answer of the type specified in subrule 11.11(2) within 20 days after service of the notice of hearing;

g. Information on whom to contact if, because of a disability, auxiliary aids or services are needed to enable a person to participate in the matter;

h. If applicable, the date, time, and manner of conduct of a prehearing conference under rule 187—11.16(17A); and

i. The mailing address and email address for filing with the division and notice of the option of email service as provided in subrule 11.12(6).

187—11.6(17A) Presiding officer.

11.6(1) Any party requesting that the presiding officer assigned to render a proposed decision be an administrative law judge must file a written request within 20 days after service of a notice of hearing that identifies or describes the presiding officer as the superintendent or members of the division.

11.6(2) The superintendent may deny the request only upon a finding that any of the following apply:

a. Conditions specified in Iowa Code section 17A.11(1)*"a."*

b. Neither the division nor any officer of the division under whose authority the contested case is to take place is a named party to the proceeding or a real party in interest to that proceeding.

c. An administrative law judge with the qualifications identified in subrule 11.6(4) is unavailable to hear the case within a reasonable time.

d. The request is not consistent with a specified statute.

11.6(3) The superintendent shall issue a written ruling specifying the grounds for the decision within 20 days after a request for an administrative law judge is filed. If the ruling is contingent upon the availability of an administrative law judge with the qualifications identified in subrule 11.6(4), the parties shall be notified at least ten days prior to hearing if a qualified administrative law judge will not be available.

11.6(4) An administrative law judge assigned to act as a presiding officer shall have the following technical expertise: at least five years' experience as an executive officer in a bank or in the regulation or examination of banks.

11.6(5) Except as provided otherwise by another provision of law, all rulings by an administrative law judge acting as presiding officer are subject to appeal to the superintendent. A party must seek any available intradivision appeal to exhaust adequate administrative remedies.

11.6(6) Unless otherwise provided by law, the superintendent, when reviewing a proposed decision upon intradivision appeal, shall have the powers of and shall comply with the provisions of this chapter applicable to presiding officers.

187—11.7(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 division in its discretion may refuse to give effect to such a waiver when it deems the waiver to be inconsistent with the public interest.

187—11.8(17A) Telephone and electronic proceedings. The presiding officer may resolve preliminary procedural motions by telephone conference or other electronic means in which all parties have an opportunity to participate. Other proceedings, including the hearing for a contested case proceeding, may be held by telephone or other electronic means with the consent of all parties. The presiding officer will determine the location of the parties and witnesses for hearings held by telephone or other electronic means. The convenience of the witnesses or parties, as well as the nature of the case, will be considered when location is chosen. Disciplinary hearings will generally not be held by telephone or electronic means in the absence of consent by all parties, but the presiding officer may permit any witness to testify by telephone or other electronic means. Parties shall disclose at or prior to the prehearing conference whether any witness will be testifying by telephone or other electronic means. Objections, if any, shall be filed with the division and served on all parties at least three business days in advance of hearing.

187—11.9(17A) Disqualification.

11.9(1) A presiding officer or other person shall withdraw from participation in the making of any proposed or final decision in a contested case if that person:

a. Has a personal bias or prejudice concerning a party or a representative of a party;

b. Has personally investigated, prosecuted or advocated in connection with that case, the specific controversy underlying that case, another pending factually related contested case, or a pending factually related controversy that may culminate in a contested case involving the same parties;

c. Is subject to the authority, direction or discretion of any person who has personally investigated, prosecuted or advocated in connection with that contested case, the specific controversy underlying that contested case, or a pending factually related contested case or controversy involving the same parties;

d. Has acted as counsel to any person who is a private party to that proceeding within the past two years;

e. Has a personal financial interest in the outcome of the case or any other significant personal interest that could be substantially affected by the outcome of the case;

f. Has a spouse or relative within the third degree of relationship that:

(1) Is a party to the case or is an officer, director or trustee of a party;

(2) Is a lawyer in the case;

(3) Is known to have an interest that could be substantially affected by the outcome of the case;

(4) Is likely to be a material witness in the case; or

g. Has any other legally sufficient cause to withdraw from participation in the decision making in that case.

11.9(2) The term "personally investigated" means taking affirmative steps to interview witnesses directly or to obtain documents or other information directly. The term "personally investigated" does not include general direction and supervision of assigned investigators, unsolicited receipt of information that is relayed to assigned investigators, review of another person's investigative work product in the course of determining whether there is probable cause to initiate a proceeding, or exposure to factual information while performing other division functions, including fact gathering for purposes other than investigation of the matter that culminates in a contested case. A person voluntarily appearing before the division waives any objection to a division staff member's participation in the appearance and later participation as a decision maker or aid to the decision maker in a contested case. Factual information relevant to the merits of a contested case received by a person who later serves as presiding officer in that case shall be disclosed if required by Iowa Code section 17A.17(3) and subrules 11.9(3) and 11.23(9).

11.9(3) In a situation where a presiding officer or other person knows of information that might reasonably be deemed to be a basis for disqualification and decides voluntary withdrawal is unnecessary, that person shall submit the relevant information for the record by affidavit and provide for the record a statement of the reasons for the determination that withdrawal is unnecessary.

11.9(4) If a party asserts disqualification on any appropriate ground, including those listed in subrule 11.9(1), the party shall file a motion supported by an affidavit pursuant to Iowa Code sections 17A.11(3) and 17A.17(7). The motion must be filed as soon as practicable after the reason alleged in the motion becomes known to the party.

11.9(5) If, during the course of the hearing, a party first becomes aware of evidence of bias or other grounds for disqualification, the party may move for disqualification but must establish the grounds by the introduction of evidence into the record.

11.9(6) If the presiding officer determines that disqualification is appropriate, the presiding officer or other person shall withdraw. If the presiding officer determines that withdrawal is not required, the presiding officer shall enter an order to that effect. A party asserting disqualification may seek an interlocutory appeal under rule 187—11.25(17A), if applicable, and seek a stay under rule 187—11.29(17A).

187—11.10(17A) Consolidation—severance.

11.10(1) *Consolidation.* The presiding officer may consolidate any or all matters at issue in two or more contested case proceedings where:

a. The matters at issue involve common parties or common questions of fact or law;

b. Consolidation would expedite and simplify consideration of the issues involved; and

c. Consolidation would not adversely affect the rights of any of the parties to those proceedings.

11.10(2) *Severance.* The presiding officer may, for good cause shown, order any contested case proceedings or portions thereof severed.

187—11.11(17A) Pleadings.

11.11(1) *Petition.* A petition in a contested case proceeding shall state in separately numbered paragraphs the following:

a. The persons or entities on whose behalf the petition is filed;

b. The particular provisions of statutes and rules involved;

c. The relief demanded and the facts and law relied upon for such relief; and

d. The name, address and telephone number of the petitioner and the petitioner's attorney, if any.

11.11(2) *Answer.* Answers shall be filed within 20 days of service of a petition unless otherwise ordered. A party may move to dismiss or apply for a more definite and detailed statement when appropriate. An answer shall include the following:

a. The name, address and telephone number of the person filing the answer;

b. The name of the person or entities on whose behalf it is filed;

c. The name of any attorney representing the person or entity on whose behalf it is filed;

d. Specific admission, denial, or other answer to all material allegations of the pleading to which it responds;

e. Any facts deemed to show an affirmative defense;

f. Any additional defenses the pleader may claim;

Any allegation in the petition not denied in the answer is considered admitted. The presiding officer may refuse to consider any defense not raised in the answer that could have been raised on the basis of facts known when the answer was filed if any party would be prejudiced.

11.11(3) *Amendment.* Any notice of hearing, petition, or other charging document may be amended before a responsive pleading has been filed. Amendments to pleadings after a responsive pleading has been filed and to an answer may be allowed with the consent of the other parties or in the discretion of the presiding officer who may impose terms or grant a continuance.

187—11.12(17A) Service and filing of pleadings and other papers.

11.12(1) *Service required.* Except where otherwise provided by law, every pleading, motion, document, or other paper filed in a contested case proceeding and every paper relating to discovery in such a proceeding shall be served upon each of the parties of record to the proceeding, including the person designated as advocate or prosecutor for the state or the division, simultaneously with their filing. Except for the original notice of hearing and an application for rehearing as provided in Iowa Code section 17A.16(2), the party filing a document is responsible for service on all parties.

11.12(2) *Service method.* Service upon a party represented by an attorney shall be made upon the attorney unless otherwise ordered. Service is made by delivery or by mailing a copy to the person's last-known address. Service by mail is complete upon mailing, except where otherwise specifically provided by statute, rule, or order.

11.12(3) *Filing timing.* After the notice of hearing, all pleadings, motions, documents or other papers in a contested case proceeding shall be filed with the division at the address found on the division's website: idob.iowa.gov. All pleadings, motions, documents or other papers that are required to be served upon a party shall be filed simultaneously with the division.

11.12(4) *Filing—how and when made.* Except where otherwise provided by law, a document is deemed filed at the time it is delivered to the division at the address found on the division's website:

idob.iowa.gov, delivered to an established courier service for immediate delivery to that office, mailed by first-class mail or state interoffice mail to that office so long as there is proof of mailing, or delivered by electronic transmission to the email address specified in the notice of hearing. Filing by electronic transmission is complete upon transmission unless the party making the filing learns the attempted filing did not reach the division. The division will not provide a mailed file-stamped copy of documents that are filed by email or other approved electronic means.

11.12(5) *Proof of mailing.* Proof of mailing includes either a legible United States Postal Service postmark on the envelope, a certificate of service, a notarized affidavit, or a certification in substantially the following form:

> I certify under penalty of perjury and pursuant to the laws of Iowa that, on (date of mailing), I mailed copies of (describe document) addressed to the (division office and address) and to the names and addresses of the parties listed below by depositing the same in (a United States post office mailbox with correct postage properly affixed or state interoffice mail).
>
> (Date) (Signature)

11.12(6) *Electronic service.* The presiding officer may by order or a party or a party's attorney may by consent permit service of particular documents by email or similar electronic means unless precluded by a provision of law. In the absence of such an order or consent, electronic transmission shall not satisfy service requirements but may be used to supplement service when rapid notice is desirable. Consent to electronic service by a party or a party's counsel shall be in writing, may be accomplished through electronic transmission to the division and other parties, and shall specify the email address for such service. Service by electronic transmission is complete upon transmission unless the division or party making service learns the attempted service did not reach the party to be served.

187—11.13(17A) Discovery.

11.13(1) Discovery procedures applicable in civil actions are applicable in contested cases. The time frames for discovery established in the Iowa Rules of Civil Procedure govern the discovery procedures in a contested case unless they are lengthened or shortened by the presiding officer.

11.13(2) A party may file a motion to compel or other motion related to discovery in accordance with this subrule. Any motion filed relating to discovery shall allege that the moving party has previously made a good-faith attempt to resolve the discovery issues involved with the opposing party. The presiding officer shall rule on motions in regard to discovery. Opposing parties shall respond within ten days of the filing of the motion unless the time is lengthened or shortened by the presiding officer. The presiding officer may rule on the basis of the written motion and any response or may order argument on the motion.

187—11.14(17A) Subpoenas.

11.14(1) *Issuance.*

a. A division subpoena shall be issued to a party upon written request. In the absence of good cause for permitting later action, a request for a subpoena must be received at least three days before the scheduled hearing. The request shall include the name, address, email address, and telephone number of the requesting party.

b. Except to the extent otherwise provided by law, parties are responsible for service of their own subpoenas and payment of witness fees and mileage expenses.

11.14(2) *Motion to quash or modify.* The presiding officer may quash or modify a subpoena for any lawful reason upon motion in accordance with the Iowa Rules of Civil Procedure. A motion to quash or modify a subpoena shall be set for argument promptly.

187—11.15(17A) Motions.

11.15(1) Prehearing motions must be in writing, state the grounds for relief, and state the relief sought.

11.15(2) Any party may file a written response to a motion within ten days after the motion is served unless the time period is extended or shortened by rules of the division or the presiding officer. The presiding officer may consider a failure to respond within the required time period in ruling on a motion.

11.15(3) The presiding officer may schedule oral argument on any motion.

11.15(4) Motions pertaining to the hearing must be filed and served at least ten days prior to the date of hearing unless there is good cause for permitting later action or the time for such action is lengthened or shortened by rule of the division or an order of the presiding officer.

187—11.16(17A) Prehearing conference and disclosures.

11.16(1) Any party may request a prehearing conference. A written request for prehearing conference or an order for prehearing conference on the presiding officer's own motion shall be filed not less than seven days prior to the hearing date. A prehearing conference shall be scheduled at least three business days prior to the hearing date. Written notice of the prehearing conference shall be given by the presiding officer to all parties. For good cause, the presiding officer may permit variances from this rule.

11.16(2) Each party shall bring to the prehearing conference:

a. A final list of the witnesses who the party anticipates will testify at hearing. Witnesses not listed may be excluded from testifying unless there was good cause for the failure to include their names; and

b. A final list of exhibits that the party anticipates will be introduced at hearing. Exhibits other than rebuttal exhibits that are not listed may be excluded from admission into evidence unless there was good cause for the failure to include them.

Witness or exhibit lists may be amended subsequent to the prehearing conference within the time limits established by the presiding officer at the prehearing conference. Any such amendments must be served on all parties.

11.16(3) In addition to the requirements of subrule 11.16(2), the parties at a prehearing conference may:

a. Enter into stipulations of law or fact;

b. Enter into stipulations on the admissibility of exhibits;

c. Identify matters that the parties intend to request be officially noticed;

d. Enter into stipulations for waiver of any provision of law; and

e. Consider any additional matters that will expedite the hearing.

11.16(4) Prehearing conferences shall be conducted by telephone or other electronic means unless otherwise ordered. Parties shall exchange and receive witness and exhibit lists in advance of a prehearing conference.

11.16(5) The parties shall exchange copies of all exhibits marked for introduction at hearing in the manner provided in subrule 11.21(4) no later than three business days in advance of hearing or as ordered by the presiding officer at the prehearing conference.

187—11.17(17A) Continuances. Unless otherwise provided, applications for continuances shall be made to the presiding officer.

11.17(1) A written application for a continuance shall:

a. Be made at the earliest possible time and no less than seven days before the hearing, except in case of unanticipated emergencies;

b. State the specific reasons for the request; and

c. Be signed by the requesting party or the party's representative.

An oral application for a continuance may be made if the presiding officer waives the requirement for a written motion. However, a party making such an oral application for a continuance must confirm that request by written application within five days after the oral request unless that requirement is waived by the presiding officer. No application for continuance shall be made or granted without notice to all parties, except where notice is not feasible. The division may waive notice of such requests for a particular case or an entire class of cases.

11.17(2) In determining whether to grant a continuance, the presiding officer may consider:

a. Prior continuances;

b. The interests of all parties;

c. The likelihood of informal settlement;

d. The existence of an emergency;

e. Any objection;

f. Any applicable time requirements;

g. The existence of a conflict in the schedules of counsel, parties, or witnesses;

h. The timeliness of the request; and

i. Other relevant factors.

The presiding officer may require documentation of any grounds for continuance.

187—11.18(17A) Withdrawals. A party requesting a contested case proceeding may withdraw that request prior to the hearing. Unless otherwise provided, a withdrawal shall be with prejudice.

187—11.19(17A) Intervention.

11.19(1) *Motion.* A motion for leave to intervene in a contested case proceeding shall state the grounds for the proposed intervention, the position and interest of the proposed intervenor, and the possible impact of intervention on the proceeding. A proposed answer or petition in intervention shall be attached to the motion. Any party may file a response within 14 days of service of the motion to intervene unless the time period is extended or shortened by the presiding officer.

11.19(2) *When filed.* Motion for leave to intervene shall be filed as early in the proceeding as possible to avoid adverse impact on existing parties or the conduct of the proceeding. Unless otherwise ordered, a motion for leave to intervene shall be filed before the prehearing conference, if any, or at least 20 days before the date scheduled for hearing. Any later motion must contain a statement of good cause for the failure to file in a timely manner. Unless inequitable or unjust, an intervenor shall be bound by any agreement, arrangement, or other matter previously raised in the case. Requests by untimely intervenors for continuances that would delay the proceeding will ordinarily be denied.

11.19(3) *Grounds for intervention.* The movant shall demonstrate that:

a. Intervention would not unduly prolong the proceedings or otherwise prejudice the rights of existing parties;

b. The movant is likely to be aggrieved or adversely affected by a final order in the proceeding; and

c. The interests of the movant are not adequately represented by existing parties.

11.19(4) *Effect of intervention.* If appropriate, the presiding officer may order consolidation of the petitions and briefs of different parties whose interests are aligned with each other and limit the number of representatives allowed to participate actively in the proceedings. A person granted leave to intervene is a party to the proceeding. The order granting intervention may restrict the issues that may be raised by the intervenor or otherwise condition the intervenor's participation in the proceeding.

187—11.20(17A) Hearing procedures.

11.20(1) The presiding officer presides at the hearing and may rule on motions, require briefs, issue a proposed decision, and issue such orders and rulings as will ensure the orderly conduct of the proceedings.

11.20(2) All objections shall be timely made and stated on the record.

11.20(3) Parties have the right to participate or to be represented in all hearings or prehearing conferences related to their case. Partnerships, corporations, or associations may be represented by any member, officer, director, shareholder, or duly authorized agent. Any party may be represented by an attorney, or another person authorized by law, at the party's expense.

11.20(4) Subject to terms and conditions prescribed by the presiding officer, parties have the right to introduce evidence on issues of material fact, cross-examine witnesses present at the hearing as necessary for a full and true disclosure of the facts, present evidence in rebuttal, submit briefs, and engage in oral argument.

11.20(5) The presiding officer shall maintain the decorum of the hearing and may refuse to admit or may expel anyone whose conduct is disorderly.

11.20(6) Witnesses may be sequestered during the hearing.

11.20(7) The presiding officer shall conduct the hearing in the following manner:

a. The presiding officer gives an opening statement briefly describing the nature of the proceedings;

b. The parties receive an opportunity to present opening statements;

c. Parties present their cases in the sequence determined by the presiding officer;

d. Each witness will be sworn or affirmed by the presiding officer or the court reporter, and subject to examination and cross-examination. The presiding officer may limit questioning in a manner consistent with law;

e. When all parties and witnesses have been heard, parties may receive the opportunity to present final arguments.

11.20(8) Depositions may be used at hearing to the extent permitted by Iowa Rule of Civil Procedure 1.704.

11.20(9) Witnesses are entitled to be represented by an attorney at their own expense. The attorney may assert legal privileges personal to the client but may not make other objections. The attorney may only ask questions of the client to prevent a misstatement from entering the record.

11.20(10) The parties in a contested case shall be responsible for any witness fees and expenses incurred by witnesses appearing at the contested case hearing unless otherwise specified or allocated in an order. The costs for lay witnesses shall be determined in accordance with Iowa Code section 622.69. The costs for expert witnesses shall be determined in accordance with Iowa Code section 622.72. Witnesses are entitled to reimbursement for mileage and may be entitled to reimbursement for meals and lodging, as incurred.

187—11.21(17A) Evidence.

11.21(1) The presiding officer shall rule on admissibility of evidence and may, where appropriate, take official notice of facts in accordance with all applicable requirements of law.

11.21(2) Stipulation of facts is encouraged. The presiding officer may make a decision based on stipulated facts.

11.21(3) Evidence in the proceeding shall be confined to the issues as to which the parties received notice prior to the hearing unless the parties waive their right to such notice or the presiding officer determines that good cause justifies expansion of the issues. If the presiding officer decides to admit evidence on issues outside the scope of the notice over the objection of a party who did not have actual notice of those issues, that party, upon timely request, shall receive a continuance sufficient to amend pleadings and to prepare for the additional issue.

11.21(4) The party seeking admission of an exhibit must provide opposing parties with an opportunity to examine the exhibit prior to the ruling on its admissibility. Copies of documents should normally be provided to opposing parties. All exhibits admitted into evidence shall be appropriately marked and be made part of the record. The state's exhibits shall be marked numerically, and the applicant's or respondent's exhibits shall be marked alphabetically.

11.21(5) Any party may object to specific evidence or may request limits on the scope of any examination or cross-examination. Such an objection shall be accompanied by a brief statement of the grounds upon which it is based. The objection, the ruling on the objection, and the reasons for the ruling shall be noted in the record. The presiding officer may rule on the objection at the time it is made or may reserve a ruling until the written decision.

11.21(6) Whenever evidence is ruled inadmissible, the party offering that evidence may submit an offer of proof on the record. The party making the offer of proof for excluded oral testimony shall briefly summarize the testimony or, with permission of the presiding officer, present the testimony. If the excluded evidence consists of a document or exhibit, it shall be marked as part of an offer of proof and inserted in the record.

187—11.22(17A) Default.

11.22(1) A presiding officer may enter default in accordance with Iowa Code section 17A.12(3). Where appropriate and not contrary to law, any party may move for default against a party who has requested the contested case proceeding and has failed to file a required pleading or has failed to appear after proper service.

11.22(2) Default decisions or decisions rendered on the merits after a party has failed to appear or participate in a contested case proceeding become final division action unless, within 15 days after the date of notification or mailing of the decision, a motion to vacate is filed and served on all parties or an appeal of a decision on the merits is timely initiated within the time provided by rule 187—11.27(17A). A motion to vacate must state all facts relied upon by the moving party that establish that good cause existed for that party's failure to appear or participate in the contested case proceeding. Each fact so stated must be substantiated by at least one sworn affidavit of a person with personal knowledge of each such fact, which affidavit(s) must be attached to the motion.

11.22(3) The time for further appeal of a decision for which a timely motion to vacate has been filed is stayed pending a decision on the motion to vacate.

11.22(4) Properly substantiated and timely filed motions to vacate shall be granted only for good cause shown. The burden of proof as to good cause is on the moving party. Adverse parties shall have ten days to respond to a motion to vacate. Adverse parties shall be allowed to conduct discovery as to the issue of good cause and to present evidence on the issue prior to a decision on the motion if a request to do so is included in that party's response.

11.22(5) "Good cause" for purposes of this rule shall have the same meaning as "good cause" for setting aside a default judgment under Iowa Rule of Civil Procedure 1.971.

11.22(6) A decision denying a motion to vacate is subject to further appeal within the time limit allowed for further appeal of a decision on the merits in the contested case proceeding. A decision granting a motion to vacate is subject to interlocutory appeal by the adverse party pursuant to rule 187—11.25(17A).

11.22(7) If a motion to vacate is granted and no timely interlocutory appeal has been taken, the presiding officer shall issue another notice of hearing and the contested case shall proceed accordingly.

11.22(8) A default decision may award any relief consistent with the request for relief made in the petition and embraced in its issues.

11.22(9) A default decision may provide either that the default decision is to be stayed pending a timely motion to vacate or that the default decision is to take effect immediately, subject to a request for stay under rule 187—11.29(17A).

187—11.23(17A) Ex parte communication.

11.23(1) Iowa Code section 17A.17 governs ex parte communications in the division's contested cases. This does not prohibit persons jointly assigned tasks related to the contested case from communicating with each other. Nothing in this provision is intended to preclude the presiding officer from communicating with members of the division or seeking the advice or help of persons

other than those with a personal interest in, or those engaged in personally investigating as defined in subrule 11.9(2), prosecuting, or advocating in, either the case under consideration or a pending factually related case involving the same parties as long as those persons do not directly or indirectly communicate to the presiding officer any ex parte communications they have received of a type that the presiding officer would be prohibited from receiving or that furnish, augment, diminish, or modify the evidence in the record.

11.23(2) Prohibitions on ex parte communications commence with the issuance of the notice of hearing in a contested case and continue while the case is pending.

11.23(3) Written, oral, or other forms of communication are "ex parte" if made without notice and opportunity for all parties to participate.

11.23(4) To avoid prohibited ex parte communications, notice must be given in a manner reasonably calculated to give all parties a fair opportunity to participate. Notice of written communications shall be provided in compliance with rule 187—11.12(17A) and may be supplemented by telephone, electronic mail, or other means of notification. Where permitted, oral communications may be initiated through conference telephone call or other electronic means including all parties or their representatives.

11.23(5) Persons who jointly act as presiding officer in a pending contested case may communicate with each other without notice or opportunity for parties to participate.

11.23(6) The superintendent or other persons may be present in deliberations or otherwise advise the presiding officer without notice or opportunity for parties to participate as long as they are not disqualified from participating in the making of a proposed or final decision under any provision of law and they comply with subrule 11.23(1).

11.23(7) Communications with the presiding officer involving uncontested scheduling or procedural matters do not require notice or opportunity for parties to participate. Parties should notify other parties prior to initiating such contact with the presiding officer, when feasible, and shall notify other parties when seeking to continue hearings or other deadlines pursuant to rule 187—11.17(17A).

11.23(8) A presiding officer who receives a prohibited ex parte communication during the pendency of a contested case must initially determine if the effect of the communication is so prejudicial that the presiding officer should be disqualified. If the presiding officer determines that disqualification is warranted, a copy of any prohibited written communication, all written responses to the communication, a written summary stating the substance of any prohibited oral or other communication not available in written form for disclosure, all responses made, and the identity of each person from whom the presiding officer received a prohibited ex parte communication shall be submitted for inclusion in the record under seal by protective order. If the presiding officer determines that disqualification is not warranted, the procedures indicated in Iowa Code section 17A.17(4) apply.

11.23(9) Presiding officers shall disclose pre-assignment ex parte communications in accordance with Iowa Code section 17A.17(3). Factual information contained in an investigative report or similar document need not be separately disclosed by the presiding officer as long as such documents have been or will shortly be provided to the parties.

11.23(10) The presiding officer may render a proposed or final decision imposing appropriate sanctions for violations of this rule including default, a decision against the offending party, censure, or suspension or revocation of the privilege to practice before the division. Violation of ex parte communication prohibitions by division personnel shall be reported to the superintendent for possible sanctions including censure, suspension, dismissal, or other disciplinary action.

187—11.24(17A) Recording costs. Upon request, the division shall provide a copy of the whole or any portion of the record at cost. The cost of preparing a copy of the record or of transcribing the hearing record shall be paid by the requesting party. Parties who request that a hearing be recorded by certified shorthand reporters rather than by electronic means shall bear the cost of that recording unless otherwise provided by law.

187—11.25(17A) Interlocutory appeals. Upon written request of a party or on its own motion, the superintendent may review an interlocutory order of the presiding officer. In determining whether to do so, the superintendent shall weigh the extent to which its granting the interlocutory appeal would expedite final resolution of the case and the extent to which review of that interlocutory order by the division at the time it reviews the proposed decision of the presiding officer would provide an adequate remedy. Any request for interlocutory review must be filed within 14 days of issuance of the challenged order, but no later than the time for compliance with the order or the date of hearing, whichever is first.

187—11.26(17A) Final decision.

11.26(1) When the superintendent presides over the reception of evidence at the hearing, the superintendent's decision is a final decision.

11.26(2) When the superintendent does not preside at the reception of evidence, the presiding officer shall make a proposed decision. The proposed decision becomes the final decision of the division without further proceedings unless there is an appeal to, or review on motion of, the superintendent within the time provided in rule 187—11.27(17A).

187—11.27(17A) Appeals and review.

11.27(1) *Appeal by party.* Any adversely affected party may appeal a proposed decision to the superintendent within 30 days after issuance of the proposed decision. Such an appeal is required to exhaust administrative remedies and is a jurisdictional prerequisite to seeking judicial review.

11.27(2) *Review.* The superintendent may initiate review of a proposed decision on the superintendent's own motion at any time within 30 days following the issuance of such a decision.

11.27(3) *Notice of appeal.* An appeal of a proposed decision is initiated by filing a timely notice of appeal with the division. The notice of appeal must be signed by the appealing party or a representative of that party and contain a certificate of service. The notice shall specify:

a. The parties initiating the appeal;

b. The proposed decision or order appealed from;

c. The specific findings or conclusions to which exception is taken and any other exceptions to the decision or order;

d. The relief sought;

e. The grounds for relief.

11.27(4) *Requests to present additional evidence.* 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. A written request to present additional evidence must be filed with the notice of appeal or, by a nonappealing party, within 14 days of service of the notice of appeal. The superintendent may remand a case to the presiding officer for further hearing or may personally preside at the taking of additional evidence.

11.27(5) *Scheduling.* The division shall issue a schedule for consideration of the appeal.

11.27(6) *Briefs and arguments.* Unless otherwise ordered, within 20 days of the notice of appeal or order for review, each appealing party may file exceptions and briefs. Within 20 days thereafter, any party may file a responsive brief. Briefs shall cite any applicable legal authority and specify relevant portions of the record in that proceeding. Written requests to present oral argument shall be filed with the briefs. The superintendent may resolve the appeal on the briefs or provide an opportunity for oral argument. The superintendent may shorten or extend the briefing period as appropriate.

187—11.28(17A) Applications for rehearing.

11.28(1) *Who may file.* Any party to a contested case proceeding may file an application for rehearing from a final order.

11.28(2) *Application contents.* The application for rehearing shall state on whose behalf it is filed, the specific grounds for rehearing, and the relief sought. In addition, the application shall state whether the applicant desires reconsideration of all or part of the division decision on the existing record and whether, on the basis of the grounds enumerated in subrule 11.27(4), the applicant requests an opportunity to submit additional evidence.

11.28(3) *Time of filing.* The application shall be filed with the division of banking within 20 days after issuance of the final decision.

11.28(4) *Notice to other parties.* A copy of the application shall be timely mailed by the applicant to all parties of record not joining therein. If the application does not contain a certificate of service, the division of banking shall serve copies on all parties.

11.28(5) *Disposition.* Any application for a rehearing shall be deemed denied unless the division grants the application within 20 days after its filing.

187—11.29(17A) Stays of division actions.

11.29(1) *When available.*

a. Any party to a contested case proceeding may petition the division of banking for a stay of an order issued in that proceeding or for other temporary remedies, pending review by the division. The petition shall be filed with the notice of appeal and shall state the reasons justifying a stay or other temporary remedy. The superintendent may rule on the stay or authorize the presiding officer to do so.

b. Any party to a contested case proceeding may petition the division of banking for a stay or other temporary remedies pending judicial review of all or part of that proceeding. The petition shall state the reasons justifying a stay or other temporary remedy. Seeking a stay from the division is required to exhaust administrative remedies prior to seeking a stay from the district court.

11.29(2) *When granted.* In determining whether to grant a stay, the presiding officer or superintendent shall consider the factors listed in Iowa Code section 17A.19(5)*"c."*

11.29(3) *Vacation.* A stay may be vacated by the issuing authority upon application of the division or any other party.

187—11.30(17A) No factual dispute contested cases. If the parties agree that no dispute of material fact exists as to a matter that would be a contested case if such a dispute of fact existed, the parties may present all relevant admissible evidence either by stipulation or otherwise as agreed by the parties, without necessity for the production of evidence at an evidentiary hearing. If such agreement is reached, a jointly submitted schedule detailing the method and timetable for submission of the record, briefs, and oral argument should be submitted to the presiding officer for approval as soon as practicable. If the parties cannot agree, any party may file and serve a motion for summary judgment pursuant to the rules governing such motions.

187—11.31(17A) Emergency adjudicative proceedings.

11.31(1) *Necessary emergency action.* To the extent necessary to prevent or avoid immediate danger to the public health, safety, or welfare and consistent with the Constitution and other provisions of law, the superintendent may issue a written order in compliance with Iowa Code section 17A.18A to suspend a license in whole or in part, order the cessation of any continuing activity, order affirmative action, or take other action within the jurisdiction of the superintendent by emergency adjudicative order. Before issuing an emergency adjudicative order the superintendent shall consider factors including but not limited to the following:

a. Whether there has been a sufficient factual investigation to ensure that the division is proceeding on the basis of reliable information;

b. Whether the specific circumstances that pose immediate danger to the public health, safety, or welfare have been identified and determined to be continuing;

c. Whether the person required to comply with the emergency adjudicative order may continue to engage in other activities without posing immediate danger to the public health, safety, or welfare;

d. Whether imposition of monitoring requirements or other interim safeguards would be sufficient to protect the public health, safety, or welfare; and

e. Whether the specific action contemplated by the division is necessary to avoid the immediate danger.

11.31(2) *Issuance of order.*

a. An emergency adjudicative order shall contain findings of fact, conclusions of law, and policy reasons to justify the determination of an immediate danger in the superintendent's decision to take immediate action.

b. The written emergency adjudicative order shall be immediately delivered to persons who are required to comply with the order by utilizing one or more of the following procedures:

(1) Personal delivery;

(2) Certified mail, return receipt requested, to the last address on file with the division;

(3) Certified mail to the last address on file with the division;

(4) First-class mail to the last address on file with the division; or

(5) Electronic service. Fax or email may be used as the sole method of delivery if the person required to comply with the order has filed a written request that division orders be sent by fax or email and has provided a fax number or email address for that purpose.

c. To the degree practicable, the division shall select the procedure for providing written notice that best ensures prompt, reliable delivery.

11.31(3) *Oral notice.* Unless the written emergency adjudicative order is provided by personal delivery on the same day that the order issues, the division shall make reasonable immediate efforts to contact by telephone or email the persons who are required to comply with the order.

11.31(4) *Completion of proceedings.* After the issuance of an emergency adjudicative order, the division shall proceed as quickly as feasible to complete any proceedings that would be required if the matter did not involve an immediate danger. Issuance of a written emergency adjudicative order shall include notification of the date on which division proceedings are scheduled for completion. After issuance of an emergency adjudicative order, continuance of further division proceedings to a later date will be granted only in compelling circumstances upon application in writing.

These rules are intended to implement Iowa Code chapter 17A.

Regulatory Analysis

Notice of Intended Action to be published: 187—Chapter 12
"Uniform Waiver Rules"

Iowa Code section(s) or chapter(s) authorizing rulemaking: 524.213

State or federal law(s) implemented by the rulemaking: Iowa Code chapter 524 and section 17A.9A

Public Hearing

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

December 16, 2025 9 a.m.	Suite 300 200 East Grand Avenue Des Moines, Iowa
December 18, 2025 9 a.m.	Suite 300 200 East Grand Avenue Des Moines, Iowa

Public Comment

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

Zak Hingst
200 East Grand Avenue, Suite 300
Des Moines, Iowa 50309-1827
Phone: 515.242.0332
Email: zak.hingst@idob.state.ia.us

Purpose and Summary

Pursuant to Executive Order 10 (January 10, 2023), the Division proposes to rescind Chapter 12 and adopt a new chapter in lieu thereof. This rulemaking eliminates language that is duplicative of statutory language, eliminates unnecessary and inconsistent language, removes unnecessarily restrictive terms, and updates outdated language.

Analysis of Impact

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

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

The proposed rulemaking does not impose any additional costs on petitioners requesting waiver of an administrative rule compared to the existing Chapter 12.

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

People who request a waiver of administrative rules may benefit from the improved clarity of the new 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:**

Petitioners requesting a waiver of administrative rules may incur costs to draft the petition for a waiver. The amount of those costs will vary depending on the complexity of the relevant issues and the compensation of staff or service providers who prepare and draft the waiver request.

- **Qualitative description of impact:**

The proposed rulemaking clarifies the Division's processes for considering waiver request.

3. **Costs to the State:**

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

The Division incurs staff time to implement the waiver process, including time to review petitions for waiver. If the petition for waiver is filed within a contested case hearing, staff time is required to hold a hearing in accordance with contested case hearing procedures.

- **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 petitioners requesting waiver of administrative rules compared to the existing Chapter 12, and there is minimal change to the costs and benefits.

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

The Division has not identified any less costly or less intrusive methods of addressing petitions for waiver of administrative rules.

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

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

The Division did not consider any alternative methods.

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

The Division did not consider any alternative methods because the Division did not identify a less costly or intrusive method of addressing requests for waivers of administrative rules.

Small Business Impact

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

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

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

The proposed rules do not have a substantial impact on small business. The rules do not establish compliance or reporting requirements, nor do they establish design or operational standards.

Text of Proposed Rulemaking

ITEM 1. Rescind 187—Chapter 12 and adopt the following **new** chapter in lieu thereof:

CHAPTER 12
UNIFORM WAIVER RULES

187—12.1(17A,524) Scope of chapter. This chapter outlines a uniform process for the granting of waivers from rules adopted by the superintendent in situations where no other more specifically applicable law provides for waivers. This chapter shall not apply to rules that merely define the meaning of a statute or other provision of law or precedent if the division does not possess delegated authority to bind the courts to any extent with its definition. To the extent another more specific provision of law governs the issuance of a waiver from a particular rule, the more specific provision shall supersede this chapter with respect to any waiver from that rule.

12.1(1) *Definitions.*

"Person" means the same as defined in Iowa Code section 17A.2(9).

"Superintendent" means the superintendent of banking as defined in Iowa Code section 524.201.

"Waiver" means the same as defined in Iowa Code section 17A.9A(5).

12.1(2) *Applicability.* The superintendent may grant a waiver of a rule as permitted by Iowa Code section 17A.9A.

187—12.2(17A,524) Superintendent discretion. The decision on whether the circumstances justify the granting of a waiver shall be made at the discretion of the superintendent upon consideration of all relevant factors. Each petition for a waiver shall be evaluated by the superintendent based on the unique, individual circumstances set out in the petition.

12.2(1) *Criteria for waiver.* The superintendent may issue an order granting a waiver from a rule, in whole or in part, as applied to the circumstances of a specified situation if the superintendent finds all of the following based on clear and convincing evidence:

a. Applying the rule would result in an undue hardship on the person for whom the waiver is requested;

b. Waiver from the requirements of the rule in the specific case would not prejudice the substantial legal rights of any person;

c. Provisions of the rule subject to the petition for waiver are not specifically mandated by statute or another provision of law; and

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

In determining whether a waiver should be granted, the superintendent shall consider the public interest, policies and legislative intent of the statute on which the rule is based. When the rule from which a waiver is sought establishes administrative deadlines, the superintendent shall balance the special individual circumstances of the petitioner with the overall goal of uniform treatment of all similarly situated persons.

12.2(2) *Special waiver rules not precluded.* These uniform waiver rules shall not preclude the superintendent from granting waivers in other contexts if a statute or other rule authorizes the superintendent to do so and the superintendent deems it appropriate to do so.

187—12.3(17A,524) Filing of petition.

12.3(1) *Application.* All petitions for waiver must be submitted in writing to the division at the address found on the division's website: idob.iowa.gov. If the petition relates to a pending contested case, a copy of the petition shall also be filed in the contested case proceeding.

12.3(2) *Content of petition.* A petition for waiver shall include the following information where applicable and known to the requester and must substantially conform to the following form:

BEFORE THE IOWA SUPERINTENDENT OF BANKING

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

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

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

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

d. The relevant facts that the petitioner believes would justify a waiver under each of the criteria specified subrule 12.2(1).

e. 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.

f. A history of any prior contacts between the superintendent and the petitioner relating to the regulated activity, license, grant, loan, or other financial assistance affected by the proposed waiver, including a description of each affected license, grant, loan, or other financial assistance held by the requester, any notices of violation, contested case hearings, or investigative or examination reports relating to the regulated activity, license, grant, or loan within the past five years.

g. Any information known to the petitioner regarding the superintendent's treatment of similar cases.

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

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

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

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

12.3(3) *Burden of persuasion.* The petitioner bears the burden of persuasion to demonstrate by clear and convincing evidence that the superintendent should exercise the superintendent's discretion to grant the petitioner a waiver.

187—12.4(17A,524) Notice. The superintendent shall acknowledge a petition upon receipt. Within 30 days of the receipt of the petition, the division will provide notice of the pendency of the petition and a copy of the petition or a concise summary of its contents to all persons to whom notice is required by any provision of law. The superintendent may give notice to other persons. To accomplish this provision, the superintendent may require the petitioner to serve the notice on all persons to whom notice is required by any provision of law and provide a written statement to the superintendent attesting that notice has been provided.

187—12.5(17A,524) Superintendent's responsibilities regarding petition for waiver.

12.5(1) *Additional information.* Prior to issuing an order granting or denying a waiver, the superintendent 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 superintendent may, on the superintendent's own motion or at the petitioner's request, schedule a telephonic or in-person meeting between the petitioner and the superintendent or the superintendent's designee.

12.5(2) *Hearing procedures.* The provisions of Iowa Code sections 17A.10 through 17A.18A regarding contested case hearings shall apply to the following:

a. When any petition for a waiver of a rule is filed within a contested case;

b. When the superintendent so provides by rule or order; or

c. When a statute so requires.

12.5(3) *Ruling.* An order granting or denying a waiver shall be in writing and contain a reference to the particular person and rule or portion thereof to which the order pertains, a statement of the relevant facts and reasons upon which the action is based, and a description of the precise scope and operative period of the waiver if one is issued.

12.5(4) *Conditions.* The superintendent may place any condition on a waiver that the superintendent finds desirable to protect the public health, safety, and welfare.

12.5(5) *Narrowly tailored exception.* A waiver, if granted, shall provide the narrowest exception possible to the provisions of a rule.

12.5(6) *Time period of waiver.* A waiver shall not be permanent unless the petitioner can show that a temporary waiver would be impracticable. If a temporary waiver is granted, there is no automatic right to renewal. At the sole discretion of the superintendent, a waiver may be renewed if the superintendent finds that grounds for a waiver continue to exist.

12.5(7) *Time for ruling.* The superintendent shall grant or deny a petition for a waiver as soon as practicable but, in any event, shall do so within 120 days of its receipt, unless the petitioner agrees to a later date. However, if a petition is filed in a contested case, the superintendent shall grant or deny the petition no later than the time at which the final decision in that contested case is issued. Failure of the superintendent to grant or deny a petition within the required time period shall be deemed a denial of that petition by the superintendent.

12.5(8) *Service of order.* Within seven days of its issuance, the superintendent shall transmit an order issued under this chapter to the petitioner or any other person entitled to such notice.

187—12.6(17A,524) Public availability. The division will comply with the public availability and filing procedures of Iowa Code section 17A.9A(4). Petitions for a waiver and orders granting or denying a waiver petition are public records under Iowa Code chapter 22. Some petitions or orders may contain information that the superintendent is authorized or required to keep confidential. The superintendent may accordingly redact confidential information from petitions or orders prior to public inspection.

187—12.7(17A,524) Voiding or cancellation. A waiver is void if the material facts upon which the request or petition is based are not true or if material facts have been withheld. The superintendent may withdraw, cancel, or modify a waiver if, after appropriate notice and opportunity for hearing, the superintendent issues an order finding any of the following:

1. Any material facts have been withheld;
2. 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
3. The requestor has failed to comply with any conditions contained in the order.

187—12.8(17A,524) Violations. Violation of conditions in the waiver order is the equivalent of a violation of the particular rule for which the waiver is granted and is subject to the same remedies or penalties.

187—12.9(17A,524) Defense. After the superintendent issues an order granting a waiver, the order is a defense within its terms and the specific facts indicated therein for the person to whom the order pertains in any proceeding in which the rule in question is sought to be invoked.

187—12.10(17A,524) Appeals. Granting or denying a request for waiver is final agency action under Iowa Code chapter 17A. An appeal to district court shall be taken within 30 days of the issuance of the order in response to the request unless a contrary time is provided by rule or statute.

These rules are intended to implement Iowa Code section 17A.9A and chapter 524.

Regulatory Analysis

Notice of Intended Action to be published: 187—Chapter 15
"Regulated Loans"

Iowa Code section(s) or chapter(s) authorizing rulemaking: 524.213, 536.21, and 536.30
State or federal law(s) implemented by the rulemaking: Iowa Code chapters 17A and 536

Public Hearing

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

December 16, 2025 9 a.m.	Suite 300 200 East Grand Avenue Des Moines, Iowa
December 18, 2025 9 a.m.	Suite 300 200 East Grand Avenue Des Moines, Iowa

Public Comment

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

Zak Hingst
200 East Grand Avenue, Suite 300
Des Moines, Iowa 50309-1827
Phone: 515.242.0332
Email: zak.hingst@idob.state.ia.us

Purpose and Summary

Pursuant to Executive Order 10, the Division proposes to rescind Chapter 15 and adopt a new chapter in lieu thereof. The new chapter eliminates language that is duplicative of statutory language, eliminates unnecessary and inconsistent language, removes unnecessarily restrictive terms, and updates outdated language.

Analysis of Impact

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

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

Licensed regulated loan companies will bear the costs of this proposed rulemaking.

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

Licensed regulated loan companies will benefit from the improved clarity of this proposed rulemaking regarding the expectations for obtaining and maintaining a license required by Iowa Code chapter 536. Iowa borrowers will also benefit from the Division's ability to adequately supervise licensees under these proposed 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:**

People interested in obtaining and maintaining a regulated loan license may incur costs to prepare and submit the required application materials and renewal materials. The amount of those costs will vary depending on the complexity of the issues and the compensation of staff or service providers that prepare the materials. Licensees and prospective licensees will also have to pay fees associated with use of the Nationwide Mortgage Licensing System and Registry (NMLS), a nationwide online application and licensing system operated and maintained by the states, that streamlines, for licensees and for states, the process of obtaining and maintaining a license in multiple states.

- **Qualitative description of impact:**

This proposed rulemaking provides clarity about the process of applying for a regulated loan license and renewing a regulated loan license, the Division's standards for reviewing and responding to those applications, and compliance expectations for licensees, particularly records that must be kept to facilitate the Division's examination and supervision of licensees.

3. **Costs to the State:**

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

The Division incurs staff time to review and respond to license and renewal applications and to conduct examinations and investigations.

- **Anticipated effect on State revenues:**

This 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:**

This proposed rulemaking does not impose any additional costs on licensees or prospective licensees compared to the existing Chapter 15 and benefits licensees and prospective licensees by providing clarity about the process and requirements associated with applying for and maintaining a regulated loan license for which the Division's approval is statutorily required. The cost of inaction would be lack of guidance and clarity for licensees and prospective licensees interested in obtaining and maintaining a regulated loan license and doing business in Iowa, which would engender confusion about the applicable process and expectations for obtaining and maintaining that approval.

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

The Division did not identify any less costly methods or less intrusive methods to achieve the purposes of this proposed rulemaking since NMLS is a more cost-effective method, for states and for licensees, of accepting and reviewing license applications and related materials than the Division developing a separate licensing system.

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

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

The Division did not consider any alternative methods.

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

Because the Division did not consider any less costly or less intrusive methods of achieving the purposes of this proposed rulemaking, the Division did not consider any alternative 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?

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

Text of Proposed Rulemaking

ITEM 1. Rescind 187—Chapter 15 and adopt the following **new** chapter in lieu thereof:

CHAPTER 15
REGULATED LOANS

187—15.1(17A,536) Definitions. For the purposes of this chapter, the definitions in Iowa Code chapter 536 shall apply. In addition, unless the context otherwise requires:

"NMLS" means "nationwide mortgage licensing system and registry" as defined in Iowa Code section 536.11.

"Regulated loan" means a loan made by a licensee acting under the terms of the Iowa regulated loan Act.

187—15.2(17A,536) Utilization of NMLS.

15.2(1) All application and licensing information shall be submitted through NMLS, including but not limited to the following: original application information; changes in application information; license renewal information; changes in name, location, and control; and notices of significant events.

15.2(2) The applicant or licensee shall pay any fees required by NMLS, including but not limited to the following: initial set-up fee and annual processing fees, background check fees, credit background check fees, and a loan sponsorship transfer fee.

187—15.3(17A,536) Application for license.

15.3(1) An application for a license to operate a regulated loan business in Iowa shall be submitted to the superintendent, on the form provided and with the information requested, through NMLS. The superintendent may consider an application withdrawn if it does not contain all required information and the missing information is not submitted to the superintendent within 30 days after the superintendent requests the missing information. The applicant may also request that the application be withdrawn at any time before the superintendent has decided to grant or deny the application.

15.3(2) Each officer, director, and individual who has control of an applicant must provide fingerprints, authorize a fingerprint background check through NMLS, and pay the appropriate fees for the purpose of conducting a national criminal history background check through the Federal Bureau of Investigation (FBI).

15.3(3) The applicant must submit the application fee and the initial license fee specified in Iowa Code section 536.2. The superintendent shall refund the initial license fee if the application is denied, but the application fee is not subject to refund.

15.3(4) If any information material to the application changes after the applicant files the initial application, the applicant shall provide updated information to the superintendent within ten days of the change. When such a material change in information has occurred, the superintendent may deny an application if the applicant fails to provide updated information within the prescribed time frame.

15.3(5) An applicant for a regulated loan company license must file with the superintendent a bond complying with the provisions of Iowa Code section 536.3. For an applicant or a licensee

who does not make, arrange, broker, process, or underwrite any residential mortgage loans as defined in Iowa Code section 535D.3(13), the bond shall be in the amount of $25,000. For an applicant or a licensee who makes, brokers, processes, or underwrites residential mortgage loans as defined in Iowa Code section 535D.3(13), the bond amount required to be filed and maintained shall be set and adjusted annually by March 31 using the following scale, based on the volume of residential mortgage loans made, originated, arranged, brokered, processed, and underwritten by the applicant or licensee during the preceding calendar year:

Loans	Bond Amount
$0 – $5,000,000	$25,000
$5,000,001 – $20,000,000	$50,000
$20,000,001 – $50,000,000	$75,000
$50,000,001 – $100,000,000	$100,000
Over $100,000,000	$150,000

187—15.4(17A,536) Grounds for approval or denial.

15.4(1) The superintendent shall approve or deny a license application in accordance with the provisions of Iowa Code section 536.4.

15.4(2) The following may be considered evidence that the business of the applicant may not be operated lawfully and honestly within the purposes of Iowa Code chapter 536 and may therefore be considered grounds for denial of an application:

a. An applicant, or an officer, director, or individual who has control of an applicant, has had a mortgage loan originator license or any lending license revoked in any governmental jurisdiction.

b. An applicant, or an officer, director, or individual who has control of an applicant, has been convicted of, or has pleaded guilty or no contest to, a felony in a domestic, foreign, or military court if such felony involved an act of fraud, dishonesty, or breach of trust, or money laundering.

187—15.5(17A,536) Renewal of license.

15.5(1) A licensee must renew a license before the expiration date of the license to remain authorized to make regulated loans. A license expires on the next December 31 after the license is issued, but a license granted on or after November 1 but before January 1 does not expire until December 31 of the following year.

15.5(2) An application to renew a license shall be submitted to the superintendent, on the form provided and with the information requested, including any material change to information contained in the original application, through NMLS by December 1 of the year of expiration.

15.5(3) The superintendent shall grant an application to renew a license if:

a. The licensee submits the application and the appropriate renewal fee by December 1 or the licensee submits the application after December 1 but before January 1 and pays the appropriate renewal fee and the appropriate late fee;

b. The application is fully completed and includes all necessary information; and

c. The application does not reveal grounds to deny a license.

15.5(4) The superintendent may reject for processing a renewal application submitted after December 31 or treat such an application as an application for a new license.

187—15.6(17A,536) Changes in the licensee's name, location, or control; fees.

15.6(1) A licensee wishing to change the name or location of a regulated loan business shall notify the superintendent through NMLS at least 30 days prior to the effective date of the requested change and submit the appropriate fee. The notice shall include proof that the licensee has either obtained a new bond or amended the existing bond to reflect the new name or location.

15.6(2) When a change of control of a licensee is proposed, the party that will assume control of the licensee shall give notice to the superintendent through NMLS at least 60 days before the

proposed change will take effect. The party that will assume control of the licensee shall furnish the superintendent through NMLS with the same information required of initial applicants for a license, along with the appropriate fee. The party that will assume control may be required to provide fingerprints, authorize a fingerprint background check through NMLS, and pay the appropriate fees for the purpose of conducting a national criminal history background check through the FBI. The superintendent shall approve or deny the request in accordance with the provisions of Iowa Code section 536.4 and rule 187—15.4(17A,536).

187—15.7(17A,536) Notice of significant events. A licensee shall notify the administrator in writing within ten days of the occurrence of any of the following events:

15.7(1) The licensee or any of the licensee's officers, directors, principal stockholders, or affiliates file for bankruptcy protection.

15.7(2) A prosecuting authority files criminal charges against the licensee or any of a licensee's officers, directors, principal stockholders, or affiliates.

15.7(3) Another state or jurisdiction institutes license denial, cease and desist, suspension, or revocation procedures, or other formal or informal regulatory action against the licensee or any of the licensee's officers, directors, principal stockholders, or affiliates.

15.7(4) The attorney general of Iowa, the Federal Trade Commission, or the enforcer of the consumer protection laws of any other jurisdiction initiates an action to enforce any consumer protection laws against the licensee or any of the licensee's officers, directors, principal stockholders, or affiliates.

187—15.8(17A,536) Administrative fees.

15.8(1) *Late fees for failing to respond.* In the process of administering Iowa Code chapter 536, the superintendent may require a person to provide a response to a formal order, an examination, or a complaint inquiry. If the person fails to respond within 30 days of the request, the superintendent may assess a penalty of $10 per day after the initial 30 days.

15.8(2) *NMLS system processing fees.* The applicant or licensee shall pay any fee required by NMLS or attributed to the licensee's record in NMLS pursuant to rule 187—15.2(17A,536).

187—15.9(17A,536) Licensee records.

15.9(1) *General records requirements.* A licensee must keep records that allow the superintendent to determine the licensee's compliance with relevant statutes and regulations.

a. The licensee may keep the records as a hard copy or in an electronic equivalent.

b. The licensee shall maintain all books and records in good order and produce books and records for the superintendent upon request.

c. The obligation to maintain records continues even after the licensee ceases business operations in Iowa and turns in or surrenders the licensee's license. The owners and directors of the licensee are responsible for ensuring that this requirement is met.

15.9(2) *Required records.* A licensee shall keep, at the licensee's principal place of business, a loan register, an account ledger, an account ledger control, a loan file, an index, and a disbursement voucher.

15.9(3) *Loan register.* The loan register shall be kept chronologically in the order the loans closed and include the following information for every loan that is made: the account number, the date of the transaction, the name of the borrower, and the amount financed.

15.9(4) *Account ledger.*

a. An individual account ledger shall be kept for each account and show at least the loan number; name and address of the borrower; date of loan; date of first payment; date of final payment; terms of repayment, including maturity date, amount financed, total of payments, face amount of note if different from amount financed or total payments, cash advanced to borrower, cash advanced to pay balance of previous regulated loan, interest or discount charge, service charge, attorney fee, fee paid

or to be paid to a public official for recording or filing a mortgage or for satisfying a judgment or lien on any real or personal property securing the loan, nature of security, type and cost of each credit insurance policy and any other insurance policy with each premium stated separately; and name of each endorser, comaker or surety.

b. All payments shall be posted on the account ledger as of the date received. Corrections to the transaction history in the account ledger shall be made by corrective entry and not by erasure. The entries on the account ledger shall correspond with the receipts given to the borrower.

c. If payment is made in any way other than in the ordinary course of business, the method of payment shall be so designated on the account ledger. When a death claim is filed, the exact date of death is to be recorded on the account ledger.

d. The account ledger for an interest-bearing loan shall show the amount of the loan if different from the amount financed, the amount and date of each payment received, the allocation of the payment to principal and interest, and the remaining principal balance. If a portion of the interest earned is not paid at the time payment is made, the account ledger for an interest-bearing loan must show either the date to which interest is paid or the amount of interest then due but unpaid.

e. The account ledger for a precomputed loan shall show the actual amount of the loan, excluding the precomputed interest; the amount of the precomputed interest and the face amount of the note, including interest; the amount and date of each payment applied to the note; the unpaid balance of the note after application of such payment; and the type and amount of any additional charges collected or assessed. If a deferment charge is collected in whole or in part, the account ledger shall indicate any uncollected portion of the deferment charge, the particular installment deferred, the number of times deferred, and the date of the final installment.

f. When any loan is prepaid in full, the account ledger must show the date of prepayment, the amount paid to discharge the loan, the amount of the interest rebate, and any deduction from the rebate for previously earned but uncollected charges, and refunds of the unearned premiums of each credit insurance policy or other insurance policy. Each insurance refund shall be separately recorded on the account ledger.

g. Account ledgers relating to each type of business operation must be filed in separate groups. Paid-in-full and renewed account ledgers must also be filed in a similar manner and be retained from one examination to the next. After the examination, the account ledgers may be filed in a permanent file.

15.9(5) *Account ledger control.* A record showing the total number of accounts and total amount receivable for each type of business shall be maintained in the licensed office and posted either daily or weekly.

15.9(6) *Loan file.* A separate file shall be maintained for each borrower in the office where the loan is outstanding. Such file shall contain the note, security agreement, wage assignment, and all other evidence of indebtedness or security pertaining to the loan except when the note is kept in a separate promissory note file or when said papers are in custody of a court or an agent for collection or are hypothecated. When a borrower is also a comaker, guarantor or endorser on another loan, the file of such borrower shall be cross-referenced to the other unless such cross-referencing is included on the alphabetical record required by subrule 15.9(7) or on the individual account ledger required by subrule 15.9(4). All instruments taken in connection with a loan and signed by a borrower must bear the loan number.

15.9(7) *Index.* An alphabetical record shall be maintained and show the name of each borrower, endorser, comaker, or surety that is currently indebted to the licensee, together with sufficient information to locate the account ledger.

15.9(8) *Disbursement voucher.* Licensees shall use, in conjunction with each loan, a disbursement voucher or equivalent document showing a detailed itemization of the distribution of the loan proceeds.

15.9(9) *Denial file.* For each application the licensee denies, the licensee shall retain a copy of the application and a copy of the adverse action notice. The licensee may maintain this information in one file in either alphabetical or chronological order.

15.9(10) *General business records.* A licensee must keep the following general business records for at least 36 months:

a. All checkbooks, check registers, bank statements, deposit slips, withdrawal slips, and canceled checks (or copies thereof) relating to the regulated loan business of the licensee.

b. Complete records (including invoices and supporting documentation) for all expenses and fees paid on behalf of each loan applicant, including a record of the date and amount of all such payments actually made by each loan applicant.

c. Copies of all federal tax withholding forms, reports of income for federal taxation, and evidence of payments to all employees, independent contractors, and others compensated by a licensee in connection with the conduct of the regulated loan business.

d. All correspondence and other records relating to the maintenance of any bond required by Iowa Code chapter 536.

e. Copies of all reports of audits, examinations, inspections, reviews, investigations, or other similar functions performed by any third party, including but not limited to the superintendent or any other regulatory or supervisory authority.

f. Copies of all advertisements and solicitations concerning regulated loans directed at Iowa residents, including advertisements and solicitations on the internet or by other electronic means, in the format in which the advertisements and solicitations were published or distributed. An advertisement shall clearly show the licensee's unique NMLS identification number.

15.9(11) *Disposal of records.* If a licensee or former licensee disposes of records at the end of the retention period, the licensee or former licensee shall dispose of the records in a reasonable manner that safeguards any "identification information" as defined in Iowa Code section 715A.8(1)*"a."* The owners and directors of licensees and former licensees are responsible for ensuring that this requirement is met.

187—15.10(17A,536) Complaints and investigations.

15.10(1) The superintendent may, at any time and as often as the superintendent deems necessary, investigate or examine a licensee pursuant to Iowa Code section 536.10, including investigating complaints about, or alleged violations by, any licensee.

15.10(2) A complaint or alleged violation means:

a. A written complaint received from a consumer, member of the public, employee, business affiliate, or other governmental agency.

b. Notice to the superintendent from any source that the licensee has been the subject of disciplinary proceedings in another jurisdiction.

c. Notice to the superintendent from any source that an individual with control of the licensee has been convicted of forgery, embezzlement, obtaining money under false pretenses, extortion, conspiracy to defraud, or other similar offense in a court of competent jurisdiction in this state or in any other state, territory, or district of the United States, or in any foreign jurisdiction.

187—15.11(17A,536) Disciplinary action.

15.11(1) Grounds for discipline. The superintendent may impose any of the disciplinary sanctions set out in Iowa Code section 536.9(2) when the superintendent makes any of the findings in Iowa Code section 536.9(1) or when the superintendent finds any of the following:

a. The licensee has abandoned the licensee's place of business for 60 or more days.

b. The licensee fails to respond to an inquiry from the superintendent within 30 days of the date the superintendent mails a written communication directed to the licensee's last-known address on file with the superintendent.

c. Another state or jurisdiction has denied, suspended, revoked, or refused to renew the licensee's license, registration, or authorization to engage in the business of making loans under the other state's or jurisdiction's law.

15.11(2) The superintendent shall not refund the license fee, in whole or in part, of a license that has been suspended, revoked, or surrendered.

187—15.12(17A,536) Annual report. Licensees must file with the superintendent an annual report as required by Iowa Code section 536.11(2), and the superintendent may assess a late fee of $10 for each day a licensee's annual report is delinquent. The information contained in the annual report is confidential, and the superintendent may publish the information only in aggregate form.

187—15.13(17A,536) Restrictions on making regulated loans. The following restrictions apply to making regulated loans.

15.13(1) *Jurisdiction.* A licensee has the authority to make and complete loans by mail, or by comparable electronic means, from the lender's licensed office.

15.13(2) *Default charge.* Default charges are not to be collected if payment is made by a credit accident and health insurance claim.

15.13(3) *Interest rate.* Pursuant to Iowa Code sections 536.13(1)*"b"* and 536.13(2), the maximum rate of interest that may be charged beginning September 1, 2020, and until such time as a different rate is fixed by the superintendent, is 36 percent per annum on any part of the unpaid balance not exceeding $3,000 and 24 percent per annum on any part of the unpaid balance in excess of $3,000 but not exceeding $8,400 and 18 percent per annum on any part of the unpaid balance in excess of $8,400 but not exceeding $30,000.

15.13(4) *Branch locations.* Licensees may not establish branch locations outside of the United States.

These rules are intended to implement Iowa Code chapters 17A and 536.

Regulatory Analysis

Notice of Intended Action to be published: 187—Chapter 16
"Industrial Loans"

Iowa Code section(s) or chapter(s) authorizing rulemaking: 536A.28 and 536A.32
State or federal law(s) implemented by the rulemaking: Iowa Code chapters 17A and 536A

Public Hearing

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

December 16, 2025 9 a.m.	Suite 300 200 East Grand Avenue Des Moines, Iowa
December 18, 2025 9 a.m.	Suite 300 200 East Grand Avenue Des Moines, Iowa

Public Comment

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

Zak Hingst
200 East Grand Avenue, Suite 300
Des Moines, Iowa 50309-1827
Phone: 515.242.0332
Email: zak.hingst@idob.state.ia.us

Purpose and Summary

Pursuant to Executive Order 10, the Division proposes to rescind Chapter 16 and adopt a new chapter in lieu thereof. This proposed new chapter eliminates language that is duplicative of statutory language, eliminates unnecessary and inconsistent language, removes unnecessarily restrictive terms, and updates outdated language.

Analysis of Impact

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

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

Licensed industrial loan companies will bear the costs of this proposed rulemaking.

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

Licensed industrial loan companies will benefit from the improved clarity of this proposed rulemaking regarding the expectations for obtaining and maintaining a license required by Iowa Code chapter 536A. Iowa borrowers will also benefit from the Division's ability to adequately supervise licensees under these proposed 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:**

People interested in obtaining and maintaining an industrial loan license may incur costs to prepare and submit the required application materials and renewal materials. The amount of those costs will vary depending on the complexity of the issues and the compensation of staff or service providers who prepare the materials. Licensees and prospective licensees will also have to pay fees associated with use of the Nationwide Mortgage Licensing System and Registry (NMLS), a nationwide online application and licensing system operated and maintained by the states that streamlines, for licensees and for states, the process of obtaining and maintaining a license in multiple states.

- **Qualitative description of impact:**

This proposed rulemaking provides clarity about the process of applying for an industrial loan license and renewing an industrial loan license, the Division's standards for reviewing and responding to those applications, and compliance expectations for licensees, particularly records that must be kept to facilitate the Division's examination and supervision of licensees.

3. **Costs to the State:**

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

The Division incurs staff time to review and respond to license and renewal applications and to conduct examinations and investigations.

- **Anticipated effect on State revenues:**

This 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:**

This proposed rulemaking does not impose any additional costs on licensees or prospective licensees compared to the existing Chapter 16 and benefits licensees and prospective licensees by providing clarity about the process and requirements associated with applying for and maintaining an industrial loan license for which the Division's approval is statutorily required. The cost of inaction would be lack of guidance and clarity for licensees and prospective licensees interested in obtaining an industrial loan license and doing business in Iowa, which would engender confusion about the applicable process and expectations for obtaining and maintaining that approval.

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

The Division did not identify any less costly methods or less intrusive methods to achieve the purposes of this proposed rulemaking since the NMLS is a more cost-effective method, for states and for licensees, of accepting and reviewing license applications and related materials than the Division developing a separate licensing system.

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

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

The Division did not consider any alternative methods.

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

Because the Division did not consider any less costly or less intrusive methods of achieving the purposes of this proposed rulemaking, the Division did not consider any alternative 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?

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

Text of Proposed Rulemaking

ITEM 1. Rescind 187—Chapter 16 and adopt the following **new** chapter in lieu thereof:

CHAPTER 16
INDUSTRIAL LOANS

187—16.1(17A,536A) Definitions. For the purposes of this chapter, the definitions in Iowa Code chapter 536A shall apply. In addition, unless the context otherwise requires:

"Industrial loan" means a loan made by a licensee acting under the terms of the Iowa industrial loan law.

"Industrial loan business" means the business of operating an "industrial loan company" as defined in Iowa Code section 536A.2.

"NMLS" means "nationwide mortgage licensing system and registry" as defined in Iowa Code section 536A.14.

187—16.2(17A,536A) Utilization of NMLS.

16.2(1) All application and licensing information shall be submitted through NMLS, including but not limited to the following: original application information; changes in application information; license renewal information; changes in name, location, and control; and notices of significant events.

16.2(2) The applicant or licensee shall pay any fees required by NMLS, including but not limited to the following: initial set-up fee and annual processing fees, background check fees, credit background check fees, and a loan sponsorship transfer fee.

187—16.3(17A,536A) Application for license.

16.3(1) An application for a license to engage in the business of operating an industrial loan company in Iowa shall be submitted to the superintendent, on the form provided and with the information requested, through NMLS. The superintendent may consider an application withdrawn if it does not contain all of the required information and the missing information is not submitted to the superintendent within 30 days after the superintendent requests the missing information. The applicant may also request that the application be withdrawn at any time before the superintendent has decided to grant or deny the application.

16.3(2) Each officer, director, and individual who has control of an applicant must provide fingerprints, authorize a fingerprint background check through NMLS, and pay the appropriate fees for the purpose of conducting a national criminal history background check through the Federal Bureau of Investigation (FBI).

16.3(3) The applicant must submit the application fee and the initial license fee specified in Iowa Code section 536A.7(2). The superintendent shall refund the initial license fee if the application is denied, but the application fee is not subject to refund.

16.3(4) If any information material to the application changes after the applicant files the initial application, the applicant shall provide updated information to the superintendent in writing within ten days of the change. When such a material change in information has occurred, the superintendent may

deny an application if the applicant fails to provide updated information within the prescribed time frame.

16.3(5) An applicant for an industrial loan company license must file with the superintendent a bond complying with the provisions of Iowa Code section 536A.7A. For an applicant or a licensee who does not make, arrange, broker, process, or underwrite any residential mortgage loans as defined in Iowa Code section 535D.3(13), the bond shall be in the amount of $25,000. For an applicant or a licensee who makes, brokers, processes, or underwrites residential mortgage loans as defined in Iowa Code section 535D.3(13), the bond amount required to be filed and maintained shall be set and adjusted annually by March 31 using the following scale, based on the volume of residential mortgage loans made, originated, arranged, brokered, processed, and underwritten by the applicant or licensee during the preceding calendar year:

Loans	Bond Amount
$0 – $5,000,000	$25,000
$5,000,001 – $20,000,000	$50,000
$20,000,001 – $50,000,000	$75,000
$50,000,001 – $100,000,000	$100,000
Over $100,000,000	$150,000

187—16.4(17A,536A) Grounds for approval or denial.

16.4(1) The superintendent shall approve or deny a license application in accordance with the provisions of Iowa Code sections 536A.10 and 536A.11.

16.4(2) The following may be considered evidence that the business of the applicant may not be operated lawfully and honestly within the purposes of Iowa Code chapter 536A and may therefore be considered grounds for denial of an application:

a. An applicant, or an officer, director, or individual who has control of an applicant, has had a mortgage loan originator license or any lending license revoked in any governmental jurisdiction.

b. An applicant, or an officer, director, or individual who has control of an applicant, has been convicted of, or has pleaded guilty or no contest to, a felony in a domestic, foreign, or military court if such felony involved an act of fraud, dishonesty, or breach of trust, or money laundering.

187—16.5(17A,536A) Renewal of license.

16.5(1) A licensee must renew a license before the expiration date of the license to remain authorized to make industrial loans. A license expires on the next December 31 after the license is issued, but a license granted on or after November 1 but before January 1 does not expire until December 31 of the following year.

16.5(2) An application to renew a license shall be submitted to the superintendent, on the form provided and with the information requested, including any material change to information contained in the original application, through NMLS by December 1 of the year of expiration.

16.5(3) The superintendent shall grant an application to renew a license if:

a. The licensee submits the application and the appropriate renewal fee by December 1 or the licensee submits the application after December 1 but before January 1 and pays the appropriate renewal fee and the appropriate late fee;

b. The application is fully completed and includes all necessary information; and

c. The application does not reveal grounds to deny a license.

16.5(4) The superintendent may reject for processing a renewal application submitted after December 31 or treat such an application as an application for a new license.

187—16.6(17A,536A) Changes in the licensee's name, location, or control.

16.6(1) A licensee wishing to change the name or location of an industrial loan business shall notify the superintendent through NMLS at least 30 days prior to the effective date of the change and

submit the appropriate fee. The notice shall include proof that the licensee has either obtained a new bond or amended the existing bond to reflect the new name or location.

16.6(2) When a change of control of a licensee is proposed, the party that will assume control of the licensee shall submit an application for certificate of approval of the proposed change of control to the superintendent, on the form provided and with the information requested, through NMLS at least 60 days before the proposed change will take effect. The party that will assume control of the licensee shall furnish the superintendent with the same information required of initial applicants for a license, along with the appropriate fee. The party that will assume control may be required to provide fingerprints, authorize a fingerprint background check through NMLS, and pay the appropriate fees for the purpose of conducting a national criminal history background check through the FBI. The superintendent shall approve or deny the request in accordance with the provisions of Iowa Code sections 536A.10 and 536A.11 and rule 187—16.4(17A,536A).

187—16.7(17A,536A) Notice of significant events. A licensee shall notify the administrator in writing within ten days of the occurrence of any of the following events:

16.7(1) The licensee or any of the licensee's officers, directors, principal stockholders, or affiliates file for bankruptcy protection.

16.7(2) A prosecuting authority files criminal charges against the licensee or any of a licensee's officers, directors, principal stockholders, or affiliates.

16.7(3) Another state or jurisdiction institutes license denial, cease and desist, suspension or revocation procedures, or other formal or informal regulatory action against the licensee or any of the licensee's officers, directors, principal stockholders, or affiliates.

16.7(4) The attorney general of Iowa, the Federal Trade Commission, or the enforcer of the consumer protection laws of any other jurisdiction initiates an action to enforce any consumer protection laws against the licensee or any of the licensee's officers, directors, principal stockholders, or affiliates.

187—16.8(17A,536A) Administrative fees.

16.8(1) *Late fees for failing to respond.* In the process of administering this chapter, the superintendent may require a person to provide a response to a formal order, an examination, or a complaint inquiry. If the person fails to respond within 30 days of the request, the superintendent may assess a penalty of $10 per day after the initial 30 days.

16.8(2) *NMLS system processing fees.* The applicant or licensee shall pay any fee required by NMLS or attributed to the licensee's record in NMLS pursuant to rule 187—16.2(17A,536A).

187—16.9(17A,536A) Licensee records.

16.9(1) *General records requirements.* A licensee must keep records that allow the superintendent to determine the licensee's compliance with relevant statutes and regulations.

a. The licensee may keep the records as a hard copy or in an electronic equivalent.

b. The licensee shall keep records for at least 24 months from the date of the final transaction with the borrower.

c. The licensee shall maintain all books and records in good order and produce books and records for the superintendent upon request.

d. The obligation to maintain records continues even after the licensee ceases business operations in Iowa and turns in or surrenders the licensee's license. The owners and directors of the licensee are responsible for ensuring that this requirement is met.

16.9(2) *Required records.* A licensee shall keep, at the licensee's principal place of business, a loan register, account ledgers, an account ledger control, a loan file, an index, and a disbursement voucher.

16.9(3) *Loan register.* The loan register shall be kept chronologically in the order the loans closed and include the following information for every loan that is made: the account number, the date of the transaction, the name of the borrower, and the amount financed.

16.9(4) *Account ledger.*

a. An individual account ledger shall be kept for each account and show at least the loan number; name and address of the borrower; date of loan; date of first payment; date of final payment; terms of repayment, including maturity date, amount financed, total of payments, face amount of note if different from amount financed or total of payments, cash advanced to borrower, cash advanced to pay balance of previous industrial loan, interest or discount charge, service charge, attorney fee, fee paid or to be paid to a public official for recording or filing a mortgage or for satisfying a judgment or lien on any real or personal property securing the loan, nature of security, type and cost of each credit insurance policy and any other insurance policy with each premium stated separately; and name of each endorser, comaker or surety.

b. All payments shall be posted on the account ledger as of the date received. Corrections to the transaction history in the account ledger shall be made by corrective entry and not by erasure. The entries on the account ledger shall correspond with the receipts given to the borrower.

c. If payment is made in any way other than in the ordinary course of business, the method of payment shall be so designated on the account ledger. When a death claim is filed, the exact date of death is to be recorded on the account ledger.

d. The account ledger for an interest-bearing loan shall show the amount of the loan if different from the amount financed, the amount and date of each payment received, the allocation of the payment to principal and interest, and the remaining principal balance. If a portion of the interest earned is not paid at the time payment is made, the account ledger for an interest-bearing loan must show either the date to which interest is paid or the amount of interest then due but unpaid.

e. The account ledger for a precomputed loan shall show the actual amount of the loan, excluding the precomputed interest; the amount of the precomputed interest and the face amount of the note, including interest; the amount and date of each payment applied to the note; the unpaid balance of the note after application of such payment; and the type and amount of any additional charges collected or assessed. If a deferment charge is collected in whole or in part, the account ledger shall indicate any uncollected portion of the deferment charge, the particular installment deferred, the number of times deferred, and the date of the final installment.

f. When any loan is prepaid in full, either by cash or renewal, the account ledger must show the date of prepayment, the amount paid to discharge the loan, the amount of the interest rebate, and any deduction from the rebate for previously earned but uncollected charges, and refunds of the unearned premiums of each credit insurance policy or other insurance policy. Each insurance refund shall be separately recorded on the account ledger.

g. Account ledgers relating to each type of business operation must be filed in separate groups. Paid-in-full or renewed account ledgers must also be filed in a similar manner and be retained as a separate group from one examination to the next. After the examination, these account ledgers may be filed in a permanent file.

16.9(5) *Account ledger control.* A record showing the total number of accounts and amount receivable for each type of business conducted shall be maintained in the licensed office and posted either daily or weekly.

16.9(6) *Loan file.* A separate file shall be maintained for each borrower. Such file shall contain the promissory note, security agreement, wage assignment, and all other evidence of indebtedness or security pertaining to the loan except when the promissory note is kept in a separate promissory note file or when said papers are in custody of a court or an agent for collection or are hypothecated. When a borrower is also a comaker, guarantor, or endorser on another loan, the file of such borrower shall be cross-referenced to the other unless such cross-referencing is included on the alphabetical record required by subrule 16.9(7) or the individual account ledger required by subrule 16.9(4). All instruments taken in connection with a loan and signed by a borrower must bear the loan number.

16.9(7) *Index.* An alphabetical index shall be maintained and show the name of each borrower, endorser, comaker, or surety that is currently indebted to the licensee, together with sufficient information to locate the account ledger.

16.9(8) *Disbursement voucher.* Licensees shall use, in conjunction with each loan, a disbursement voucher or equivalent document showing a detailed itemization of the distribution of the loan proceeds.

16.9(9) *Denial file.* For each application the licensee denies, the licensee shall retain a copy of the application and a copy of the adverse action notice. The licensee may maintain this information in one file in either alphabetical or chronological order.

16.9(10) *General business records.* A licensee must keep the following general business records for at least 36 months:

a. All checkbooks, check registers, bank statements, deposit slips, withdrawal slips, and canceled checks (or copies thereof) relating to the industrial loan business of the licensee.

b. Complete records (including invoices and supporting documentation) for all expenses and fees paid on behalf of each loan applicant, including a record of the date and amount of all such payments actually made by each loan applicant.

c. Copies of all federal tax withholding forms, reports of income for federal taxation, and evidence of payments to all employees, independent contractors, and others compensated by a licensee in connection with the conduct of the industrial loan business.

d. All correspondence and other records relating to the maintenance of any bond required by Iowa Code chapter 536A.

e. Copies of all reports of audits, examinations, inspections, reviews, investigations, or other similar functions performed by any third party, including but not limited to the superintendent or any other regulatory or supervisory authority.

f. Copies of all advertisements and solicitations concerning industrial loan services directed at Iowa residents, including advertisements and solicitations on the internet or by other electronic means, in the format in which the advertisements and solicitations were published or distributed. An advertisement shall clearly show the licensee's unique NMLS identification number.

16.9(11) *Disposal of records.* If a licensee or former licensee disposes of records at the end of the retention period, the licensee or former licensee shall dispose of the records in a reasonable manner that safeguards any "identification information" as defined in Iowa Code section 715A.8(1)*"a."* The owners and directors of licensees and former licensees are responsible for ensuring that this requirement is met.

187—16.10(17A,536A) Complaints and investigations.

16.10(1) The superintendent may, at any time and as often as the superintendent deems necessary, investigate or examine a licensee pursuant to Iowa Code section 536.10, including investigating complaints about, or alleged violations by, any licensee.

16.10(2) A complaint or alleged violation means:

a. A written complaint received from a consumer, member of the public, employee, business affiliate, or other governmental agency.

b. Notice to the superintendent from any source that the licensee has been the subject of disciplinary proceedings in another jurisdiction.

c. Notice to the superintendent from any source that an individual with control of the licensee has been convicted of forgery, embezzlement, obtaining money under false pretenses, extortion, conspiracy to defraud, or other similar offense in a court of competent jurisdiction in this state or in any other state, territory, or district of the United States, or in any foreign jurisdiction.

187—16.11(17A,536A) Disciplinary action.

16.11(1) Grounds for discipline. The superintendent may impose any of the disciplinary sanctions set out in Iowa Code section 536A.18(2) when the superintendent makes any of the findings in Iowa Code section 536A.18(1) or when the superintendent finds any of the following:

a. The licensee has abandoned the licensee's place of business for 60 or more days.

b. The licensee fails to respond to an inquiry from the superintendent within 30 days of the date the superintendent mails a written communication directed to the licensee's last-known address on file with the superintendent.

c. Another state or jurisdiction has denied, suspended, revoked, or refused to renew the licensee's license, registration, or authorization to engage in the business of making loans under the other state's or jurisdiction's law.

16.11(2) The superintendent shall not refund the license fee, in whole or in part, of a license that has been suspended, revoked, or surrendered.

187—16.12(17A,536A) Annual report. Licensees must file with the superintendent an annual report as required by Iowa Code section 536.11(2), and the superintendent may assess a late fee of $10 for each day a licensee's annual report is delinquent. The information contained in the annual report is confidential, and the superintendent may publish the information only in aggregate form.

187—16.13(17A,536A) Restrictions on making industrial loans. The following restrictions apply to making industrial loans.

16.13(1) *Jurisdiction.* A licensee has the authority to make and complete loans by mail, or by comparable electronic means, from the lender's licensed office.

16.13(2) *Default charge.* Default charges are not to be collected from a borrower if payment is made by a credit accident and health insurance claim.

16.13(3) *Branch locations.* Licensees may not establish branch locations outside of the United States.

These rules are intended to implement Iowa Code chapters 17A and 536A.

Regulatory Analysis

Notice of Intended Action to be published: 187—Chapter 17
"Delayed Deposit Services"

Iowa Code section(s) or chapter(s) authorizing rulemaking: 17A and 533D.3
State or federal law(s) implemented by the rulemaking: Iowa Code chapters 17A and 533D

Public Hearing

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

December 16, 2025 9 a.m.	Suite 300 200 East Grand Avenue Des Moines, Iowa
December 18, 2025 9 a.m.	Suite 300 200 East Grand Avenue Des Moines, Iowa

Public Comment

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

Zak Hingst
200 East Grand Avenue, Suite 300
Des Moines, Iowa, 50309-1827
Phone: 515.242.0332
Email: zak.hingst@idob.state.ia.us

Purpose and Summary

Pursuant to Executive Order 10, the Division proposes to rescind Chapter 17 and adopt a new chapter in lieu thereof. Updates to the chapter eliminate language that is duplicative of statutory language, eliminate unnecessary and inconsistent language, remove unnecessarily restrictive terms, and 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:**

Licensed delayed deposit services companies will bear the costs of the proposed rulemaking.

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

Licensed delayed deposit services companies will benefit from the improved clarity of the proposed rulemaking regarding the expectations for obtaining and maintaining a license required by Iowa Code chapter 533D. Iowa borrowers will also benefit from the Division's ability to adequately supervise licensees under the proposed 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:**

People interested in obtaining and maintaining a delayed deposit services license may incur costs to prepare and submit the required application materials and renewal materials. The amount of those costs will vary depending on the complexity of the issues and the compensation of staff or service providers who prepare the materials. Licensees and prospective licensees will also have to pay fees associated with use of the Nationwide Multistate Licensing System (NMLS), a nationwide online application and licensing system operated and maintained by the states that streamlines, for licensees and for states, the process of obtaining and maintaining a license in multiple states.

- **Qualitative description of impact:**

The proposed rulemaking provides clarity about the process of applying for and renewing a delayed deposit services license; the Division's standards for reviewing and responding to those applications; and compliance expectations for licensees, particularly records that must be kept to facilitate the Division's examination and supervision of licensees.

3. **Costs to the State:**

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

The Division incurs staff time to review and respond to license and renewal applications and to conduct examinations and investigations.

- **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 licensees or prospective licensees compared to the existing Chapter 17 and benefits licensees and prospective licensees by providing clarity about the process and requirements associated with applying for and maintaining a delayed deposit services license for which the Division's approval is statutorily required. The cost of inaction would be lack of guidance and clarity for licensees and prospective licensees interested in obtaining a delayed deposit services license and doing business in Iowa, which would engender confusion about the applicable process and expectations for obtaining and maintaining that approval.

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

The Division did not identify any less costly methods or less intrusive methods to achieve the purposes of the proposed rulemaking because the NMLS is a more cost-effective method, for states and for licensees, of accepting and reviewing license applications and related materials than the Division developing a separate licensing system.

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

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

The Division did not consider any alternative methods.

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

Because the Division did not consider any less costly or less intrusive methods of achieving the purposes of the proposed rulemaking, the Division did not consider any alternative 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.

Text of Proposed Rulemaking

ITEM 1. Rescind 187—Chapter 17 and adopt the following **new** chapter in lieu thereof:

CHAPTER 17
DELAYED DEPOSIT SERVICES

187—17.1(17A,533D) Definitions. For the purposes of this chapter, the definitions in Iowa Code chapter 533D shall apply. In addition, unless the context otherwise requires:

"Delayed deposit transactions" means the activities of a "delayed deposit services business" as defined in Iowa Code section 533D.2(2).

"Maker" means a person who issues a check in order to enter into a delayed deposit transaction.

"Nationwide multistate licensing system" or *"NMLS"* means the same as "nationwide mortgage licensing system and registry" as defined in Iowa Code section 535D.3.

187—17.2(17A,533D) Utilization of NMLS.

17.2(1) All application and licensing information shall be submitted through the NMLS, including but not limited to the following: original application information; changes in application information; license renewal information; changes in name, location, and control; and notices of significant events.

17.2(2) The applicant or licensee shall pay any fees required by NMLS including but not limited to the following: initial set-up fee and annual processing fees, background check fees, and credit background check fees.

187—17.3(17A,533D) Application for license.

17.3(1) An application for a license to operate a delayed deposit services business in Iowa shall be submitted to the superintendent, on the form provided and with the information requested, through NMLS. The superintendent may consider an application withdrawn if it does not contain all required information and the missing information is not submitted to the superintendent within 30 days after the superintendent requests the missing information. The applicant may also request that the application be withdrawn at any time before the superintendent has decided to grant or deny the application.

17.3(2) Each officer, director and individual who has control of an applicant must provide fingerprints, authorize a fingerprint background check through NMLS, and pay the appropriate fees for the purpose of conducting a national criminal history background check through the Federal Bureau of Investigation.

17.3(3) The applicant must submit the application fee specified in Iowa Code section 533D.3 and an initial license fee of $250. The superintendent shall refund the initial license fee if the application is denied, but the application fee is not subject to refund.

17.3(4) If any information material to the application changes after the applicant files the initial application, the applicant shall provide updated information to the superintendent within ten days of the change. When such a material change in information has occurred, the superintendent may deny an application if the applicant fails to provide updated information within the prescribed time frame.

17.3(5) An applicant must file with the superintendent a bond complying with the provisions of Iowa Code section 533D.3(3)*"b."*

187—17.4(17A,533D) Grounds for approval or denial.

17.4(1) The superintendent shall approve or deny a license application in accordance with the provisions of Iowa Code section 533D.3.

17.4(2) The following may be considered evidence that the business of the applicant may not be operated lawfully and honestly consistent with the purposes of Iowa Code chapter 533D and may therefore be considered grounds for denial of an application:

a. An applicant, or an officer, director, or individual who has control of an applicant, has had a mortgage loan originator license or any lending license revoked in any governmental jurisdiction.

b. An applicant, or an officer, director, or individual who has control of an applicant, has been convicted of, or pled guilty or no contest to, a felony in a domestic, foreign, or military court if such felony involved an act of fraud, dishonesty, or breach of trust, or money laundering.

187—17.5(17A,533D) Renewal of license.

17.5(1) A licensee must renew a license before the expiration date of the license to remain authorized to conduct delayed deposit transactions. Licenses expire on the next December 31 after they are issued, but licenses granted on or after November 1 but before January 1 do not expire until December 31 of the following year.

17.5(2) An application to renew a license shall be submitted to the superintendent, on the form provided and with the information requested, including any material change to information contained in the original application, through the NMLS by December 1 of the year of expiration.

17.5(3) The superintendent shall grant an application to renew a license if:

a. The licensee submits the application and the appropriate renewal fee by December 1, or the licensee submits the application after December 1 but before January 1 and pays the appropriate renewal fee and the appropriate late fee;

b. The application is fully completed and includes all necessary information; and

c. The application does not reveal grounds to deny a license.

17.5(4) The superintendent may reject for processing a renewal application submitted after December 31 or treat such an application as an application for a new license.

187—17.6(17A,533D) Changes in the licensee's name, location, or control.

17.6(1) A licensee wishing to change the name or location of a delayed deposit services business shall notify the superintendent at least 30 days prior to the requested change and submit the fee specified in Iowa Code sections 533D.7 and 533D.7A. The request shall include proof that the licensee has either obtained a new bond or amended the existing bond to reflect the new name or location. A licensee may not enter into delayed deposit transactions under a different name without providing such notice and submitting the required fee.

17.6(2) A licensee wishing to establish a branch office must submit the application to the superintendent, on the form provided and with the information requested, through the NMLS, along with the fee specified in Iowa Code section 533D.7. Licenses issued to branch offices are treated as independent licenses and are subject to the renewal requirements, fees, and procedures specified in rule 187—17.5(17A,533D).

17.6(3) When change of control of a licensee is proposed, the party that will assume control of the licensee shall give notice to the superintendent at least 60 days before the proposed change will take effect. The party that will assume control of the licensee shall furnish the superintendent with the same information required of initial applicants for a license, along with the fee specified in Iowa Code sections 533D.6. The party that will assume control may be required to provide fingerprints, authorize a fingerprint background check through NMLS, and pay the appropriate fees for the purpose of conducting a national criminal history background check through the Federal Bureau of Investigation.

The superintendent shall approve or deny the request in accordance with the provisions of Iowa Code section 533D.3 and rule 187—17.4(17A,533D).

187—17.7 Reserved.

187—17.8(17A,533D) Administrative fees.

17.8(1) *Late fees for failing to respond.* In the process of administering this chapter, the superintendent may require a person to provide responses to formal orders, examinations, or complaint inquiries. If a person fails to respond within 30 days of the request, the superintendent may assess a penalty of $10 per day after the initial 30 days.

17.8(2) *NMLS system processing fees.* The applicant or licensee shall pay any fee required by the NMLS or attributed to the licensee's record in the NMLS pursuant to rule 187—17.2(17A,536).

187—17.9(17A,533D) Licensee records.

17.9(1) *General record requirements.* A licensee must keep records that allow the superintendent to determine the licensee's compliance with relevant statutes and regulations.

a. The licensee may keep the records as a hard copy or in an electronic equivalent.

b. The licensee shall keep records for at least 24 months from the date of the final transaction with the maker.

c. The licensee shall maintain all books and records in good order and produce books and records for the superintendent upon request.

d. The obligation to maintain records continues even after the licensee ceases business operations in Iowa and turns in or surrenders its license. The owners and directors of the licensee are responsible for ensuring that this requirement is met.

17.9(2) *Required records.* A licensee shall keep, at its principal place of business, a transaction register, an account ledger, a transaction file, an index, an application log, a denial file, and a disbursement voucher.

17.9(3) *Transaction register.* The transaction register shall be kept chronologically in the order the transactions closed and include the following information for every transaction that is made: the account number, the date of the transaction, the name of the maker, the amount financed, and the amount of the maker's check. A licensee may combine the transaction register with the application log.

17.9(4) *Account ledger.* A licensee shall maintain an account ledger for each maker showing:

a. The name and address of the maker, the transaction number, the transaction date, the maturity date, the payment terms, the amount financed, and the total of payments.

b. A transaction history that lists all transactions with the maker. Payments shall be posted to the account ledger effective the date payments were received and show the date payment was received, the total amount of the payment, and a description of how the payment was applied to the maker's account. Other transactions shall be fully described. Corrections to the transaction history shall be made by corrective entry and not by erasure.

17.9(5) *Transaction file.* The transaction file consists of the application, the transaction agreement, notice pursuant to Iowa Code section 533D.9(2), and all required truth-in-lending disclosures for each transaction.

17.9(6) *Index.* An alphabetical record shall be maintained and show the name of each maker, endorser, comaker, or surety who is currently indebted to the licensee, together with sufficient information to locate the account ledger.

17.9(7) *Application log.* The application log is a chronological list of applications received. The application log shall include the name of the applicant, the date the application was received, whether the transaction was made or denied, and the date when the transaction was made or denied if that date differs from the date when the licensee received the application. For approved applications, the application log shall show the date when the transaction closed and the name of the maker. For

recordkeeping purposes, an application is a prospective maker's oral or written request for a licensee to extend credit that is made in accordance with the procedures established by the licensee.

17.9(8) *Disbursement voucher.* Licensees shall use, in conjunction with each transaction, a disbursement voucher or equivalent document showing a detailed itemization of the distribution of the transaction proceeds.

17.9(9) *Denial file.* For each application the licensee denies, the licensee shall retain a copy of the application and a copy of the adverse action notice. The licensee may maintain this information in one file in either alphabetical or chronological order.

17.9(10) *General business records.* A licensee must keep the following general business records for at least 36 months:

a. All checkbooks, check registers, bank statements, deposit slips, withdrawal slips, and canceled checks (or copies thereof) relating to the delayed deposit services business of the licensee.

b. Complete records (including invoices and supporting documentation) for all expenses and fees paid on behalf of each transaction applicant, including a record of the date and amount of all such payments actually made by each transaction applicant.

c. Copies of all federal tax withholding forms, reports of income for federal taxation, and evidence of payments to all employees, independent contractors, and others compensated by a licensee in connection with the conduct of the delayed deposit services business.

d. All correspondence and other records relating to the maintenance of any surety bond required by Iowa Code chapter 533D.

e. Copies of all reports of audits, examinations, inspections, reviews, investigations, or other similar functions performed by any third party, including but not limited to the superintendent or any other regulatory or supervisory authority.

f. Copies of all advertisements and solicitations concerning delayed deposit services directed at Iowa residents, including advertisements and solicitations on the internet or by other electronic means, in the format in which the advertisements and solicitations were published or distributed.

17.9(11) *Disposal of records.* If a licensee or former licensee disposes of records at the end of the retention period, the licensee or former licensee shall dispose of the records in a reasonable manner that safeguards any identification information, as defined in Iowa Code section 715A.8(1)*"a."* The owners and directors of licensees and former licensees are responsible for ensuring that this requirement is met.

187—17.10(17A,533D) Complaints and investigations.

17.10(1) The superintendent may, at any time and as often as the superintendent deems necessary, investigate or examine a licensee pursuant to Iowa Code section 533D.11, including investigating complaints about, or alleged violations by, any licensee.

17.10(2) A complaint or alleged violation means:

a. A written complaint received from a consumer, member of the public, employee, business affiliate, or other governmental agency.

b. Notice to the superintendent from any source that the licensee has been the subject of disciplinary proceedings in another jurisdiction.

c. Notice to the superintendent from any source that an individual with control of the licensee has been convicted of forgery, embezzlement, obtaining money under false pretenses, extortion, conspiracy to defraud, or other similar offense, in a court of competent jurisdiction in this state or in any other state, territory, or district of the United States, or in any foreign jurisdiction.

187—17.11(17A,533D) Disciplinary action.

17.11(1) Grounds for discipline. The superintendent may impose any of the disciplinary sanctions set out in Iowa Code section 533D.12(2) when the superintendent makes any of the findings in Iowa Code section 533D.12(1) or when the superintendent finds any of the following:

a. The licensee is found upon investigation to be insolvent, in which case the license shall be revoked immediately.

b. The licensee fails to respond to an inquiry from the superintendent within 30 days of the date the superintendent mails a written communication directed to the licensee's last-known address on file with the superintendent.

c. Another state or jurisdiction has denied, suspended, revoked, or refused to renew the licensee's license, registration, or authorization to operate a delayed deposit services business or enter into delayed deposit transactions under the other state's or jurisdiction's law.

17.11(2) The superintendent shall not refund a license fee, in whole or in part, of a license that has been suspended, revoked, or surrendered.

187—17.12(17A,533D) Annual report. Licensees must file with the superintendent an annual report, on forms prescribed by the superintendent, on or before April 15. The information contained in the annual report shall be confidential, and the superintendent may publish the information only in composite form. The superintendent may assess a late fee of $10 for each day the annual report is delinquent.

187—17.13(17A,533D) Restrictions on making delayed deposit transactions. A licensee shall not enter into a new delayed deposit transaction with a maker on the same day the maker pays an existing delayed deposit transaction with the licensee unless:

17.13(1) The aggregate amount of the check(s) the maker is paying and the new check the maker is writing does not exceed the statutory maximum of $500; and

17.13(2) The licensee does not hold more than two outstanding checks in the maker's name, including the check(s) being paid and the new check being issued.

These rules are intended to implement Iowa Code chapters 17A and 533D.

Regulatory Analysis

Notice of Intended Action to be published: 187—Chapter 18
"Mortgage Bankers, Mortgage Brokers, and Real Estate Closing Agents"

Iowa Code section(s) or chapter(s) authorizing rulemaking: 535B.4 and 535B.14
State or federal law(s) implemented by the rulemaking: Iowa Code chapters 17A and 535B

Public Hearing

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

December 16, 2025 9 a.m.	Suite 300 200 East Grand Avenue Des Moines, Iowa
December 18, 2025 9 a.m.	Suite 300 200 East Grand Avenue Des Moines, Iowa

Public Comment

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

Zak Hingst
200 East Grand Avenue, Suite 300
Des Moines, Iowa, 50309-1827
Phone: 515.242.0332
Email: zak.hingst@idob.state.ia.us

Purpose and Summary

Pursuant to Executive Order 10, the Division proposes to rescind Chapter 18 and adopt a new chapter in lieu thereof. Updates to the chapter eliminate language that is duplicative of statutory language, eliminate unnecessary and inconsistent language, remove unnecessarily restrictive terms, and 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:**

Licensed mortgage bankers, mortgage brokers, and closing agents will bear the costs of the proposed rulemaking.

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

Licensed mortgage bankers, mortgage brokers, and closing agents will benefit from the improved clarity of the proposed rulemaking regarding the expectations for obtaining and maintaining a license required by Iowa Code chapter 535B. Iowa borrowers will also benefit from the Division's ability to adequately supervise licensees under the proposed 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:**

People interested in obtaining and maintaining licenses to act as mortgage bankers, mortgage brokers, and closing agents may incur costs to prepare and submit the required application materials and renewal materials. The amount of those costs will vary depending on the complexity of the issues and the compensation of staff or service providers who prepare the materials. Licensees and prospective licensees will also have to pay fees associated with use of the Nationwide Multistate Licensing System (NMLS), a nationwide online application and licensing system operated and maintained by the states that streamlines, for licensees and for states, the process of obtaining and maintaining a license in multiple states.

- **Qualitative description of impact:**

The proposed rulemaking provides clarity about the process of applying for a license to act as a mortgage banker, mortgage broker, and closing agent and renewing such a license; the Division's standards for reviewing and responding to those applications; and compliance expectations for licensees, particularly records that must be kept to facilitate the Division's examination and supervision of licensees.

3. **Costs to the State:**

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

The Division incurs staff time to review and respond to license and renewal applications and to conduct examinations and investigations.

- **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 licensees or prospective licensees compared to the existing Chapter 18 and benefits licensees and prospective licensees by providing clarity about the process and requirements associated with applying for and maintaining a license to act as a mortgage banker, mortgage broker, or closing agent for which the Division's approval is statutorily required. The cost of inaction would be lack of guidance and clarity for licensees and prospective licensees interested in obtaining and maintaining any of these licenses and doing business in Iowa, which would engender confusion about the applicable process and expectations for obtaining and maintaining that approval.

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

The Division did not identify any less costly methods or less intrusive methods to achieve the purposes of the proposed rulemaking because the NMLS is a more cost-effective method, for states and for licensees, of accepting and reviewing license applications and related materials than the Division developing a separate licensing system.

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

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

The Division did not consider any alternative methods.

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

Because the Division did not consider any less costly or less intrusive methods of achieving the purposes of the proposed rulemaking, the Division did not consider any alternative 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.

Text of Proposed Rulemaking

ITEM 1. Rescind 187—Chapter 18 and adopt the following **new** chapter in lieu thereof:

CHAPTER 18
MORTGAGE BANKERS, MORTGAGE BROKERS,
AND REAL ESTATE CLOSING AGENTS

187—18.1(17A,535B) Definitions. For the purposes of this chapter, the definitions in Iowa Code chapter 535B shall apply. In addition, unless the context otherwise requires:

"Mortgage loan originator" means a natural person who is licensed under Iowa Code chapter 535D and 187—Chapter 19.

"Nationwide multistate licensing system" or *"NMLS"* means the same as "nationwide mortgage licensing system and registry" as defined in Iowa Code section 535D.3.

"Services a loan" means undertaking the direct collection of payments on a loan from the borrower or holding the right to undertake direct collection of payments on a loan from the borrower. Undertaking the direct collection of payments means receiving any scheduled periodic payments from a borrower pursuant to the terms of any federally related mortgage loan. Holding the right to undertake direct collection of payments means holding the right to service a loan, including where the holder of this right contracts with or otherwise arranges for another person to service the loan.

"Residential mortgage loan application" means:

1. Any communication, regardless of form, from a licensee to a borrower requesting information typically required in an application for the purpose of deciding whether or not to extend the requested offer of a loan to a borrower; or
2. Any communication, regardless of form, from a borrower to a licensee for an offer or responding to a solicitation for an offer of residential mortgage loan terms or providing information typically required in an application for the purpose of deciding whether or not to extend the requested offer of a loan to a borrower.

187—18.2(17A,536) Utilization of NMLS.

18.2(1) All application and licensing information shall be submitted through NMLS, including but not limited to the following: original application information; changes in application information; license renewal information; changes in name, location, and control; and notices of significant events.

18.2(2) The applicant or licensee shall pay any fees required by NMLS, including but not limited to the following: initial set-up fee and annual processing fees, background check fees, credit background check fees, and a loan sponsorship transfer fee.

187—18.3(17A,535B) Application for license.

18.3(1) An application for a license to operate as a mortgage banker, mortgage broker, or closing agent shall be submitted to the administrator, on the form provided and with the information requested, through NMLS. The administrator may consider an application or registration withdrawn

if the application or registration does not contain all required information and the information is not submitted to the administrator within 30 days after the administrator requests the information. The applicant may also request that the application be withdrawn at any time before the superintendent has decided to grant or deny the application.

18.3(2) Each officer, director, and individual who has control of an applicant must provide fingerprints, authorize a fingerprint background check through NMLS, and pay the appropriate fees for the purpose of conducting a national criminal history background check through the Federal Bureau of Investigation.

18.3(3) The applicant must submit the application fee specified in Iowa Code section 535B.4(10) plus $40 per additional branch location, but the application fee is not subject to refund.

18.3(4) If any information material to the application changes after the filing of the initial application, the applicant shall provide updated information to the administrator in writing within ten days of the change. Failure to provide updated information when a change has occurred may result in denial of the application.

18.3(5) An applicant for a mortgage banker or mortgage broker license must file with the administrator a bond complying with the provisions of Iowa Code section 535B.9. The bond amount required to be filed and maintained by the applicant shall be set and adjusted as necessary annually in accordance with the following scale, based on the volume of residential mortgage loans made, originated, arranged, brokered, processed, underwritten, and serviced by the applicant or licensee during the preceding calendar year:

Loans	Bond Amount
$0 – $100,000,000	$100,000
Over $100,000,000	$150,000

An applicant for a closing agent license must file with the administrator a bond in the amount of $25,000, which complies with the provisions of Iowa Code section 535B.9.

187—18.4(17A,535B) Grounds for approval or denial.

18.4(1) The superintendent shall approve or deny a license application in accordance with the provisions of Iowa Code section 535B.5.

18.4(2) The following may be considered evidence that the business of the applicant may not be operated honestly in the public interest consistent with the purposes of Iowa Code chapter 535B and may therefore be considered grounds for denial of an application:

a. An applicant, or an officer, director, or individual who has control of an applicant, has had a mortgage loan originator license or any lending license revoked in any governmental jurisdiction.

b. An applicant, or an officer, director, or individual who has control of an applicant, has been convicted of, or has pleaded guilty or no contest to, a felony in a domestic, foreign, or military court if such felony involved an act of fraud, dishonesty, or breach of trust, or money laundering. A pardon of a conviction shall not constitute a conviction for purposes of this subrule.

18.4(3) A person is not eligible for licensing as a mortgage banker or mortgage broker unless all mortgage loan originators who are employed by, under contract with, or exclusive agents of the person have successfully completed the licensing requirements of Iowa Code chapter 535D.

187—18.5(17A,535B) Renewal of license.

18.5(1) A licensee must renew a license before the expiration date of the license to remain authorized to act as a mortgage banker, mortgage broker, or closing agent. Licenses expire on the next December 31 after they are issued, but licenses granted on or after November 1 but before January 1 do not expire until December 31 of the following year.

18.5(2) An application to renew a license shall be submitted to the administrator, on the form provided and with the information requested, including any material change to information contained in the original application, through NMLS by December 1 of the year of expiration. In addition to the

renewal fee specified in Iowa Code section 535B.7(7), mortgage banker or mortgage broker licensees shall pay a branch office renewal fee of $40 per branch.

18.5(3) The administrator shall grant an application to renew a license if:

a. The licensee submits the application and the appropriate renewal fee by December 1 or the licensee submits the application after December 1 but before January 1 and pays the appropriate renewal fee and the appropriate late fee;

b. The application is fully completed with all necessary information; and

c. The application does not reveal grounds to deny a license.

18.5(4) The administrator may reject for processing a renewal application submitted after December 31 or treat such an application as an application for a new license.

187—18.6(17A,535B) Changes in the licensee's name, location, or control; fees.

18.6(1) A licensee shall notify the administrator through NMLS of a change in the location, the addition, or the closing of any office prior to the change, addition, or closure.

18.6(2) A mortgage banker or mortgage broker licensee shall maintain on file with the administrator, through NMLS, a list of all mortgage loan originators who are employed by, under contract with, or exclusive agents of the licensee and pay any fees assessed by NMLS to add a mortgage loan originator to the licensee's list in NMLS.

18.6(3) When a mortgage loan originator ceases to be employed by, under contract with, or an exclusive agent of a mortgage banker or mortgage broker licensee, the licensee shall notify the administrator, through NMLS, within ten days and include the reasons for the termination of the mortgage loan originator's employment, contract, or agency.

18.6(4) A mortgage banker or mortgage broker licensee shall notify the administrator through NMLS of the addition of any mortgage loan originator, owner, officer, partner, or director within ten days of addition.

18.6(5) When a change of control of a licensee is proposed, the party that will assume control of the licensee shall give notice to the superintendent through NMLS at least 60 days before the proposed change will take effect. The party that will assume control of the licensee shall furnish the superintendent through NMLS with the same information required of initial applicants for a license, along with the appropriate fee. The party that will assume control may be required to provide fingerprints, authorize a fingerprint background check through NMLS, and pay the appropriate fees for the purpose of conducting a national criminal history background check through the Federal Bureau of Investigation. The superintendent shall approve or deny the request in accordance with the provisions of Iowa Code section 535B.5 and rule 187—18.4(17A,535B).

187—18.7(17A,535B) Notice of significant events. A licensee shall notify the administrator in writing within ten days of the occurrence of any of the following events:

18.7(1) The licensee or any of the licensee's officers, directors, principal stockholders, or affiliates file for bankruptcy protection.

18.7(2) A prosecuting authority files criminal charges against the licensee or any of a licensee's officers, directors, principal stockholders, or affiliates.

18.7(3) Another state or jurisdiction institutes license denial, cease and desist, suspension or revocation procedures or other formal or informal regulatory action against the licensee or any of the licensee's officers, directors, principal stockholders, or affiliates.

18.7(4) The attorney general of Iowa, the Federal Trade Commission, or the enforcer of the consumer protection laws of any other jurisdiction initiates an action to enforce any consumer protection laws against the licensee or any of the licensee's officers, directors, principal stockholders, mortgage loan originators, employees, or affiliates.

18.7(5) The Federal National Mortgage Association, Federal Home Loan Mortgage Corporation, Federal Housing Administration, or Government National Mortgage Association suspends or terminates the licensee's status as an approved seller or seller/servicer.

187—18.8(17A,535B) Administrative fees.

18.8(1) *Late fees for failing to respond.* In the process of administrating this chapter, the administrator may require a person to provide responses to formal orders, examinations, or complaint inquiries. If a person fails to respond within 30 days of the request, the administrator may assess a penalty of $10 per day after the initial 30 days.

18.8(2) *NMLS system processing fees.* The applicant or licensee shall pay any fee required by NMLS or attributed to the licensee's record in NMLS pursuant to rule 187—20.2(17A,535B).

18.8(3) *License determination letters.* A person who requests written confirmation from the administrator that a license is not required shall submit a fee of $100 with the written request.

18.8(4) *Required financial statements.* A licensee who fails to file with the administrator the financial statements required under Iowa Code section 535B.10(1) within 120 days after the end of a licensee's fiscal year is subject to a late penalty of $100 for each day the financial statements are delinquent, but in no event shall the aggregate of late penalties exceed $5,000. The administrator may relieve any licensee from the payment of any penalty, in whole or in part, for good cause.

187—18.9(17A,535B) Licensee records.

18.9(1) *General record requirements.* A licensee must keep records that allow the administrator to determine the licensee's compliance with relevant statutes and regulations.

a. The licensee may keep the records as a hard copy or in an electronic equivalent.

b. The licensee shall keep records for at least 36 months from the date of the final transaction with the borrower or a party in a real estate transaction.

c. The licensee shall maintain all books and records in good order and produce books and records for the administrator upon request.

d. The obligation to maintain records continues even after the licensee ceases business operations in Iowa and turns in or surrenders its license. The owners and directors of the licensee are responsible for ensuring this requirement is met.

e. Mortgage bankers and mortgage brokers shall have the capability to provide information on the characteristics of loan originations as described in subrule 18.16(11) in an electronic format prescribed by the administrator within 30 days of:

(1) The end of each calendar quarter or some other regular interval determined by the administrator; or

(2) Notice from the administrator in the case of an examination.

18.9(2) *Required records.*

a. A mortgage broker shall keep an index, application log, and application files.

b. A mortgage banker shall keep an index, application log, application files, loan register, and loan files. A mortgage banker who services loans must also keep account ledgers. A mortgage banker who only services loans needs to keep only an index, a loan register, loan files, and account ledgers.

c. A closing agent shall keep the general business records outlined in subrule 18.16(9) and the following records relating to individual files:

(1) A closing register containing the information outlined in subrule 18.22(5); and

(2) A closing file containing the information outlined in subrule 18.22(6).

18.9(3) *Index.* An alphabetical record shall be maintained and show the name of each borrower, endorser, comaker, or surety who is indebted to the lender and the account number.

18.9(4) *Application log.* The application log is a chronological list of residential mortgage loan applications received. The application log shall include the name of the applicant; date the residential mortgage loan application was completed; name of the broker, the lender, and the mortgage loan originator, as applicable, including the unique NMLS identification number assigned to each; notes for action taken on residential mortgage loan application; and date of action. For approved residential mortgage loan applications, the application log shall show the date the loan closed and the name of the lender. Information from an applicant becomes a residential mortgage loan application when the licensee obtains the name and social security number of the applicant.

18.9(5) *Loan register.* The loan register shall be kept chronologically in the order the loans closed and include the following information for every loan that is made: the date of the transaction; the name of the borrower; the name of the broker, the lender, the mortgage loan originator, and the closing agent, as applicable, including the unique NMLS identification number assigned to each; and the amount financed. A licensee may combine the loan register with the application log.

18.9(6) *Application file.* A mortgage banker or mortgage broker licensee shall maintain an application file for each residential mortgage loan application received that contains copies of the residential mortgage loan application and any required disclosures. A copy of any adverse action taken on the residential mortgage loan application, including any documentation supporting that action shall also be placed in the application file. The application file shall also contain the name of the broker, the lender, and the mortgage loan originator, as applicable, including the unique NMLS identification number assigned to each.

18.9(7) *Loan file.* The loan file consists of the application file, the appraisal report, underwriting verifications, the closing file described in subrule 18.22(6) including other supporting documentation, and documents from the loan closing. These documents include: note, mortgage, all Truth-In-Lending Act disclosures, and all Real Estate Settlement Procedures Act disclosures. The loan file shall also contain the name of the broker, the lender, the mortgage loan originator, and the closing agent, as applicable, including the unique NMLS identification number assigned to each.

18.9(8) *Account ledger.* A mortgage banker licensee shall maintain an account ledger for each loan that is serviced, which shall include the following information:

a. The name and address of the borrower, loan number, loan date, payment terms, maturity date, principal amount of loan, amount financed, total of payments, property listed as security, and distribution of the loan proceeds.

b. The transaction history that lists all transactions with the borrower. Payments shall be posted to the account ledger effective the date payments were received. Payment entries will show the date payment was received, the total amount of the payment, and a description of how the payment was applied to the borrower's account. Other transactions shall be fully described. Corrections to the transaction history shall be made by corrective entry and not by erasure.

c. The remaining balances due from the borrower, including principal, escrow, late fees, and other charges.

d. Any change to the interest rate and the effective date of that change.

e. Full descriptions of payments made outside the normal course of business, including payments made by the sale of security, insurance claim, or endorser. For any payments made by death claims on credit insurance, the date of death shall be noted in the account ledger.

f. When a loan is prepaid in full, the dates and amounts of any rebates made to the borrower including escrow rebates and the refunds of unearned insurance premiums.

18.9(9) *General business records.* A licensee must keep the following general business records for at least 36 months:

a. All checkbooks, check registers, bank statements, deposit slips, withdrawal slips, and canceled checks (or copies thereof) relating to the business of the licensee.

b. Complete records (including invoices and supporting documentation) for all expenses and fees paid on behalf of each mortgage applicant, including a record of the date and amount of all such payments actually made by each mortgage applicant.

c. Copies of all federal tax withholding forms, reports of income for federal taxation, and evidence of payments to all employees, independent contractors, and others compensated by a licensee in connection with the conduct of the mortgage lending or real estate closing business.

d. All correspondence and other records relating to the maintenance of any bond required by Iowa Code chapter 535B.

e. Copies of all contractual arrangements or understandings with third parties in any way relating to the provision of mortgage lending services or real estate closing services, including but not

limited to any delegations of underwriting authority, any agreements for pricing of goods or services, any investor contracts, any employment agreements, and any noncompete agreements.

f. Copies of all reports of audits, examinations, inspections, reviews, investigations, or other similar functions performed by any third party, including but not limited to the administrator or any other regulatory or supervisory authority.

g. Copies of all advertisements and solicitations concerning mortgage business directed at Iowa residents, including advertisements and solicitations on the internet or by other electronic means, in the format in which the advertisements and solicitations were published or distributed.

18.9(10) *Disposal of records.* If the licensee or former licensee disposes of records at the end of the retention period, the licensee or former licensee shall dispose of the records in a reasonable manner that safeguards any identification information, as defined in Iowa Code section 715A.8(1)*"a."* The owners and directors of licensees and former licensees are responsible for ensuring this requirement is met.

18.9(11) *Loan records required to be maintained electronically.*

a. Mortgage bankers and mortgage brokers shall maintain the following records electronically in a format prescribed by the administrator:

(1) Information sufficient to identify the mortgage loan and the unique identifier of the mortgage loan originator, the mortgage broker (if applicable), and the lender for the loan.

(2) Information sufficient to enable a computation of key items in the federal truth-in-lending disclosures, including the annual percentage rate, the finance charge, and a schedule of payments, and any deviations between the final disclosures and the most recent disclosures issued prior to the final disclosures.

(3) Information included in the initial disclosure required under the federal Real Estate Settlement Procedures Act, including the rate, the date of any interest rate lock, and an itemization of settlement charges and all broker compensation.

(4) Information included in the final closing disclosure.

(5) Information related to the terms of each loan, including adjustable rate loan features (including timing of adjustments, indices used in setting rates, maximum and minimum adjustments, floors and ceilings of adjustments), the undiscounted interest rate (if maintained by the lender in an electronic format), penalties for late payments, and penalties for prepayment (including computation of the penalty amount, the duration of prepayment penalty, and the maximum amount of penalty).

(6) Information typically used in underwriting, including the appraised value of the property, the sales price of the property (if a purchase loan), each borrower's income, the monthly payment amount, the housing debt-to-income ratio, the total debt-to-income ratio, and the credit score of each borrower.

(7) Information included in a Loan Application Register for mortgage lenders required to submit information pursuant to the federal Home Mortgage Disclosure Act.

b. Mortgage brokers shall provide information identified in paragraph 18.16(11)*"a"* unless such information is not prepared or known by the mortgage broker and the mortgage broker does not reasonably have access to the information in an electronic format.

c. The administrator shall permit mortgage bankers and mortgage brokers to utilize compatible third-party software to provide information required under this subrule.

187—18.10(17A,535B) Mortgage call reports. Each mortgage banker and mortgage broker licensee shall submit the reports specified in Iowa Code section 535B.18, and the administrator may assess late fees of $10 per day for each day after the NMLS-established due date that the report is not received.

187—18.11(17A,535B) Advertising and representations to potential borrowers.

18.11(1) Any advertisement of mortgage loans offered by or through a mortgage banker or mortgage broker licensee shall:

a. Comply with Truth-in-Lending Act, Regulation Z, and any other applicable state and federal laws and regulations.

b. Be made only for such products and terms as are actually available and, if their availability is subject to any material requirements or limitations, the advertisement shall specify those requirements or limitations.

c. Not make any statement or fail to make any statement the result of which shall present a misleading or deceptive impression to consumers.

d. Clearly show the licensee's unique NMLS identification number.

18.11(2) A licensee receiving a verbal or written inquiry about the licensee's services shall respond accurately to any questions about the scope and nature of such services and any costs.

187—18.12(17A,535B) Complaints and investigations.

18.12(1) The administrator may, at any time and as often as the administrator deems necessary, investigate or examine a licensee pursuant to Iowa Code section 535B.10, including investigating complaints about, or alleged violations by, any licensee.

18.12(2) A complaint or alleged violation means:

a. A written complaint received from a consumer, member of the public, employee business affiliate, or other governmental agency.

b. Notice to the administrator from any source that the licensee has been the subject of disciplinary proceedings in another jurisdiction.

c. Notice to the administrator from any source that the licensee has been convicted of forgery, embezzlement, obtaining money under false pretenses, extortion, conspiracy to defraud, or other similar offense, in a court of competent jurisdiction in this state or in any other state, territory or district of the United States, or in any foreign jurisdiction.

187—18.13(17A,535B) Disciplinary action.

18.13(1) Grounds for discipline. The administrator may impose any of the disciplinary sanctions set out in Iowa Code section 535B.7(2) when the superintendent makes any of the findings in Iowa Code section 535B.7(1) or when the administrator finds any of the following:

a. The licensee fails to respond to an inquiry from the administrator within 30 calendar days of the date of mailing a written communication directed to the licensee's last-known address on file with the administrator.

b. Another state or jurisdiction has denied, suspended, revoked, or refused to renew the licensee's license, registration, or authorization to act as a mortgage banker, mortgage broker, or closing agent under the other state's or jurisdiction's law.

18.13(2) The superintendent shall not refund the license fee, in whole or in part, of a license that has been suspended, revoked, or surrendered.

187—18.14(17A,535B) Trust fund accounting and internal controls.

18.14(1) A closing agent shall establish and maintain a separate subsidiary ledger for each real estate transaction for which the closing agent performs real estate closing services.

18.14(2) A closing agent shall prepare a trial balance for each trust account and each subsidiary ledger at least once each calendar month.

18.14(3) A closing agent shall perform a three-way reconciliation of bank balance, book balance, and trust account trial balance for each bank trust account at least once each calendar month. A member of the closing agent's management team shall review and approve the reconciliation at least once each calendar month.

18.14(4) A closing agent shall design accounting processes with the appropriate level of internal controls and management oversight, including appropriate segregation of duties. It is recommended that trust account reconciliations be prepared by a person other than a person who records receipts or makes deposits to the trust account. A closing agent may use an outside accountant to perform reconciliations.

187—18.15(17A,535B) Closing standards. A licensed closing agent shall comply with the following closing standards:

18.15(1) Read and comply with all closing instructions from the parties to the transaction.

18.15(2) Disburse or deliver funds only in accordance with closing instructions from the lender, the attorney's title opinion or title commitment, and the real estate purchase agreement, when applicable. All disbursements shall agree with the final signed closing disclosure.

18.15(3) Obtain written payoff statements for any loan being paid off as part of the real estate transaction and make all loan payoffs as soon after the closing as is practical, but in no event more than two business days after the closing, or within one business day after the rescission period ends in the case of a refinance transaction. Placing the loan payoffs with a delivery service for overnight delivery satisfies the requirements of this subrule.

18.15(4) Ensure that all documents for the real estate transaction that require recording are recorded with the appropriate county recorder's office in a timely manner, but in no event more than five business days after the date of the transaction.

18.15(5) Maintain a closing register and a closing index. A closing register is a chronological list of real estate closings. The closing register shall include for each closing the date of the transaction, the name of the buyer or borrower, the name of the seller, the name of the lender and the mortgage loan originator, and the property address, as applicable. A closing index shall be maintained so that all records are accessible by the names of the parties to the transaction (including the name of the buyer or borrower, the name of the seller, and the name of the mortgage loan originator) and file number. A searchable database containing the information required by this subrule satisfies the requirements of this subrule.

18.15(6) Maintain a closing file for each real estate transaction for which the closing agent performed real estate closing services including, at a minimum, the following records:

a. An accounting ledger or disbursement sheet that details all receipts and disbursements with date, transaction type, check number, payee, amount, and the file's ending balance. All ledger or disbursement sheets shall balance zero after the transaction is completed. If any balance remains, the date, the reason for the balance, and to whom the balance belongs shall be clearly documented in the file.

b. A signed closing disclosure that totals properly and is supported by written instructions for all amounts. If the closing disclosure requires changes, a copy of the new closing disclosure with changes clearly documented shall be maintained in the file.

c. A copy of the closing instructions from the lender and other parties to the transaction.

d. A copy of the signed real estate contract, if applicable.

e. Detailed records of the individuals present at each closing and specifying where and when each closing is held.

f. Properly executed affidavits, where required.

g. Evidence that the real estate transaction documents were filed with the county recorder.

187—18.16(17A,535B) Employees of closing agents.

18.16(1) A closing agent shall exercise diligence in hiring practices, including policies regarding background investigations, and conduct a background investigation and credit check for each employee responsible for handling funds.

18.16(2) A closing agent shall provide appropriate training to employees on real estate closing matters, including trust account administration, real estate closing procedures, and fraud prevention.

187—18.17(17A,535B) Reporting obligation. If a closing agent detects defalcation regarding the closing agent's trust account funds, the closing agent must file the following notice with the division of banking within three days of discovering the defalcation: "We have detected circumstances regarding our trust account funds that may warrant an investigation by the banking division. The amount of funds involved is believed to be $_____."

187—18.18(17A,535B) Real estate brokers. A real estate broker performing real estate closing services is eligible for the exemption in Iowa Code section 535B.2(6) only when performing real estate closing services on a transaction in which the broker's brokerage represents one of the parties to the transaction and the closing is being administered through an account regulated by the real estate commission pursuant to Iowa Code chapter 543B.

These rules are intended to implement Iowa Code chapters 17A and 535B.

Regulatory Analysis

Notice of Intended Action to be published: 187—Chapter 19
"Mortgage Loan Originators"

Iowa Code section(s) or chapter(s) authorizing rulemaking: 535D.5, 535D.6, 535D.9, 535D.10, 535D.11, 535D.12, 535D.19 and 535D.21

State or federal law(s) implemented by the rulemaking: Iowa Code chapters 17A and 535D

Public Hearing

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

December 16, 2025 9 a.m.	Suite 300 200 East Grand Avenue Des Moines, Iowa
December 18, 2025 9 a.m.	Suite 300 200 East Grand Avenue Des Moines, Iowa

Public Comment

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

Zak Hingst
200 East Grand Avenue, Suite 300
Des Moines, Iowa 50309-1827
Phone: 515.242.0332
Email: zak.hingst@idob.state.ia.us

Purpose and Summary

Pursuant to Executive Order 10, the Division proposes to rescind Chapter 19 and adopt a new chapter in lieu thereof. Updates to the chapter eliminate language that is duplicative of statutory language, eliminate unnecessary and inconsistent language, remove unnecessarily restrictive terms, and 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:**

Licensed mortgage loan originators will bear the costs of the proposed rulemaking.

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

Licensed mortgage loan originators will benefit from the improved clarity of the proposed rulemaking regarding the expectations for obtaining and maintaining a license required by Iowa Code chapter 535D. Iowa borrowers will also benefit from the Division's ability to adequately supervise licensees under the proposed 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:**

Persons interested in obtaining and maintaining a mortgage loan originator license may incur costs to prepare and submit the required application materials and renewal materials. The amount of those costs will vary depending on the complexity of the issues and the compensation of staff or service providers who prepare the materials. Licensees and prospective licensees will also have to pay fees associated with use of the Nationwide Multistate Licensing System (NMLS), a nationwide online application and licensing system operated and maintained by the states that streamlines, for licensees and for states, the process of obtaining and maintaining a license in multiple states.

- **Qualitative description of impact:**

The proposed rulemaking provides clarity about the process of applying for a mortgage loan originator license and renewing a mortgage loan originator license, the Division's standards for reviewing and responding to those applications, and compliance expectations for licensees, particularly records that must be kept to facilitate the Division's examination and supervision of licensees.

3. **Costs to the State:**

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

The Division incurs staff time to review and respond to license and renewal applications and to conduct examinations and investigations.

- **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 licensees or prospective licensees compared to the existing Chapter 19 and benefits licensees and prospective licensees by providing clarity about the process and requirements associated with applying for and maintaining a mortgage loan originator license for which the Division's approval is statutorily required. The cost of inaction would be lack of guidance and clarity for licensees and prospective licensees interested in obtaining and maintaining a mortgage loan originator license and doing business in Iowa, which would engender confusion about the applicable process and expectations for obtaining and maintaining that approval.

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

The Division did not identify any less costly methods or less intrusive methods to achieve the purposes of the proposed rulemaking because the NMLS is a more cost-effective method, for states and for licensees, of accepting and reviewing license applications and related materials than the Division developing a separate licensing system.

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

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

The Division did not consider any alternative methods.

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

Because the Division did not consider any less costly or less intrusive methods of achieving the purposes of the proposed rulemaking, the Division did not consider any alternative 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.

Text of Proposed Rulemaking

ITEM 1. Rescind 187—Chapter 19 and adopt the following **new** chapter in lieu thereof:

CHAPTER 19
MORTGAGE LOAN ORIGINATORS

187—19.1(17A,535D) Definitions. For the purposes of this chapter, the definitions in Iowa Code section 535D.3 shall apply. In addition, unless the context otherwise requires, the following definitions shall apply to this chapter and to Iowa Code chapter 535D:

"Nationwide multistate licensing system" or *"NMLS"* means the same as "nationwide mortgage licensing system and registry" as defined in Iowa Code section 535D.3.

"Takes a residential mortgage loan application," with respect to Iowa Code section 535D.3(8), means:

1. Any communication, regardless of form, from a mortgage loan originator to a borrower soliciting a loan application or requesting information typically required in an application for the purpose of deciding whether or not to extend the requested offer of a loan to a borrower; or
2. Any communication, regardless of form, from a borrower to a mortgage loan originator for an offer or responding to a solicitation for an offer of residential mortgage loan terms or providing information typically required in an application for the purpose of deciding whether or not to extend the requested offer of a loan to a borrower.

187—19.2(17A,536) Utilization of NMLS.

19.2(1) All application and licensing information shall be submitted through NMLS, including but not limited to the following: original application information, changes in application information, license renewal information, and notices of significant events.

19.2(2) The applicant or licensee shall pay any fees required by NMLS, including but not limited to the following: initial set-up fee and annual processing fees, background check fees, and credit background check fees.

187—19.3(17A,535D) Application for a license.

19.3(1) An application for a license to act as a mortgage loan originator shall be submitted to the superintendent, on the form provided and with the information requested, through NMLS. The superintendent may consider an application withdrawn if it does not contain all required information and the information is not submitted to the superintendent within 30 days after the superintendent requests the information. The applicant may also request that the application be withdrawn at any time before the superintendent has decided to grant or deny the application.

19.3(2) An applicant must complete the prelicensing education requirements specified in Iowa Code section 535D.7 and pass the SAFE mortgage loan originator test approved by NMLS pursuant to Iowa Code section 535D.8 before submitting an application. The test is comprised of a national

component and a state component, and applicants must pass each component with a score of 75 percent or higher.

19.3(3) The applicant must submit a $50 application fee. This fee is nonrefundable. This fee is in addition to any fees established and charged by NMLS, any approved education course provider, any approved education testing provider, any law enforcement agency for fingerprints and background checks, or by any credit reporting agency used by NMLS.

19.3(4) An applicant must provide fingerprints, authorize a criminal history background check as specified in Iowa Code section 535D.5(4), and pay the appropriate fees for the purpose of conducting a national criminal history background check through the Federal Bureau of Investigation. This requirement applies to all individuals, regardless of whether the applicant was previously registered under Iowa Code chapter 535B or if the applicant has previously submitted fingerprint cards for licensure.

19.3(5) An applicant for a mortgage loan originator license must file with the superintendent a bond complying with the provisions of Iowa Code section 535D.14. An applicant or licensee may satisfy this requirement by one of the following:

a. A mortgage loan originator may be covered by the bond of a company subject to Iowa Code chapter 535B, 536, or 536A as specified in Iowa Code section 535D.14(1).

b. A mortgage loan originator who is not covered by a company bond pursuant to paragraph 19.3(5)*"a"* must provide an individual bond meeting the requirements of paragraph 19.3(5)*"c."*

c. The bond amount required to be filed and maintained by or on behalf of a mortgage loan originator who is not an employee or exclusive agent of a company subject to Iowa Code chapter 535B, 536, or 536A shall be set and adjusted annually using the following scale, based on the volume of residential mortgage loans originated, processed, and underwritten, as the case may be, by the licensee during the preceding calendar year:

Loans	Bond Amount
$0 – $5,000,000	$25,000
$5,000,001 – $20,000,000	$50,000
$20,000,001 – $50,000,000	$75,000
$50,000,001 – $100,000,000	$100,000
Over $100,000,000	$150,000

19.3(6) To engage in activities requiring a license, a mortgage loan originator must be employed by, under contract with, or an exclusive agent of a licensed company or a company that is exempt from licensing requirements. The superintendent may consider an application for a mortgage loan originator license from a person not currently employed by, under contract with, or an exclusive agent of a licensee. If the superintendent determines that the applicant is otherwise eligible for a mortgage loan originator license, the superintendent shall approve the license in "active-inactive" status or similar status type indicating that the applicant has met the individual requirements for licensure but is not authorized to conduct business.

19.3(7) An individual who has completed 20 hours of prelicensure education pursuant to 12 U.S.C. 5104(c) must retake 20 hours of prelicensure education in order to be eligible for mortgage loan originator licensure if the individual:

a. Fails to acquire a valid state license or federal registration as a mortgage loan originator within three years from the date of federal compliance with 12 U.S.C. 5104(c); or

b. Fails to acquire a valid state license or federal registration as a mortgage loan originator within three years from the last date of licensure or registration as a mortgage loan originator.

187—19.4(17A,535D) Grounds for denial of license.

19.4(1) The superintendent shall deny an application for a mortgage loan originator license if the applicant does not meet the qualifications outlined in Iowa Code section 535D.6. For the purpose of

applying Iowa Code section 535D.6(2), "dishonesty or breach of trust" includes but is not limited to forgery, embezzlement, obtaining money under false pretenses, theft, extortion, fraud, conspiracy to defraud, tax evasion, or another similar offense.

19.4(2) The superintendent may deny an application for a mortgage loan originator license for any of the following reasons:

a. This state or another state or jurisdiction has denied, suspended, or refused to renew the applicant's license to act as a mortgage loan originator or has denied, suspended, or refused to renew a similar license or registration under this state's or the other state's or jurisdiction's law. An agreement made between a person and this state or another state or jurisdiction not to operate as a mortgage loan originator constitutes a denial of that person's license to act as a mortgage loan originator in that state.

b. The applicant has been barred, removed, or prohibited from serving in any capacity in a financial institution by any state or federal regulatory agency, including but not limited to the Office of Comptroller of the Currency, the Federal Deposit Insurance Corporation (FDIC), the Board of Governors of the Federal Reserve System, or the U.S. Department of Housing and Urban Development.

c. The applicant has been convicted of forgery, embezzlement, obtaining money under false pretenses, theft, extortion, conspiracy to defraud, tax evasion, or another similar offense in a court of competent jurisdiction in this state or in any other state, territory or district of the United States or in any foreign jurisdiction. For the purposes of this paragraph, "convicted of" includes a guilty plea, deferred judgment, deferred sentence, or other similar finding of guilt by a court of competent jurisdiction.

d. The applicant has had a professional license of any kind revoked in any state or jurisdiction. An agreement to surrender a license and not to operate in an occupation in which a professional license is required is considered a revocation for the purposes of this rule.

e. The applicant is under 18 years of age.

f. The applicant has made a false statement of material fact on an application for a license or has been otherwise implicated in the submission of a false application.

g. The applicant has demonstrated a lack of moral character in a manner that the superintendent reasonably believes will impair the applicant's ability to act as a mortgage loan originator in full compliance with the public interest and state policies described in Iowa Code chapters 535B and 535D.

h. The applicant has failed to pay child support and is identified in a certificate of noncompliance from the child support recovery unit of the department of health and human services according to the procedures in Iowa Code chapter 252J.

i. The applicant has failed to pay state debt and is identified in a certificate of noncompliance from the department of revenue according to the procedures set forth in Iowa Code chapter 272D.

187—19.5(17A,535D) Renewal of mortgage loan originator license.

19.5(1) A mortgage loan originator license must be renewed before the expiration date of the license to remain authorized to make regulated loans. Licenses expire on the next December 31 after they are issued, but licenses granted on or after November 1 but before January 1 do not expire until December 31 of the following year.

19.5(2) An application to renew a license shall be submitted to the superintendent, on the form provided and with the information requested, including any material change to information contained in the original application, through NMLS by December 1 of the year of expiration along with a nonrefundable $50 renewal fee. The superintendent may assess a late fee of $5 per day not to exceed $100 for a mortgage loan originator license renewal accepted for processing after December 1.

19.5(3) The superintendent may reject for processing a mortgage loan originator license renewal if the license renewal is not complete or if all required fees, including late fees, are not remitted.

19.5(4) The superintendent shall grant an application to renew a mortgage loan originator license if the licensee meets the standards for renewal in Iowa Code section 535D.9 and:

a. The licensee submits the application and the appropriate renewal fee by December 1 or the licensee submits the application after December 1 but before January 1 and pays the appropriate renewal fee and the appropriate late fee;

b. The application is fully completed and includes all necessary information; and

c. The application does not reveal grounds to deny a license.

187—19.6(17A,535D) Reinstatement of license.

19.6(1) The license of a mortgage loan originator that expires for failure to satisfy the minimum standards for renewal may be reinstated if the licensee meets the following requirements:

a. The application for reinstatement is submitted between January 1 and February 28 of the year immediately following the year the license expired;

b. All continuing education courses and any other minimum requirements for license renewal for the year in which the license expired are completed prior to submission of the application for reinstatement; and

c. The licensee pays a reinstatement fee of $50, in addition to the renewal fee and any late charges.

19.6(2) A mortgage loan originator whose license has expired and who fails to meet the requirements for reinstatement specified in this rule must apply for a new license and meet the requirements in effect at that time.

187—19.7(17A,535D) Notice of significant events. A licensee shall notify the superintendent through NMLS within ten days of the occurrence of any of the following events.

19.7(1) The licensee files for bankruptcy protection.

19.7(2) A prosecuting authority files criminal charges against the licensee.

19.7(3) Another state or jurisdiction institutes license denial, cease and desist, suspension or revocation procedures, or other formal or informal regulatory action against the licensee.

19.7(4) The attorney general of Iowa, the Federal Trade Commission, or the enforcer of the consumer protection laws of any other jurisdiction initiates an action to enforce any consumer protection laws against the licensee.

19.7(5) The Federal National Mortgage Association, Federal Home Loan Mortgage Corporation, Federal Housing Administration, or Government National Mortgage Association suspends or terminates the licensee's status as an approved loan originator.

19.7(6) The licensee ceases engaging in activities requiring a license and wishes to surrender the licensee's license.

19.7(7) A change is made in the licensee's name.

187—19.8(17A,535D) Administrative fees.

19.8(1) *Investigation or examination fees.* A licensee shall pay an investigation or examination fee as determined by the superintendent based on the actual cost of the operation of the finance bureau of the banking division as described in Iowa Code section 535D.11(2).

19.8(2) *Investigation or examination late fees.* A licensee shall pay the superintendent the total charge for an investigation or examination within 30 days after the superintendent has requested payment. If a licensee fails to pay an investigation or examination fee by the due date, the superintendent may assess an additional penalty of 5 percent of the amount of the fee for each day after the due date.

19.8(3) *Late fees for failing to respond.* In the process of administering Iowa Code chapter 535D, the superintendent may require a person to provide responses to formal orders, examinations, or complaint inquiries. If a person fails to respond within 30 days of the request, the superintendent may assess a penalty of $10 per day after the initial 30 days.

19.8(4) *NMLS system processing fees.* The applicant or licensee shall pay any fee required by NMLS or attributed to the licensee's record in NMLS pursuant to rule 187—19.3(17A,535D).

187—19.9(17A,535D) Continuing education.

19.9(1) A licensee applying to renew a mortgage loan originator license shall complete continuing education as specified in Iowa Code section 535D.10.

19.9(2) The entity providing the continuing education course shall submit to NMLS evidence of the licensee's satisfactory completion of approved continuing education.

19.9(3) Each mortgage loan originator is responsible for maintaining verification records in the form of completion certificates or other documents providing evidence of satisfactory completion of approved continuing education courses. The mortgage loan originator shall retain documentation for a period of three years after the effective date of the mortgage loan originator license renewal. The superintendent may conduct random audits to verify the continuing education submitted to NMLS.

19.9(4) Failure to provide requested evidence of completion of claimed continuing education within 30 days of the written notice from the superintendent shall result in the mortgage loan originator license being placed in inactive status. Prior to the superintendent's activating a mortgage loan originator license that has been placed on inactive status pursuant to this rule, the mortgage loan originator must submit to the superintendent satisfactory evidence that all required continuing education has been completed.

19.9(5) The requirement for completion of continuing education may be waived or the deadline for completion may be extended by the superintendent when a licensed mortgage loan originator:

a. Is called to active duty in the armed forces of the United States for a period of time exceeding 120 consecutive days in any continuing education year.

b. Experiences physical disability, illness, or any extenuating circumstances that prevent successful completion of continuing education.

187—19.10(17A,535D) Independent contractor—loan processor or underwriter.

19.10(1) For the purpose of Iowa Code section 535D.4, "a loan processor or underwriter who is an independent contractor" means any person who processes or underwrites residential mortgage loans and is not a W-2 employee of a company licensed under Iowa Code chapter 535B, 536, or 536A.

19.10(2) An independent contractor must meet all the licensure requirements found in rule 187—19.3(17A,535D) with the exception of subrule 19.3(6).

19.10(3) An independent contractor must meet the bond requirements found in subrule 19.3(5) prior to the issuance of a license.

187—19.11(17A,535D) NMLS information challenge process. A mortgage loan originator may challenge information entered into NMLS by the superintendent by filing a dispute with the superintendent outlining the grounds for the dispute. The grounds for the dispute are limited to a review of the factual accuracy of the information regarding the mortgage loan originator's license record submitted to NMLS by the superintendent. A mortgage loan originator may not file a dispute to protest a disciplinary action taken by the superintendent or to appeal the underlying reasons for a disciplinary action. The superintendent shall conduct a paper review of the dispute and determine whether the information submitted to NMLS was factually correct and notify the mortgage loan originator of the determination within 60 days of the receipt of the dispute. If the superintendent determines the information submitted to NMLS is factually incorrect, the superintendent shall take prompt steps to correct the information submitted.

187—19.12(17A,535D) Disciplinary action. The superintendent may impose any of the disciplinary sanctions set out in Iowa Code section 535D.13(2) when the superintendent makes any of the findings in Iowa Code section 535D.13(1) or when the superintendent finds any of the following:

19.12(1) The licensee fails to respond to a superintendent inquiry within 30 days of the date of mailing a written communication directed to the licensee's last-known address on file with the superintendent.

19.12(2) The licensee continues to act as a mortgage loan originator without first satisfying the required continuing education, absent an express waiver granted by the superintendent.

19.12(3) The licensee has submitted a false report of continuing education.

19.12(4) Another state or jurisdiction has denied, suspended, revoked, or refused to renew the licensee's license, registration, or authorization to act as a mortgage loan originator under the other state's or jurisdiction's law.

187—19.13(17A,535D) Annual report. On or before March 31 of each year, each mortgage loan originator who as of the preceding December 31 was not employed by or an exclusive agent of a company licensed under Iowa Code chapter 535B, 536, or 536A shall file with the superintendent an annual report as required by Iowa Code section 535D.23 stating the amount of residential mortgage loans originated, processed, or underwritten, as the case may be, during the preceding calendar year. The superintendent may assess a late fee of $10 for each day the annual report is delinquent, not to exceed aggregate late penalties of $300. The superintendent may relieve any licensee from the payment of any penalty, in whole or in part, for good cause.

Rules 187—19.1(17A,535D) through 187—19.13(17A,535D) are intended to implement Iowa Code chapters 17A and 535D.

187—19.14(17A,252J) Nonpayment of child support. The superintendent shall deny the issuance or renewal of a mortgage loan originator license upon the receipt of a certificate of noncompliance from the child support recovery unit of the department of health and human services according to the procedures in Iowa Code chapter 252J, and the procedures set forth in this rule also apply.

19.14(1) The notice required by Iowa Code section 252J.8 shall be served upon the mortgage loan originator or applicant by restricted certified mail, return receipt requested, or personal service in accordance with Iowa Rule of Civil Procedure 1.305. Alternatively, the mortgage loan originator or applicant may accept service personally or through authorized counsel.

19.14(2) The effective date of the denial of the issuance or renewal of a mortgage loan originator license, as specified in the notice required by Iowa Code section 252J.8, is 60 days following service of the notice upon the mortgage loan originator or applicant.

19.14(3) Mortgage loan originators and applicants shall keep the superintendent informed of all court actions and all child support recovery unit actions taken under or in connection with Iowa Code chapter 252J and provide the superintendent copies, within seven days of filing or issuance, of all applications filed with the district court pursuant to Iowa Code section 252J.9, all court orders entered in such actions, and withdrawals of certificates of noncompliance by the child support recovery unit.

19.14(4) In the event an applicant or a mortgage loan originator timely files a district court action following service of a superintendent notice pursuant to Iowa Code sections 252J.8 and 252J.9, the superintendent shall continue with the intended action described in the notice upon the receipt of a court order lifting the stay, dismissing the action, or otherwise directing the superintendent to proceed. For purposes of determining the effective date of the denial of the issuance or renewal of a mortgage loan originator license, the superintendent shall count the number of days before the action was filed and the number of days after the action was disposed of by the court.

19.14(5) The superintendent shall notify the mortgage loan originator or applicant in writing through regular first-class mail, or such other means as the superintendent deems appropriate in the circumstances, within ten days of the effective date of the denial of the issuance or renewal of a mortgage loan originator license and similarly notify the mortgage loan originator or applicant when the license is issued or renewed following the superintendent's receipt of a withdrawal of the certificate of noncompliance.

This rule is intended to implement Iowa Code chapters 17A and 252J.

187—19.15(17A,272D) Nonpayment of state debt. The superintendent shall deny the issuance or renewal of a mortgage loan originator license upon the receipt of a certificate of noncompliance from

the centralized collection unit of the department of revenue according to the procedures in Iowa Code chapter 272D, and the procedures set forth in this rule also apply.

19.15(1) The notice required by Iowa Code section 272D.8 shall be served on the mortgage loan originator or applicant by restricted certified mail, return receipt requested, or personal service in accordance with the Iowa Rules of Civil Procedure. Alternatively, the mortgage loan originator or applicant may accept service personally or through authorized counsel.

19.15(2) The effective date of the denial of issuance or renewal of a license, as specified in the notice required by Iowa Code section 272D.8, shall be 60 days following service of the notice upon the mortgage loan originator or applicant.

19.15(3) Mortgage loan originators and applicants shall keep the superintendent informed of all court actions and all centralized collection unit actions taken under or in connection with Iowa Code chapter 272D and provide the superintendent copies, within seven days of filing or issuance, of all applications filed with the district court pursuant to Iowa Code section 272D.9, all court orders entered in such actions, and withdrawals of certificates of noncompliance by the centralized collection unit.

This rule is intended to implement Iowa Code chapters 17A and 272D.

Regulatory Analysis

Notice of Intended Action to be published: 187—Chapter 20
"Debt Management"

Iowa Code section(s) or chapter(s) authorizing rulemaking: 33A.2(7), 533A.8(11), and 533A.12
State or federal law(s) implemented by the rulemaking: Iowa Code chapters 17A and 533A

Public Hearing

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

December 16, 2025 9 a.m.	Suite 300 200 East Grand Avenue Des Moines, Iowa
December 18, 2025 9 a.m.	Suite 300 200 East Grand Avenue Des Moines, Iowa

Public Comment

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

Zak Hingst
200 East Grand Avenue, Suite 300
Des Moines, Iowa, 50309-1827
Phone: 515.242.0332
Email: zak.hingst@idob.state.ia.us

Purpose and Summary

Pursuant to Executive Order 10 (January 10, 2023), the Division proposes to rescind Chapter 20 and adopt a new chapter in lieu thereof. This rulemaking eliminates language that is duplicative of statutory language, eliminates unnecessary and inconsistent language, removes unnecessarily restrictive terms, and updates outdated language.

Analysis of Impact

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

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

Licensed debt management companies will bear the costs of the proposed rulemaking.

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

Licensed debt management companies will benefit from the improved clarity of the proposed chapter regarding the expectations for obtaining and maintaining a license required by Iowa Code chapter 533A. Iowa debtors who utilize the services of these licensees will also benefit from the Division's ability to adequately supervise debt management licensees under the proposed 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:**

People interested in obtaining and maintaining a debt management license may incur costs to prepare and submit the required application materials and renewal materials. The amount of those costs will vary depending on the complexity of the issues and the compensation of staff or service providers who prepare the materials. Licensees and prospective licensees will also have to pay fees associated with use of the Nationwide Multistate Licensing System (NMLS), a nationwide online application and licensing system operated and maintained by the states that streamlines, for licensees and for states, the process of obtaining and maintaining a license in multiple states.

- **Qualitative description of impact:**

The proposed rulemaking provides clarity about the process of applying for and renewing a debt management license, the Division's standards for reviewing and responding to those applications, and compliance expectations for licensees, particularly records that must be kept to facilitate the Division's examination and supervision of licensees.

3. **Costs to the State:**

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

The Division incurs staff time to review and respond to license and renewal applications and to conduct examinations and investigations.

- **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 licensees or prospective licensees compared to the existing Chapter 20 and benefits licensees and prospective licensees by providing clarity about the process and requirements associated with applying for and maintaining a debt management license for which the Division's approval is statutorily required. The cost of inaction would be lack of guidance and clarity for licensees and prospective licensees interested in obtaining and maintaining a debt management license and doing business in Iowa, which would engender confusion about the applicable process and expectations for obtaining and maintaining that approval.

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

The Division did not identify any less costly methods or less intrusive methods to achieve the purposes of the proposed rulemaking because the NMLS is a more cost-effective method, for states and for licensees, of accepting and reviewing license applications and related materials than having the Division develop a separate licensing system.

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

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

The Division did not consider any alternative methods.

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

Because the Division did not consider any less costly or less intrusive methods of achieving the purposes of the proposed rulemaking, the Division did not consider any alternative 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.

Text of Proposed Rulemaking

ITEM 1. Rescind 187—Chapter 20 and adopt the following **new** chapter in lieu thereof:

CHAPTER 20
DEBT MANAGEMENT

187—20.1(17A,533A) Definitions. For the purposes of this chapter, the definitions in Iowa Code chapter 533A shall apply. In addition, unless the context otherwise requires:

"Debt management business" means a person that performs debt management as defined in Iowa Code section 533A.1(2) or debt settlement as defined in Iowa Code section 533A.1(3).

"Nationwide multistate licensing system" or *"NMLS"* means the same as defined in Iowa Code section 535D.3.

"Upon completion of a settlement of a debtor's debt" means when all of the payments necessary to completely satisfy a debtor's debt have been remitted to the creditor.

187—20.2(17A,533A) Utilization of the NMLS.

20.2(1) All application and licensing information shall be submitted through the NMLS including but not limited to the following: original application information; changes in application information; license renewal information; changes in name, location, and control; and notices of significant events.

20.2(2) The applicant or licensee shall pay any fees required by the NMLS including but not limited to the following: initial set-up fee and annual processing fee, system processing fees, background check fees, and credit background check fees.

187—20.3(17A,533A) Application for license.

20.3(1) An application for a license to operate a debt management business in Iowa shall be submitted to the superintendent, on the form provided and with the information requested, through the NMLS. The superintendent may consider an application withdrawn if it does not contain all required information and the missing information is not submitted to the superintendent within 30 days after the superintendent requests the missing information. The applicant may also request that the application be withdrawn at any time before the superintendent has decided to grant or deny the application.

20.3(2) Each officer, director, and individual who has control of an applicant must provide fingerprints, authorize a fingerprint background check through the NMLS, and pay the appropriate fees for the purpose of conducting a national criminal history background check through the Federal Bureau of Investigation.

20.3(3) The applicant shall submit the application fee and the initial license fee specified in Iowa Code section 533A.2(6). The superintendent shall refund the initial license fee if the application is denied, but the application fee is not subject to refund.

20.3(4) If any information material to the application changes after the applicant files the initial application, the applicant shall provide updated information to the superintendent within ten days of

the change. When such a material change in information has occurred, the superintendent may deny an application if the applicant fails to provide updated information within the prescribed time frame.

20.3(5) An applicant for a license to operate a debt management business must file with the superintendent a bond complying with the provisions of Iowa Code section 533A.2(4).

187—20.4(17A,533A) Grounds for approval or denial.

20.4(1) The superintendent shall approve or deny a license application in accordance with the provisions of Iowa Code section 533A.3.

20.4(2) The following may be considered evidence that the business of the applicant may not be operated lawfully and honestly consistent with the purposes of Iowa Code chapter 533A and may therefore be considered grounds for denial of an application:

a. An applicant, or an officer, director, or individual who has control of an applicant, has had a mortgage loan originator license or any lending license revoked in any governmental jurisdiction.

b. An applicant, or an officer, director, or individual who has control of an applicant, has been convicted of or pled guilty or no contest to a felony in a domestic, foreign, or military court if such felony involved an act of fraud, dishonesty, or breach of trust or money laundering.

187—20.5(17A,533A) Renewal of license.

20.5(1) A licensee must renew a license before the expiration date of the license to remain authorized to operate a debt management business. Licenses expire on the next December 31 after they are issued, but licenses granted on or after November 1 but before January 1 do not expire until December 31 of the following year.

20.5(2) An application to renew a license shall be submitted to the superintendent, on the form provided and with the information requested, including any material change to information contained in the original application, through the NMLS by December 1 of the year of expiration.

20.5(3) The superintendent shall grant an application to renew a license if:

a. The licensee submits the application and the appropriate renewal fee by December 1 or the licensee submits the application after December 1 but before January 1 and pays the appropriate renewal fee and the appropriate late fee;

b. The application is fully completed and includes all necessary information; and

c. The application does not reveal grounds to deny a license.

20.5(4) The superintendent may reject for processing a renewal application submitted after December 31 or treat such an application as an application for a new license.

187—20.6(17A,533A) Changes in the licensee's name, location, or control.

20.6(1) A licensee wishing to change the name or location of a debt management business shall notify the superintendent at least 30 days prior to the requested change. The notice shall include proof that the licensee has either obtained a new bond or amended the existing bond to reflect the new name or location.

20.6(2) A licensee wishing to establish a branch office must submit the application to the superintendent, on the form provided and with the information requested, through the NMLS, along with the fee required by Iowa Code section 533A.2(6). Licenses issued to branch offices are treated as independent licenses and are subject to the renewal requirements, fees, and procedures specified in rule 187—20.5(17A,533A).

20.6(3) When a change in control of a licensee is proposed, the party that will assume control of the licensee shall give notice to the superintendent at least 30 days before the proposed change will take effect. The party that will assume control of the licensee shall furnish the superintendent with the same information required of initial applicants for a license, along with the fee specified in Iowa Code section 533A.5A(1). The party that will assume control may be required to provide fingerprints, authorize a fingerprint background check through the NMLS, and pay the appropriate fees for the purpose of conducting a national criminal history background check through the Federal Bureau of

Investigation. The superintendent shall approve or deny the request in accordance with the provisions of Iowa Code section 533A.3 and rule 187—20.5(17A,533A).

187—20.7(17A,533A) Notice of significant events. A licensee shall notify the superintendent in writing within ten days of the occurrence of any of the following events.

20.7(1) The licensee or any of the licensee's officers, directors, principal stockholders, or affiliates file for bankruptcy protection.

20.7(2) A prosecuting authority files criminal charges against the licensee or any of the licensee's officers, directors, principal stockholders, or affiliates.

20.7(3) Another state or jurisdiction institutes license denial, cease and desist, suspension or revocation procedures, or other formal or informal regulatory action against the licensee or any of the licensee's officers, directors, principal stockholders, or affiliates.

20.7(4) The attorney general of Iowa, the Federal Trade Commission, or the enforcer of the consumer protection laws of any other jurisdiction initiates an action to enforce any consumer protection laws against the licensee or any of the licensee's officers, directors, principal stockholders, or affiliates.

187—20.8(17A,533A) Administrative fees.

20.8(1) *Late fees for failing to respond.* In the process of administering this chapter, the superintendent may require a person to provide responses to formal orders, examinations, or complaint inquiries. If a person fails to respond within 30 days of the request, the superintendent may assess a penalty of $10 per day after the initial 30 days.

20.8(2) *NMLS system processing fees.* The applicant or licensee shall pay any fee required by the NMLS or attributed to the licensee's record in the NMLS pursuant to rule 187—20.2(17A,536).

187—20.9(17A,533A) Licensee records.

20.9(1) *General record requirements.* A licensee must keep records that allow the superintendent to determine the licensee's compliance with relevant statutes and regulations.

a. The licensee may keep the records as a hard copy or in an electronic equivalent.

b. The licensee shall maintain all books and records in good order and produce books and records for the superintendent upon request.

c. The obligation to maintain records continues even after the licensee ceases business operations in Iowa and turns in or surrenders its license. The owners and directors of the licensee are responsible for ensuring that this requirement is met.

20.9(2) *Required records.* A licensee shall keep, at its principal place of business, an index, a client log, an account file, and an account ledger.

20.9(3) *Index.* All records kept by a debt management business shall be accessible by the debtor's name, in alphabetical order, and by account number.

20.9(4) *Client log.* The client log is a chronological list of active and inactive clients. The client log shall include the name of the client, the account number, the date the account was opened, the date the account was closed, and the expiration date of the account.

20.9(5) *Account file.* The account file consists of the application, the licensee's comprehensive review of the debtor's debts and monthly budget as required by Iowa Code section 533A.8(2), a copy of the debt management contract, and all disclosures to the debtor required by Iowa Code section 533A.8(3).

20.9(6) *Account ledger.* A licensee whose debt management program is based on a model that requires the licensee or any licensee to receive money or evidences thereof from the debtor to distribute to the debtor's creditors shall maintain an account ledger for each debtor that shall show:

a. The name and address of the debtor, the account number, the amount of the debtor's outstanding debts, and the total of payments the debtor has made to the licensee.

b. A transaction history that lists all transactions with the debtor and the debtor's creditors. Payments from the debtor shall be posted to the account ledger, effective the date the payments were received, and show the date payment was received and the total amount of the payment. Payments to the debtor's creditors made from the debtor's account shall be posted to the account ledger effective the date the payments were made. The account ledger shall show the date the payment was made, the total amount of the payment, and a description of how the payment was applied to the debtor's account. Fees that the licensee deducts from the debtor's account shall be posted to the account ledger effective the date the fees were collected, and the account ledger shall show the date the fees were collected and the total amount of fees collected. Other transactions shall be fully described. Corrections to the transaction history shall be made by corrective entry and not by erasure.

20.9(7) *General business records.* A licensee must keep the following general business records for at least 36 months:

a. All checkbooks, check registers, bank statements, deposit slips, withdrawal slips, and canceled checks (or copies thereof) relating to the debt management business of the licensee.

b. Complete records (including invoices and supporting documentation) for all expenses and fees paid on behalf of each applicant for debt management or debt settlement, including a record of the date and amount of all such payments actually made by each applicant.

c. Copies of all federal tax withholding forms, reports of income for federal taxation, and evidence of payments to all employees, independent contractors, and others compensated by a licensee in connection with the conduct of the debt management business.

d. All correspondence and other records relating to the maintenance of any bond required by Iowa Code chapter 533A.

e. Copies of all reports of audits, examinations, inspections, reviews, investigations, or other similar functions performed by any third party, including but not limited to the superintendent or any other regulatory or supervisory authority.

f. Copies of all advertisements and solicitations concerning debt management or debt settlement directed at Iowa residents, including advertisements and solicitations on the internet or by other electronic means, in the format in which the advertisements and solicitations were published or distributed. An advertisement shall clearly show the licensee's unique NMLS identification number.

20.9(8) *Disposal of records.* If a licensee or former licensee disposes of records at the end of the retention period, the licensee or former licensee shall dispose of the records in a reasonable manner that safeguards any identification information as defined in Iowa Code section 715A.8(1)*"a."* The owners and directors of licensees and former licensees are responsible for ensuring that this requirement is met.

187—20.10(17A,533A) Complaints and investigations.

20.10(1) The superintendent may, at any time and as often as the superintendent deems necessary, investigate or examine a licensee pursuant to Iowa Code section 533A.10, including investigating complaints about, or alleged violations by, any licensee.

20.10(2) A complaint or alleged violation means:

a. A written complaint received from a consumer, member of the public, employee, business affiliate, or governmental agency.

b. Notice to the superintendent from any source that the licensee has been the subject of disciplinary proceedings in another jurisdiction.

c. Notice to the superintendent from any source that the licensee has been convicted of forgery, embezzlement, obtaining money under false pretenses, extortion, conspiracy to defraud, or other similar offense in a court of competent jurisdiction in this state or in any other state, territory, or district of the United States or in any foreign jurisdiction.

187—20.11(17A,533A) Disciplinary action.

20.11(1) Grounds for discipline. The superintendent may impose any of the disciplinary sanctions set out in Iowa Code section 533A.7(2) when the superintendent makes any of the findings in Iowa Code section 533A.7(1) or when the superintendent finds any of the following:

a. A fact or condition exists that, had it existed at the time of the licensee's original application for a license, would have warranted the superintendent to refuse to issue the original license.

b. The licensee is found upon investigation to be insolvent, in which case the license is subject to immediate revocation.

c. The licensee has violated an order of the superintendent.

d. The licensee fails to respond to an inquiry from the superintendent within 30 days of the date the superintendent mails a written communication directed to the licensee's last-known address on file with the superintendent.

e. The licensee operates a debt management business in the same location as another business without the superintendent's written approval.

f. The licensee has abandoned its place of business for 60 or more days.

g. Another state or jurisdiction has denied, suspended, revoked, or refused to renew the licensee's license, registration, or authorization to operate a debt management business under the other state's or jurisdiction's law.

20.11(2) The superintendent shall not refund a license fee, in whole or in part, for a license that has been suspended, revoked, or surrendered.

187—20.12(17A,533A) Restrictions on operating a debt management business. Licensees may not establish branch locations outside the United States.

These rules are intended to implement Iowa Code chapter 533A.

Regulatory Analysis

Notice of Intended Action to be published: 441—Chapter 159
"Child Care Resource and Referral Services"

Iowa Code section(s) or chapter(s) authorizing rulemaking: 237A.26
State or federal law(s) implemented by the rulemaking: Iowa Code section 237A.26

Public Hearing

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

December 16, 2025 10 a.m.	Microsoft Teams Meeting ID: 264 358 640 097 83 Passcode: V95vw7re

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

Existing Chapter 159 sets forth guidelines for processing and awarding child care resource and referral services grants. Upon review of the chapter under the auspices of Executive Order 10, it was determined that the Department did not have explicit rulemaking authority and that there were other ways the grant funds could be disbursed through the contracting process without being in the Iowa Administrative Code. Therefore, the Department proposes to rescind Chapter 159.

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 the proposed rulemaking.

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

By simplifying the grant awarding process and taking it out of the Iowa Administrative Code, those seeking grant funds will benefit the most 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:**

In SFY 2025, the Department disbursed over $8.2 million in contracted services through child care resource and referral services. Contracted services for SFY 2026 are on track to total over $12.6 million. Because these funds are disbursed as contracts and not grants, this proposed rulemaking will not impact the Department's ability to procure or provide these services.

- **Qualitative description of impact:**

By simplifying the grant awarding process and taking it out of the Iowa Administrative Code, those seeking grant funds will benefit the most from this proposed rulemaking.

3. **Costs to the State:**

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

There are no costs associated with the enforcement of this proposed rulemaking since the chapter is proposed to be rescinded.

- **Anticipated effect on State revenues:**

This proposed rulemaking is not expected to have any effect on State revenues.

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

Chapter 159 is proposed to be rescinded to comply with Executive Order 10 by removing unnecessary rules from the Iowa Administrative Code.

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

Rescinding the chapter is the most effective method for achieving the purposes of the underlying program.

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 and reserve **441—Chapter 159**.

Regulatory Analysis

Notice of Intended Action to be published: 641—Chapter 95
"Vital Records: General Administration"

Iowa Code section(s) or chapter(s) authorizing rulemaking: 144
State or federal law(s) implemented by the rulemaking: Iowa Code chapter 144

Public Hearing

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

December 16, 2025 10 a.m.	Microsoft Teams Meeting ID: 264 358 640 097 83 Passcode: V95vw7re

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 describes how the Department will install, maintain, and operate the system of vital statistics throughout the State. No system for the registration of births, deaths, fetal deaths, adoptions, marriages, dissolutions, and annulments will be maintained in the State or any of its political subdivisions other than the one provided for in this chapter.

The proposed chapter underwent a Red Tape Review pursuant to Executive Order 10. As a result, the Department referred definitions back to the appropriate Iowa Code section and eliminated redundant language. The Department also increased certain fees and the distribution that goes to support the Office of the State Medical Examiner.

Analysis of Impact

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

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

Most people who are involved with a birth, death, adoption, marriage, dissolution, or annulment will bear the costs of this proposed rulemaking.

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

Any person who is involved with a birth, death, adoption, marriage, dissolution, or annulment will benefit from this proposed rulemaking.

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

- **Quantitative description of impact:**

The Bureau of Vital Records and Health Statistics registers approximately 100,000 events and issues about 85,000 certified copies annually. The Department annually publishes Vital Statistics in Iowa, Vital Statistics of Iowa in Brief, and the Iowa Health Indicator Tracking System at hhs.iowa.gov/data-reports/health-statistics.

- **Qualitative description of impact:**

Any person who is involved with a birth, death, adoption, marriage, dissolution, or annulment will be affected.

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 implementing this proposed chapter.

- **Anticipated effect on State revenues:**

The vital records fees collected not only fund the Bureau but also contribute to the State's General Fund. For fiscal year 2025 (through August 11, 2025), the Department collected over $3.7 million and contributed over $1.8 million to the General Fund. This includes fees collected for all vital records, not just births. Although the Department is increasing some fees, those fees will be directed to the Office of the State Medical Examiner. There is no impact on the portion of fees directed to the State General Fund.

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

Rulemaking is required by Iowa Code chapter 144.

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

Not applicable.

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

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

Not applicable.

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

Rulemaking is required by Iowa Code chapter 144.

Small Business Impact

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

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

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

This proposed rulemaking has no impact on small business.

Text of Proposed Rulemaking

ITEM 1. Rescind 641—Chapter 95 and adopt the following **new** chapter in lieu thereof:

CHAPTER 95
VITAL RECORDS: GENERAL ADMINISTRATION

641—95.1(144) Definitions. For the purpose of 641—Chapters 95 through 100, the following definitions apply:

"Administrative costs" means costs for the registration, collection, preservation, modification and certification of records, including but not limited to costs related to copying, regular mailing, searching, staffing, and maintenance of systems.

"Advanced registered nurse practitioner" or *"ARNP"* means the same as defined in Iowa Code section 152.1.

"Age of majority" means the chronological moment when a child legally assumes majority control over the child's own person and actions and decisions, thereby terminating the legal control and legal responsibilities of the child's parents over and for the child. The period of minority extends to the age of 18 years, but every minor attains majority by marriage.

"Amendment" means a change made by the state registrar upon request from an entitled person as described in rule 641—95.8(144) to an obvious error, omission, or transposition of letters in a word of common knowledge one year or more after the event.

"Birth center" means a facility or institution, that is not an ambulatory surgical center or a hospital or in a hospital, in which births are planned to occur following a normal, uncomplicated, low-risk pregnancy.

"Birthing institution" means a private or public hospital licensed pursuant to Iowa Code chapter 135B that has a licensed obstetric unit or is licensed to provide obstetric services.

"Burial-transit permit" means the same as described in Iowa Code section 144.32.

"Certificate" or *"record"* means the written or electronic legal document containing the facts of an event.

"Certificate of birth resulting in stillbirth" means the same as described in Iowa Code section 144.31A.

"Certificate of nonviable birth" means a document issued based upon a nonviable birth.

"Certified copy" means an official copy of a registered vital record that is authenticated by the state registrar or county registrar. A certified copy contains a statement certifying the facts are true and accurate as recorded, is printed on security paper, and has authentication seals and signatures. A certified copy excludes all entries indicated as confidential or for statistical information.

"Commemorative certificate" means the same as described in Iowa Code section 144.45A.

"Competent and disinterested person" means an individual of legal age who is acquainted with both applicants who plan to marry.

"Confidential information" means data or information that is on a vital record, is not considered public information, and is restricted as to its release pursuant to Iowa Code chapter 144 or other provision of federal or state law.

"Correction" means a change made by the state registrar upon observation, upon query, or upon request from an entitled person as described in rule 641—95.8(144) to an obvious error, omission, or transposition of letters in a word of common knowledge within one year and prior to the first anniversary of the event.

"County registrar" means the same as described in Iowa Code section 331.601(4). If the office of the county recorder has been abolished, "county registrar" means the office to which the duties are assigned by the county board of supervisors.

"County resident copy" means a properly filed, clearly marked working copy of a decedent's death certificate that is sent to and recorded by the county registrar of the county of the decedent's residence in the event the death occurred outside the county of the decedent's residence.

"Court of competent jurisdiction" means the appropriate court for the type of action. When used to refer to inspection of an original certificate of birth based upon an adoption, "court of competent jurisdiction" means the court in which the adoption was ordered.

"Cremated remains" means the same as defined in Iowa Code section 144.1.

"Cremation" means the same as defined in Iowa Code section 144.1.

"Custody" means guardianship or control of vital records, including both physical possession, referred to as physical custody, and legal responsibility, referred to as legal custody, unless one or the other is specified. The state registrar will not transfer legal custody of vital records to another agency for purposes of granting public access until all the records have been purged of all confidential information.

"Day" means calendar day.

"Dead body" means the same as defined in Iowa Code section 144.1.

"Death" means the condition as defined in Iowa Code section 702.8.

"Declaration of paternity registry" means a registry for a putative father to declare paternity pursuant to Iowa Code section 144.12A. The declaration does not constitute an affidavit of paternity filed pursuant to Iowa Code section 252A.3A.

"Delayed birth record" means the registration of a live birth event occurring in Iowa one or more years after the date of birth that is clearly marked as delayed and shall show on its face the date of the delayed registration.

"Delayed death record" means the registration of a death event occurring in Iowa one or more years after the date of death that is clearly marked as delayed and shall show on its face the date of the delayed registration.

"Delayed marriage record" means the registration of a marriage event occurring in Iowa one or more years after the event that is clearly marked as delayed and shall show on its face the date of the delayed registration.

"Disinterment permit" means a permit that allows the removal of a dead human body or fetus from its original place of burial, entombment, or interment for the purpose of autopsy or reburial.

"Electronic access" means authority given by the state registrar to a county registrar to access electronic vital records through the electronic statewide vital records system for purposes of retrieving information. The state registrar will provide guidelines for electronic access and the retrieval of information from the electronic statewide vital records system.

"Electronic statewide vital records system" means the combined vital records system for registration of birth records, registration of death records, issuance of certified copies of vital records by the state registrar and county registrar, and fee accounting.

"Emancipated minor" means a person younger than 18 years of age who has obtained the age of majority by court order.

"Fetal death" means the same as defined in Iowa Code section 144.1.

"Filing" means the same as defined in Iowa Code section 144.1.

"Final disposition" means the same as defined in Iowa Code section 144.1.

"Foundling" means a living infant of unknown parentage whose place of birth is where the infant is found and whose date of birth shall be determined by approximation.

"Funeral director" means a person licensed in Iowa to practice mortuary science pursuant to Iowa Code chapter 156.

"Gestational surrogate arrangement" or *"surrogate mother arrangement"* means the same as defined in Iowa Code section 710.11.

"Health care provider" means the same as defined in Iowa Code section 144.29A.

"Hospital" means the same as defined in Iowa Code section 135B.1.

"Induced termination of pregnancy" means the same as defined in Iowa Code section 144.29A.

"Institution" means a facility as defined in Iowa Code section 144.1(9), including "hospital" as defined in Iowa Code section 135B.1(3) but not including "birth center" as defined in Iowa Code section 10A.711(3).

"Institutional health facility" means a hospital as defined in Iowa Code section 135B.1, including a facility providing medical or health services that is open 24 hours per day, seven days per week and that is a hospital emergency room or a health care facility as defined in Iowa Code section 135C.1.

"Jurisdiction" means the state or county to which legal authority for the system of vital statistics has been granted by statute.

"Last name" means surname.

"Lineal consanguinity" means the existence of a line of descent in which one person is descended in a direct lineal relationship to another: as between the registrant and the registrant's parent, grandparent, great-grandparent, and so upward, in the direct ascending line; or between the registrant and the registrant's child, grandchild, great-grandchild and so downward in the direct descending line; or any siblings of the registrant.

"Live birth" means the same as defined in Iowa Code section 144.1.

"Marriage license valid date" means the day on which the marriage license becomes valid and on or after which the parties are authorized to marry. When the marriage license valid date is computed, the date of application shall be excluded. The marriage license shall become valid after the expiration of three calendar days after the date of application unless earlier validated by a court of competent jurisdiction.

"Medical certification" means a statement that attests that the medical information reported on the certificate of death or fetal death is accurate to the best of the medical certifier's knowledge.

"Medical certifier" means an Iowa-licensed physician, physician assistant, advanced registered nurse practitioner, or medical examiner who attests that the death event has taken place and who determines the cause and manner of death.

"Medical examiner" means the medical legal officer who makes the determination of the cause of death in nonroutine deaths such as nonnatural, sudden, or unattended deaths or other deaths that affect the public interest.

"Modification" means any change made to a record that has been accepted and registered, such as a correction, an amendment, a change after adoption or paternity determination, or any other change.

"Mutual consent voluntary adoption registry" means a registry that authorizes adult adopted children, adult siblings, and the biological parents of adult adoptees to register to obtain identifying birth information.

"Natural cause of death" means a death due to a disease or the aging process and not due to external causes.

"Newborn safe haven registration" means the registration of the birth of a living infant of unknown parentage who has been abandoned or left at some unknown time after birth in a location other than the place of delivery.

"Non-birthing institution" means a private or public hospital licensed pursuant to Iowa Code chapter 135B that does not have a licensed obstetric unit or is not licensed to provide obstetric services but may provide obstetric services on an emergency basis.

"Non-institution birth" means a live birth that occurs outside of an institution and not en route to an institution.

"Nonnatural cause of death" means the same as defined in Iowa Code section 144.28(1).

"Nonviable birth" means an unintentional, spontaneous fetal demise occurring after demonstration of a doppler-detected heartbeat and prior to the twentieth week of gestation during a pregnancy that has been verified by a health care provider.

"Notification of record search" means the document issued to the applicant when the record requested cannot be located through a search of registered records. The document contains a certification statement, is printed on security paper, and has authentication seals and signatures.

"Officiant" means:

1. A judge of the Iowa supreme court, court of appeals, or district court, including a district associate judge, an associate juvenile judge, or a judicial magistrate, and including a senior judge as defined in Iowa Code section 602.9202(3), or

2. A person ordained or designated as a leader of the person's religious faith.

"Physician" means an individual licensed pursuant to Iowa Code chapter 148.

"Physician assistant" means an individual licensed pursuant to Iowa Code chapter 148C.

"Presumptive death" means a death event presumed to have occurred in Iowa where no human body is found and a court of competent jurisdiction has determined the death has occurred.

"Putative father" means a man who is alleged to be or who claims to be the biological father of a child born to a woman to whom the man is not married at the time of the conception or birth of the child or at any time during the period between the conception and birth of the child.

"Record of death" means the compilation of those entries of a death, whether electronic or paper, that are contained in indexed systems that record the death event occurring in Iowa. "Record of death" includes the certificate of death.

"Record of fetal death" means the compilation of those entries of a fetal death, whether electronic or paper, that are contained in indexed systems that record a fetal death event occurring in Iowa. "Record of fetal death" includes the certificate of fetal death.

"Record of foreign-born adoption" means the compilation of those entries of a live birth event for a child born in a foreign country and adopted by an Iowa resident. "Record of foreign born adoption" includes the certificate of foreign birth and shall not constitute U.S. citizenship.

"Record of live birth" means the compilation of those entries of a live birth event, whether electronic or paper, that are contained in indexed systems that record a live birth event occurring in Iowa. "Record of live birth" includes the certificate of live birth.

"Record of marriage" means the compilation of those entries of a marriage event, whether electronic or paper, that are contained in indexed systems that record a marriage event occurring in Iowa. "Record of marriage" includes the certificate of marriage.

"Registrant" means the person named on the certificate as the person who was born, died, or was married.

"Registration" means the same as defined in Iowa Code section 144.1.

"Report of dissolution or annulment" means the statistical report of dissolution or annulment, whether electronic or paper, excluding all entries indicated as confidential or for statistical information only.

"Report of termination of pregnancy" means the aggregated compilation of the information received by the department on terminations of pregnancies for each information item listed, with the exception of the report tracking number, the health care provider code, and any set of information for which the number is so small that the confidentiality of any person to whom the information relates may be compromised.

"Research" means the systematic investigation designed primarily to develop or contribute to scientific, medical, public health or psychosocial disciplines and generalized knowledge and not for private gain.

"Sealed" means the removal from inspection of any copy of an original certificate in the custody of the county registrar and the state registrar.

"Security paper" means standardized paper for issuing certified copies of vital record events that meets, at a minimum, national requirements for security features embedded within the paper to deter tampering, counterfeiting, photocopying, or imaging in order to help prevent fraudulent use of the certified copy and prevent identity theft.

"Single parent birth" means any record of live birth for which there is a reference or statement on the certificate or entry that directly indicates "no" regarding "born in wedlock" or "married"; or any record of live birth for which there is reference or statement on the certificate or entry that either parent is "unknown" or "anonymous"; or any certificate or entry that reflects the omission or absence of the name of the father of the child.

"Spontaneous termination of pregnancy" means the same as defined in Iowa Code section 144.29A(7)*"c."*

"Standard birth registration" means a vital record of a live birth event that occurred in Iowa that was submitted and accepted for registration within one year of the event.

"State registrar" means the director of the department or the director's designee.

"Stillbirth" means the same as defined in Iowa Code section 136A.2.

"System of vital statistics" or *"system"* means the same as defined in Iowa Code section 144.1.

"Uncertified copy" means an unofficial copy of a registered vital record that is not printed on security paper and that does not contain any authentication by the issuing jurisdiction. Uncertified copies shall contain an overstamp such as: "Not for Legal Purposes," "Administrative Use Only," "Deceased," "For Genealogical Purposes Only," "Working Copy," or any other overstamp as authorized by the state registrar.

"Vital records" means certificates or reports of birth, death, fetal death, marriage, dissolution, annulment, and related data.

"Vital statistics" means data derived from reports, certificates, and records of live birth, death, fetal death, induced termination of pregnancy, marriage, dissolution of marriage or annulment, and data related thereto.

641—95.2(144) Vital records and statistics. The department will install, maintain, and operate the system of vital statistics throughout the state. No official system for the registration of births, deaths, fetal deaths, adoptions, marriages, dissolutions, and annulments shall be maintained in the state or any of its political subdivisions other than the one provided for in Iowa Code chapter 144, including but not limited to a system maintained by any agency or private entity.

95.2(1) No person shall prepare or issue any certificate that purports to be an original certified copy or a copy of a certificate of birth, death, fetal death, adoption, marriage, dissolution, or annulment except as provided for in Iowa Code chapter 144 and authorized by the state registrar.

95.2(2) The state registrar and the county registrar will not maintain or issue copies of any vital record of an event occurring outside the state registrar's or county registrar's jurisdiction except as provided for in Iowa Code chapter 144 and authorized by the state registrar.

641—95.3(144) Forms—property of department. All forms, certificates and reports pertaining to the registration of vital events are the property of the department and shall be surrendered to the state registrar upon demand. Official designated forms used for the express purpose of creating a vital record event will not be accessible to the general public unless authorized by rule.

95.3(1) The forms supplied or approved for reporting vital events will be used for official purposes as provided for by law, rules and instructions of the state registrar.

95.3(2) No forms, except those furnished or approved by the state registrar, can be used in the reporting of vital events or the making of copies of vital records.

95.3(3) Security paper used to report vital events will be maintained in a secure location accessible only to the state and county registrars and their employees for administrative purposes.

95.3(4) Security paper will be used to issue certified copies of Iowa vital records and will be maintained in a secure location accessible only to the state and county registrars and their employees for administrative purposes.

641—95.4(144) Information by others.

95.4(1) Any person having knowledge of the facts shall furnish information the person possesses regarding any birth, death, fetal death, adoption, marriage, dissolution, or annulment, upon demand of the state registrar.

95.4(2) Every person in charge of an institution, or the person's designee, shall maintain a record of personal particulars and data concerning each person admitted or confined to the institution pursuant to Iowa Code section 144.47. This record shall include information required by the standard certificate of birth, death, and fetal death forms issued under the direction of the state registrar. The record shall be made at the time of admission based on the information provided by such

person, but when information cannot be obtained from the person, it shall be obtained from the most knowledgeable relative or person acquainted with the facts. The name and address of the person providing the information shall be a part of the record.

95.4(3) Records maintained under this rule shall be retained for a period of not less than ten years and shall be made available for inspection by the state registrar upon demand.

641—95.5(144) Handling of vital records.

95.5(1) State equipment and state vital records shall not be handled or accessed except by the state registrar, the state registrar's employees, or other authorized personnel for administrative purposes.

95.5(2) The county registrar will provide assistance to the public in accessing vital records designated as public records in the custody of the county registrar.

641—95.6(144) Fees.

95.6(1) *Fees for services provided by state registrar or county registrar.* The following fees will be charged and remitted for the various services provided by the state registrar or the county registrar.

a. The state registrar or county registrar, as applicable, will charge a fee of $20 for a certified copy of a vital record. If, following a search, no record is found and no certified copy is printed, the $20 fee may be retained.

b. The state registrar will charge a fee of $15 to prepare an adoption certificate, amend a certificate, amend a certificate of live birth to reflect a legal change of name, prepare a delayed certificate, process other administrative or legal actions, prepare a noncertified copy of an original certificate of birth pursuant to Iowa Code sections 144.23A and 144.24A, or prepare copies of supporting documents on file in the state registrar's office. No fee will be charged for establishment of paternity.

c. The state registrar will charge a fee of $25 to file a completed application for the mutual consent voluntary adoption registry.

d. The state registrar will charge a fee of $5 to update applicant information maintained in the mutual consent voluntary adoption registry and the declaration of paternity registry.

e. The state registrar will charge a fee of $15 to amend an abstract or other legal documentation in support of the preparation of a new certificate.

f. The state registrar will charge a fee of $35 to issue a commemorative copy of a certificate of birth or a certificate of marriage pursuant to Iowa Code section 144.45A. Fees collected will be deposited in the emergency medical services fund established in Iowa Code section 135.25.

g. The state registrar will charge a fee of $15 for the purpose of issuing an uncertified copy of a certificate of birth resulting in stillbirth pursuant to Iowa Code section 144.31A.

h. The state registrar will charge a fee of $15 for the purpose of issuing a certificate of nonviable birth pursuant to Iowa Code section 144.31B.

95.6(2) *Overpayments.* Any overpayment of $5 or less received by the state registrar for the copying of vital records or for the preparation or amending of a certificate will not be refunded and will be retained by the department.

95.6(3) *Certified copy of modified vital record.* When an individual is in possession of a previously issued certified copy of a vital record and the original record is subsequently modified, the individual may request and receive a certified copy of the modified record without charge if the certified copy prior to modification is relinquished to the registrar's office that issued the certified copy, unless otherwise directed by the state registrar.

95.6(4) *Search of county registrar's records—fee for uncertified copy.* A person who is requesting an uncertified copy of a vital record in the custody of the county registrar shall conduct the search of the county files to locate the record. If a copy is requested, the county registrar may charge a fee pursuant to Iowa Code section 22.3. The fee will be retained by the county.

95.6(5) *Distribution of fees.*

a. All fees collected by the county registrar and the state registrar will be distributed as follows:

(1) For fees collected by a county registrar, with the exception of the fee in subrule 95.6(4), the county registrar will retain $4 of each $20 fee collected by that office. Fees collected will be divided as follows:

1. For a birth certificate or a marriage certificate, the state registrar will receive $13, and $3 will be deposited in the general fund of the state, except for the fee collected pursuant to paragraph 95.6(1)*"f."*

2. For a death certificate, the state registrar will receive $6, the office of the state medical examiner shall receive $8, and $2 will be deposited in the general fund of the state.

(2) For fees collected by the state registrar, the state registrar will retain all fees, with the exception of the fees in paragraph 95.6(1)*"a,"* of which the state registrar will retain $9 of each $20 fee collected for the issuance of certified copies. The $11 balance of certified copy fees collected by the state registrar will be divided as follows:

1. For a birth certificate or a marriage certificate, $6 will be deposited in the general fund of the state.

2. For a death certificate, the office of the state medical examiner will receive $8, and $3 will be deposited in the general fund of the state.

b. All fees retained by the state registrar will be added to the vital records fund established by the department pursuant to Iowa Code section 144.46A.

c. All fees received by the office of the state medical examiner will be added to the operating budget established for the operation of that office.

95.6(6) *Fee for search to verify vital statistics record.* A fee will be charged by the state registrar for each search conducted for the purpose of providing verification of vital statistics data to an agency authorized to receive such data under subrule 95.12(2).

a. The amount of the fee will be determined in an agreement with the department and will be dependent on the nature and scope of the project and the resources needed to obtain the data requested.

b. The state registrar will retain the full amount of all fees collected under this subrule in the vital records fund established pursuant to Iowa Code section 144.46A.

95.6(7) *Fee for researcher access to vital statistics data.* A fee shall be charged to each researcher who is provided access to vital statistics data in accordance with Iowa Code section 144.44 and the required agreement executed with the department. The amount of the fee will be based on the nature and scope of the research project and resources required to obtain the data requested.

a. The state registrar will allocate the fees for copies of birth, marriage, and death certificates provided to researchers pursuant to the distribution of fees set forth in subrule 95.6(5).

b. The state registrar will retain in the vital records fund established pursuant to Iowa Code section 144.46A the full amount of fees collected from researchers for searching files or records to create a data file.

95.6(8) *Service member who died while on active duty—waiver of fee.* The certified copy fee for a birth certificate or a death certificate of a service member, as defined in Iowa Code section 29A.90, who died while on active duty will be waived for a period of one year from the date of death. Application for the certified copy shall be made by an entitled family member as described in rule 641—95.8(144) of the deceased service member or the entitled family member's legal representative. Documentation shall be submitted at the time of application to substantiate the date of death and active duty status.

95.6(9) *Retention of applications and reports.* An application for a certified copy of a vital record in Iowa will be retained by the county registrar for a minimum of six months from date of issuance of the certified copy. All financial reports for vital records fees will be retained by the county registrar for a minimum of three calendar years.

641—95.7(144) General public access of vital records in the custody of the county registrar. A vital record may be in the custody of the county registrar if the event occurred in that county and the record is not excluded by statute or definition for purposes of confidentiality.

95.7(1) There will be public access and the right to inspect all vital records in the custody of the county registrar after the vital records are purged of confidential information pursuant to rule 641—95.11(144). The county registrar will allow the general public access to the electronic statewide vital records system to search as a public user as a right under Iowa Code chapter 22 for events that occurred in that county.

95.7(2) Information inspected and copied shall not be used to establish an official system for the registration of vital statistics except as authorized by Iowa Code chapter 144.

95.7(3) County registrars may issue uncertified copies of vital records held in the registrars' physical custody or accessible through the electronic statewide vital records system, except those records excluded by statute. Uncertified copies issued by the county registrar will be issued on plain white paper and clearly stamped "not for legal purposes." Security paper provided by the state registrar shall not be used to produce uncertified copies.

95.7(4) For records available in the electronic statewide vital records system, the state registrar will send to the county registrars a list of all records that have been modified. County registrars shall, as directed by the state registrar, remove all forms of any vital record in their physical custody from the county vital records system if the vital record appears on the list of modified records.

95.7(5) For records not available in the electronic statewide vital records system, the state registrar will send a copy of any modified vital record to the county of event and, if the record is a death record, to the county of residence.

641—95.8(144) Direct tangible interest in and entitlement to a vital record. Certified copies of vital records may be issued by the state registrar or county registrar upon written application, payment of the required fee pursuant to paragraph 95.6(1)*"a,"* and demonstration of a verifiable, direct tangible interest and entitlement.

95.8(1) The following persons shall be considered to have a direct tangible interest and entitlement and are authorized to obtain a certified copy of a vital record:

a. The registrant, if the registrant is of legal age, has reached the age of majority, or is an emancipated minor.

b. A member of the registrant's immediate legal family, including:

(1) Current spouse or surviving spouse;

(2) Children;

(3) Mother or father if listed on the registrant's birth certificate;

(4) Sibling, if sibling has reached the age of majority;

(5) Maternal grandparents, or paternal grandparents if the father is listed on the birth certificate; or

(6) Step-parent or step-child if:

1. Legal parent and step-parent are currently married at the time of application; or

2. Step-parent is the surviving spouse of the legal parent and not remarried.

c. The documented legal representative of the registrant or the registrant's immediate legal family, including:

(1) An attorney;

(2) A court-appointed guardian;

(3) A foster parent;

(4) A funeral director, for up to one year following the decedent's date of death; or

(5) A legal executor.

d. Other persons who demonstrate a direct tangible interest and entitlement when it is shown that the certified copy is needed to determine or protect a personal or property interest and the interest is for the benefit of the registrant.

95.8(2) The following persons shall not be deemed to have direct tangible interest and entitlement or be authorized to secure vital records:

a. Biological parents of adopted persons in the absence of a court order from the court of competent jurisdiction;

b. Biological family members of adopted persons;

c. Adopted persons requesting biological family records; or

d. Commercial firms or agencies requesting lists of vital record events, or lists of names, or lists of addresses, or that are not legal representatives requesting records on behalf of entitled individuals.

641—95.9(144) Search and issuance of a certified copy of a vital record. The search and issuance of a certified copy of a vital record shall be requested from the state registrar or county registrar.

95.9(1) Only entitled applicants as described in rule 641—95.8(144) may submit requests for certified copies of vital records.

95.9(2) A person requesting a search and issuance of a certified copy of a vital record shall provide in writing the following:

a. The name of the person or persons whose vital record is to be searched;

b. The purpose of such request;

c. The relationship to the registrant of the person making the request; and

d. The notarized signature and the address of the person making the request.

95.9(3) In addition to a completed written application, the applicant shall provide:

a. A current, legible government-issued photo identification of the applicant making the request or other identification documents acceptable to the state registrar; and

b. Payment of the required fee before the search is conducted.

95.9(4) The state registrar and county registrar will have the authority to mandate additional supporting documents to prove direct tangible interest and entitlement pursuant to rule 641—95.8(144).

95.9(5) If, after the search is conducted, no record is on file and the state registrar or county registrar issues a "notification of record search" on certified paper, the fee for the search will be retained pursuant to paragraph 95.6(1)*"a."*

95.9(6) If a certified copy of a vital record is issued and sent to the applicant using a mail service and the applicant does not receive the certified copy, the state registrar or the county registrar may replace the certified copy without an additional fee using an Affidavit of Non-Receipt. The applicant must contact the issuing registrar within 90 days of the date of request. A minimum of 30 days must have elapsed from the time the certified copy was mailed. The applicant shall read the instructions, complete the Affidavit of Non-Receipt and have the applicant's signature notarized. The original Affidavit of Non-Receipt and a photocopy of the applicant's driver's license must be reviewed by the issuing registrar before the certified copy can be replaced for no additional fee. The state registrar or county registrar may refuse any Affidavit of Non-Receipt when the state registrar or county registrar determines proof of receipt, fraud or misrepresentation. The state registrar will give to the registrant a notice in writing of the state registrar's reason and intention to refuse the Affidavit of Non-Receipt.

95.9(7) If printed from the electronic statewide vital records system by a county registrar, the certified copy of a vital record will be stamped by the issuing county registrar to reflect the county in which the certified copy was issued.

641—95.10(144) Search and issuance for genealogy or family history. The search and issuance of a vital record for genealogy may be requested from the state registrar or county registrar upon written application and payment of the required fee pursuant to paragraph 95.6(1)*"a."*

95.10(1) The state registrar or county registrar may issue certified copies of a vital record for genealogy or family history to an applicant who can satisfactorily demonstrate a line of direct lineal consanguinity and to aunts, uncles, and cousins not past twice removed.

95.10(2) All certified copies issued for genealogy or family history will be clearly marked "for genealogical purposes only."

95.10(3) No certified copy will be issued for genealogy or family history if the registrant is known to be living.

95.10(4) If, after the search is conducted, no record is on file, the state registrar or county registrar will issue a "notification of record search" on certified paper, and the fee for the search will be retained pursuant to paragraph 95.6(1)*"a."*

641—95.11(144) Registrars' responsibility for maintenance of confidentiality.

95.11(1) The state registrar and county registrar will maintain the confidentiality of the following material, records, and information:

a. Entries indicated as confidential or statistical in nature on the face of the record or otherwise confidential by law;

b. Any record that is ordered sealed by the state registrar or pursuant to a court order.

95.11(2) The county registrar will take all necessary steps to ensure that confidential information reflected on vital records has been redacted from general public access. If confidential information is included with accessible information, only accessible information will be made available to the general public for examination.

95.11(3) The county registrar will employ at a minimum all of the following methods to ensure confidentiality:

a. Permanently cover or remove, by appropriate means, confidential information;

b. Promptly process the notice to seal a record as directed by the state registrar; and

c. Seal and not reproduce confidential information when copies of vital records are made.

95.11(4) The county registrar may charge reasonable administrative costs to reflect the expenses for efforts needed to allow general public access, examination and the assurance of confidentiality of this material and information pursuant to the authority of Iowa Code chapter 22.

a. The administrative cost is to be paid by persons who request the services provided by the county registrar, including supervising, copying or providing a suitable place for such work.

b. The county registrar will retain all administrative costs collected to allow general public access, examination, and the assurance of confidentiality of the vital record and information pursuant to the authority of Iowa Code chapter 22.

641—95.12(144) Disclosure of data.

95.12(1) The state registrar may disclose data from the system of vital statistics to federal, state, county or municipal agencies of government that request such data in the conduct of their official duties, subject to conditions the state registrar may impose to ensure that the use of the data is limited to official purposes.

a. The aforementioned agencies shall not provide the certified copy or a copy of the vital record, or release information contained therein, to the person named on the certificate, a member of the person's legal family, or the person's legal representative.

b. Certified copies issued to the aforementioned agencies will be appropriately stamped, for example, "administrative purposes only" or "for veteran affairs purposes only."

95.12(2) Confidential verifications of the facts contained in vital records may be furnished by the state registrar to any federal, state, county or municipal government agency or other entity in the conduct of the agency's or entity's official duties, subject to conditions the state registrar may impose to ensure that the verification is limited to official purposes. Confidential verification of the facts contained in vital records may be furnished by a county registrar to another county office, within the county jurisdiction, in the conduct of the county's official duties, subject to conditions the state and county registrar may impose to ensure that the verification is limited to official purposes.

a. Such confidential verifications will be on forms prescribed and furnished by the state registrar or on forms furnished by the requesting agency or entity and acceptable to the state registrar, or the state registrar may authorize the verification in other ways.

b. The aforementioned agencies and entities shall not provide the original or a copy of the verified certificate, or release information contained therein, to the person named on the certificate, a member of the person's legal family, or the person's legal representative.

95.12(3) The state registrar may permit the use of data from vital statistics for research purposes subject to conditions the state registrar may impose to ensure the use of the data is limited to such research purposes. No data will be furnished from vital statistics for research purposes until the state registrar has prepared in writing the conditions under which the data may be used and has received an agreement signed by a responsible agent of the research organization agreeing to meet and conform to such conditions.

95.12(4) The state registrar may transmit to the county registrar data needed to produce certified copies of vital records pursuant to rule 641—95.8(144).

95.12(5) The state registrar may transmit to the statewide immunization registry information from birth certificates for the sole purpose of identifying those children in need of immunizations. The state registrar may impose conditions to ensure that the use of the information is limited to official purposes.

95.12(6) The state medical examiner or the county medical examiner may request an uncertified copy of a death certificate before the death certificate is accepted and filed at the county registrar's office.

a. The copy will be clearly stamped "administrative purposes only."

b. The death certificate shall be for the sole use of the state medical examiner or county medical examiner and shall not be used as a legal document, be distributed, be copied or be maintained other than to be made a part of the investigatory file.

c. If the state medical examiner or any county medical examiner determines the death does not warrant further investigation, the state medical examiner or county medical examiner shall destroy the uncertified copy of the death certificate.

641—95.13(144) Preparation of certified copies. Certified copies of vital records may be prepared and issued by the state registrar or the county registrar pursuant to rules 641—95.3(144) and 641—95.9(144).

95.13(1) Certified copies of vital records may be made by mechanical, electronic, or other reproductive processes, except for confidential information. Certified copies will be issued using security paper that is prescribed by the state registrar.

95.13(2) When a certified copy is issued, each certification will contain a statement certifying that the facts are the true facts recorded in the issuing office, the date issued, the name of the issuing office, the registrar's signature or an authorized copy thereof, and the seal of the issuing office.

95.13(3) No person shall prepare or issue any certificate that purports to be an original, certified copy, or copy of a certificate of birth, death, fetal death, or marriage.

641—95.14(144) Access to original certificate of birth prior to adoption. Notwithstanding any provision of law to the contrary, an adopted person who was born in this state and whose original certificate of birth was substituted with a new certificate of birth pursuant to Iowa Code section 144.24 based upon the adoption, or an entitled person, may apply for and obtain a noncertified copy of the original certificate of birth of the adopted person who is the subject of the original certificate of birth in accordance with this rule, including with any mandatory redaction of personally identifiable information pursuant to Iowa Code section 144.24A(2).

95.14(1) Entitlement.

a. If an adopted person who is the subject of the original certificate of birth is submitting the application, the adopted person shall be at least 18 years of age at the time the application is filed.

b. If an entitled person is submitting the application, the adopted person who is the subject of the original certificate of birth must be deceased at the time the application is filed.

95.14(2) The adopted person or the entitled person requesting a noncertified copy of the original certificate of birth shall file a written application with the state registrar on a form and in the manner prescribed by the state registrar.

95.14(3) Upon receipt of the written application, proof of identification pursuant to paragraph 95.9(3)*"a,"* and payment of a fee pursuant to paragraph 95.6(1)*"b,"* the state registrar will issue a noncertified copy of the original certificate of birth to the applicant in accordance with this rule, including with any mandatory redaction of personally identifiable information pursuant to Iowa Code section 144.24A(2). At the time of such issuance, the state registrar will also provide to the applicant any contact preference form or medical history form completed and submitted to the state registrar including with any mandatory redaction of personally identifiable information pursuant to Iowa Code section 144.24A(2).

a. A biological parent may file a contact preference form prescribed by the state registrar in accordance with the provisions outlined in Iowa Code section 144.24A(2) and state the biological parent's preference for contact by an adopted person or an entitled person following application for and issuance of the noncertified copy of the original certificate of birth under this rule. The contact preference form will be provided to the biological parent in accordance with Iowa Code section 600A.4. A contact preference form may be completed or updated by the biological parent at any time at the request of the biological parent.

b. A biological parent may file a medical history form prescribed by the state registrar in accordance with the provisions outlined in Iowa Code section 144.24A(3) and provide medical history of the biological parent and any blood relatives. The medical history form will be provided to the biological parent in accordance with Iowa Code section 600A.4. A medical history form may be completed or updated by the biological parent at any time at the request of the biological parent.

c. Upon receipt of a completed contact preference form or medical history form, the state registrar will attach any such completed form to the original certificate of birth.

d. For the purposes of this rule, "entitled person" means the spouse of the adopted person who is deceased or an adult related to the adopted person who is deceased within the second degree of consanguinity.

e. An application may be submitted under this rule by an adopted person or an entitled person to obtain a noncertified copy of an adopted person's original certificate of birth in accordance with this rule, if the adopted person who is the subject of the original certificate of birth was born before January 1, 1971.

f. An application may be submitted under this rule by an adopted person or an entitled person to obtain a noncertified copy of an adopted person's original certificate of birth in accordance with this rule, notwithstanding the date of birth of the adopted person who is the subject of the original certificate of birth prescribed under paragraph 95.14(3)*"b."*

This rule is intended to implement Iowa Code sections 144.24A and 600A.4.

641—95.15(144) Certificate of nonviable birth.

95.15(1) A health care provider who attends or diagnoses a nonviable birth or a hospital at which a nonviable birth occurs shall advise a patient who experiences a nonviable birth that the patient may request a certificate of nonviable birth as provided in this section and, upon request by the patient, shall provide a letter certifying the nonviable birth to the patient on the form prescribed by the state registrar.

95.15(2) The department will issue a certificate of nonviable birth to a patient within 60 days of receipt of a request and certification letter. The request shall be made on the form prescribed by the state registrar.

95.15(3) The certificate of nonviable birth will contain all of the following:

a. The date of the nonviable birth.

b. The name and sex of the baby, if known.

(1) If the name is not furnished by the patient, the department will complete the certificate with the name "baby boy" or "baby girl" and the last name of the patient.

(2) If the sex is unknown, the department will complete the certificate with the name "baby" and the last name of the patient.

c. The name of the patient and, if married, the patient's spouse.

d. The statement: "This certificate is not proof of live birth."

95.15(4) The fees collected will be remitted to the treasurer of state for deposit in the general fund of the state and the vital records fund in accordance with Iowa Code section 144.46A.

95.15(5) A certificate of nonviable birth shall not be filed or registered with the department. The department will not register the nonviable birth associated with a certificate issued under this section or use the nonviable birth in calculating live birth statistics.

95.15(6) A certificate of nonviable birth shall not be used to establish, bring, or support a civil cause of action seeking damages against any person for bodily injury, personal injury, or wrongful death for a nonviable birth.

95.15(7) This rule will only apply to, and a certificate of nonviable birth may be requested and issued for, nonviable births occurring on or after January 1, 2000.

This rule is intended to implement Iowa Code section 144.31B.

641—95.16(144) Cancellation of fraudulent records.

95.16(1) When the state registrar determines that a certificate was registered through fraud or misrepresentation, the state registrar will give to the registrant a notice in writing of the state registrar's intention to cancel the certificate.

95.16(2) The notice of cancellation will give the registrant an opportunity to appear and show cause why the certificate should not be canceled.

a. The notice may be served on the registrant, or, in the case of a minor or incompetent person, on the parent or guardian, by the forwarding of the notice by certified mail to the last-known address on file in the office of the state registrar.

b. The certificate shall not be available for certification unless the registrant, parent or guardian within 30 days after the date of mailing the notice shows cause satisfactory to the state registrar why the certificate should not be canceled.

95.16(3) Upon presentation to the state registrar of a court order stating a marriage certificate was registered through fraud or misrepresentation, the state registrar will remove the record from the vital statistics system. The state registrar will order the county registrar to remove any record related to the marriage.

641—95.17(144) Unlawful acts.

95.17(1) *Serious misdemeanors.* Any person who reports information required under Iowa Code chapter 144 and who commits any of the following acts is guilty of a serious misdemeanor:

a. Willfully and knowingly makes any false statement in a report, record, or certificate required to be filed or in an application for an amendment or willfully and knowingly supplies false information intending that such information be used in the preparation or amendment of any such report, record, or certificate.

b. Without lawful authority and with the intent to deceive, makes, alters, amends, or mutilates any report, record, or certificate required to be filed or a certified copy of such report, record, or certificate.

c. Willfully and knowingly uses or attempts to use or furnish to another for use for any purpose of deception any certificate, record, or report or certified copy thereof.

d. Willfully and knowingly alters, amends, or mutilates any copy, certified copy, record or report.

e. Willfully, with the intent to deceive, uses or attempts to use any certificate of birth or certified copy of a record of birth knowing that such certificate or certified copy was issued based upon a record that is false in whole or in part or that relates to the birth of another person.

f. Willfully and knowingly furnishes a certificate of birth or certified copy of a record of birth with the intention that it be used by a person other than the person to whose birth the record relates.

g. Disinterring a body in violation of Iowa Code section 144.34.

h. Knowingly violates a provision of Iowa Code section 144.29A.

95.17(2) *Simple misdemeanors.* Any person committing any of the following acts is guilty of a simple misdemeanor:

a. Knowingly transports or accepts for transportation, interment, or other disposition a dead body without an accompanying permit as provided in Iowa Code sections 144.32, 144.33, and 144.34.

b. Refuses to provide information required by Iowa Code chapter 144.

c. Willfully violates any of the provisions of Iowa Code chapter 144 or refuses to perform any of the duties imposed upon the person.

641—95.18(144) Enforcement assistance.

95.18(1) The department will report cases of alleged violations to the proper county attorney, with a statement of the facts and circumstances, for such action as is appropriate.

95.18(2) Upon request of the department, the attorney general will assist in the enforcement of the provisions of Iowa Code chapter 144.

These rules are intended to implement Iowa Code chapter 144.

Regulatory Analysis

Notice of Intended Action to be published: 641—Chapter 96
"Birth Registration"

Iowa Code section(s) or chapter(s) authorizing rulemaking: 144, 233, and 600

State or federal law(s) implemented by the rulemaking: Iowa Code sections 144.12, 144.13, 144.13A, 144.14, 144.15, 144.17, 144.18, 233.2(2)"c" and 600.15

Public Hearing

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

December 16, 2025 10 a.m.	Microsoft Teams Meeting ID: 264 358 640 097 83 Passcode: V95vw7re

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 rulemaking was undertaken in accordance with Executive Order 10. The purpose of the proposed chapter is to describe the administration process for birth registration, including filing requirements, registration, birthing locations, and fees. As a result of the Department's review, the Department deleted redundant and obsolete language and updated language to reflect current procedures.

Analysis of Impact

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

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

Most who give birth in Iowa will bear the costs in the form of fees associated with birth certificates and registration.

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

Most who give birth in Iowa will benefit from this proposed rulemaking.

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

- **Quantitative description of impact:**

Birth certificate and registration fees are $35. The Department's Vital Records program records around 40,000 births in the State annually.

- **Qualitative description of impact:**

This proposed chapter describes the administration process for birth registrations, including filing requirements, registration, birthing locations, and fees.

3. **Costs to the State:**

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

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

- **Anticipated effect on State revenues:**

The vital records fees collected not only fund the Department's Health Statistics Bureau, but also contribute to the State's General Fund. For FY 2025 (through August 11, 2025), the Department collected over $3.7 million and contributed over $1.8 million to the General Fund. This includes fees collected for all vital records, not just births.

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

Rulemaking is required by Iowa Code chapter 144.

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

Not applicable.

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

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

Not applicable.

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

Rulemaking is required by Iowa Code chapter 144.

Small Business Impact

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

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

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

This proposed rulemaking has no impact on small business.

Text of Proposed Rulemaking

ITEM 1. Rescind 641—Chapter 96 and adopt the following **new** chapter in lieu thereof:

CHAPTER 96
BIRTH REGISTRATION

641—96.1(144) Definitions. For the purpose of this chapter, the definitions in 641—Chapter 95 apply.

641—96.2(144) Forms—property of department. All forms, certificates and reports pertaining to the registration of vital events are the property of the department and shall be surrendered to the state registrar upon demand.

96.2(1) The forms supplied or approved for reporting birth events will be used for official purposes as provided for by law, rules and instructions of the state registrar.

96.2(2) No forms, except those furnished or approved by the state registrar, shall be used in the reporting of birth events or the making of copies of vital records.

641—96.3(144) Standard birth registration—up to seven days.

96.3(1) A certificate of live birth for each live birth that occurs in this state shall be filed as directed by the state registrar within seven days after the birth.

96.3(2) The person responsible for registering the certificate of live birth pursuant to rules 641—96.5(144) through 641—96.7(144) shall:

a. Utilize the official birth worksheet to report all information and any additional documentation as needed to complete the standard form for a certificate of live birth; and

b. Submit all required fees and reports with the birth registration.

641—96.4(144) Standard birth registration—seven days to one year.

96.4(1) After seven days but within one year, a certificate of live birth for each live birth that occurs in this state shall be filed as directed by the state registrar.

96.4(2) The person responsible for registering the certificate of live birth pursuant to rules 641—96.5(144) and 641—96.6(144) shall:

a. Utilize the official birth worksheet to report all information and any additional documentation as needed to complete the standard form for a certificate of live birth; and

b. Submit all required fees and reports with the birth registration.

641—96.5(144) Birthing institutions.

96.5(1) When a live birth occurs in an institution or en route to an institution, the person in charge of the institution or the person's designated representative, utilizing the official birth worksheet, shall within seven days:

a. Obtain the personal data;

b. Obtain the signature of the mother or her legal spouse or other signature as directed by the state registrar;

c. Provide the medical information required;

d. Certify that the child was born alive at the place, date, and time stated; and

e. File the certificate using the electronic birth registration system or as directed by the state registrar.

96.5(2) The birthing institution shall submit the fee report and remit the fees to the state registrar pursuant to rule 641—96.16(144).

96.5(3) The birthing institution shall maintain the birth worksheet for a minimum of ten years.

96.5(4) Upon demand of the state registrar, the birth worksheet and other information about the birth event shall be made available for inspection by the state registrar.

641—96.6(144) Non-birthing institutions.

96.6(1) Institutions that do not register birth records through the electronic birth registration system shall request instructions from the state registrar.

96.6(2) When a live birth occurs in a non-birthing institution or en route to a non-birthing institution, the person in charge of the institution or the person's designated representative, utilizing the official birth worksheet for birth other than at a delivering hospital, shall within seven days:

a. Obtain the personal data;

b. Obtain the signature of the mother or her legal spouse or other signature as directed by the state registrar;

c. Provide the medical information required;

d. Certify that the child was born alive at the place, date, and time stated; and

e. Contact the state registrar for instructions on how to submit the worksheet and arrange for payment of applicable fees.

641—96.7(144) Non-institution birth.

96.7(1) In case of a non-institution Iowa live birth, the official birth worksheet for birth other than at a delivering hospital shall be completed and filed with the state registrar by one of the following in the indicated order of priority:

a. The physician in attendance at or immediately after the live birth.

b. Any other person, including a certified nurse midwife or any person providing assistance with the birth, in attendance at or immediately after the live birth.

c. The mother or her legal spouse.

d. The person in charge of the premises where the live birth occurred.

96.7(2) An Iowa-licensed certified nurse midwife may preregister with the state registrar by submitting a completed Iowa-Licensed CNM Pre-Registration Application For Home Births and a clear photocopy of that person's current government-issued photo identification.

a. To register a live birth, certified nurse midwives who are preregistered shall submit to the state registrar the following:

(1) A letter of certification that identifies the live birth submitted for registration, supports the facts of the live birth, and contains the original signature of the person responsible for registering the live birth;

(2) The original official birth worksheet for birth other than at a delivering hospital completed and signed pursuant to subrule 96.7(4) or as directed by the state registrar;

(3) Payment of fees, which shall be included with the birth worksheet; and

(4) Other evidence acceptable to the state registrar as requested.

b. It is the responsibility of the individual preregistering to update any information provided in the individual's original registration.

96.7(3) A certified nurse midwife, or any person providing assistance with the birth, who is not preregistered prior to submitting a certificate of live birth for registration shall follow subrules 96.7(1), 96.7(2) and 96.7(4) for all live births the person attends outside a birthing institution.

96.7(4) The official birth worksheet for birth other than at a delivering hospital shall include a notarized signature of the mother or her legal spouse and shall be accompanied by a clear photocopy of that person's current government-issued photo identification. If photo identification is unavailable, other identifying documentation may be acceptable to the state registrar.

641—96.8(144) Gestational surrogate arrangement birth registration. Establishment of a certificate of live birth for a child born of a gestational surrogate arrangement shall conform to the process established pursuant to rule 641—99.15(144).

641—96.9(144) Foundling birth registration.

96.9(1) The person assuming physical custody of a foundling shall, within one business day of finding the infant, contact the state registrar for specific directions and guidance for filing the certificate of live birth.

96.9(2) Foundling registration shall be completed in the standard manner by the state registrar pursuant to Iowa Code section 144.14. Within five days after assuming physical custody of the foundling, the custodian of the foundling shall provide on the official birth worksheet the following minimum birth data and other data required by the state registrar:

a. The date when and the place where the child was found;

b. The sex, color or race, and approximate age of the child;

c. The name and address of the person or institution that has assumed physical custody of the child;

d. The name given to the child by the custodian;

e. The name, title, and license number, if any, of the person acting as the certifier to the facts of the foundling registration;

f. Parentage information, if the parent is known;

g. Any additional supporting information known.

96.9(3) The place where the child was found will be entered as the place of birth, and the date of birth will be determined by approximation. The information provided on the official birth worksheet will constitute the certificate of live birth.

96.9(4) The record will be on file only at the state registrar's office, and all supporting documentation will be placed in a sealed file, which shall be opened only by order of a court of competent jurisdiction or for vital records administrative purposes.

96.9(5) Pursuant to Iowa Code section 144.14, if the child is properly identified after the registration, the certificate of live birth will be reestablished as needed and all records pertaining to the foundling registration will be sealed along with the original supporting documentation that shall be opened only by order of a court of competent jurisdiction or for vital records administrative purposes.

641—96.10(144) Newborn safe haven registration.

96.10(1) Newborn safe haven registration procedures apply when a parent voluntarily relinquishes physical custody of a newborn infant pursuant to Iowa Code section 233.2.

96.10(2) The person assuming physical custody of the living infant pursuant to Iowa Code section 233.2(2)*"a"* shall, within one business day of assuming custody, contact the state registrar for specific directions and guidance for registering the birth.

96.10(3) If the name of the parent is unknown, newborn safe haven registration will be completed in the standard manner by the state registrar pursuant to Iowa Code section 144.14. Within five days after assuming physical custody of the infant, the custodian shall provide on the official birth worksheet the following minimum birth data and other data required by the state registrar:

a. The date when and the place where the child was found;

b. The sex, color or race, and approximate age of the child;

c. The name and address of the person or institution that has assumed physical custody of the child;

d. The name given to the child by the custodian;

e. The name, title, and license number, if any, of the person acting as the certifier to the facts of the newborn safe haven registration;

f. Any additional supporting information known.

96.10(4) If the name of the parent is disclosed to the facility where the newborn was relinquished, the facility shall file the certificate of live birth as required pursuant to Iowa Code sections 144.13 and 233.2(2)*"d."*

96.10(5) Pursuant to Iowa Code section 144.14, if the child is properly identified after the newborn safe haven registration, the birth record will be reestablished as needed and all records pertaining to the newborn safe haven registration will be sealed along with the original supporting documentation that shall be opened only by order of a court of competent jurisdiction or for vital records administrative purposes.

96.10(6) The record will be on file only at the state registrar's office, and all supporting documentation will be placed in a sealed file that shall be opened only by order of a court of competent jurisdiction or for vital records administrative purposes. The confidentiality of the live birth certificate will be maintained pursuant to Iowa Code sections 233.2(2)*"d"* and 144.43.

641—96.11(144) Birth registration following a foreign-born adoption.

96.11(1) A certificate of foreign birth will be established by the state registrar for a child born in a foreign nation upon the state registrar's receipt of a completed Certificate of Adoption Report form from an Iowa court of competent jurisdiction or upon request of the resident adoptive parent or parents and the state registrar's receipt of all of the following documents:

a. The authenticated adoption decree in both the foreign language and the English translation, which shall contain the official signature of the translator, or a certified copy of an adoption decree from an Iowa court of competent jurisdiction;

b. If the decree does not contain information to establish the certificate of foreign birth, the adoptee's authenticated birth certificate in both the foreign language and the English translation, which shall contain the official signature of the translator;

c. Evidence of the adoptee's permanent residence, such as a passport or citizenship papers;

d. A certified copy of the certificate of live birth of each adoptive parent; and

e. A notarized statement that is on letterhead from the licensed adoption agency or certified adoption investigator and that establishes the parent or parents were residents of Iowa at the time the adoption was final in the foreign nation. The statement will not be required if the parent's or parents' Iowa address is shown in the adoption documents.

96.11(2) The certificate of foreign birth shall not constitute U.S. citizenship.

96.11(3) The state registrar will charge the adoptive parent or parents the appropriate fee for the registration of a certificate of foreign birth for a foreign-born child adopted by a parent who resided in Iowa at the time of adoption pursuant to Iowa Code section 144.13A.

96.11(4) Administrative and certified copy fees shall be charged and remitted as provided in rule 641—95.6(144).

96.11(5) The evidence presented will be on file only at the state registrar's office, and all supporting documentation will be placed in a sealed file that shall be opened only by order of a court of competent jurisdiction or for vital records administrative purposes.

641—96.12(144) Birth registration fees. A fee is required for each birth registered pursuant to Iowa Code sections 144.13, 144.13A, 144.15, 144.18, 144.23, 144.25A, and 600.15.

96.12(1) The parents will be charged and the person responsible for filing the certificate of live birth shall remit to the state registrar the $20 fee for the standard registration of a certificate of live birth and the $20 fee for a certified copy of the birth certificate pursuant to Iowa Code section 144.13A.

96.12(2) The individual filing a delayed certificate of live birth will be charged and shall remit to the state registrar the $20 fee for the registration of a delayed certificate of live birth for a registrant 17 years of age or younger pursuant to Iowa Code sections 144.13A, 144.15, and 144.18.

96.12(3) The adoptive parents will be charged and shall remit to the state registrar the $20 fee for the registration of a certificate of foreign birth pursuant to Iowa Code sections 144.13A and 144.25A.

641—96.13(144) Fee collection. If a person responsible for the registration of a certificate of live birth under Iowa Code section 144.13 is not the parent, the person shall collect the fees from the parent and remit the fees to the state registrar.

96.13(1) The person collecting the fee on behalf of the state registrar will not charge an administrative fee for collection of the registration and certified copy fees pursuant to Iowa Code section 144.13A(3).

96.13(2) A person is discharged from the duty to collect and remit the fees when the person has made a good-faith effort to collect the fees from the parent or has established that the fees are to be waived pursuant to Iowa Code section 144.13A(4).

641—96.14(144) Waivers. The registration fee and certified copy fee are waived if the expenses of the birth are reimbursed under the medical assistance program established by Iowa Code chapter 249A or if the parent is indigent and unable to pay the expenses of the birth and no other means of payment is available to the parent.

641—96.15(144) Fee deposit. Birth registration and certified copy fees collected on behalf of the state registrar and forwarded to the state registrar will be remitted to the treasurer of state for deposit in the appropriate state fund.

641—96.16(144) Responsibilities of institutions. Institutions responsible for filing certificates of live birth shall collect both the registration fee and the certified copy fee from the parent.

96.16(1) The institution shall complete the Summary of Fee Report for Birth Registration and Certified Copy form. The institution shall submit the completed form and the total fee amount by check or money order to the state registrar within seven days of the live birth or as directed by the state registrar. All live births shall be reported and indicate for each birth that:

a. The fee was collected for the registration and certified copy;

b. The fee was waived, as applicable, and the reason for waiver; or

c. No fee was collected after a good-faith effort was made.

96.16(2) If a late birth registration fee is received, it shall be noted on the original Summary of Fee Report for Birth Registration and Certified Copy form.

96.16(3) The institution shall maintain copies of the submitted Summary of Fee Report for Birth Registration and Certified Copy form for three state fiscal years.

641—96.17(144) Responsibility for births occurring in non-institutions and non-birthing institutions.

96.17(1) The state registrar will collect the registration and certified copy fees and complete a Summary of Fee Report for Birth Registration and Certified Copy form.

96.17(2) If a late birth registration fee is received, it will be noted on the original Summary of Fee Report for Birth Registration and Certified Copy form.

641—96.18(144) Delayed birth registration—one year or more after event. All Iowa births registered one year or more after the date of the birth shall be prepared on a Delayed Certificate of Live Birth form. The state registrar will require documentary evidence to prove the facts of the birth pursuant to subrule 96.18(2). The delayed birth record will be registered and maintained solely at the state registrar's office.

96.18(1) *Application—certificate form.* A completed Delayed Certificate of Live Birth form shall be signed before a notary and filed with the state registrar by the following applicants in the indicated order of priority:

a. The registrant, if 18 years of age or older, whose birth occurred in Iowa but was not recorded within one year of the birth;

b. The registrant's parent or current legal court-appointed guardian; or

c. If no parent or legal guardian exists, a member of the registrant's family who has direct tangible interest and entitlement and who is competent to affirm to the accuracy of the information.

96.18(2) *Facts to be established.*

a. The applicant shall submit a notification of record search certified by the state registrar that will indicate that no prior certificate of live birth is on file for the person whose delayed birth record is to be filed. The notification of record search will be returned to the applicant and will not be exchanged for a certified copy of delayed certificate of live birth.

b. The applicant shall substantiate the following with documentary evidence:

(1) The full name of the registrant at the time of the birth, except that the delayed certificate may reflect the name established by adoption or legitimation when such evidence is submitted;

(2) The date and place of the birth;

(3) The full name of the mother prior to any marriage as it is listed on her birth certificate;

(4) The full name of the mother at the time of the birth; and

(5) The full name of the mother's legal spouse. However, if the mother was not married at the time of conception or birth or at any time during the period between conception and birth, the name of a second parent shall not be entered on the delayed certificate unless the child has been adopted or legitimated or parentage has been determined by a court of competent jurisdiction.

96.18(3) *Documentary evidence.*

a. To be acceptable for purposes of registration, the name of the registrant and the date and place of birth entered on a Delayed Certificate of Live Birth form shall be supported at a minimum by the following documentary evidence:

(1) Two pieces of dated documentary evidence if the Delayed Certificate of Live Birth form is filed within seven years after the registrant's date of birth; or

(2) Three pieces of dated documentary evidence if the Delayed Certificate of Live Birth form is filed seven years or more after the registrant's date of birth.

b. Each piece of documentary evidence must be from an independent source. Facts of parentage shall be supported by at least one of the documents.

c. Documentary evidence shall be in the form of the original record, a certified copy thereof, or a notarized statement from the custodian of the record or document on the custodian's letterhead.

d. All documentary evidence submitted shall consistently support the facts of birth to be established.

e. All documentary evidence shall have been executed at least five years prior to the date of filing or shall have been established prior to the registrant's seventh birthday.

f. Documents not acceptable to establish a delayed certificate of live birth include but are not limited to:

(1) Baptismal record,

(2) Confirmation record,

(3) Family bible entries,

(4) Hospital commemorative birth certificate,

(5) Crib card,

(6) Cradle roll,

(7) Baby book memento, and

(8) Personal affidavit.

96.18(4) *Abstraction and certification by the state registrar.* The state registrar will abstract on the Delayed Certificate of Live Birth form a description of each document submitted to support the facts of birth. This description will include:

a. The title or description of the document;

b. The name and address of the custodian who has attested to the fact on the original documents in the custodian's custody;

c. The date of the original filing of the document being abstracted; and

d. The information regarding the registrant's birth and parentage.

96.18(5) *Acceptance of documentary evidence for registration.*

a. The state registrar will by signature certify that:

(1) No prior certificate of live birth is on file for the person whose birth is to be recorded;

(2) The evidence has been reviewed and substantiates the alleged facts of the birth; and

(3) The abstract of the evidence appearing on the Delayed Certificate of Live Birth form accurately reflects the nature and content of the documents.

b. All documents submitted in support of the delayed registration of live birth will be returned to the applicant after review, abstraction, and registration.

96.18(6) *Denial of registration.*

a. When the applicant does not submit substantiating evidence or the state registrar finds reason to question the validity or adequacy of the evidence submitted to establish a delayed certificate of

live birth, the state registrar will not register the delayed certificate of live birth. The written notice of refusal from the state registrar will include:

(1) The rejected form;

(2) The Delayed Birth Evidence Refusal form; and

(3) Information related to the applicant's right of appeal to the district court pursuant to Iowa Code sections 144.17 and 144.18.

b. The application to establish a delayed certificate of live birth will be dismissed if not actively pursued within six months of the date the notice of refusal was sent to the applicant.

96.18(7) *Duties of the county registrar.* The county registrar may assist the registrant, registrant's parent, or current court-appointed guardian in the completion and notarization of the delayed form, excluding the portion restricted for state use only. The county registrar may forward the form, documents and fees to the state registrar for final review and possible acceptance.

96.18(8) *Fees.* Administrative and certified copy fees will be charged as provided in rule 641—95.6(144).

These rules are intended to implement Iowa Code sections 144.12, 144.13, 144.13A, 144.14, 144.15, 144.17, 144.18, 233.2(2)*"c"* and 600.15.

Regulatory Analysis

Notice of Intended Action to be published: 641—Chapter 97
"Death Registration and Disposition of Dead Human Bodies"

Iowa Code section(s) or chapter(s) authorizing rulemaking: 135, 144, 331, and 633
State or federal law(s) implemented by the rulemaking: Iowa Code chapter 144

Public Hearing

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

December 16, 2025 10 a.m.	Microsoft Teams Meeting ID: 264 358 640 097 83 Passcode: V95vw7re

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 rulemaking was undertaken in accordance with Executive Order 10. As a result of its review, the Department eliminated redundant and obsolete language. The purpose of the proposed chapter is to facilitate the registration of deaths and the subsequent disposition of dead human bodies, including forms, certificates, permits, and responsibilities of institutions and individuals involved in the process.

Analysis of Impact

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

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

Most people who are involved with a death will bear the costs in the form of fees associated with this proposed rulemaking.

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

Any person who is involved with a death will benefit from the guidance in this proposed rulemaking.

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

- **Quantitative description of impact:**

The Department's Vital Records program records around 30,000 deaths in Iowa each year among the approximately 100,000 events and issues about 85,000 certified copies annually. The Department annually publishes Vital Statistics in Iowa, Vital Statistics in Brief, and the Iowa Health Indicator Tracking System at hhs.iowa.gov/data-reports/health-statistics.

- **Qualitative description of impact:**

Those impacted are people who are involved with registration of deaths and/or the subsequent disposition of dead human bodies, including institutions and individuals involved in the process.

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 implementing this proposed chapter.

- **Anticipated effect on State revenues:**

The vital records fees collected not only fund the Department's Health Statistics Bureau, but also contribute to the State's General Fund. For FY 2025 (through August 11, 2025), the Department collected over $3.7 million and contributed over $1.8 million to the General Fund. This includes fees collected for all vital records, not just deaths.

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

Rulemaking is required by Iowa Code chapter 144.

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

Not applicable.

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

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

Not applicable.

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

Rulemaking is required by Iowa Code chapter 144.

Small Business Impact

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

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

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

This proposed rulemaking has no impact on small business.

Text of Proposed Rulemaking

ITEM 1. Rescind 641—Chapter 97 and adopt the following **new** chapter in lieu thereof:

CHAPTER 97
DEATH REGISTRATION AND DISPOSITION OF DEAD HUMAN BODIES

641—97.1(144) Definitions. For the purpose of this chapter, the definitions in 641—Chapter 95 apply.

641—97.2(144) Forms—property of department. All forms, certificates and reports pertaining to the registration of death events are the property of the department and will be surrendered to the state registrar upon demand.

97.2(1) The forms supplied or approved for reporting death events will be used for official purposes as provided for by law, rules and instructions of the state registrar.

97.2(2) No forms, except those furnished or approved by the state registrar, can be used in the reporting of death events or the making of copies of vital records.

641—97.3(144) Standard registration of death—up to one year. Iowa death records submitted for registration within one year from the date of death will be prepared on the standard Certificate of Death form.

97.3(1) The county in which the death occurs or in which the dead human body is found is the county of death.

97.3(2) If the death occurs in a moving conveyance, the county in which the dead human body is first removed from the conveyance is the county of death.

97.3(3) Each person with a duty related to death certificates shall participate in the electronic death record system. A person with a duty related to a death certificate includes but is not limited to a physician as defined in Iowa Code section 135.1, a physician assistant, an advanced registered nurse practitioner, a funeral director and a county recorder.

641—97.4(144) Standard registration of fetal death—up to one year. Iowa fetal death records submitted for registration within one year from the date of fetal death shall be prepared on the standard Certificate of Fetal Death form. A fetal death certificate shall not be filed after one year from the date of the event. A fetal death record shall not be entered into the electronic death record system.

97.4(1) When a fetal death occurs in an institution, the person in charge of the institution or the person's designee, the physician in attendance at or after delivery, or a medical examiner may assist in preparation of the Certificate of Fetal Death form as directed by the state registrar.

97.4(2) In cases in which a fetus has reached the gestation period of 20 completed weeks or more or a weight of 350 grams or more, a Certificate of Fetal Death form shall be:

a. Registered and maintained solely at the state registrar's office; and

b. Filed within three days after delivery and prior to final disposition of the fetus.

97.4(3) The county in which the dead human fetus is found is the county of death. The certificate of fetal death shall be filed within three days after the fetus is found.

97.4(4) If the fetal death occurs in a moving conveyance, the county in which the fetus is first removed from the conveyance is the county of death.

97.4(5) A blank Certificate of Fetal Death form shall be used only by the state registrar or authorized agents.

641—97.5(144) Preparation of the certificate of death or fetal death.

97.5(1) The funeral director or person other than the funeral director who first assumes custody of a dead human body or fetus for the purposes of disposition shall:

a. Obtain the personal data from the next of kin or the best-qualified person or source available;

b. Obtain the medical certification of cause of death from the medical certifier; and

c. Within three days after the death and prior to final disposition of the dead human body, file the completed certificate of death using the electronic statewide vital records system or, within three days after delivery and prior to disposition of the fetus, file the completed certificate of fetal death with the state registrar.

97.5(2) The funeral director or person other than the funeral director who first assumes custody of the dead human body for the purposes of disposition shall prepare the certificate of death using the electronic statewide vital records system.

97.5(3) The funeral director or person other than the funeral director who first assumes custody of the dead fetus for the purposes of disposition shall prepare the certificate of fetal death on the official form and paper issued by the state registrar.

97.5(4) Unless otherwise directed by the state registrar, a certificate of fetal death will be accepted for filing and registration only when:

a. All names are documented in the spaces provided;

b. All items are completed as required;

c. No alterations or erasures are apparent;

d. All signatures are original and genuine and are in dark blue or black ink;

e. The certificate presented for registration is on the approved form and official paper prescribed by the state registrar;

f. Data are consistent with the facts of death; and

g. The form is prepared in conformity with these rules or instructions issued by the state registrar.

641—97.6(144) Medical certification of death. The funeral director shall submit the completed fact of death portion of the certificate of death to the physician, physician assistant, advanced registered nurse practitioner, or medical examiner for the completion of the medical portion.

97.6(1) For a natural cause of death, the physician, physician assistant or advanced registered nurse practitioner in charge of the patient's care for the illness or condition that resulted in death shall complete and sign the medical certification within 72 hours after receipt of the death certificate from the funeral director or individual who initially assumed custody of the body.

97.6(2) If there is a non-natural cause of death, the state medical examiner or county medical examiner shall be notified and shall conduct an investigation.

97.6(3) If the decedent was an infant or child and the cause of death is not known, a medical examiner shall conduct an investigation and an autopsy shall be performed as necessary to exclude a non-natural cause of death.

97.6(4) If upon investigation into a death, the state medical examiner or county medical examiner determines that a preexisting natural disease or condition was the likely cause of death and that the death does not affect the public interest as described in Iowa Code section 331.802(3), the state medical examiner or county medical examiner may elect to defer to the physician, physician assistant or advanced registered nurse practitioner in charge of the patient's preexisting condition the certification of the cause of death.

97.6(5) When an investigation is required by the state medical examiner or county medical examiner, the state medical examiner or county medical examiner shall investigate the cause and manner of death and shall complete and sign the medical certification within 72 hours after determination of the cause and manner of death.

97.6(6) The medical certifier completing the medical certification of cause of death shall attest to the accuracy of the medical certification either by signature or by an electronic process approved by the state registrar.

641—97.7(144) Medical certification of fetal death.

97.7(1) The medical certification for a fetal death shall be completed by the physician in attendance at or after delivery of the fetus within 72 hours after delivery, except when an investigation is required by a medical examiner.

97.7(2) When an investigation by a medical examiner is required, or when a fetal death occurs without medical attendance upon the mother at or after delivery, the medical examiner shall investigate the cause of fetal death and shall complete the medical certification of the fetal death within 72 hours after taking charge of the case.

97.7(3) The physician or medical examiner completing the medical certification of fetal death shall attest to the accuracy either by signature or by an electronic process approved by the state registrar.

641—97.8(144) Medical certifier.

97.8(1) Only an Iowa-licensed physician, physician assistant, advanced registered nurse practitioner, or medical examiner shall certify to the cause and manner of death.

97.8(2) If the medical certifier is unavailable, an alternate Iowa-licensed medical certifier may complete the cause and manner of death when:

a. The alternate medical certifier has access to the medical history of the case;

b. The alternate medical certifier views the deceased at the time of death or after death has occurred; and

c. The death is from natural causes.

97.8(3) In all other cases in which a medical certifier is unavailable, the medical examiner shall prepare the medical certification of cause of death.

97.8(4) The medical certifier who signs the medical certification on a certificate of death shall be entitled to view the death record through the electronic statewide vital records system for up to one year from the date of death.

641—97.9(144) Report of autopsy findings.

97.9(1) In cases in which an autopsy is to be performed, it shall not be necessary to defer the entry of the cause of death pending a full report of microscopic or toxicological studies.

97.9(2) In any case in which the gross findings of an autopsy are inadequate to determine the cause of death, the medical certifier shall mark the cause of death as "pending investigation" on the certificate and sign the certificate. Immediately after the medical data necessary for determining the cause of death have been made known, the medical certifier shall provide to the state registrar a signed statement that identifies the decedent and the cause of death.

97.9(3) In any case in which the autopsy findings significantly change the medical diagnosis of cause of death, the medical certifier shall make a report of the cause of death and submit it to the state registrar as soon as the findings are available. Such report shall be a signed statement that identifies the decedent and the revised cause of death. Such report shall amend the original certificate, and the report shall be maintained in a sealed file.

641—97.10(144) Extension of time. If the medical certifier is unable to complete the medical certification of cause of death or if the funeral director is unable to obtain the personal information about the deceased within the statutory time period, the funeral director shall file the certificate of death or fetal death with all available information.

97.10(1) Such certificate of death or fetal death shall be considered appropriate authority to issue a burial-transit permit.

97.10(2) As soon as possible, the person responsible for completing the information missing from the original certificate shall report the missing information to the state registrar.

641—97.11(144) Removal of a dead human body or fetus.

97.11(1) A person assuming custody of a dead human body shall:

a. Contact the attending physician, physician assistant, or advanced registered nurse practitioner and receive confirmation the death was from natural causes and that the physician, physician assistant, or advanced registered nurse practitioner will assume responsibility for certifying the cause of death; or

b. Contact the medical examiner and receive authorization to remove the dead human body if the case is within the jurisdiction of the medical examiner.

97.11(2) A person assuming custody of a dead human fetus shall:

a. Contact the attending physician and receive confirmation the death was from natural causes and that the physician will assume responsibility for certifying to the cause of fetal death; or

b. Contact the medical examiner and receive authorization to remove the dead human fetus if the case is within the jurisdiction of the medical examiner.

97.11(3) A person other than a funeral director, medical examiner, or emergency medical service provider who assumes custody of a dead human body or fetus shall first contact the state registrar for instructions for registering the certificate of death or fetal death. After review and registration of the certificate of death or fetal death, the state registrar will issue a burial-transit permit pursuant to rule 641—97.12(144) prior to removal of the dead human body or fetus from the place of death.

641—97.12(144) Burial-transit permit. If a person other than a funeral director, medical examiner, or emergency medical service assumes custody of a dead human body or fetus, the person is mandated to secure a burial-transit permit pursuant to rule 641—97.11(144) and Iowa Code section 144.32. Pursuant to Iowa Code chapter 144, an unlicensed employee of the funeral establishment shall be considered an agent of the funeral director.

97.12(1) The burial-transit permit will be issued upon a form prescribed by the state registrar and will state:

a. The name of the decedent;

b. The date and place of death;

c. If the death was from a communicable disease;

d. The name and location of the cemetery, crematory, or other location where final disposition of the remains is to be made;

e. The method of disposition;

f. That a certificate of death or fetal death has been filed; and

g. That permission is granted to inter, remove or otherwise dispose of the dead human body or fetus.

97.12(2) To be valid, a burial-transit permit will not be issued prior to the presentation of the completed and registered certificate of death or certificate of fetal death. The burial-transit permit must be issued by the county medical examiner, a funeral director, or the state registrar. The burial-transit permit shall be obtained prior to the removal of the dead human body or fetus from the place of death and shall accompany the body or fetus to the place of final disposition. The person responsible for obtaining the burial-transit permit shall provide the permit to the person in charge of the place of final disposition.

97.12(3) The person in charge of the place of final disposition shall ensure that all of the requirements of this chapter relative to the burial-transit permit have been complied with before the final disposition of the remains. Such person shall retain the burial-transit permit for a period of one year from the date of the final disposition.

97.12(4) A burial-transit permit will not be issued to a person other than a licensed funeral director if the death or fetal death was caused by a suspected or known "communicable disease" as defined by Iowa Code section 139A.2.

97.12(5) In cases in which a fetus has reached the gestation period of 20 completed weeks or more, or a weight of 350 grams or more, a burial-transit permit will be obtained prior to the final disposition of the fetus.

641—97.13(144) Transportation and disposition of a dead human body or fetus.

97.13(1) A dead human body or fetus shall be transported only after enclosure in a container for transfer that will control odor and prevent leakage of body fluids unless the body or fetus has been embalmed or is being transported by a licensed funeral director, emergency medical service provider or medical examiner. The transport of a dead human body or fetus shall be in a manner that is respectful of the dead, the feelings of relatives, and the sensibilities of the community.

97.13(2) When a dead human body or fetus is transported from the state for final disposition, the burial-transit permit shall accompany the body or fetus. When a dead human body or fetus is brought into the state for final disposition, a burial-transit permit under the law of the state in which the death occurred shall accompany the body or fetus.

97.13(3) If the final disposition of a dead human body or fetus is cremation at a licensed cremation establishment, scattering of cremated remains shall be subject to the local ordinances of the political subdivision and any and all regulations of the cemetery, if applicable, in which the scattering site is located. However, such local ordinances and cemetery regulations shall not allow the scattering of cremated remains upon public property or upon private property without the property owner's consent. In the absence of an applicable local ordinance or cemetery regulation, the scattering of cremated remains shall not be allowed upon any public property or upon private property without the property owner's consent. Cremation shall be considered final disposition by the department, and no further burial-transit permit shall be needed.

97.13(4) If the final disposition of a dead human body or fetus is burial, interment, or entombment, local ordinances of the political subdivision in which the final disposition site is located and any and all regulations of the cemetery, if applicable, shall apply. In the absence of an applicable local ordinance, the depth of the grave at its shallowest point shall be at least three feet from the top of the burial container.

641—97.14(144) Disinterment permits.

97.14(1) A disinterment permit may be issued as follows:

a. Disinterment of a dead human body or fetus, without a court order, shall be allowed for the purpose of autopsy or reburial only and then only if supervised by a funeral director.

b. Disinterment of cremated remains, without a court order, shall be allowed but only if supervised by a funeral director.

c. The state registrar, without a court order, will not issue a permit without the consent of the person authorized to control the decedent's remains under Iowa Code section 144C.5.

d. Disinterment of a dead body or fetus for the purpose of reburial may be allowed by court order only upon a showing of substantial benefit to the public and then only if supervised by a funeral director.

e. Disinterment of a dead body or fetus for the purpose of autopsy by court order shall be allowed only when reasonable cause is shown that someone is criminally or civilly responsible for such death, after hearing, upon reasonable notice prescribed by the court to the person authorized to control the decedent's remains under Iowa Code section 144C.5 and then only if supervised by a funeral director.

f. Disinterment of a dead body or fetus for the purpose of cremation may be allowed by court order if supervised by a funeral director. Subsequent to the disinterment, cremation of the body will only be allowed upon a determination by the state or county medical examiner that the death was due to natural causes.

97.14(2) A permit for disinterment will be issued by the state registrar according to rules adopted pursuant to Iowa Code chapter 17A or when ordered by the district court of the county in which such body is buried. A person authorized to control final disposition of a decedent's remains under Iowa Code section 144C.5 is an interested person and shall be entitled to notice prior to the obtaining of a court order.

97.14(3) Disinterment permits are mandated for any relocation above ground or below ground of remains from the original site of interment. Disinterment permits will be valid for 30 days after the date the permit is signed by the state registrar. Disinterment permits are issued on a form as prescribed by the state registrar with copies to be distributed as follows:

a. One copy filed with the sexton or person in charge of the cemetery in which disinterment is to be made;

b. One copy to be used during transportation of the remains;

c. One copy filed with the sexton or person in charge of the cemetery of reburial; and

d. One copy to be returned to the state registrar by the funeral director within ten days after the date of disinterment.

97.14(4) When removed from the vault for final burial, a dead human body or fetus, properly embalmed and placed in a receiving vault, shall not be considered a disinterment.

97.14(5) The following persons who are competent adults may acquire a disinterment permit without a court order pursuant to Iowa Code sections 144.34 and 144C.5 in the following descending order:

a. A designee, or alternate designee, acting pursuant to the decedent's declaration.

b. The surviving spouse of the decedent, if not legally separated from the decedent, whose whereabouts are reasonably ascertainable.

c. A surviving child of the decedent or, if there is more than one surviving child, a majority of the surviving children whose whereabouts are reasonably ascertainable.

d. The surviving parent or parents of the decedent whose whereabouts are reasonably ascertainable.

e. A surviving grandchild of the decedent or, if there is more than one surviving grandchild, a majority of the surviving grandchildren whose whereabouts are reasonably ascertainable.

f. A surviving sibling of the decedent or, if there is more than one surviving sibling, a majority of the surviving siblings whose whereabouts are reasonably ascertainable.

g. A surviving grandparent of the decedent or, if there is more than one surviving grandparent, a majority of the surviving grandparents whose whereabouts are reasonably ascertainable.

h. A person in the next degree of kinship to the decedent in the order named by law to inherit the estate of the decedent under the rules of inheritance for intestate succession or, if there is more than one such surviving person, a majority of such surviving persons whose whereabouts are reasonably ascertainable.

i. A person who knows the identity of the decedent and who signs an affidavit affirming the identity of the decedent and assuming the right to control final disposition of the decedent's remains and the responsibility to pay any expense associated with such final disposition. A person who affirms the identity of the decedent pursuant to this paragraph is liable for all damages that result, directly or indirectly, from that affirmation.

j. The county medical examiner, if responsible for the decedent's remains.

97.14(6) A funeral director may await a court order before proceeding with disinterment of a decedent's remains if the funeral director is aware of a dispute among:

a. Persons who are members of the same class of persons described in subrule 97.14(5); or

b. Persons who are authorized under subrule 97.14(5) and the executor named in the decedent's will or personal representative appointed by the court.

97.14(7) Due consideration under this rule shall be given to the public health, the preferences of a person authorized to control final disposition of a decedent's remains under Iowa Code section 144C.5, and any court order.

641—97.15(144) Delayed death registration—one year or more after event. Iowa deaths registered one year or more after the date of death shall be prepared on a Delayed Certificate of Death form developed by the state registrar. The state registrar will require documentary evidence to prove the facts of the death pursuant to Iowa Code section 144.16. The delayed certificate of death will be registered and maintained solely at the state registrar's office.

97.15(1) *Application.* Registration of a delayed certificate of death may be requested by the surviving next of kin of the deceased, or the surviving next of kin's legal representative, in the following descending order:

a. Executor of the decedent's estate;

b. Spouse, if not legally separated from the decedent;

c. Child or legal guardian of the child if the child is under the age of majority;

d. Parent;

e. Grandchild or legal guardian of the grandchild if the grandchild is under the age of majority;

f. Sibling;

g. Grandparent; or

h. Funeral director responsible for the disposition of the decedent.

97.15(2) *Facts to be established.*

a. The applicant shall submit a notification of record search certified by the state registrar that will indicate that no prior certificate of death is on file for the person whose delayed death record is to be filed. The notification of record search will be returned to the applicant and will not be exchanged for a certified copy of the delayed certificate of death.

b. The applicant shall substantiate the following with documentary evidence:

(1) The full legal name and sex of the deceased at the time of the death;

(2) The date and place of birth;

(3) The date and time of death;

(4) The place of death, including the type of place and location where the death occurred;

(5) The method and location of the final disposition;

(6) The full name and address of the person responsible for the final disposition;

(7) Cause and manner of death; and

(8) The full name, address, and relationship to the decedent of the person applying to register the delayed certificate of death.

97.15(3) *Documentary evidence.*

a. The application to register the delayed certificate of death shall be supported by a minimum of the following:

(1) An affidavit of the person filing the certificate attesting to the accuracy of the information on the certificate; and

(2) Three dated documents from independent sources that consistently support the information necessary pursuant to subrule 97.15(2). The documents shall be in the form of the original record, a certified copy thereof, or a notarized statement from the custodian of the record or document on the custodian's letterhead. Personal affidavits are not acceptable.

b. The state registrar may require additional documentary evidence to prove the facts of the death event.

97.15(4) *Abstraction and certification by the state registrar.* The state registrar will abstract on the Delayed Certificate of Death form a description of each document submitted to support the facts of death. This description will include:

a. The title or description of the document;

b. The name and address of the custodian who attested to the facts on the original documents in the custodian's custody;

c. The date of the original filing of the document being abstracted; and

d. The information regarding the death for delayed registration.

97.15(5) *Acceptance of documentary evidence for registration.* All documents submitted in support of the delayed registration will be returned to the applicant after review, abstraction, and registration. The state registrar will by signature certify that:

a. No prior certificate of death is on file for the decedent;

b. The evidence has been reviewed and substantiates the facts of death; and

c. The abstract of the evidence appearing on the delayed certificate of death accurately reflects the nature and content of the documents.

97.15(6) *Denial of registration.* In the absence of adequate substantiating evidence or if the state registrar finds reason to question the validity or adequacy of the evidence necessary to establish a delayed certificate of death, the state registrar will not register the delayed record.

a. The written notice of rejection from the state registrar will include:

(1) The Delayed Certificate of Death form stamped "rejected"; and

(2) The Delayed Evidence Refusal form.

b. Applications for a delayed certificate of death that have not been completed within one year from the date of application may be dismissed at the discretion of the state registrar. Upon dismissal, the state registrar will advise the applicant, and all documents submitted in support of such registration will be returned to the applicant.

97.15(7) *Duties of county registrar.* The county registrar may assist the applicant in the completion and notarization of the Delayed Certificate of Death form, excluding the portion restricted for state use only. The county registrar may forward the partially completed Delayed Certificate of Death form, documents and fees to the state registrar for final review and possible acceptance.

97.15(8) *Fees.* Administrative and certified copy fees will be charged as provided in rule 641—95.6(144).

641—97.16(144) Registration of presumptive death.

97.16(1) A petition shall be filed with the district court in the county where the presumptive death occurred and shall be supported with the completed Affidavit of Personal Knowledge of a Missing Person form. The form shall be completed by the surviving next of kin of the deceased, or the surviving next of kin's legal representative, in the following descending order:

a. Spouse, if not legally separated from the decedent;

b. Child or the child's legal guardian if the child is under the age of majority;

c. Parent;

d. Grandchild or the grandchild's legal guardian if the grandchild is under the age of majority;

e. Sibling;

f. Grandparent;

g. Aunt or uncle;

h. Niece or nephew; or

i. A person in the next degree of kinship to the decedent in the order named by law to inherit the estate of the decedent pursuant to Iowa Code sections 633.210 through 633.226.

97.16(2) In addition to the Affidavit of Personal Knowledge of a Missing Person form or in the absence of the next of kin, the petition may be supported by the following:

a. Affidavit by Employer for an Employee Who Was Working at Time of Disappearance form;

b. Affidavit by Government Official for a Government Employee Missing While Involved in Rescue Efforts form; or

c. Affidavit by Reliable Informant of Missing Person form.

97.16(3) The state registrar will provide the affidavit forms and the certificate of presumptive death. The affidavits and the certificate of presumptive death will be registered and maintained solely at the state registrar's office.

97.16(4) Upon presentation of a certified copy of a court order, the state registrar will file a certificate of presumptive death pursuant to Iowa Code sections 633.517 through 633.520. The order from the district court shall only establish the presumptive death record.

97.16(5) In cases under the jurisdiction of the medical examiner, the certified copy of the court order and the completed supporting affidavits listed in subrules 97.16(1) and 97.16(2) shall be delivered to the medical examiner. The medical examiner will complete the certificate of presumptive death and certify to the cause of death.

97.16(6) The certificate of presumptive death will be registered and maintained solely at the state registrar's office.

97.16(7) The certificate of presumptive death will be recorded based on the date of the court order and shall not be registered as a delayed certificate of death.

97.16(8) If the missing person is located and found to be alive, the certificate of presumptive death will be voided and removed from the vital records system of registration. Any issued certified copies shall be surrendered to the state registrar.

641—97.17(144) Release or final disposition of a dead human body or fetus by an institution.

97.17(1) When a dead human body or fetus is released by an institution, the person in charge of the institution shall maintain a record showing:

a. Name of the deceased;

b. Date, time, and place of death;

c. Name, title, and license number of person who pronounced death;

d. Name and address of the medical certifier;

e. Name and address of the person to whom the dead human body or fetus is released; and

f. Date of removal of the dead human body or fetus from the institution.

97.17(2) When a dead human body or fetus is released or final disposition is completed by an institution, the person in charge of the institution shall keep a record showing the date, place, and manner of release or final disposition.

97.17(3) At the direction of the state registrar, the institution shall provide the information listed in subrule 97.17(1) to the funeral director or person acting as such who assumes custody of the dead human body for purposes of final disposition.

97.17(4) Records maintained under this rule will be retained for a period of not less than ten years and will be made available for inspection by the state registrar upon demand.

641—97.18(144) Additional record by funeral director.

97.18(1) In addition to filing any certificate or other form required by Iowa Code chapter 144, a funeral director or other person who removes from the place of death or transports or completes final disposition of a dead human body or fetus shall maintain a record that shall identify the following:

a. Name of the deceased;

b. Date, time, and place of death;

c. Name and address of the person to whom the dead human body or fetus is released;

d. Name of institution or other place of death releasing the dead human body or fetus;

e. Date of removal from the place of death; and

f. Place and method of final disposition of the dead human body or fetus.

97.18(2) Records maintained under this rule shall be retained for a period of not less than ten years at the funeral establishment responsible for disposition and shall be made available for inspection by the state registrar upon demand.

These rules are intended to implement Iowa Code sections 135.11(7), 144.12, 144.16 through 144.18, 144.26 through 144.29, 144.30 through 144.35, 144.47, 144.49 through 144.51, 144C.5, 331.802(3) and 633.517 through 633.520.

Regulatory Analysis

Notice of Intended Action to be published: 641—Chapter 98
"Marriage Registration"

Iowa Code section(s) or chapter(s) authorizing rulemaking: 144 and 595

State or federal law(s) implemented by the rulemaking: Iowa Code sections 144.12, 144.16, 331.605(1)"f" and "g," 595.2(4), 595.4, 595.5, 595.10, and 595.16

Public Hearing

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

December 16, 2025 10 a.m.	Microsoft Teams Meeting ID: 264 358 640 097 83 Passcode: V95vw7re

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 rulemaking was undertaken in accordance with Executive Order 10. The purpose of this proposed chapter is to describe the administration process for marriage registration, including license application, filing the certificate, recordkeeping, certified copies, and fees. As a result of the review, the Department revised the chapter, removing restrictive terms and making minor wording changes.

Analysis of Impact

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

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

Most who are married in Iowa will bear the costs in the form of fees associated with marriage licenses.

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

Most who are married in Iowa will benefit from this proposed rulemaking.

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

- **Quantitative description of impact:**

Marriage license fees are $35. The Department's Vital Records program records around 17,000 marriages in the State annually. The vital records fees collected not only fund the Department's Health Statistics Bureau but also contribute to the State's General Fund. For FY 2025 (through August 11,

2025), the Department collected over $3.7 million and contributed over $1.8 million to the General Fund. This includes fees collected for all vital records and not just marriages.

- **Qualitative description of impact:**

This proposed chapter describes the administration process for marriage registration, including license application, filing the certificate, recordkeeping, certified copies, and fees.

3. **Costs to the State:**

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

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

- **Anticipated effect on State revenues:**

The vital records fees collected not only fund the Department's Health Statistics Bureau but also contribute to the State's General Fund. For FY 2025 (through August 11, 2025), the Department collected over $3.7 million and contributed over $1.8 million to the General Fund. This includes fees collected for all vital records and not just marriages.

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

Rulemaking is required by Iowa Code chapter 144.

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

Not applicable.

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

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

Not applicable.

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

Rulemaking is required by Iowa Code chapter 144.

Small Business Impact

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

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

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

This proposed rulemaking has no impact on small business.

Text of Proposed Rulemaking

ITEM 1. Rescind 641—Chapter 98 and adopt the following **new** chapter in lieu thereof:

CHAPTER 98
MARRIAGE REGISTRATION

641—98.1(144,595) Definitions. For the purpose of this chapter, the definitions in 641—Chapter 95 apply.

641—98.2(144,595) Forms—property of department. All forms, certificates and reports pertaining to the registration of a marriage are the property of the department and shall be surrendered to the state registrar upon demand.

98.2(1) The forms supplied or approved for reporting a marriage will be used for official purposes as provided for by statute, rules and instructions of the state registrar.

98.2(2) No forms, except those furnished or approved by the state registrar, can be used in the reporting of a marriage or the making of copies of vital records.

641—98.3(144,595) Standard registration of marriage—up to one year. A marriage event that takes place in Iowa shall be prepared on the standard Certificate of Marriage form and submitted for registration within one year from the date of marriage.

98.3(1) Prior to marriage, the applicants shall:

a. Obtain an Application for a License to Marry in Iowa form from the county registrar;

b. Submit to the county registrar the completed application and fee pursuant to Iowa Code section 331.605; and

c. Receive a license to marry in Iowa and a Certificate of Marriage form from the county registrar.

98.3(2) Once the marriage is solemnized, the completed certificate of marriage will be filed with the county registrar where the license to marry was issued. The county registrar will then forward the certificate of marriage to the state registrar for filing.

641—98.4(144,595) Application for a license to marry in Iowa.

98.4(1) The Application for a License to Marry in Iowa form is available from any county registrar. The applicants are the parties to be married.

98.4(2) The application will not be processed until all items on the form, including the affidavit of a competent and disinterested person, have been completed. The affidavit shall be completed and signed in front of a notary public by an individual of legal age who is acquainted with both applicants who plan to marry. A family member may serve as the competent and disinterested person.

98.4(3) Each applicant shall verify the personal information by notarized signature.

98.4(4) If an applicant is 16 or 17 years of age, the Certificate of Consent of Underage Party to Marry form shall be completed in accordance with Iowa Code section 595.2(4) and shall be approved by a judge in the county's judicial district before the application for a marriage license may be accepted by the county registrar. Persons 15 years of age or younger may not marry in Iowa.

98.4(5) The Application for a License to Marry in Iowa form shall be signed in front of a notary public by both parties to be married and their competent and disinterested person. By signature, the applicants and their competent and disinterested person are attesting that the applicants are:

a. Eighteen years of age or older or, if either or both are 16 or 17 years of age, that they have provided a signed Certificate of Consent of Underage Party to Marry form;

b. Competent to enter into a civil contract pursuant to Iowa Code section 595.1A;

c. Not legally married to each other and that neither is legally married to someone else who is living; and

d. Acknowledging that they have provided accurate information on the application form.

98.4(6) An applicant is not required to be a U.S. citizen.

98.4(7) The Application for a License to Marry in Iowa form shall be submitted to the registrar in the county where the application and marriage certificate are to be filed. The marriage license is valid in any county in Iowa.

98.4(8) A fee is due upon the submittal of a completed Application for a License to Marry in Iowa form pursuant to Iowa Code section 331.605(1)*"g."*

98.4(9) At the time of completion of the Application for a License to Marry in Iowa form, the applicants shall indicate the adoption of the legal name to be used after marriage pursuant to Iowa Code section 595.5(1). When the application is filed, the county registrar will enter the legal name on the License to Marry in Iowa form and the original Certificate of Marriage form. Once the application is filed, any changes to the legal name to be adopted shall only be made prior to the marriage by reapplication and repayment of the application fee unless it can be proven that an obvious typographical error was made when the license or the certificate was prepared. An individual shall have only one legal name at any one time pursuant to Iowa Code section 595.5(2).

98.4(10) The original certificate of marriage will not later be modified to reflect a court-ordered legal change of name.

641—98.5(144,595) License to marry.

98.5(1) Upon receipt and acceptance of a completed Application for a License to Marry in Iowa form, the county registrar may issue the license to marry. When the marriage license valid date is computed, the day of application will be excluded. The license will become valid after the expiration of three calendar days after the date of application to marry.

98.5(2) The three-day waiting period may be waived by a district judge in the county's judicial district pursuant to Iowa Code section 595.4. An Application for Waiver of 3-Day Waiting Period form is available from the county registrar. If the waiver is granted, the county registrar will collect the $5 fee for the waiver pursuant to Iowa Code section 595.4.

98.5(3) When a license is issued, the county registrar will provide the applicant the Certificate of Marriage form and provide instructions to ensure the return of a complete and accurate certificate of marriage for filing.

98.5(4) If the license to marry in Iowa is not retrieved from the county registrar within six months from the date of application, the application is void.

98.5(5) The license to marry is proof that proper application to marry in Iowa has been made. The parties to be married shall present the license to the person who will solemnize the marriage pursuant to Iowa Code section 595.10.

641—98.6(144,595) Certificate of marriage.

98.6(1) At the time the license to marry in Iowa is issued, the county registrar will also prepare the original copy of the Certificate of Marriage form. The person solemnizing the marriage shall complete the blank items pertaining to the marriage ceremony and obtain the required signatures.

98.6(2) All participants in the marriage ceremony shall be present at the same time and location within the geographic boundaries of the state of Iowa, including the parties to be married, two witnesses and the officiant. Marriage ceremonies shall not occur by proxy, telephone, or other electronic means.

98.6(3) After the marriage ceremony:

a. The parties married shall sign, at a minimum, their first and last legal name on the Certificate of Marriage form as indicated on the Application for a License to Marry in Iowa form; and

b. Two witnesses present at the ceremony and the officiant shall sign and print their names on the Certificate of Marriage form in the spaces provided. If there is more than one officiant, the signature and name of only one of the officiants shall be on the Certificate of Marriage form.

98.6(4) Photocopies of the certificate of marriage are prohibited prior to registration of the certificate with the county registrar. The officiant shall not affix any kind of seal to the certificate of marriage.

98.6(5) Within 15 days after the marriage ceremony, the officiant who solemnized the marriage shall file for registration the certificate of marriage with the county registrar that issued the marriage license, except as directed pursuant to Iowa Code section 595.16.

98.6(6) Upon registration of the certificate of marriage, the completed Application for a License to Marry in Iowa form becomes part of the record of marriage, including the granted three-day waiver and accepted consent to marriage of a minor, if applicable.

98.6(7) Original certificates of marriage registered by the county registrar shall be forwarded to the state registrar weekly or as directed by the state registrar.

641—98.7(144,595) Delayed registration of marriage—one year or more after date of event. All Iowa marriages registered one year or more after the date of the marriage shall be prepared on the Delayed Certificate of Marriage form. The state registrar will require documentary evidence to establish the facts of the marriage pursuant to Iowa Code section 144.16 and subrule 98.7(2). The delayed marriage record will be registered and maintained solely at the state registrar's office.

98.7(1) *Application.* A completed Delayed Certificate of Marriage form shall be signed before a notary by both parties to the marriage and filed with the state registrar.

98.7(2) *Facts to be established.*

a. The applicant shall submit a notification of record search certified by the state registrar that shall indicate that no prior certificate of marriage is on file for the persons whose delayed marriage record is to be filed. The notification of record search will be returned to the applicant and will not be exchanged for a certified copy of a delayed certificate of marriage.

b. The applicant shall substantiate the following with documentary evidence:

(1) The county in Iowa where the license to marry was issued;

(2) The full name of the registrants before and after the marriage;

(3) The date and place of the marriage in Iowa;

(4) The full names of the registrants' parents;

(5) The full names of the two witnesses present at the marriage ceremony; and

(6) The full name and address of the officiant who performed the marriage ceremony.

98.7(3) *Documentary evidence.*

a. To be acceptable for purposes of registration by the state registrar, the delayed certificate of marriage must be supported by:

(1) All of the following:

1. A copy of the issued license to marry in Iowa or the completed Application for a License to Marry in Iowa form secured from the county registrar in the county where the license to marry was issued;

2. A notarized affidavit from two witnesses to the wedding ceremony attesting to the facts of the marriage; and

3. A certified copy transcribed from the official records where the marriage was performed, including the date and place of such marriage as attested to by the custodian of such records; or

(2) An affidavit of the person who performed the ceremony documenting that there was a marriage and the date and place of such marriage.

b. The state registrar may require additional documentary evidence to prove the facts of the marriage event.

98.7(4) *Abstraction and certification by the state registrar.* The state registrar will abstract on the Delayed Certificate of Marriage form a description of each document submitted to support the facts of the marriage event. This abstract will include:

a. The title, description and signatory from each document presented;

b. The date of the original filing of the document being abstracted; and

c. The facts of the marriage event as established pursuant to paragraph 98.7(2)*"b."*

98.7(5) *Acceptance of documentary evidence for registration.* All documents submitted in support of the delayed registration will be returned to the applicant after review, abstraction, and registration. The state registrar will by signature certify that:

a. No prior certificate of marriage is on file for the registrants;

b. The evidence has been reviewed and substantiates the facts of the marriage event; and

c. The abstract of the evidence appearing on the delayed certificate of marriage accurately reflects the nature and content of the document.

98.7(6) *Denial of registration.* In the absence of adequate substantiating evidence or if the state registrar finds reason to question the validity or adequacy of the evidence required to establish a delayed certificate of marriage, the state registrar will not register the delayed record.

a. The written notice of rejection from the state registrar will include:

(1) The Delayed Certificate of Marriage form stamped "rejected"; and

(2) The Delayed Evidence Refusal form.

b. Applications for delayed certificates that have not been completed within one year from the date of application may be dismissed at the discretion of the state registrar. Upon dismissal, the state registrar will advise the applicant, and all documents submitted in support of such registration will be returned to the applicant. The state registrar will provide information related to the applicant's right of appeal to the district court.

c. If a request to establish a delayed certificate of marriage is rejected under the provisions of Iowa Code section 144.16, a petition may be filed with the district court for an order to establish a delayed certificate of marriage. The petition shall:

(1) Be made on a form prescribed and furnished by the state registrar.

(2) Allege that diligent efforts by the petitioner have failed to obtain the evidence required in accordance with Iowa Code section 144.16.

(3) Allege that the state registrar has refused to establish the delayed certificate of marriage.

(4) Include such other allegations as may be required.

(5) Be accompanied by a statement of the registration official made in accordance with Iowa Code section 144.16 and all documentary evidence that was submitted to the registration official in support of such registration.

(6) Be verified by the petitioner.

98.7(7) *Duties of county registrar.* The county registrar may assist the applicant in the completion and notarization of the delayed form, excluding the portion restricted for state use only. The county registrar may forward the partially completed delayed form, documents and fees to the state registrar for final review and possible acceptance.

98.7(8) *Fees.* Administrative and certified copy fees shall be charged as provided in rule 641—95.6(144).

641—98.8(144,595) Dissolution of marriage or annulment.

98.8(1) The completed Report of Dissolution of Marriage or Annulment form shall be filed with the clerk of district court within one month from the date of the dissolution of marriage or annulment and be prepared on the official paper issued by the state registrar by one of the following means:

a. Use of a typewriter using a dark blue or black ribbon on the standard form of the report;

b. Use of a computer program that is preapproved by the state registrar;

c. Use of an electronic form prescribed by the state registrar; or

d. As directed by the state registrar.

98.8(2) If an attorney or clerk of district court uses a computer software program to generate a Report of Dissolution of Marriage or Annulment form, the form will be reviewed by the state registrar for approval. The state registrar will deny approval if the form does not conform to the standard Report of Dissolution of Marriage or Annulment form as prescribed.

98.8(3) Clerks of district court shall submit reports of dissolution of marriage or annulment to the state registrar weekly or as directed by the state registrar.

These rules are intended to implement Iowa Code sections 144.12, 144.16, 331.605(1)*"f"* and *"g,"* 595.2(4), 595.4, 595.5, 595.10, and 595.16.

Regulatory Analysis

Notice of Intended Action to be published: 641—Chapter 99
"Vital Records Modifications"

Iowa Code section(s) or chapter(s) authorizing rulemaking: 144
State or federal law(s) implemented by the rulemaking: Iowa Code chapter 144

Public Hearing

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

December 16, 2025 10 a.m.	Microsoft Teams Meeting ID: 264 358 640 097 83 Passcode: V95vw7re

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 rulemaking was undertaken in accordance with Executive Order 10. The purpose of the proposed chapter is to describe the administration process for vital records modifications, including birth, death, and marriage records. As a result of its review, the Department removed restrictive terms, redundant language, and updated language to match current procedure throughout the proposed chapter.

Analysis of Impact

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

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

Most who have a birth, death, or marriage event in Iowa will bear the costs in the form of fees associated with certificates or registrations.

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

Most who have a birth, death, or marriage event in Iowa will benefit from this proposed rulemaking.

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

- **Quantitative description of impact:**

The public may incur fees pursuant to rule 641—95.6(144), typically ranging from $5 to $35 per provided service. The Department's Vital Statistics program registers approximately 100,000 events and issues about 85,000 certified copies annually. The Department annually publishes Vital Statistics

in Iowa, Vital Statistics in Brief, and the Iowa Health Indicator Tracking System at hhs.iowa.gov/data-reports/health-statistics.

- **Qualitative description of impact:**

This proposed chapter describes the administration process for vital records modifications, including birth, death and marriage records.

3. **Costs to the State:**

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

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

- **Anticipated effect on State revenues:**

The vital records fees collected not only fund the Department's Health Statistics Bureau but also contribute to the State's General Fund. For FY 2025 (through August 11, 2025), the Department collected over $3.7 million and contributed over $1.8 million to the General Fund. This includes fees collected for all vital records.

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

Rulemaking is required by Iowa Code chapter 144.

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

Not applicable.

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

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

Not applicable.

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

Rulemaking is required by Iowa Code chapter 144.

Small Business Impact

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

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

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

This proposed rulemaking has no impact on small business.

Text of Proposed Rulemaking

ITEM 1. Rescind 641—Chapter 99 and adopt the following **new** chapter in lieu thereof:

CHAPTER 99
VITAL RECORDS MODIFICATIONS

641—99.1(144) Definitions. For the purpose of this chapter, the definitions in 641—Chapter 95 apply.

641—99.2(144) Forms—property of department. All forms, certificates and reports pertaining to the registration of vital events are the property of the department and shall be surrendered to the state registrar upon demand.

99.2(1) The forms supplied or approved for reporting vital events will be used for official purposes as provided for by law, rules and instructions of the state registrar.

99.2(2) No forms, except those furnished or approved by the state registrar, can be used in the reporting or modification of vital events or the making of copies of vital records.

641—99.3(144) Forms used in the establishment of new records. The standard certificate form for reporting of live birth, death, fetal death, or marriage in use at the time of the event will be used to prepare a new certificate.

641—99.4(144) Corrections of minor errors in vital record—within one year of event.

99.4(1) Corrections of minor errors may be made by the state registrar within one year and prior to the first anniversary of the date of the event upon observation, upon request of the data provider, upon query, or upon request from an entitled person. Minor errors include obvious errors, omissions, or transpositions of letters in words of common knowledge.

99.4(2) For a certificate of live birth, entitled persons include in the following descending order of priority:

a. Either parent as shown on the child's certificate of live birth; or

b. The legal guardian or agency having legal custody of the child.

99.4(3) For a certificate of death or fetal death other than the medical certification, entitled persons include in the following descending order of priority:

a. The surviving spouse as shown on the certificate of death;

b. A parent as shown on the certificate of death or fetal death;

c. The informant as shown on the certificate; or

d. The data provider in the case of a data entry error.

99.4(4) For a certificate of marriage, entitled persons include:

a. The county registrar that issued the license to marry; or

b. Either of the parties married.

99.4(5) Entitled persons requesting a correction shall submit to the state registrar:

a. A notarized statement and a legible copy of current government-issued photo identification or other identification documents acceptable to the state registrar; and

b. Supporting evidence if requested by the state registrar.

(1) The state registrar will determine a priority of best evidence and may, at the state registrar's discretion, require additional documentary evidence to support the requested correction.

(2) The state registrar will evaluate the evidence submitted in support of any correction, and when there is reason to question the validity or adequacy of the evidence, the state registrar may reject the request for correction and will advise the applicant of the reasons for this action.

99.4(6) Only the state registrar will make corrections on a vital record. The source of information and the date of correction will be documented on the record but will not appear on the certified copy.

99.4(7) There are no administrative fees required to correct a certificate pursuant to this rule.

99.4(8) Certificates corrected pursuant to this rule will not be marked "amended."

99.4(9) Any certified copies of the incorrect certificate shall be surrendered to the state registrar for replacement at no cost pursuant to 641—subrule 95.6(3). Additional certified copies of the corrected certificate may be obtained upon receipt of a notarized application, legible copy of a current government-issued photo identification or other identification documents acceptable to the state registrar and payment of the fee pursuant to 641—paragraph 95.6(1)*"a."*

99.4(10) The corrected certificate will be on file at the county registrar's office pursuant to rule 641—95.7(144).

641—99.5(144) Amendment of certificate of live birth to add first or middle given name—within one year of event.

99.5(1) The first or middle given name for a child whose birth was reported without a first or middle given name may be amended to add the first or middle given name within one year and prior to the first anniversary of the date of the live birth based upon a completed and notarized Affidavit to Add Child's Given Name form as provided by the department pursuant to Iowa Code section 144.38. The affidavit shall be submitted to the state registrar by entitled persons in the following descending order of priority:

a. The single parent or both parents as shown on the child's certificate of live birth;

b. The mother, in the case of the death or incapacity of the second parent;

c. The second parent if listed on the birth certificate, in the case of the death or incapacity of the mother; or

d. The legal guardian or agency having legal custody of the child.

99.5(2) A first or middle given name may be added to the certificate of live birth once in this manner. Thereafter, a first or middle given name shall be changed only upon submission of a court order for a legal change of name from a court of competent jurisdiction pursuant to Iowa Code chapter 674.

99.5(3) An administrative fee shall be charged and remitted pursuant to 641—paragraph 95.6(1)*"b."*

99.5(4) The original certificate will be marked "amended" and will be endorsed on the certified copy. The date of amendment and a summary description of the evidence submitted in support of the amendment will be made a part of the record.

99.5(5) The certificate will be on file at the county registrar's office pursuant to rule 641—95.7(144).

99.5(6) Any certified copies of the incorrect certificate shall be surrendered for replacement at no cost. Additional certified copies of the amended certificate may be obtained upon the state registrar's receipt of a notarized application, legible copy of a current government-issued photo identification or other identification documents acceptable to the state registrar, and payment of the fee pursuant to rule 641—95.6(144).

641—99.6(144) Amendment of vital record—one year or more after the event.

99.6(1) Amendments of vital records may be made by the state registrar one year or more after the date of the event upon request from an entitled person or by an order to amend the record by a court of competent jurisdiction. Amendments include the correction of obvious errors, omissions, or transposition of letters in words of common knowledge.

99.6(2) For a certificate of live birth, entitled persons include in the following descending order of priority:

a. The registrant, if the registrant is of legal age, has reached the age of majority or is an emancipated minor;

b. Either parent as shown on the child's certificate of live birth; or

c. The legal guardian or agency having legal custody of the child.

99.6(3) For a certificate of death or fetal death other than the medical certification, entitled persons include:

a. The surviving spouse as shown on the certificate of death;

b. A parent as shown on the certificate of death or fetal death; or

c. The informant as shown on the certificate of death or fetal death.

99.6(4) Amendment of a medical certification of cause of death or fetal death shall be requested solely by the medical certifier listed on the certificate of death or fetal death.

99.6(5) For a certificate of marriage, entitled persons include either of the parties married.

99.6(6) Entitled persons requesting an amendment shall submit the following to the state registrar:

a. A completed and notarized amendment request on the applicable form as follows:

(1) Amendment to Certificate of Live Birth form.

(2) Amendment to Certificate of Death or Fetal Death form.

(3) Amendment to Certificate of Marriage form;

b. A legible copy of a current government-issued photo identification or other identification documents acceptable to the state registrar;

c. Certified copies of one or more pieces of documentary evidence supporting the amendment; and

d. The required fees pursuant to rule 641—95.6(144).

99.6(7) The documentary evidence shall have been established at least five years prior to the date of the application or within seven years of the date of the event.

a. The state registrar will determine a priority of best evidence and may, at the state registrar's discretion, require additional documentary evidence to support the requested amendment.

b. The state registrar will evaluate the evidence submitted in support of any amendment, and when there is reason to question the validity or adequacy of the evidence, the state registrar may reject the amendment and will advise the applicant of the reasons for this action and provide information related to the applicant's right of appeal to the district court pursuant to Iowa Code section 144.38.

c. If a request to amend a certificate of birth is rejected under the provisions of Iowa Code section 144.38, a petition may be filed with the district court for an order amending a vital record. The petition shall:

(1) Be made on a form prescribed and furnished by the state registrar.

(2) Allege that diligent efforts by the petitioner have failed to obtain the evidence required in accordance with Iowa Code section 144.38.

(3) Allege the state registrar has refused to amend the certificate of vital record.

(4) Include such other allegations as may be required.

(5) Be accompanied by a statement of the registration official made in accordance with Iowa Code section 144.38 and all documentary evidence that was submitted to the registration official in support of such registration.

(6) Be verified by the petitioner.

99.6(8) An administrative fee will be charged and remitted pursuant to rule 641—95.6(144).

99.6(9) The original certificate will be clearly marked "amended," and the date of the amendment will be endorsed on the certified copy. A summary description of the evidence submitted in support of the amendment will be made a part of the record.

99.6(10) The amended certificate will be on file at the county registrar's office pursuant to rule 641—95.7(144).

99.6(11) Any certified copies of the incorrect certificate shall be surrendered for replacement at no cost. Additional certified copies of the amended certificate may be obtained upon the state registrar's receipt of a notarized application, legible copy of a current government-issued photo identification or other identification documents acceptable to the state registrar and payment of the fee pursuant to rule 641—95.6(144).

641—99.7(144) Method of amendment of vital records.

99.7(1) Records not on the electronic vital records system will be amended by drawing a single line through the incorrect item and inserting the correct or missing data immediately above or to the side of the item or by completing a blank item. In all cases in which a line must be drawn through an original entry, the line must not obliterate the original entry. The following will be endorsed on or made a part of the record:

a. The word "amended" and the date of the amendment action; and

b. A summary of the evidence submitted in support of the amendment.

99.7(2) Records on the electronic vital records system will be amended by correction of the incorrect item. The following will be endorsed on or made a part of the record:

a. The word "amended" and the date of the amendment action;

b. A statement identifying the amendment; and

c. A summary of the evidence submitted in support of the amendment.

641—99.8(144) Correction or amendment of same item more than once. After a correction or an amendment is made on a vital record, that entry will not be corrected again unless:

99.8(1) It can be proven that an error was made in processing the first correction or amendment; or

99.8(2) A court order is received from a court of competent jurisdiction to correct or amend the item. If a court order for a correction or an amendment is received, an administrative fee will be charged and remitted pursuant to rule 641—95.6(144).

641—99.9(144) Other amendments to certificate of live birth.

99.9(1) The parent's name or both parents' names as reported by the parent or parents on the birth worksheet used to establish the certificate of live birth shall only be amended if the amendment is supported by a certified copy of a vital record or amended by an order from a court of competent jurisdiction.

99.9(2) Certificates of live birth of deceased persons shall only be amended if the amendment is supported by a certified copy of a vital record or amended by an order from a court of competent jurisdiction.

641—99.10(144) Correction or substitution of medical certification of cause of death.

99.10(1) Corrections or substitutions of the medical certification of cause of death shall be requested solely by the medical certifier listed on the certificate of death or fetal death.

a. In the event the medical certifier listed on the certificate of death or fetal death is no longer licensed to practice in the state of Iowa, an authorized medical certifier may request correction or substitution of the medical certification of cause of death.

b. For the purposes of this rule, "authorized medical certifier" means an Iowa-licensed physician, physician assistant, advanced registered nurse practitioner, or medical examiner who has knowledge of and access to the medical records associated with the decedent's care at the time of death.

99.10(2) The medical certifier may correct the medical certification of cause of death within 12 months of the date of death or fetal death. The request shall be submitted to the state registrar with supporting evidence on official letterhead signed and dated by the medical certifier listed on the certificate of death or fetal death or by an authorized medical certifier.

99.10(3) A correction to the medical certification of the cause of death and substitution of a death certificate requested solely by the medical certifier or by an authorized medical certifier after 12 months from the date of death or fetal death shall be made by order of a court of competent jurisdiction and considered an amendment. However, the medical certification of cause of death may be amended at any time upon submission of a report of autopsy or toxicological findings or additional findings by the county or state medical examiner.

99.10(4) No fee will be charged for correction, substitution or amendment made pursuant to this rule.

641—99.11(144) Correction or amendment to a certificate of marriage.

99.11(1) The request to correct a certificate of marriage during the first year may be made by the county registrar that issued the license to marry. The written request shall be submitted to the state registrar with supporting evidence.

99.11(2) The request to correct or amend a certificate of marriage may be made by either of the parties married. The written request shall be submitted to the state registrar with supporting evidence.

99.11(3) An order from a court of competent jurisdiction is required to correct or amend a legal name after marriage.

641—99.12(144) Correction to a report of dissolution of marriage or annulment.

99.12(1) A written notice to correct a report of dissolution of marriage or annulment may be submitted to the state registrar by the clerk of district court maintaining the record from which the original report was prepared. The notice shall state in what manner the report shall be corrected.

99.12(2) Those items appearing on the Report of Dissolution of Marriage or Annulment form that are not a part of the divorce decree may be corrected either by query or upon application of either party to the dissolution of marriage or annulment or the legal representative.

99.12(3) Corrections to the report of dissolution of marriage or annulment will be accepted only within the first year from the date of dissolution of marriage or annulment.

641—99.13(144) Minimum information required to establish a new certificate of live birth.

99.13(1) A request to establish a new certificate of live birth shall be submitted to the state registrar and include, at a minimum, the following information:

a. The full name of the child as stated on the original certificate of live birth;

b. The full name of the child to be listed on the new certificate of live birth;

c. The date and place of birth as stated on the original certificate of live birth;

d. The full name of the parent or parents as listed on the original certificate of live birth; and

e. The full name, place of birth, date of birth, and complete residential address of the parent or parents to be listed on the new certificate of live birth.

99.13(2) The new certificate of live birth will contain the same state file number and registration file date as were assigned to the original certificate of live birth.

99.13(3) The clerk of the court shall, within 30 days of issuance, deliver one certified copy of any adoption decree, any contact preference form or medical history form associated with the certified copy of any adoption decree for the purposes of Iowa Code section 144.24A, and the fee pursuant to rule 641—95.6(144) to the state registrar of vital statistics to prepare a certificate of birth as prescribed in Iowa Code section 144.19.

641—99.14(144) Establishment of new certificate of live birth following adoption.

99.14(1) Upon receipt of a completed Certificate of Adoption Report form or a certified copy of the decree of adoption from a court of competent jurisdiction and the information required pursuant to rule 641—99.13(144), the state registrar will establish a new certificate of live birth for a person who was born in Iowa and has been adopted.

99.14(2) The new certificate of live birth will not be marked "amended."

99.14(3) When a new certificate of live birth is established, the actual date and place of birth will be shown on the certificate.

99.14(4) The county registrar and state registrar will seal the original certificate of live birth. The state registrar will place the original certificate of live birth and all related adoption information in a sealed file, and the file shall not be opened and inspected except by the state registrar for administrative purposes or upon an order from a court of competent jurisdiction pursuant to Iowa Code section 144.24 or as provided in Iowa Code section 144.24A.

99.14(5) In accordance with Iowa Code section 144.23A, an adopted person may apply to the state registrar to have the adopted person's original certificate of birth prior to adoption reestablished to include the name of an omitted biological parent.

99.14(6) The new certificate of live birth after adoption shall not be on file at the county registrar's office.

99.14(7) The state registrar will reveal the date of the adoption and the name and address of the court that issued the adoption decree upon the receipt of a completed, notarized Revelation of County of Adoption form from an adult adopted person, a biological parent, an adoptive parent, or the legal representative of the adult adopted person, the biological parent, or the adoptive parent pursuant to Iowa Code section 144.24.

99.14(8) Administrative and certified copy fees will be charged and remitted pursuant to rule 641—95.6(144).

641—99.15(144) Establishment of new certificate of live birth following a birth by gestational surrogate arrangement.

99.15(1) All live births shall be considered the product of the woman who delivered the live infant and shall be filed in the standard manner, with that woman named as the birth mother on the original record submitted for registration.

99.15(2) For the purpose of filing for registration the record of a live birth by a gestational surrogate, the institution's or non-institution's person responsible for filing the certificate of live birth shall:

a. Notify the state registrar of the birth of a child pursuant to a gestational surrogate arrangement;

b. Follow directives for completion of the official birth worksheet;

c. Submit the birth record for registration based on the birth mother's information; and

d. Notify the state registrar when the birth record has been submitted for registration.

99.15(3) In addition, the institution's or non-institution's person responsible for filing the record for registration shall:

a. Provide the prenatal and medical data on the medical portion of the birth worksheet pertinent to the pregnancy and the birth mother's prenatal care;

b. Waive all birth registration and copy fees as collected on behalf of the state registrar;

c. Indicate on the registration that the birth mother does not have custody of the infant;

d. Assist in advising the intended parents of the procedures required to file the original birth record for registration and to reestablish the record to reflect the intended parents' information; and

e. Advise the birth mother to complete the mother's portion of the birth worksheet and to mark "no" for the social security card for the child.

99.15(4) Two intended parents—both intended parents are biological parents to the child. If the intended mother is the egg donor and the intended father is the sperm donor to the child being carried by the gestational surrogate:

a. After the birth of the child, the intended parents shall petition a court of competent jurisdiction to establish legal paternity and maternity of the child.

b. The court shall enter an order requiring the state registrar to reestablish the certificate of live birth naming the intended mother and father as the legal mother and father and requiring the state registrar to seal the original birth certificate and all related documentation.

c. The court order shall:

(1) Identify the child's full name as stated on the original certificate of live birth;

(2) State the child's date of birth and place of birth;

(3) Identify the full names of the birth mother and her legal spouse, if married;

(4) Disestablish the birth mother and her legal spouse, if married, as the legal parents of the child; and

(5) Identify the intended parents' full names prior to any marriage, full current legal names, dates of birth, birthplaces, social security numbers, and full current residential address, including county.

d. The intended parents or their legal representative shall:

(1) Submit a certified copy of the court order to the state registrar;

(2) Remit administrative and certified copy fees pursuant to rule 641—95.6(144); and

(3) Include a notarized written request with mailing instructions for the certified copy of the certificate of live birth.

99.15(5) Two intended parents—intended mother is biological mother to the child; her legal spouse is not a biological parent. If the intended mother is the egg donor but her legal spouse is not the sperm donor, the intended mother shall petition a court of competent jurisdiction after the birth of the child to establish legal maternity.

a. The court shall enter an order requiring the state registrar to reestablish the certificate of live birth naming the intended mother as the legal mother and shall require the state registrar to seal the original certificate of live birth and all related documents.

b. The court order establishing legal maternity shall:

(1) Identify the child's full name as stated on the original certificate of live birth;

(2) State the child's date of birth and place of birth;

(3) Identify the full names of the birth mother and her legal spouse, if married;

(4) Disestablish the birth mother and her legal spouse, if married, as the legal parents of the child; and

(5) Identify the intended mother's full name prior to any marriage, full current name, date of birth, birthplace, social security number, and full current residential address, including county.

c. The intended mother or her legal representative shall:

(1) Submit a certified copy of the court order to the state registrar;

(2) Remit administrative and certified copy fees pursuant to rule 641—95.6(144); and

(3) Include a notarized written request with mailing instructions for the certified copy of the certificate of live birth.

99.15(6) Two intended parents—intended father is biological father to the child; his legal spouse is not a biological parent.

a. If the surrogate birth mother is unmarried and the intended father is the sperm donor, the unmarried surrogate birth mother and the intended father may complete a Voluntary Paternity Affidavit form after the child's birth to place the intended father's name and information on the certificate of live birth.

b. If the surrogate birth mother is married and the intended father is the sperm donor, the married surrogate birth mother and the intended father shall by court order disestablish the surrogate birth mother's legal spouse as the legal parent and may complete a Voluntary Paternity Affidavit form pursuant to Iowa Code section 144.13.

c. The court order that disestablishes the married surrogate birth mother's legal spouse and the completed Voluntary Paternity Affidavit form shall be submitted to the state registrar.

d. If a certified copy of the certificate of live birth is requested, a notarized written request shall also be submitted to the state registrar with the certified copy fee and mailing instructions.

e. There is no administrative fee to process the completed Voluntary Paternity Affidavit form.

f. Adoption laws shall be followed to reestablish the certificate of live birth by establishing the nonbiological parent on the certificate of live birth pursuant to Iowa Code chapter 600.

99.15(7) Two intended parents—neither biological parent to the child. If the intended parents are neither the egg donor nor sperm donor, adoption laws shall be followed to reestablish the certificate of live birth by disestablishing the birth mother and her legal spouse, if any, and establishing the nonbiological parents on the certificate of live birth pursuant to Iowa Code chapter 600.

99.15(8) One female intended parent—biological mother to the child. If the intended mother is the egg donor to the child being carried by the gestational surrogate:

a. After the birth of the child, the intended mother shall petition a court of competent jurisdiction to establish legal maternity of the child.

b. The court shall enter an order requiring the state registrar to reestablish the certificate of live birth naming the intended mother as the legal mother and requiring the state registrar to seal the original certificate of live birth and all related documentation.

c. The court order shall:

(1) Identify the child's full name as stated on the original certificate of live birth;

(2) State the child's date of birth and place of birth;

(3) Identify the full names of the birth mother and her legal spouse, if married;

(4) Disestablish the birth mother and her legal spouse, if married, as the legal parents of the child; and

(5) Identify the intended parent's full name prior to any marriage, full current legal name, date of birth, birthplace, social security number, and full current residential address, including county.

d. The intended parent or her legal representative shall:

(1) Submit a certified copy of the court order to the state registrar;

(2) Remit administrative and certified copy fees pursuant to rule 641—95.6(144); and

(3) Include a notarized written request with mailing instructions for the certified copy of the certificate of live birth.

99.15(9) One male intended parent—biological father to the child.

a. If the surrogate birth mother is unmarried and the intended father is the sperm donor, the unmarried surrogate birth mother and the intended father may complete a Voluntary Paternity Affidavit form after the child's birth to place the intended father's name and information on the certificate of live birth.

b. If the surrogate birth mother is married and the intended father is the sperm donor, the married surrogate birth mother and the intended father shall by court order disestablish the surrogate birth mother's legal spouse as the legal parent and may complete a Voluntary Paternity Affidavit form pursuant to Iowa Code section 144.13.

c. The court order that disestablishes the married surrogate birth mother's legal spouse and the completed Voluntary Paternity Affidavit form shall be submitted to the state registrar.

d. If a certified copy of the certificate of live birth is requested, a notarized written request shall also be submitted to the state registrar with the certified copy fee and mailing instructions.

e. There is no administrative fee to process the completed Voluntary Paternity Affidavit form.

f. If the intended father has been established as the legal father pursuant to paragraph 99.15(9)*"a"* or *"b"* and the surrogate birth mother and the intended father wish to remove the surrogate birth mother as the legal mother from the certificate of live birth, the parties shall seek a court order. The court order disestablishing legal maternity shall:

(1) Identify the child's full name as stated on the original certificate of live birth;

(2) State the child's date of birth and place of birth;

(3) Identify the full name of the birth mother; and

(4) Disestablish the birth mother as the legal parent of the child.

g. The intended parent or his legal representative shall:

(1) Submit a certified copy of the court order to the state registrar;

(2) Remit administrative and certified copy fees pursuant to rule 641—95.6(144); and

(3) Include a notarized written request with mailing instructions for the certified copy of the certificate of live birth.

99.15(10) One intended parent—not biological parent to the child. If the intended parent is neither the egg donor nor sperm donor, adoption laws shall be followed to reestablish the certificate of live birth by disestablishing the birth mother and her legal spouse, if any, and establishing the nonbiological parent on the certificate of live birth pursuant to Iowa Code chapter 600.

99.15(11) The state registrar will seal the original certificate of live birth. The state registrar will place the original certificate of live birth and all related documents in a sealed file, and the file shall not be opened and inspected except by the state registrar for administrative purposes or upon an order from a court of competent jurisdiction pursuant to Iowa Code section 144.24.

99.15(12) The new certificate of live birth will not be marked "amended."

99.15(13) The new certificate of live birth will not be on file at the county registrar's office pursuant to rule 641—95.7(144).

99.15(14) A certified copy fee and an administrative fee to replace a parent's information on a certificate of live birth will be charged and remitted pursuant to rule 641—95.6(144).

641—99.16(144) Certificate of live birth following voluntary paternity affidavit.

99.16(1) If the birth mother was legally married at the time of conception or birth or at any time during the period between conception and birth, the name of her spouse shall be entered on the certificate of live birth as a parent pursuant to Iowa Code section 144.13.

99.16(2) If the birth mother was not legally married at the time of conception or birth or at any time during the period between conception and birth, the birth mother and the alleged biological father may:

a. Complete a Voluntary Paternity Affidavit form after the birth of the child; and

b. Submit the completed form to the state registrar.

99.16(3) If the birth mother was legally married at the time of conception or birth or at any time during the period between conception and birth, and her legal spouse is not the biological father, the birth mother and the alleged biological father may:

a. Complete a Voluntary Paternity Affidavit form after the birth of the child;

b. Obtain a court order that disestablishes her legal spouse as a parent; and

c. Submit the completed form and a certified copy of the court order to the state registrar.

99.16(4) If the birth mother and the biological father of an Iowa-born child subsequently marry each other after a voluntary affidavit of paternity has been processed, the parents may submit a second completed Voluntary Paternity Affidavit form with a certified copy of the parents' certificate of marriage to establish a new certificate changing the child's last name to that of the father.

99.16(5) If another man is shown as the father on the original certificate of live birth, a new certificate of live birth may be established only when a determination of paternity is made by a court of competent jurisdiction.

99.16(6) There is no age limitation and no fee for filing a completed Voluntary Paternity Affidavit form.

99.16(7) The county registrar and the state registrar will seal the original certificate of live birth. The state registrar will place the original certificate of live birth and all related documents in a sealed file, and the file will not be opened and inspected except by the state registrar for administrative purposes or upon an order from a court of competent jurisdiction pursuant to Iowa Code section 144.24.

99.16(8) A copy of the completed and processed Voluntary Paternity Affidavit form may be acquired by either parent or either parent's legal representative upon notarized application and payment of the fee pursuant to rule 641—95.6(144). The notarized application shall include, at a minimum, the following items:

a. The child's full name;

b. The child's date and place of birth;

c. The mother's full name prior to any marriage; and

d. The full name and mailing address of the applicant.

99.16(9) The new certificate of live birth will not be marked "amended."

99.16(10) The new certificate of live birth will be on file at the county registrar's office pursuant to rule 641—95.7(144).

99.16(11) The birth mother and the biological father shall surrender any incorrect certified copies of the child's certificate of live birth for replacement at no cost. Additional certified copies of the new certificate of live birth shall be acquired upon receipt of a notarized application, legible copy of a current government-issued photo identification or other identification documents acceptable to the state registrar and payment of the fee pursuant to rule 641—95.6(144).

641—99.17(144) Certificate of live birth following court determination of paternity.

99.17(1) If the birth mother was married at the time of conception or birth or at any time during the period between conception and birth, the name of her spouse will be entered on the certificate of live birth as a parent unless paternity has been determined otherwise by a court of competent jurisdiction pursuant to Iowa Code section 144.13.

99.17(2) Upon receipt of a certified copy of the court determination of paternity order from a court of competent jurisdiction or the completed Abstract from Court Determination of Paternity form, the state registrar will establish a new certificate of live birth to be filed in place of the original certificate of live birth.

99.17(3) The new certificate of live birth will list the name of the child as stated in the court determination of paternity order.

99.17(4) Child support services may not change the child's name.

99.17(5) After a court determination of paternity has been completed, the parents as listed on the court order may submit a completed Voluntary Paternity Affidavit form to change the child's last name to that of the established father.

99.17(6) The county registrar and the state registrar will seal the original certificate of live birth. The state registrar will place the original certificate of live birth and all related documents in a sealed file, and the file will not be opened and inspected except by the state registrar for administrative purposes or upon an order from a court of competent jurisdiction pursuant to Iowa Code section 144.24.

99.17(7) The new certificate of live birth will not be marked "amended."

99.17(8) The new certificate of live birth will be on file at the county registrar's office pursuant to rule 641—95.7(144).

99.17(9) There are no administrative fees required to establish a new certificate of live birth following a court determination of paternity.

99.17(10) Any incorrect certified copy of the child's certificate of live birth shall be surrendered for replacement at no cost. Additional certified copies of the new certificate of live birth shall be acquired upon receipt of a notarized application, legible copy of a current government-issued photo identification or other identification documents acceptable to the state registrar and payment of the fee pursuant to rule 641—95.6(144).

641—99.18(144) Certificate of live birth following rescission of paternity affidavit or disestablishment of paternity.

99.18(1) An application to rescind a voluntary paternity affidavit shall be made on the Rescission of Paternity Affidavit form by either the birth mother or the putative father who originally completed and signed the Voluntary Paternity Affidavit form pursuant to Iowa Code section 252A.3A.

a. The completed Rescission of Paternity Affidavit form shall be notarized and received by the state registrar within the earlier of either 60 days from the latest notarized parental signature on the original Voluntary Paternity Affidavit form or entry of a court order regarding the child by child support services pursuant to Iowa Code section 252A.3A.

b. Acceptance of the completed Rescission of Paternity Affidavit form shall remove the alleged biological father's information from the certificate of live birth and rescind the voluntary paternity affidavit.

c. The child's last name shall revert to the last name as it was listed on the certificate of live birth prior to the voluntary paternity affidavit.

d. The state registrar will send a written notice of the rescission to the last-known address of the signatory of the voluntary paternity affidavit who did not sign the Rescission of Paternity Affidavit form.

e. After the completed Rescission of Paternity Affidavit form has been accepted and processed, the state registrar will not accept any subsequent Voluntary Paternity Affidavit forms signed by the same mother and putative father relating to the same child pursuant to Iowa Code section 252A.3A.

99.18(2) Upon receipt of a court-ordered disestablishment of paternity, which shall include court-ordered language directing the state registrar to add or remove the father from the certificate of live birth, the father's information will be removed from the certificate of live birth. The child's last name shall revert to the last name as it was listed on the certificate of live birth prior to the establishment of paternity.

99.18(3) An administrative fee will be charged and remitted pursuant to rule 641—95.6(144).

99.18(4) The county registrar and the state registrar will seal the original certificate of live birth. The state registrar will place the rescission of paternity information in the same sealed file as the original certificate of live birth and all previous related documents. The file will not be opened and inspected except by the state registrar for administrative purposes or upon an order from a court of competent jurisdiction pursuant to Iowa Code section 144.24.

99.18(5) The new certificate of live birth will not be marked "amended."

99.18(6) The new certificate of live birth will be on file at the county registrar's office pursuant to rule 641—95.7(144).

99.18(7) Any incorrect certified copies of the child's certificate of live birth shall be surrendered for replacement at no cost. Additional certified copies of the new certificate of live birth shall be acquired upon receipt of a notarized application, legible copy of a current government-issued photo identification or other identification documents acceptable to the state registrar and payment of the fee pursuant to rule 641—95.6(144).

641—99.19(144) Certificate of live birth following court-ordered change of name.

99.19(1) For a court-ordered name change, a certified copy of an order from a court of competent jurisdiction pursuant to Iowa Code chapter 674 or an Abstract to Change Registrant's Legal Name form completed by the clerk of district court changing the name shall be submitted to the state registrar.

99.19(2) Only the person named on the record, parent or parents if the registrant is a minor child, legal guardian, or legal representative may request a court-ordered change of name.

99.19(3) The court order or abstract shall contain:

a. The registrant's full name as it appears on the original certificate of live birth;

b. The registrant's date and place of birth;

c. The mother's full maiden name and father's full name as it appears on the original certificate of live birth;

d. The registrant's full new name; and

e. The certification of the clerk of district court.

99.19(4) The certified copy of a certificate of live birth after a legal change of name will be clearly marked "legal change of name" and note the following:

a. The registrant's full name as shown on the original certificate;

b. Any previous legal name changes;

c. The registrant's full new name according to the court order;

d. The date the legal change of name order was granted; and

e. The name of the court that ordered the name change pursuant to Iowa Code chapter 674.

99.19(5) A parent cannot be added to the certificate of live birth with a court-ordered change of name.

99.19(6) The county registrar and the state registrar will seal the original certificate of live birth. The state registrar will place the original certificate of live birth and all related documents in a sealed file, and the file will not be opened and inspected except by the state registrar for administrative purposes or upon an order from a court of competent jurisdiction pursuant to Iowa Code section 144.24.

99.19(7) After the court-ordered change of name, the certificate of live birth will not be on file at the county registrar's office pursuant to rule 641—95.7(144).

99.19(8) An administrative fee will be charged and remitted pursuant to rule 641—95.6(144).

99.19(9) Any incorrect certified copies of the certificate of live birth shall be surrendered for replacement at no cost. Additional certified copies of the new certificate shall be acquired upon receipt of a notarized application, legible copy of a current government-issued photo identification or other identification documents acceptable to the state registrar and payment of the fee pursuant to rule 641—95.6(144).

641—99.20(144) Disestablishment of parentage.

99.20(1) To disestablish parentage of a mother, father, or both on a certificate of live birth, the court will submit an abstract from court determination to disestablish parentage to the state registrar.

99.20(2) Upon receipt of a court-ordered abstract from court determination to disestablish parentage, which shall include court-ordered language directing the state registrar to remove the parent or parents from the certificate of live birth, the parent's or parents' information will be removed from the certificate of live birth.

99.20(3) The state registrar will prepare a new certificate of live birth to be filed in place of the original birth certificate.

99.20(4) The new birth certificate will bear the name of the child after the judgment and disestablish the parent's or parents' information as determined by the court.

These rules are intended to implement Iowa Code sections 144.19 through 144.21, 144.23, 144.24, 144.25A, 144.38 through 144.41, 252A.3A, 600.15, 600.16A, 674.2, 674.7 and 674.9.

Regulatory Analysis

Notice of Intended Action to be published: 641—Chapter 100
"Vital Records Registries and Reports"

Iowa Code section(s) or chapter(s) authorizing rulemaking: 144.29A, 144.52, 252A.3A, and 146B.2

State or federal law(s) implemented by the rulemaking: Iowa Code sections 144.29A, 144.52, 252A.3A, and 146B.2

Public Hearing

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

December 16, 2025 10 a.m.	Microsoft Teams Meeting ID: 264 358 640 097 83 Passcode: V95vw7re

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 rulemaking was undertaken in accordance with Executive Order 10. The purpose of this proposed chapter is to describe the administration process for vital records and reports, including installing, maintaining, and operating of the statewide vital statistics system, as well as forms and certificates, confidentiality and access, and registries and reporting requirements.

Analysis of Impact

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

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

Most who have a birth, death, or marriage event in Iowa will bear the costs in the form of fees associated with certificates and or registrations.

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

Most who have a birth, death, or marriage event in Iowa 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:**

The public may incur fees pursuant to rule 641—95.6(144), typically ranging from $5 to $35 per provided service. The Department's Vital Statistics program registers approximately 100,000 events and issues about 85,000 certified copies annually. The Department annually publishes Vital Statistics

in Iowa, Vital Statistics in Brief, and the Iowa Health Indicator Tracking System at hhs.iowa.gov/data-reports/health-statistics.

- **Qualitative description of impact:**

This proposed chapter describes the administration process for vital records modifications, including birth, death and marriage records.

3. **Costs to the State:**

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

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

- **Anticipated effect on State revenues:**

The vital records fees collected not only fund the Department's Health Statistics Bureau, but also contribute to the State's General Fund. For FY 2025 (through August 11, 2025), the Department collected over $3.7 million and contributed over $1.8 million to the General Fund. This includes fees collected for all vital records.

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

Rulemaking is required by Iowa Code chapter 144.

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

Not applicable.

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

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

Not applicable.

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

Rulemaking is required by Iowa Code chapter 144.

Small Business Impact

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

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

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

This proposed rulemaking has no impact on small business.

Text of Proposed Rulemaking

ITEM 1. Rescind 641—Chapter 100 and adopt the following **new** chapter in lieu thereof:

CHAPTER 100
VITAL RECORDS REGISTRIES AND REPORTS

641—100.1(144) Definitions. For the purpose of this chapter, the definitions in 641—Chapter 95 shall apply. In addition, the following definitions shall apply solely to this chapter:

"Abortion" means the same as defined in Iowa Code section 146B.1.

"Adult," when used in reference to the mutual consent voluntary adoption registry, means an individual who has reached the age of 18 years at the time application is made.

"Aggregate form" means the same as defined in Iowa Code section 144.29A.

"Attempt to perform an abortion" means the same as defined in Iowa Code section 146B.1.

"Child," when used in reference to the declaration of paternity registry, means a person under 18 years of age for whom paternity has not been established.

"Court" means the juvenile court when used in reference to the declaration of paternity registry.

"Father" means the male, biological parent of a child when used in reference to the declaration of paternity registry.

"Fertilization" means the same as defined in Iowa Code section 146B.1.

"Health care provider" means the same as defined in Iowa Code section 144.29A.

"Inducing a termination of pregnancy" means the same as defined in Iowa Code section 144.29A. "Inducing a termination of pregnancy" includes abortion.

"Major bodily function" means the same as defined in Iowa Code section 146B.1.

"Medical emergency" means the same as defined in Iowa Code section 146B.1.

"Medical facility" means the same as defined in Iowa Code section 146B.1.

"Perform," "performed," or *"performing"* means the same as defined in Iowa Code section 146B.1.

"Physician" means a person licensed under Iowa Code chapter 148.

"Postfertilization age" means the same as defined in Iowa Code section 146B.1.

"Probable postfertilization age" means the same as defined in Iowa Code section 146B.1.

"Registry" means the declaration of paternity registry or the mutual consent voluntary adoption registry.

"Sibling" means one of two or more persons who are born of the same parents or, sometimes, who have at least one parent in common. "Sibling" also means brother or sister when used in reference to the mutual consent voluntary adoption registry.

"Spontaneous termination of pregnancy" means the same as defined in Iowa Code section 144.29A.

"Unborn child" means the same as defined in Iowa Code section 146B.1.

641—100.2(144) Forms—property of department. All forms, certificates and reports pertaining to the registration of vital events are the property of the department and shall be surrendered to the state registrar upon demand.

100.2(1) The forms supplied or approved for reporting vital events will be used for official purposes as provided for by law, rules and instructions of the state registrar.

100.2(2) No forms, except those furnished or approved by the state registrar, will be used in the reporting of vital events or the making of copies of vital records.

641—100.3(144) Declaration of paternity registry established. Pursuant to Iowa Code section 144.12A, there is established in the department a registry for the declaration of paternity of a putative father who wishes to register prior to the birth of a child and no later than the date of the filing of the petition for termination of parental rights.

100.3(1) The putative father who files a Declaration of Paternity Registry form with the state registrar shall provide the following:

a. Registrant's name, current address, social security number, and notarized signature and date signed;

b. The name, last-known address, and social security number, if known, of the mother of the child; and

c. The name of the child, if known, and the date and location of the birth of the child, if known.

100.3(2) The putative father who files the Declaration of Paternity Registry form shall be responsible to notify the state registrar in writing of any change in address.

100.3(3) The state registrar will forward a copy of the declaration of paternity to the mother as notification the person has registered, if the mother's name and address have been provided.

100.3(4) There will be no fee required to file the declaration of paternity.

100.3(5) A fee as established pursuant to rule 641—95.6(144) will be charged and remitted for conducting a search of the registry. The fee will be retained for the search.

100.3(6) Upon written request and remittance of the required fee, the department will conduct a search of the registry. Written requests may be submitted by only:

a. The biological mother of the child;

b. A court;

c. Child support services for an action to establish paternity or support; or

d. The attorney of any party to an adoption, termination of parental rights, or establishment of paternity or support action.

100.3(7) If a declaration of paternity is on file, the department will provide the name, address, and social security number of a registrant to the following:

a. The biological mother of the child;

b. A court;

c. Child support services for an action to establish paternity or support; or

d. The attorney of any party to an adoption, termination of parental rights, or establishment of paternity or support action.

100.3(8) If no declaration of paternity is on file, a written statement to that effect will be provided to the person making the inquiry.

100.3(9) Information from the declaration of paternity registry will not be released to any person other than those listed in subrule 100.3(6) and will be considered a confidential record as to any other person, except upon order of the court.

100.3(10) Information provided to the registry may be revoked by the registrant by the submission of a written statement, signed and acknowledged by the registrant before a notary public.

a. The statement shall include a declaration that to the best of the registrant's knowledge:

(1) The registrant is not the father of the named child; or

(2) The paternity of the true father has been established.

b. Revocation will nullify the registration, and the information provided by the registrant will be expunged.

c. Revocation is effective only following the birth of the child.

100.3(11) The Declaration of Paternity Registry form is available from the state registrar of vital records or the county registrar.

100.3(12) The declaration of paternity registry does not constitute an affidavit of paternity filed pursuant to Iowa Code section 252A.3A. Declarations filed will be maintained in a registry separate and distinct from the affidavit of paternity registry.

100.3(13) A declaration of paternity filed with the registry may be used as evidence of paternity in an action to establish paternity or to determine a support obligation with respect to the putative father.

100.3(14) Failure or refusal to file a declaration of paternity shall not be used as evidence to avoid a legally established obligation of financial support for a child.

641—100.4(144) Mutual consent voluntary adoption registry established. There is established in the department a mutual consent voluntary adoption registry. Adult adopted children, adult siblings, and the biological parents of adult adoptees may register with the mutual consent voluntary adoption registry to obtain identifying birth information.

100.4(1) All identifying information maintained in the registry is confidential.

100.4(2) All requests shall be completed on the Mutual Consent Voluntary Adoption Registry Application form available from the state registrar of vital records or the county registrar.

100.4(3) Pursuant to rule 641—95.6(144), a fee will be charged and remitted for the filing of a completed application for the registry, and a fee will be charged and remitted for updating applicant information maintained in the registry.

100.4(4) The state registrar will reveal the identity of the biological parent to the adult adopted child or reveal the identity of the adult adopted child to the biological parent if the conditions of Iowa Code section 144.43A(2) are met.

100.4(5) The state registrar will reveal the identity of the adult adopted child to an adult sibling or will reveal the identity of an adult sibling to the adult adopted child if the conditions of Iowa Code section 144.43A(4) are met.

100.4(6) A person who has filed a request or provided consent may withdraw the consent at any time prior to the release of any information by submitting a written withdrawal of consent statement with the state registrar.

100.4(7) The adult adoptee, adult sibling, and biological parent completing an application shall be responsible for updating the contact information.

100.4(8) The state registrar will verify the address information and provide written notice to the parties.

641—100.5(144) Statistical report of termination of pregnancy report. A health care provider who initially identifies and diagnoses a spontaneous termination of pregnancy or who induces a termination of pregnancy shall file with the department a Statistical Report of Termination of Pregnancy form for each termination.

100.5(1) The health care provider shall make a good-faith effort to obtain all the information outlined in Iowa Code section 144.29A(1) that is available with respect to each termination, as well as whether the termination was spontaneous or induced.

100.5(2) In addition, a physician who performs or attempts to perform an abortion shall report to the department all of the following:

a. If a determination of probable postfertilization age of the unborn child was made, the probable postfertilization age determined and the method and basis of the determination.

b. If a determination of probable postfertilization age of the unborn child was not made, the basis of the determination that a medical emergency existed.

c. If the probable postfertilization age of the unborn child was determined to be 20 or more weeks:

(1) The basis of the determination of a medical emergency, or

(2) The basis of the determination that the abortion was necessary to preserve the life of an unborn child.

d. The method used for the abortion.

(1) In the case of an abortion performed when the probable postfertilization age was determined to be 20 or more weeks, whether the method of abortion used was one that, in the physician's reasonable medical judgment, provided the best opportunity for an unborn child to survive, or

(2) If such a method was not used, the basis of the determination that termination of the human pregnancy in that manner would pose a greater risk than would any other available method of the death of the pregnant woman or of the substantial and irreversible physical impairment of a major bodily function.

100.5(3) The health care provider who identifies a spontaneous termination or performs an induced termination shall prepare the report on the standard form and forward to the state registrar on or before the tenth day of each calendar month all records for the preceding month. Reports may be sent by mail to the state registrar. Termination reports shall be submitted within 30 days of the date of the occurrence.

100.5(4) The department will provide the forms, or the provider may use the master copy of the form provided by the department to make copies for reporting.

100.5(5) The information will be collected, reproduced, released, and disclosed in a manner that meets the requirements of Iowa Code section 144.29A(2).

100.5(6) The department may share information with federal public health officials as outlined in Iowa Code section 144.29A(2).

100.5(7) By June 30, annually, the department will publish a demographic summary of the statistics for the previous calendar year pursuant to Iowa Code section 144.29A(2).

The department will establish and use a methodology to provide a statistically verifiable basis for any determination of the aggregate form at which information may be released pursuant to Iowa Code section 144.29A(2)*"c."* The methodology will consider both the counts of the events for each item of information and the population that could be represented.

100.5(8) A health care provider shall assign a report tracking number pursuant to Iowa Code section 144.29A(5). The report tracking number shall be maintained by the provider for a period of six months after the end of the calendar year.

100.5(9) For reporting of spontaneous terminations of pregnancy, a health care provider who practices within a hospital, clinic, or other health facility may file the required reporting forms with the department or may authorize one staff person to fulfill the reporting requirements. For reporting of induced terminations of pregnancy, the physician performing the termination shall file the required reporting forms with the department.

100.5(10) Reporting penalties.

a. A physician who fails to submit a report in accordance with Iowa Code section 146B.2 and these rules by the end of 30 days following the due date shall be subject to a late fee of $500 for each additional 30-day period or portion of a 30-day period the report is overdue. The fee will be collected by the department.

b. A physician required to report in accordance with Iowa Code section 146B.2 who has not submitted a report or who has submitted only an incomplete report more than one year following the due date may, in an action brought by the board of medicine in the manner in which actions are brought to enforce Iowa Code chapter 148, be directed by a court of competent jurisdiction to submit a complete report within a time period stated by court order or be subject to contempt of court.

c. A physician who intentionally or recklessly falsifies a report required under Iowa Code section 146B.2 is subject to a civil penalty of $100. The civil penalty will be collected by the department pursuant to Iowa Code chapter 17A.

100.5(11) Any person who knowingly violates a provision of these rules is guilty of a serious misdemeanor pursuant to Iowa Code section 144.52.

These rules are intended to implement Iowa Code sections 144.29A, 144.43A, 144.52, 146B.2 and 252A.3A.

Regulatory Analysis

Notice of Intended Action to be published: 641—Chapter 126
"State Medical Examiner"

Iowa Code section(s) or chapter(s) authorizing rulemaking: 691.6, 331.802, and 331.805

State or federal law(s) implemented by the rulemaking: Iowa Code sections 691.6, 331.802, and 331.805

Public Hearing

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

December 16, 2025 10 a.m.	Microsoft Teams Meeting ID: 264 358 640 097 83 Passcode: V95vw7re

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 50309
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 provides the foundation for the primary funding source that supports the work of the State Medical Examiner's Office. Costs of autopsies and related services and expenses are the responsibility of the county of appointment. As part of the Department's review, the Department is proposing to increase the amount of the autopsy fee by $200 and 2 percent annually thereafter to account for annual adjustments for salaries of pathologists and increasing costs associated with performing autopsies. Fees have not been increased since 2016.

Analysis of Impact

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

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

County officials and other entities requesting autopsies and related services through the State Medical Examiner's Office bear the costs of fees associated with this proposed rulemaking.

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

Counties that depend on the State Medical Examiner's Office for autopsies and other services, as well as the loved ones of the deceased, 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:**

This proposed chapter sets the amount of fees for service that can be collected by the State Medical Examiner's Office. This includes fees related to autopsies, the cost of requesting autopsy reports, court preparation time, tissue recovery, and cremation permit fees. The Department is increasing the amount of the autopsy fee by $200 and 2 percent annually thereafter to account for annual adjustment costs for salaries of pathologists and increasing costs associated with performing autopsies.

- **Qualitative description of impact:**

The fees collected allow the State Medical Examiner's Office to continue to work with various stakeholders throughout the State. Stakeholders include laboratories, insurance companies, attorneys, and funeral directors.

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 implementation of this proposed chapter. Some of those costs are offset by the fees assessed to counties seeking the professional help of the State Medical Examiner.

- **Anticipated effect on State revenues:**

This proposed rulemaking is not expected to have any impact on State revenues. Fees set forth in this chapter go toward supporting the work of the State Medical Examiner's Office.

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

Setting these fees by rule is required as set forth in Iowa Code section 691.6.

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

Fees are set to be in line with market rates for professional services.

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

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

Not applicable.

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

Not applicable.

Small Business Impact

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

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

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

This proposed rulemaking is not expected to have any impact on small business.

Text of Proposed Rulemaking

ITEM 1. Rescind 641—Chapter 126 and adopt the following **new** chapter in lieu thereof:

CHAPTER 126
STATE MEDICAL EXAMINER

641—126.1(144,331,691) Definitions.

"Autopsy" means the external and internal postmortem examination of a deceased person.

"County of appointment" means the county that requests a medical examiner to conduct an investigation, perform or order an autopsy, or prepare a report or reports in a death investigation case. The request may be authorized by the county attorney or the county medical examiner. The county of appointment shall be the county in which the death occurred.

641—126.2(691) Fees for autopsies and related services and reimbursement for related expenses. Autopsies performed by the state medical examiner are provided on a fee-for-service basis. Costs of autopsies and related services and expenses are the responsibility of the county of appointment. The county of residence of the deceased shall reimburse the county of appointment.

126.2(1) *Fee schedule.* The following fees apply as specified in this subrule.

a. The following fees apply to autopsies conducted by the state medical examiner:

Autopsy; a.	$2,100*
	Pursuant to 126.2(1)"a"*(2), this amount will increase annually by 2 percent beginning July 1, 2027.
Copies of reports.	$20

(1) EXCEPTIONS: A copy of the autopsy report is automatically sent to the county medical examiner and to the county attorney without fee. A single copy of an autopsy report may be provided to the immediate next of kin of the deceased without fee. Copies of autopsy reports may be provided to public officials and physicians of record for official purposes without fee.

(2) Beginning with the fiscal year starting July 1, 2027, the amount of the autopsy fee will increase annually by 2 percent each July 1.

b. The following fee is for time spent reviewing case materials, preparing for deposition or court, testifying in deposition or court, and travel time.

State, deputy, or associate medical examiner(s) time for all court cases	$450 per hour with a one-hour minimum

c. A cremation permit fee of $75 will be assessed for each permit investigated and authorized by the state medical examiner's office.

126.2(2) *Expense reimbursement.* Other laboratory services associated with an autopsy, which include but are not limited to photography, toxicology, radiology, microbiology, and morgue fees, will be billed by the department to the county of appointment. Moneys collected pursuant to this subrule will be paid by the department to the laboratory or other entity providing the service.

126.2(3) *State medical examiner acting as county medical examiner.* When the state medical examiner acts in the capacity of county medical examiner, the state medical examiner receives from the county of appointment a fee of $100 per hour, with a one-hour minimum, for each report prepared plus the state medical examiner's actual expenses. Counties should not depend on the state medical examiner for full-time coverage.

641—126.3(691) Fees for tissue recovery. When the tissue recovery room located within the office of the state medical examiner is utilized by an authorized tissue recovery agency, a fee of $400 per

case will be assessed. The tissue recovery agency is responsible for this fee, payable to the office of the state medical examiner.

These rules are intended to implement Iowa Code section 691.6.

Regulatory Analysis

Notice of Intended Action to be published: 661—22.1(321)
"Safety and Hazardous Materials Regulations"

Iowa Code section(s) or chapter(s) authorizing rulemaking: 321.208A, 321.449 and 321.450

State or federal law(s) implemented by the rulemaking: Iowa Code sections 321.1, 321.449 and 321.450

Public Hearing

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

December 16, 2025 2 to 2:30 p.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

This is an annual update in which the Department proposes to adopt the most recent updates to federal regulations. This rulemaking includes 2024 and 2025 updates. A summary of changes to the CFR is as follows:

Part 390 (FR Vol. 88 No. 197, pages 70897-70909), 10-13-23

Summary: Federal Motor Carrier Safety Administration (FMCSA) revises the emergency exemption rules to narrow the scope of safety regulations from which relief is automatically provided for motor carriers and drivers providing direct assistance when an emergency has been declared. This rule ensures that the relief granted through emergency declarations is appropriate and tailored to the specifics of the circumstances and emergencies being addressed. This rule also revises the process for extending automatic emergency regulatory relief where circumstances warrant and allows for potential reporting requirements when FMCSA issues an extension or modification. Effective date: December 12, 2023.

Part 385 (FR Vol. 88 No. 215, pages 77010-77014), 11-8-23

Summary: FMCSA amends its Hazardous Materials Safety Permit (HMSP) regulations to incorporate by reference the updated Commercial Vehicle Safety Alliance (CVSA) handbook containing inspection procedures and out-of-service criteria (OOSC) for inspections of shipments of transuranic waste and highway route-controlled quantities (HRCQs) of radioactive material (RAM). The OOSC provide enforcement personnel nationwide, including FMCSA's State partners, with uniform enforcement tolerances for inspections. Currently, the regulations reference the April 1, 2022, edition of the handbook. Through this rule, FMCSA incorporates by reference the April 1, 2023, edition. The incorporation by reference of the material described in the rule is approved by the Director of the Federal Register as of December 8, 2023.

Technical Corrections (FR Vol. 88 No. 211, pages 80169-80193), 11-17-23

Summary: FMCSA amends its regulations by making technical corrections throughout the Federal Motor Carrier Safety Regulations (FMCSRs). The agency makes minor changes to correct errors and inadvertent omissions, remove or update obsolete references, and improve the clarity and consistency of certain regulatory provisions. The agency also makes a change to its rules of organization, procedures, and practice. This final rule is effective November 17, 2023, except for amendatory instruction 88, which is effective January 16, 2024.

Revisions to Civil Penalty Amounts, 2024 (FR Vol. 88 No. 248, pages 89551-89568), 12-28-23 (Pipeline and Hazardous Materials Safety Administration 49 CFR Parts 107, 171, and 190 Federal Motor Carrier Safety Administration 49 CFR Part 386)

Summary: This final rule provides the statutorily prescribed 2024 adjustment to civil penalty amounts that may be imposed for violations of certain U.S. Department of Transportation (DOT) regulations. This rule is effective December 28, 2023.

Technical Correction of a Technical Correction Dated 11-17-23 (Vol. 89 No. 4, 1-5-24)

Summary: In a final rule published in the Federal Register on November 17, 2023, FMCSA amended its regulations by making technical corrections throughout the FMCSRs. The final rule had an incorrect paragraph number in the instruction for an amendment and, in an amendment replacing a term, erroneously failed to replace the possessive form of the term. The agency corrects these errors. This correction is effective January 5, 2024.

Part 391 (FR Vol. 89 No. 13, pages 3577-3581), Qualification of Drivers: Medical Advisory Criteria, 1-19-24

Summary: FMCSA updates the Medical Advisory Criteria published as an appendix in the Code of Federal Regulations (CFR). The appendix provides guidance for medical examiners listed on FMCSA's National Registry of Certified Medical Examiners (National Registry) on the applicability and interpretation of the physical qualification standards for operators of commercial motor vehicles (CMVs). The advisory criteria in the appendix are also intended to provide recommendations and information to assist medical examiners in applying the standards, basic information related to testing, and matters to consider when making a qualification determination. The updated Medical Advisory Criteria replace all previous versions of the criteria. This final rule is effective on January 19, 2024.

Part 392 (FR Vol. 89 No. 38, pages 13984-13998), Exemption for Operating Authority for providers of Recreational Activities, 2-26-24

Summary: FMCSA amends its regulations to implement the statutory exemption from its operating authority registration requirements for providers of recreational activities. The exemption applies to motor carriers operating a motor vehicle designed or used to transport between 9 and 15 passengers (including the driver), whether operated alone or with a trailer attached to the transport vehicle, if the motor vehicle is operated by a person that provides recreational activities within a 150-air-mile radius of the location at which passengers initially boarded the motor vehicle at the beginning of the trip. FMCSA also defines recreational activities to clarify the exemption, adopting, in response to a comment, a definition modified from that proposed in the notice of proposed rulemaking (NPRM). This final rule is effective April 26, 2024.

49 CFR Parts 107, 171, 172, 173, 178, and 180 (FR Vol. 43, pages 15636-15668), Adoption of Miscellaneous Petitions and Updating Regulatory Requirements (PHMSA), 3-4-24

Summary: PHMSA amends the Hazardous Materials Regulations (HMR) to update, clarify, improve the safety of, or streamline various regulatory requirements. Specifically, this rulemaking responds to 18 petitions for rulemaking submitted by the regulated community between May 2018 and October 2020 that requests PHMSA address a variety of provisions, including but not limited to those addressing packaging, hazard communication, and the incorporation by reference of certain documents. These revisions maintain or enhance the existing high level of safety under the HMR while providing clarity and appropriate regulatory flexibility in the transport of hazardous materials. Effective date: This final rule is effective on April 3, 2024.

Hazardous Materials: Harmonization with International Standards; Final Rule Federal Register/ Vol. 89 , No. 70/Rules and Regulations (Page 25434), 49 CFR Parts 171, 172, 173, 175, 176, 178, and 180, 4-10-24

Summary: PHMSA is amending the HMR to maintain alignment with international regulations and standards by adopting various amendments, including changes to proper shipping names, hazard classes, packing groups, special provisions, packaging authorizations, air transport quantity limitations, and vessel stowage requirements. PHMSA is also withdrawing the unpublished November 28, 2022, Notice of Enforcement Policy Regarding International Standards on the use of select updated international standards in complying with the HMR during the pendency of this rulemaking. This rule is effective May 10, 2024.

Pipeline and Hazardous Materials Safety Administration, 49 CFR Parts 171, 172, 173, 175, 176, 178, and 180 (5-9-24)

Summary: The Pipeline and Hazardous Materials Safety Administration is correcting a final rule that was published in the Federal Register on April 10, 2024. The final rule was published to maintain alignment with international regulations and standards by adopting various amendments, including changes to proper shipping names, hazard classes, packing groups, special provisions, packaging authorizations, air transport quantity limitations, and vessel stowage requirements. The corrections address several errors to the hazardous material entries in the hazardous materials table. This correction is effective May 10, 2024.

Part 385, Incorporation by Reference; North American Standard Out-of-Service Criteria; Hazardous Materials Safety Permits (pages 67560-67562), 8-21-24

Summary: FMCSA amends its Hazardous Materials Safety Permits (HMSPs) regulations to incorporate by reference the updated CVSA handbook containing inspection procedures and OOSC for inspections of shipments of transuranic waste and HRCQs of RAM. The OOSC provide enforcement personnel nationwide, including FMCSA's State partners, with uniform enforcement tolerances for inspections. Currently, the regulations reference the April 1, 2023, edition of the handbook. Through this final rule, FMCSA incorporates by reference the April 1, 2024, edition. Effective date: September 20, 2024. The incorporation by reference of certain material listed in this rule is approved by the Director of the Federal Register as of September 20, 2024.

49 CFR Chapter III (FR Vol. 89, No. 222, pages 90608-90624), 11-18-24

Summary: FMCSA amends its regulations by making technical corrections throughout the FMCSRs. The agency makes minor changes to correct errors and inadvertent omissions, remove or update obsolete references, and improve the clarity and consistency of certain regulatory provisions. The agency also makes a change to its rules of organization, procedures, and practice. Because the rule does not impose any new material requirements or increase compliance obligations, it is issued without prior notice and opportunity for comment, pursuant to the good cause exception in the Administrative Procedure Act (APA). Effective date: November 18, 2024.

49 CFR Parts 387 and 397 (FR Vol. 90, No. 6, page 1908), 01-10-25

Summary: In a final rule published in the Federal Register on November 18, 2024, FMCSA amended its regulations by making technical corrections throughout the FMCSRs. The final rule included an amendatory instruction to revise a stayed section without first lifting the stay. The final rule also included an amendatory instruction that referenced an incorrect paragraph letter. The agency corrects these errors. This correction is effective January 10, 2025.

Analysis of Impact

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

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

CMV owners and operators transporting loads in Iowa will bear the costs.

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

CMV operators and the motoring public traveling on Iowa's roadways 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 federal regulations subject to be adopted by this proposed rulemaking were subject to fiscal impact review by either the FMCSA or the PHMSA when the regulations were enacted and were determined not to be cost-prohibitive.

- **Qualitative description of impact:**

See previous response.

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 adhere to federal regulations could have a negative impact on obtaining future grant funding for which the Iowa State Patrol is eligible.

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

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

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

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

None were identified.

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

Not applicable.

Small Business Impact

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

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

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

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

Text of Proposed Rulemaking

ITEM 1. Amend rule 661—22.1(321) as follows:

661—22.1(321) Safety and hazardous materials regulations.

22.1(1) *Regulations.*

a. Motor carrier safety regulations. The department of public safety adopts the Federal Motor Carrier Safety Regulations, 49 CFR Parts 385, 386 and 390-399 (October 1, ~~2023~~ 2025).

b. Hazardous materials regulations. The department of public safety adopts the Federal Hazardous Materials Regulations, 49 CFR Parts 107, 171-173, 177, 178, and 180 (October 1, ~~2023~~ 2025).

c. No change.

22.1(2) *Carriers subject to regulations.*

a. and *b.* No change.

c. Operators of vehicles for hire~~,~~ designed to transport 7 or more persons but fewer than 16, including the driver, must comply with 49 CFR Part 395 of the Federal Motor Carrier Safety Regulations. In addition, operators of vehicles for hire~~,~~ designed to transport 7 or more persons but fewer than 16, including the driver, are not exempt from logbook requirements afforded the 150-air-mile radius driver under 49 CFR 395.1(e). However, the provisions of 49 CFR Part 395 shall not apply to vehicles offered to the public for hire that are used principally in intracity operation and are regulated by local authorities.

22.1(3) No change.

This rule is intended to implement Iowa Code sections 321.1, 321.449 and 321.450.

Regulatory Analysis

Notice of Intended Action to be published: 661—Chapter 41
"Payment of Small Claims to Employees"

Iowa Code section(s) or chapter(s) authorizing rulemaking: 80.18
State or federal law(s) implemented by the rulemaking: Iowa Code section 80.18

Public Hearing

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

December 22, 2025 2:30 to 3 p.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 41 and adopt a new chapter in lieu thereof. The proposed chapter outlines the process and requirements for an employee to file a small claim with the Department for payment as reimbursement for replacement or repair of personal items that were damaged or destroyed during the course of employment pursuant to Iowa Code section 80.18.

Analysis of Impact

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

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

The Department will bear the cost of the proposed rule.

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

Department employees who have had personal items damaged or destroyed during the course of employment 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 Department is authorized to expend up to $150 per item, or any other amount authorized by a collective bargaining agreement to which an individual employee is subject, as reimbursement for replacement or repair of personal items pursuant to Iowa Code section 80.18.

- **Qualitative description of impact:**

Department employees can be reimbursed for replacement or repair of personal items that were destroyed or damaged during the course of employment.

3. **Costs to the State:**

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

The Department is authorized to expend up to $150 per item, or any other amount authorized by a collective bargaining agreement to which an individual employee is subject, as reimbursement for replacement or repair of personal items pursuant to Iowa Code section 80.18.

- **Anticipated effect on State revenues:**

There is no anticipated effect on State revenues.

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

Inaction would make the process and requirements to file a claim for reimbursement unclear to employees or anyone attempting to understand the process as outlined in Iowa Code section 80.18.

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

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

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

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

None were identified.

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

Not applicable.

Small Business Impact

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

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

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

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

Text of Proposed Rulemaking

ITEM 1. Rescind 661—Chapter 41 and adopt the following **new** chapter in lieu thereof:

CHAPTER 41
PAYMENT OF SMALL CLAIMS TO EMPLOYEES

661—41.1(17A,80) Authorization to reimburse. The department is authorized to expend up to $150 per item, or any other amount authorized by a collective bargaining agreement to which an individual employee is subject, as reimbursement for replacement or repair of personal items pursuant to Iowa Code section 80.18. The following requirements apply for filing such claims with the department:

41.1(1) An employee making a claim for reimbursement will provide the employee's immediate supervisor with a detailed written account of the circumstances under which the loss occurred, a description of the nature and ownership of the item destroyed or damaged and any available information, including the names and other identifiers of any witness, that can be used to verify the loss.

41.1(2) An employee filing a claim for reimbursement pursuant to this rule will also provide the employee's immediate supervisor with vendors' estimates of replacement costs and with estimates of repair costs of damaged items.

41.1(3) Reimbursement shall be based on a determination of the most economical and adequate compensation for the loss, taking into account the extent of the damage, the feasibility of repair and the cost of replacement.

This rule is intended to implement Iowa Code section 80.18.

Regulatory Analysis

Notice of Intended Action to be published: 661—Chapter 81
"Criminal Intelligence Information"

Iowa Code section(s) or chapter(s) authorizing rulemaking: 692.10
State or federal law(s) implemented by the rulemaking: Iowa Code chapter 692

Public Hearing

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

December 22, 2025 2 to 2:30 p.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 81 and adopt a new chapter in lieu thereof. The proposed chapter ensures the security and confidentiality of all systems established for the exchange of intelligence data between criminal and juvenile justice agencies and provides for the authorization of officers or employees to access a system in which criminal intelligence information is stored.

Analysis of Impact

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

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

The Department is responsible for implementing administrative, technical, and physical safeguards, including audit trails, to prevent unauthorized access and intentional or unintentional damage to the information systems.

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

Any person who has information included in criminal intelligence information files will benefit from extensive protective measures to ensure confidentiality and security.

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 the Department to maintain a secure system containing criminal intelligence information.

- **Qualitative description of impact:**

The security and confidentiality of sensitive criminal intelligence information is preserved and handled in accordance with State law.

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 robust confidentiality and security procedures could compromise systems containing criminal intelligence information.

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

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

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

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

None were identified.

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

Not applicable.

Small Business Impact

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

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

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

There is no substantial impact on small business.

Text of Proposed Rulemaking

ITEM 1. Rescind 661—Chapter 81 and adopt the following **new** chapter in lieu thereof:

CHAPTER 81
CRIMINAL INTELLIGENCE INFORMATION

661—81.1(692) Definitions. The following definitions apply to this chapter.

"Commissioner" means the commissioner of the department of public safety or the commissioner's designee.

"Criminal intelligence file" means information stored in a criminal intelligence system that is compiled in an effort to anticipate, prevent, or monitor possible criminal activity on:

1. An individual who, based upon reasonable grounds, is believed to be involved in the actual or attempted planning, organization, financing, promotion, or commission of criminal acts or is believed to be involved in criminal activities with known or suspected criminal offenders.

2. A group, organization or business that, based on reasonable grounds, is believed to be involved in the actual or attempted planning, organization, financing, promotion, or commission of criminal acts, or of being illegally operated, controlled, financed, promoted, or infiltrated by known or suspected criminal offenders.

3. An incident in which sufficient articulable facts give a trained law enforcement or criminal investigative agency officer, investigator, or employee a basis to believe that a definable criminal activity or enterprise is, has been, or may be committed.

"Criminal intelligence file" does not include surveillance data as defined in Iowa Code section 692.1.

"Criminal intelligence system" means the arrangements, equipment, facilities, and procedures used for the receipt, storage, interagency exchange or dissemination, and analysis of criminal intelligence information.

"Need to know" is established if criminal intelligence information will assist a recipient in anticipating, investigating, monitoring, or preventing possible criminal activity or if criminal intelligence information is pertinent to protecting a person or property from a threat of imminent serious harm.

"Noncriminal identifying information" means information about the characteristics and associations of an identifiable person suspected of being involved in criminal activity.

"Reasonable grounds" means information that establishes sufficient articulable facts that give a trained law enforcement or criminal investigative agency officer, investigator, or employee a reasonable basis to believe that a definable criminal activity or enterprise is, has been, or may be committed.

"Right to know" is established when a recipient of criminal intelligence information is legally permitted to receive intelligence data or an intelligence assessment.

"Surveillance data" means the same as defined in Iowa Code section 692.1(16). Noncriminal identifying information does not constitute surveillance data.

"Threat of imminent serious harm" means a credible impending threat to the safety of a person or property. A threat of imminent serious harm justifies the dissemination of intelligence data or an intelligence assessment for the purpose of protecting a person or property from the threat.

661—81.2(692) Iowa law enforcement intelligence network (LEIN) information system.

81.2(1) *LEIN information system.* The Iowa law enforcement intelligence network (LEIN) information system is the statewide interjurisdictional intelligence system maintained and operated by the intelligence division of the department of public safety, for the regular interagency exchange of criminal intelligence files. Criminal intelligence files contained in the LEIN information system may be disseminated or redisseminated by the intelligence division of the department of public safety, consistent with Iowa Code chapter 692.

81.2(2) *Direct computer access.* The commissioner may authorize a peace officer, criminal justice agency, or state or federal regulatory agency to access the LEIN information system directly via a remote computer terminal, provided that the authorized individual or agency follows approved procedures regarding receipt, maintenance, dissemination, submission and security of information, and related training. Authorization may be provided in writing or electronically.

81.2(3) *Termination of authorization for direct computer access.* The commissioner may, at any time for good cause, terminate authorization for direct, remote computer access to the LEIN information system that has been previously approved. An individual or agency whose authorization to directly access the LEIN information system via remote computer has been terminated may appeal the termination in accordance with procedures for contested cases established in 661—Chapter 10.

81.2(4) *Reinstatement of authorization for direct computer access.* Any user whose authorization for direct, remote computer access to the LEIN information system has been terminated may apply for the authorization for access to be reinstated, provided that the problem that led to the termination has been corrected.

81.2(5) *Applications for direct computer access.* To apply for direct, remote computer access to the LEIN information system or to obtain further information about the LEIN information system, a person may contact the Intelligence Division, Iowa Department of Public Safety, State Public Safety Headquarters Building, 215 East 7th Street, Des Moines, Iowa 50319, or by email at intinfo@dps.state.ia.us.

81.2(6) *Entry of information—restrictions.* Information about the political, religious, racial, or social views, associations, activities or sexual orientation of any individual will not be entered into the LEIN information system unless such information constitutes noncriminal identifying information or is relevant to an investigation of criminal conduct or activity involving an identifiable individual.

81.2(7) *Entry of information—conformance with applicable law.* No information that is deemed unreliable because it has been obtained in violation of any applicable federal, state, or local law or ordinance, or these rules, may be entered into the LEIN information system.

81.2(8) *Dissemination.* Intelligence data from the LEIN information system may be disseminated only to peace officers, criminal justice agencies, or state or federal regulatory agencies. Intelligence data from the LEIN information system may be disseminated only when there is a right to know and a need to know in the performance of a law enforcement activity. Intelligence data from the LEIN information system will not be disseminated to any user whose authorization to access the LEIN information system has been terminated and has not been reinstated.

EXCEPTION: Intelligence assessments may be disseminated to any agency or organization for an official purpose or to a person in order to protect a person or property from the threat of imminent serious harm as defined in rule 661—81.1(692).

81.2(9) *Redissemination of intelligence data and intelligence assessment.* An agency, organization, or person receiving intelligence data or an intelligence assessment from the department pursuant to Iowa Code chapter 692 may redisseminate the intelligence data or intelligence assessment only if authorized by the agency or peace officer who originally provided the data or assessment and if the data or assessment is for an official purpose in connection with the prescribed duties of the recipient. If the agency, organization, or person receiving the information is not a peace officer, criminal or juvenile justice agency, or state or federal regulatory agency, redissemination is allowed only if such redissemination is for an official purpose and if the information is redisseminated in order to protect a person or property from the threat of imminent serious harm. The department may also place restrictions on the redissemination by the agency, organization, or person receiving the intelligence data or intelligence assessment. Any agency, organization, or person who redisseminates intelligence data or an intelligence assessment pursuant to Iowa Code chapter 692 must maintain a list of the agencies, organizations, and persons receiving the intelligence data or intelligence assessment and the purpose of the redissemination. Intelligence data and intelligence assessments must be maintained separately from and should not be included in any form in any investigative or prosecutorial files. An agency, organization, or person who redisseminates information without proper authorization may be prohibited from receiving further intelligence assessments.

661—81.3(692) Criminal intelligence file security. The intelligence division of the department of public safety adopts administrative, technical, and physical safeguards, including audit trails, to ensure against unauthorized access and against intentional or unintentional damage to the LEIN information system. These safeguards include but are not limited to the following:

81.3(1) Records indicating who has been given the information, the reason for release of information, and the date of any dissemination will be maintained until the information has been purged.

81.3(2) Criminal intelligence files will be labeled to indicate security level and identities of submitting agencies and submitting individual.

81.3(3) Where appropriate, effective and technologically advanced computer software and hardware designs will be implemented to prevent unauthorized access.

81.3(4) Any access to criminal intelligence files and computing facilities in which the files are stored will be restricted to authorized personnel.

81.3(5) Criminal intelligence files will be stored in such a manner that the files cannot be modified, destroyed, accessed, purged, or overlaid in any fashion by unauthorized personnel.

81.3(6) Computer systems on which criminal intelligence files are stored will be programmed to detect, reject, and record any unauthorized attempt to access, modify, or destroy criminal intelligence files or to otherwise penetrate the security safeguards on such a system.

81.3(7) Access to any information required to gain authorized access to criminal intelligence files, including access codes and passwords, will be restricted only to personnel authorized to access these files. The intelligence division will ensure that criminal intelligence files remain confidential when specific agreements are entered into with individuals or organizations that provide computer or programming support to the agency.

81.3(8) Procedures will be adopted to protect criminal intelligence files from unauthorized access, theft, sabotage, fire, flood, wind, and natural or other disasters.

81.3(9) Procedures will be adopted establishing the right of the intelligence division to screen and reject for employment any personnel who would, if hired, have access to criminal intelligence files.

81.3(10) Procedures will be established allowing the removal or transfer, based on good cause, of any existing employees from positions in which they have access to criminal intelligence files.

81.3(11) Any compromise, or suspected compromise, of information that would allow unauthorized access into criminal intelligence files will be reported without delay and, in any event, by the end of the next business day, to a supervisor within the intelligence division of the department of public safety.

81.3(12) Any compromise, or suspected compromise, of information contained in criminal intelligence files will be reported without delay and, in any event, by the end of the next business day, to a supervisor within the intelligence division.

661—81.4(692) Review of criminal intelligence files—purging.

81.4(1) The intelligence division regularly reviews the information in criminal intelligence files for reclassification or purging. Decisions to retain, reclassify, or purge criminal intelligence files will:

a. Ensure that the information is current, accurate and relevant to the needs of the agency.

b. Safeguard individual privacy interests protected by federal and state laws.

c. Ensure that security classifications remain appropriate.

81.4(2) Information that is misleading, unreliable, or no longer useful will be purged or reclassified, when necessary, without delay. Any person or agency to which the criminal intelligence file was disseminated will be notified of the reclassification or purge.

81.4(3) All information is reviewed within a five-year period of its submission to ensure compliance with subrule 81.4(1).

81.4(4) All information retained after a review will reflect the name of the reviewer, date of review, and an explanation of the decision to retain.

81.4(5) Information that is not retained in a criminal intelligence file after a review will be deleted from the LEIN information system.

661—81.5(692) Subpoenas and court orders. Any agency or individual will notify the department in writing without delay and, in any event, by the end of the next business day of the receipt of any subpoena, court order, request for production, or other legal process demanding the production of a criminal intelligence file, so that the department has an opportunity to make a timely resistance.

These rules are intended to implement Iowa Code chapter 692.

Regulatory Analysis

Notice of Intended Action to be published: 661—Chapter 174
"Retail Sales of Pseudoephedrine"

Iowa Code section(s) or chapter(s) authorizing rulemaking: 124.212B
State or federal law(s) implemented by the rulemaking: Iowa Code section 124.212B

Public Hearing

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

December 22, 2025 3 to 3:30 p.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 rescinding Chapter 174 and adopting a new chapter in lieu thereof. The purpose of this proposed chapter is to outline the use of electronic logbooks that track retail sales of pseudoephedrine as required by Iowa Code section 124.212A. This rulemaking also provides reporting requirements for assessment of civil penalties upon a retailer of or an employee of a retailer of products containing pseudoephedrine for a violation of Iowa Code section 126.23A or 124.212A.

Analysis of Impact

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

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

Retailers will bear the cost. If a retailer is found to be in violation, civil penalties will be assessed pursuant to Iowa Code section 126.23B.

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

Law enforcement agencies will benefit from being able to easily identify suspicious purchasing patterns to help prevent use in the illegal production of methamphetamine.

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:**

Retailers will be responsible for maintaining the logbook to document sales. If a retailer is found to be in violation, civil penalties will be assessed pursuant to Iowa Code section 126.23B.

- **Qualitative description of impact:**

Retailers will be responsible for logging sales. If a retailer is assessed a civil penalty, the city or county that enforced the civil penalty must report the violation information to the Department.

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:**

Inaction could allow suspicious purchasing patterns to go unnoticed, leading to the diversion of the chemical for use in illegal methamphetamine labs.

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

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

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

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

None.

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

Not applicable.

Small Business Impact

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

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

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

This rulemaking is not anticipated to have a substantial impact on small business.

Text of Proposed Rulemaking

ITEM 1. Rescind 661—Chapter 174 and adopt the following **new** chapter in lieu thereof:

CHAPTER 174
RETAIL SALES OF PSEUDOEPHEDRINE

661—174.1(81GA,SF169) Electronic logbooks. A logbook of retail sales of products containing pseudoephedrine, as required in Iowa Code section 124.212A, may be recorded in any electronic format, provided that the retailer maintaining the logbook provides to any peace officer a printed copy of the information required to be maintained in the same manner as would be provided if the logbook were maintained on paper.

NOTE 1: Information required to be recorded in the logbook includes the legible signature of the purchaser and the printed name and address of the purchaser.

NOTE 2: This rule applies only to the content of the information provided to a peace officer from a logbook, not to the conditions or circumstances under which information from a logbook is provided to a peace officer.

661—174.2(81GA,SF169) Reporting of civil penalties. Pursuant to Iowa Code section 126.23B, within 30 days of the assessment of a civil penalty upon a retailer or employee of a retailer of products containing pseudoephedrine for a violation of the provisions of Iowa Code section 124.212A or 126.23A, the city or county that has enforced the civil penalty will report the following information to the department:

1. Name and address of the retailer.
2. Name and birth date of the employee, if the civil penalty was assessed against an employee. If the assessment was against more than one employee, the name and birth date of each employee subject to the assessment will be reported.
3. Date of the violation.
4. Description of the violation.
5. Amount of the civil penalty assessed.

These rules are intended to implement Iowa Code section 124.212B.

Regulatory Analysis

Notice of Intended Action to be published: 199—Chapters 3, 4, 6, 7, 9, 11, 13, 14, 18, 20, 24, 25, 26, 31, 33, and 39
"Review of Utilities Commission Rules"

Iowa Code section(s) or chapter(s) authorizing rulemaking: 17A.3, 17A.4, 17A.9, 474.4, 474.5, 476, 476.1, 476.1B, 476.2, 476.73, 476.74, 476A.12, 478.19, 478.20, 479, and 479B

State or federal law(s) implemented by the rulemaking: Iowa Code sections 17A.2, 17A.3, 17A.4, 17A.5, 17A.6, 17A.7, 17A.9, 474.5, 476.1, 476.2, 476.3, 476.6, 476.7, 476.8, 476.20, 476.31, 476.33, 476.54, 476.66, 476.73, 476.74, 476.78, 476.83, 476.95B, 476.102, 476A, 478, 478.18, 478.19, 478.20, 479, 479.29, 479B, 479B.20, and 546.7 and 47 U.S.C. sections 214(e) and 254

Public Hearing

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

December 22, 2025 9 a.m.	Commission Hearing Room 1375 East Court Avenue Des Moines, Iowa

Public Comment

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

IT Support
Iowa Utilities Commission
Phone: 515.725.7300
Email: ITsupport@iuc.iowa.gov

Purpose and Summary

This rulemaking is proposed to ensure that the Commission's rules contain correct citations and grammar post-Executive Order 10 review. This will help make utility regulation more efficient in Iowa.

Analysis of Impact

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

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

Entities providing service within the State of Iowa will bear the costs of the proposed rulemaking. This proposed rulemaking touches many different chapters, which will affect all types of utilities within the State, including those telecommunications carriers that provide universal service.

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

Everyone within the State of Iowa will benefit from the proposed rulemaking. This proposed rulemaking will help ensure the rules within the agency's purview are updated and discrepancies are found since the completion of the agency's Executive Order 10 review.

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 agency does not directly charge a fee to participate in its proceedings; therefore, the proposed rulemaking does not have a strong economic impact against individuals themselves. Costs may be incurred through the activities themselves through normal operating costs to be involved in such proceedings, and utilities/entities that are allocated costs by the agency are assessed in accordance with agency rules. These costs are more directly attributable to the underlying nature of the action itself.

- **Qualitative description of impact:**

The agency's rules have a level of qualitative impact because they assist Iowans and entities doing business within Iowa to know what to expect when doing business in Iowa and coming before the agency within a proceeding. By making the rules as sensible as possible, all Iowans and entities within Iowa benefit.

3. **Costs to the State:**

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

The only cost to the agency is the cost of the daily operation of the Commission and the salary of the employees; there are no additional 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:**

The agency believes that the benefits of providing the best set of rules outweigh any costs that this rulemaking may indirectly impose. Inaction, or waiting until an individual chapter's next review, is not advisable since that may be three to four years away and could cost ratepayers more at a later time.

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

The majority of these changes must be done through a rulemaking, so there are no less intrusive methods for achieving the purposes of the rulemaking.

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

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

Waiting for the next review was considered, but as stated above, that could be three to four years in the future and some of these changes should be made more expediently.

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

Some of these changes need to be made more expediently than another method would allow.

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 agency does not believe the rulemaking has an adverse impact on small business.

Text of Proposed Rulemaking

ITEM 1. Rescind rule 199—3.6(17A,474) and adopt the following **new** rule in lieu thereof:

199—3.6(17A,474) Review of rules. The commission will review its rules pursuant to Iowa Code sections 17A.4 and 17A.7(2).

ITEM 2. Amend rule 199—4.2(17A), introductory paragraph, as follows:

199—4.2(17A) Intervention. A person having an interest in the subject matter of a petition for a declaratory order may file with the commission a petition for intervention pursuant to ~~the "Intervention" rule contained in 199—Chapter 7~~ rule 199—7.13(17A,476) within 20 days of the filing of a petition for a declaratory order. The commission may at its discretion entertain a late-filed petition for intervention. A petition for intervention in a proceeding on a petition for declaratory order shall be dated, be signed by the prospective intervenor with that person's appropriate contact information, include the information set forth in ~~the "Intervention" rule contained in 199—Chapter 7~~ rule 199—7.13(17A,476), and include all of the following:

ITEM 3. Amend rule 199—4.4(17A) as follows:

199—4.4(17A) Service and filing of petitions. At the same time a petition for a declaratory order is filed, the petitioner shall serve the petition, in accordance with ~~the "Service of documents" subrule in 199—Chapter 7~~ 199—subrule 7.4(5) and ~~the "Electronic service" rule in 199—Chapter 14~~ rule 199—14.14(17A,476), upon any person who, based upon a reasonable investigation, would be a necessary party to the proceeding under applicable substantive law. The petitioner is to file with the commission a list of all persons served.

ITEM 4. Amend subrule 6.4(1) as follows:

6.4(1) After the utility's response is received, commission staff may request additional information deemed necessary to complete the investigation and resolve the complaint. When all necessary information has been received and the investigation is complete, commission staff shall, within 30 days, send a letter with a proposed resolution of the complaint to the complainant, the utility, and the consumer advocate. Staff shall notify the complainant, the utility, and consumer advocate when the investigation is complete and the 30-day time period to issue a proposed resolution commences. A staff finding that the utility subject to a complaint has properly followed Iowa law, the commission's rules, the company's tariff, or a combination thereof, or a finding that the company has resolved the complaint, may be considered sufficient to satisfy the proposed resolution requirement.

ITEM 5. Amend rule 199—6.8(476), introductory paragraph, as follows:

199—6.8(476) Special procedures for complaints alleging unauthorized changes in telecommunications services. Notwithstanding the deregulation of a communications service or facility pursuant to Iowa Code section 476.1D, complaints alleging an unauthorized change in telecommunications service (more information is contained in ~~the "Unauthorized changes in telecommunications service" rule in 199—Chapter 22~~ rule 199—22.9(476)) will be processed pursuant to this chapter with the following additional or substituted procedures:

ITEM 6. Amend paragraph **7.4(2)"a"** as follows:

a. Electronic communications. Unless otherwise specifically provided, all electronic communications and documents are officially filed when they are accepted for filing as defined in rule 199—14.3(17A,476). The electronic service provisions in ~~the "electronic service" rule in 199—Chapter 14~~ rule 199—14.14(17A,476) apply.

ITEM 7. Amend subrule 7.4(5) as follows:

7.4(5) *Service of documents.*

a. Method of service.

(1) Paper service. Paper service of filings is only necessary on those parties, or persons, whom the commission has approved to receive paper service. All filings served by paper are to be filed electronically pursuant to ~~the "electronic service" rule in 199—Chapter 14~~ rule 199—14.14(17A,476) in the appropriate docket in the electronic filing system, include a certificate of service, and be served on the consumer advocate.

(2) Electronic service. The commission's rule regarding electronic service is ~~the "electronic service" rule in 199—Chapter 14~~ rule 199—14.14(17A,476).

(3) Service of documents containing confidential information. Parties may condition the service of unredacted documents containing confidential information on the execution of a confidentiality agreement. If the parties are unable to agree on a confidentiality agreement, they may ask the commission or presiding officer to issue an appropriate order.

b. Date of service.

(1) Paper service. Unless otherwise ordered by the commission or presiding officer, the date of service is the day when the document served is deposited in the United States mail or overnight delivery, is delivered in person, or otherwise as the parties may agree. Although service is effective, the document is not deemed filed with the commission until it is received by the commission.

(2) The commission's rule regarding electronic service is ~~the "electronic service" rule in 199—Chapter 14~~ rule 199—14.14(17A,476).

c. Service upon attorneys. When a party has appeared by attorney, service upon the attorney is deemed proper service upon the party.

ITEM 8. Amend subrule 7.23(10) as follows:

7.23(10) *Record.* The record of the case is maintained in the commission's electronic filing system. Unless the record is held confidential pursuant to ~~the "public information and inspection of records" rule in 199—Chapter 1~~ rule 199—1.7(22), parties and members of the public may examine the record and obtain copies of documents, including the transcript, when available.

ITEM 9. Amend paragraph **7.23(11)"e"** as follows:

e. A presiding officer's decision denying a motion to vacate is subject to further appeal within the time limit allowed for further appeal of a decision on the merits in the contested case. A presiding officer's decision granting a motion to vacate is subject to interlocutory appeal by the adverse party pursuant to ~~the "interlocutory appeals" rule of 199—Chapter 7~~ rule 199—7.25(17A,476).

ITEM 10. Amend paragraph **7.23(11)"g"** as follows:

g. A default decision may award any relief consistent with the record in the case. The default decision may provide either that the default decision is to be stayed pending a timely motion to vacate or that the default decision is to take effect immediately, subject to a timely motion to vacate, an appeal pursuant to ~~the "appeals to commission from a proposed decision of a presiding officer" rule of 199—Chapter 7~~ rule 199—7.26(17A,476), or a request for stay pursuant to ~~the "rehearing and reconsideration" rule of 199—Chapter 7~~ rule 199—7.27(17A,476).

ITEM 11. Amend paragraph **9.2(1)"d"** as follows:

d. The point of contact for landowner inquiries or claims as provided for in rule ~~199—9.5(479,479B)~~ 199—9.6(479,479B).

ITEM 12. Amend subparagraph **11.5(1)"b"(1)** as follows:

(1) A map showing the route of the transmission line drawn with reasonable accuracy, considering the scale. The map may be to any scale appropriate for the level of detail to be shown but not smaller than one inch to the mile and is to be legible when printed on paper no larger than 11 by 17 inches. ~~The filing company shall provide the following information:~~ The filing company shall include necessary data files with geographical identifiers that are readable by common internet

or software mapping applications (KMZ, shapefile, JSON, etc.) showing the proposed route of the transmission line. The following minimum information shall be provided on the maps:

1. to 12. No change.

ITEM 13. Adopt the following **new** subparagraph **11.5(1)"e"(7)**:

(7) An updated electronic file with geographic identifiers as required by paragraph 11.5(1)*"b"* to show the locations and boundaries of the property and the easement boundaries for which the electric company is seeking eminent domain.

ITEM 14. Amend paragraph **11.7(2)"b"** as follows:

b. Exhibit B. A map showing the route of the transmission line drawn with reasonable accuracy, considering the scale. The map may be to any scale appropriate for the level of detail to be shown but not smaller than one inch to the mile and legible when printed on paper no larger than 11 by 17 inches. ~~The following information shall be provided:~~ The filing company shall include necessary data files with geographical identifiers that are readable by common internet or software mapping applications (KMZ, shapefile, JSON, etc.) showing the proposed route of the transmission line. The following minimum information shall be provided on the maps:

(1) to (7) No change.

ITEM 15. Amend paragraph **11.7(2)"e"** as follows:

e. Exhibit E. A statement that the right of eminent domain is not being requested~~.~~ and an updated electronic file with geographic identifiers as required by paragraph 11.5(1)*"b."*

ITEM 16. Amend paragraph **11.8(1)"b"** as follows:

b. Exhibit B. A map showing the route of the transmission line drawn with reasonable accuracy, considering the scale. The map may be to any scale appropriate for the level of detail to be shown but not smaller than one inch to the mile and legible when printed on paper no larger than 11 by 17 inches. ~~The following information shall be provided:~~ The filing company shall include necessary data files with geographical identifiers that are readable by common internet or software mapping applications (KMZ, shapefile, JSON, etc.) showing the proposed route of the transmission line. The following minimum information shall be provided on the maps:

(1) to (6) No change.

ITEM 17. Amend rule 199—14.8(17A,476) as follows:

199—14.8(17A,476) Maps, plan and profile drawings, and other oversized documents. Any map, plan and profile drawing, or oversized document that is to be filed with the commission should be electronically filed as a PDF (Portable Document Format) or such electronic format as designated by the commission. If the map, drawing, or oversized document cannot be printed on ~~11- by 17-inch~~ 11" by 17" or smaller-sized paper in legible and usable form, as determined by the commission, the original and four paper copies of each map, drawing, or other document filed pursuant to this rule should also be filed unless more copies are directed by commission order or request. Maps and other documents should be drawn to a scale appropriate for the level of detail to be shown. However, if the map, drawing, or other document is not electronically filed, then the number of paper copies filed is governed by other applicable rules, including ~~the "hearings" rule in 199—Chapter 7~~ rule 199—7.23(17A,476), which concerns the required number of copies for evidence introduced at hearing, and 199—Chapter 26, which contains additional requirements regarding the number of paper copies of minimum filing requirements required to be filed in rate and tariff proceedings.

ITEM 18. Amend subrule 14.14(2) as follows:

14.14(2) *Service on parties for whom electronic service is not available.* The service list in each proceeding will be available in EFS. The list will identify the representatives for each party and will also indicate the parties for whom electronic service is not available. A filer is to serve a paper copy of any electronically filed document on parties entitled to paper service under ~~the "general information" rule in 199—Chapter 7~~ rule 199—7.4(17A,474,476) unless the parties agree to other arrangements.

The date of service is the day when the document served is deposited in the United States mail or overnight delivery, is delivered in person, or otherwise as the parties may agree. A party serving a paper copy of any electronically filed document on a person for whom electronic service is not available is to file a certificate of service stating the manner in which service on such person was accomplished.

ITEM 19. Amend subrule 18.4(1) as follows:

18.4(1) *Units of property.* Rate-regulated electric utilities shall maintain an accounting system for Units of Property in Accounting for Additions and Retirements of Electric Plant in accordance with ~~the "Uniform systems of accounts—electric rules" rule in 199—Chapter 16~~ rule 199—16.2(476).

ITEM 20. Amend subrule 18.6(1) as follows:

18.6(1) *Units of property.* Rate-regulated gas utilities shall maintain an accounting system for Units of Property in Accounting for Additions and Retirements of Gas Plant in accordance with ~~the "Uniform systems of accounts—electric rules" rule in 199—Chapter 16~~ rule 199—16.3(476).

ITEM 21. Amend subrule 18.7(1) as follows:

18.7(1) *Units of property.* Rate-regulated water, sanitary sewage, and storm water drainage utilities shall maintain an accounting system for Units of Property in Accounting for Additions and Retirements of Water Plant in accordance with ~~the "Uniform systems of accounts—electric rules" rule in 199—Chapter 16~~ rule 199—16.5(476).

ITEM 22. Amend paragraph **20.3(1)"d"** as follows:

d. Master-metering to multiple buildings is prohibited, except for multiple buildings owned by the same person or entity. Multitenant buildings within a multiple building complex may be master-metered pursuant to this paragraph only if the requirements of paragraph ~~20.3(1)*"c"*~~ 20.3(1)*"b"* have been met.

ITEM 23. Amend subrule 24.14(2) as follows:

24.14(2) In addition to any other service requirements, an applicant requesting a waiver must serve a copy of the waiver on all owners ~~or~~ of record of real property that adjoins the proposed facility site.

ITEM 24. Amend subparagraph **25.2(2)"b"(4)** as follows:

(4) Except for clearances near grain bins, for measurements made under field conditions, the commission will consider compliance with the overhead vertical line clearance requirements of Subsection 232 and Table 232-1 of the 1987 NESC indicative of compliance with the 1990 through ~~2017~~ 2022 editions of the NESC. (For an explanation of the differences between 1987 and subsequent code edition clearances, see Appendix A of the 1990 through ~~2017~~ 2022 editions of the NESC.)

ITEM 25. Amend paragraph **26.3(1)"b"** as follows:

b. Proposed new or changed rates, charges, schedules, or regulations that contain energy efficiency expenditures and related costs for demand-side programs shall not be included in a utility's proposed tariff that relates to a general increase in revenue. A utility may propose to recover the costs of process-oriented industrial assessments not related to energy efficiency as defined in ~~the definitions rule of 199—Chapter 35~~ rule 199—35.2(476).

ITEM 26. Amend subparagraph **26.4(1)"a"(4)** as follows:

(4) The notice requirements in this paragraph are not applicable to rate increases for telecommunications services. Notice requirements for intrastate access service rates are subject to the requirements of ~~the "intrastate access charge application, tariff procedures, and rates" rule of 199—Chapter 22~~ rule 199—22.4(476).

ITEM 27. Amend subparagraph **26.4(4)"d"(23)** as follows:

(23) All testimony and exhibits in support of the rate filing, attached to affidavits of the sponsoring witnesses. All known and measurable changes in costs and revenues upon which the utility relies in its application shall be included.

1. Unless otherwise required, all testimony, exhibits, and other information shall be filed in the commission's electronic filing system as described in ~~the "Electronic filing procedures and required formats" rule of 199—Chapter 14~~ rule 199—14.5(17A,476). In addition, three paper copies of any documents filed electronically in the commission's electronic filing system, including confidential information, shall be provided to the commission and three copies to the consumer advocate within five days of the date the application is filed. The utility is not required to print voluminous workpapers that only provide supporting information as long as the utility has filed a summary of the information and the utility includes a page in the printed material that indicates the information in the workpapers that has not been printed and where that information is found in the application or minimum filing requirements. The commission or the consumer advocate may request a printed copy of this information if the information is required for review of the application or minimum filing requirements. The paper copies shall be certified by an officer of the utility or by an attorney representing the utility.

2. No change.

ITEM 28. Amend subrule 31.3(2) as follows:

31.3(2) Contracts, arrangements, or other similar transactions with an affiliate where the consideration is not in excess of $250,000 ~~or 5 percent of the capital equity of the utility, whichever is smaller,~~ are exempt from this filing requirement. In lieu of the filing requirement, the public utility shall file on or before June 30 of each year a report of the total amount of each contract, arrangement, or other similar transactions with affiliates qualifying under this exemption. Each affiliate is to be identified separately.

ITEM 29. Amend paragraph **33.5(2)"b"** as follows:

b. Docketing. If the commission finds that reasonable grounds exist to investigate the manual, the commission will docket the filing for investigation. At the time of docketing, the commission will set a procedural schedule that includes a date for an oral presentation and an opportunity to file comments. If the commission finds that there is no reason to investigate, the commission will issue ~~an order stating the reasons for the commission's~~ a decision within 90 days of the date of filing.

ITEM 30. Amend rule 199—39.8(476) as follows:

199—39.8(476) Relinquishment of ETC designation. The commission may permit an ETC to relinquish its designation as such a carrier in any area served by more than one ETC. An ETC that seeks to relinquish its designation for an area served by more than one ETC shall give 30 days' advance notice to the commission and to all other ETCs in the service area of such relinquishment. A carrier that is granted ETC status in connection with a federal universal support program but that ultimately does not receive the support shall, within 30 days after the FCC issues a public notice regarding the award of support, file a notice of relinquishment of the carrier's designation for any service areas where the carrier is not awarded funds and does not plan to offer service.

Regulatory Analysis

Notice of Intended Action to be published: 811—10.6(17A,169,272C)
"Civil Penalties"

Iowa Code section(s) or chapter(s) authorizing rulemaking: 169.5
State or federal law(s) implemented by the rulemaking: Iowa Code section 169.5

Public Hearing

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

December 17, 2025 11 to 11:30 a.m.	Heritage West Conference Room (H560) Hoover 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 Board of Veterinary Medicine no later than 4:30 p.m. on the date of the public hearing. Comments should be directed to:

Colin Tadlock
1305 East Walnut Street
Des Moines Iowa, 50319
Email: colin.tadlock@iowaagriculture.gov

Purpose and Summary

The proposed rulemaking makes an update to reflect recent statutory updates to the civil penalty amounts for discipline.

Analysis of Impact

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

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

Not applicable.

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

Not applicable.

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:**

Licensees who face disciplinary action by the Board could be subject to a penalty of up to $10,000.

- **Qualitative description of impact:**

Financial penalties can be used to deter actions that would require disciplinary action by the Board.

3. **Costs to the State:**

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

Not applicable.

- **Anticipated effect on State revenues:**

Not applicable.

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:**

The proposed rulemaking implements a statutory requirement.

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?

Not applicable.

Text of Proposed Rulemaking

ITEM 1. Amend rule 811—10.6(17A,169,272C), introductory paragraph, as follows:

811—10.6(17A,169,272C) Grounds for discipline and principles of veterinary medical ethics. The provisions of Iowa Code sections 272C.10 and 169.13 are incorporated by reference. The board has established grounds for discipline and principles of ethics for veterinary medicine. Without regard as to whether the board has determined that an injury has occurred, the board may impose any of the disciplinary sanctions set forth in rule 811—10.7(17A,169,272C), including civil penalties in an amount not to exceed ~~$1,000~~ $10,000, when the board determines that the credential holder is guilty of any of the following acts or offenses:

WORKFORCE DEVELOPMENT DEPARTMENT[871]

Regulatory Analysis

Notice of Intended Action to be published: 23.52(3)
"Employer's Contribution and Charges"

Iowa Code section(s) or chapter(s) authorizing rulemaking: 17A and 96
State or federal law(s) implemented by the rulemaking: Iowa Code chapters 17A and 96

Public Hearing

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

December 16, 2025 9 a.m.	Microsoft Teams Join the meeting now Meeting ID: 232 079 792 009 49 Passcode: yr7iS3oX Dial: 1.469.998.6043 Find a local number Phone conference ID: 874 206 698#

Public Comment

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

Jeffrey Koncsol
Iowa Workforce Development
1000 East Grand Avenue
Des Moines, Iowa 50319
Phone: 515.725.5400
Email: jeffrey.koncsol@iwd.iowa.gov

Purpose and Summary

The purpose of this proposed subrule is to provide guidance on submitting an employer liability appeal pursuant to Iowa Code chapter 96.

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:**

The general public and stakeholders 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 quantitative impact.

- **Qualitative description of impact:**

The general public and stakeholders will receive streamlined information.

3. **Costs to the State:**

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

There are no implementation and enforcement 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:**

This change removes the Department's cost of maintaining a fax line to receive the limited number of appeals sent in annually via that method.

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 does not have a substantial impact on small business.

Text of Proposed Rulemaking

ITEM 1. Rescind subrule 23.52(3) and adopt the following **new** subrule in lieu thereof:

23.52(3) The appeal shall be addressed or delivered to: Department of Workforce Development, Tax Bureau, 1000 East Grand Avenue, Des Moines, Iowa 50319. Appeals that are received by the tax bureau after 11:59 p.m. central time will be deemed filed as of the next regular business day.

WORKFORCE DEVELOPMENT DEPARTMENT[871]

Regulatory Analysis

Notice of Intended Action to be published: 871—Chapter 26
"Contested Case Proceedings"

Iowa Code section(s) or chapter(s) authorizing rulemaking: 17A and 96
State or federal law(s) implemented by the rulemaking: Iowa Code chapters 17A and 96

Public Hearing

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

December 16, 2025 9:30 a.m.	Microsoft Teams Join the meeting now Meeting ID: 232 096 499 091 63 Passcode: 6qG2wz2v Dial: 1.469.998.6043 Find a local number Phone conference ID:884 907 590#

Public Comment

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

Jeffrey Koncsol
Iowa Workforce Development
1000 East Grand Avenue
Des Moines, Iowa 50319
Phone: 515.725.5400
Email: jeffrey.koncsol@iwd.iowa.gov

Purpose and Summary

The purpose of these proposed rules is to provide procedures for contested case proceedings brought pursuant to Iowa Code chapter 96.

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:**

The general public and stakeholders 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 quantitative impact.

- **Qualitative description of impact:**

The general public and stakeholders will receive streamlined information.

3. **Costs to the State:**

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

There are no implementation and enforcement 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:**

These changes remove the Department's cost of maintaining a fax line to receive the limited number of appeals sent in annually via that method. These changes also simplify the discovery process for all parties and clarify the ability for claimant appellants to be represented by non-attorney representatives, thereby potentially resulting in a more efficient and cost-effective appeals process. Failure to effect these changes would result in higher costs to the State as well as a potential negative impact to both appellants and the State during the appeal process.

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 does not have a substantial impact on small business.

Text of Proposed Rulemaking

ITEM 1. Rescind 871—Chapter 26 and adopt the following **new** chapter in lieu thereof:

CHAPTER 26
CONTESTED CASE PROCEEDINGS

871—26.1(17A,96) Applicability. The rules in this chapter govern the procedures for contested case proceedings brought pursuant to Iowa Code chapter 96.

871—26.2(17A,96) Definitions. Terms defined in the Iowa employment security law and the Iowa administrative procedure Act and that are used in these rules shall have the same meaning as provided

by such laws. In addition, the following words and terms when used in this chapter shall have the following meanings, unless the context clearly indicates otherwise:

"Contested case" means a proceeding defined in Iowa Code section 17A.2(5) and includes any matter defined as a no factual dispute contested case in Iowa Code section 17A.10A. It specifically includes any appeal from a determination of a representative of the department or any appeal or request for a hearing by an employer or employing unit from an experience rating, charge determination or other decision affecting its liability. Except as provided in subrule 26.16(4), a final decision of the employment appeal board of the department of inspections, appeals, and licensing shall constitute final agency action. A presiding officer's decision shall be the final decision of the department if there is no appeal therefrom to the employment appeal board of the department of inspections, appeals, and licensing or if the appeal is made directly to the district court in lieu of filing an appeal with the employment appeal board of the department of inspections, appeals, and licensing.

"Presiding officer" means an administrative law judge employed by the department of inspections, appeals, and licensing.

871—26.3(17A,96) Appeal of unemployment benefits contested case.

26.3(1) An unemployment benefits contested case must be filed by a party within ten calendar days from the date noted on the initial determination. The appeal must be in writing and delivered by mail, by email, online, or in person to the department of inspections, appeals, and licensing's unemployment insurance appeals bureau at Department of Inspections, Appeals, and Licensing, Unemployment Insurance Appeals Bureau, 6200 Park Avenue, Suite 100, East Entrance, Des Moines, Iowa 50321-1270. An online appeal is filed by completing and submitting an online appeal form available in the IowaWorks digital portal.

26.3(2) The appeal should state the following:

a. The name, address and social security number of the claimant;

b. A reference to the decision from which the appeal is taken; and

c. The grounds upon which the appeal is based.

26.3(3) Notwithstanding the provisions of subrule 26.3(1), a contributory employer, which has not previously received a notice of the filing of a valid claim for benefits, may appeal an individual's eligibility to receive benefits within 30 calendar days from the mailing date of the quarterly statement of benefit charges.

26.3(4) Also notwithstanding the provisions of subrule 26.3(1), a reimbursable employer, which has not previously received a notice of the filing of a valid claim for benefits, may appeal an individual's eligibility to receive benefits within 15 calendar days from the mailing date of the quarterly billing of benefit charges.

871—26.4(17A,96) Appeal of employer liability contested case.

26.4(1) An appeal from a decision of the tax bureau of the department concerning employer status and liability, assessments, contribution (tax) rate, successorship, workers' status, and all questions regarding coverage of a worker or group of workers must be filed by a party no later than 30 calendar days from the mailing date printed on the notice. The appeal must be in writing and delivered by mail, by email, or in person to Tax Bureau, Iowa Workforce Development, 1000 East Grand Avenue, Des Moines, Iowa 50319.

26.4(2) The appeal should state the following:

a. The name, address, and Iowa employer account number of the employer;

b. The name and official position of the person filing the appeal;

c. The decision that is being appealed; and

d. The grounds upon which the appeal is based.

871—26.5(17A,96) Notice of hearing.

26.5(1) Notices of hearing shall be sent to all parties at their last-known address at least ten days in advance of the hearing date by first-class mail, email, or other electronic means. Notices of hearing shall contain the information required by Iowa Code section 17A.12(2) and any additional information required by statute or rule.

26.5(2) Unless otherwise precluded, the parties in a contested case may waive any provision of this chapter pursuant to Iowa Code section 17A.10.

26.5(3) A hearing will be promptly scheduled and conducted by telephone unless a party requests that it be held in person. In-person hearings will be located at the Wallace State Office Building or at a site designated by UIAB. The party requesting an in-person hearing will ordinarily be required to travel the greater distance if all parties are not located near the same hearing site. A request for an in-person hearing may be denied if factors such as the distance between the parties, the number of parties or the health of any party make it impractical or impossible to conduct a fair hearing in person. An in-person hearing may be scheduled at the discretion of the presiding officer to whom the contested case is assigned or by the manager or chief administrative law judge of the appeals bureau. At the discretion of the presiding officer, witnesses or representatives may be allowed to participate via telephone in an in-person hearing.

26.5(4) Whenever it appears that other parties should be joined to dispose of all issues in a contested case, the presiding officer may so order and may grant such continuance to hold such additional proceedings upon notice to all parties.

26.5(5) Any number of appeals involving similar issues of law or fact may be consolidated for hearing so long as no substantial rights of any party would be prejudiced by so doing.

871—26.6(17A,96) Recusal. A presiding officer shall withdraw from participation in the hearing or the making of any decision in a contested case in accordance with provisions outlined in rule 481—10.9(17A).

871—26.7(17A,96) Withdrawals, dismissals, and continuance.

26.7(1) An appeal may be withdrawn at any time prior to the issuance of a decision upon the request of the appellant and with the approval of a presiding officer. Requests for withdrawal may be made in writing or orally, provided the oral request is recorded by a presiding officer. An appeal may be dismissed upon the request of a party or in the agency's discretion when the issue or issues on appeal have been resolved in the appellant's favor.

26.7(2) A hearing may be postponed by the presiding officer for reasons stated in 481—subrule 10.17(3), either upon the presiding officer's own motion or upon the request of any party in interest. A party's request for postponement should be made not less than three days prior to the scheduled hearing and may be in writing or oral, provided the oral request is recorded by the presiding officer. A party shall not be granted more than one postponement except in the case of extreme emergency.

26.7(3) For good cause shown, the presiding officer may reopen the record, and with notice to all parties, schedule another hearing.

"Good cause," for purposes of this rule, is defined as an emergency circumstance that is beyond the control of the party and that prevents the party from being able to participate in the hearing. Examples of good cause include but are not limited to death, sudden illness, or accident involving the party or the party's immediate family (spouse, partner, children, parents, siblings) or other circumstances evidencing an emergency situation that was beyond the party's control and was not reasonably foreseeable.

Examples of circumstances that do not constitute good cause include but are not limited to a lost or misplaced notice of hearing, confusion as to the date and time for the hearing, failure to follow the directions on the notice of hearing, oversleeping, or other acts demonstrating a lack of due care by the party.

26.7(4) If necessary, the presiding officer may hear, ex parte, additional information regarding the request for reopening. The granting or denial of such a request may be used as grounds for appeal to the employment appeal board of the department of inspections, appeals, and licensing upon the issuance of the presiding officer's final decision in the case.

26.7(5) If good cause for reopening has not been shown, the presiding officer may make a decision based upon whatever evidence is properly in the record or, in appropriate cases, may enter default as set forth in rule 871—26.13(17A,96).

871—26.8(17A,96) Discovery.

26.8(1) Discovery procedures applicable to civil actions are available to all parties in interest in contested cases.

26.8(2) Unless otherwise limited by a protective order, discovery is not limited. Upon application by any adversely affected party or upon the presiding officer's own motion, the presiding officer may limit discovery in the following situations:

a. The discovery sought is unduly repetitious, or the information sought can be obtained by another method that is more convenient, less burdensome, or less expensive; or

b. The party seeking discovery has had prior ample opportunity to obtain the information; or

c. The discovery is unduly burdensome or expensive when viewed in the context of the factual issues to be resolved, the limited resources of the parties, and the parties' interest in prompt resolution of the contested case.

26.8(3) A party may obtain discovery regarding any matter, not privileged, relevant to the subject matter involved in the contested case, including the existence, description, nature, custody, condition and location of any tangible items and the identity and location of persons having knowledge of discoverable matters. Information may be discovered, even if inadmissible itself, if it appears reasonably calculated to lead to the discovery of admissible evidence. The names of a party's witnesses, their expected testimony, and exhibits to be offered into evidence may be obtained by discovery.

26.8(4) A party who responded to a request for discovery with a response that was complete and accurate when made need not supplement the response to include information obtained later. However, a party must promptly supplement its response to requests for the identity and location of persons having knowledge of discoverable matters and the identity of each person expected to be called to testify at the hearing, and the party must produce copies of exhibits expected to be offered into evidence at the hearing as such decisions are made. A party must also promptly amend any response if it obtains information showing that its prior response was incorrect when made or, though correct when made, is no longer correct.

26.8(5) No motion relating to discovery, including motions for imposition of sanctions, will be considered unless the moving party states that it made a good-faith but unsuccessful effort to resolve the issues raised in the motion with the opposing party without intervention by the presiding officer.

26.8(6) Upon motion by a party or the person from whom discovery is sought or by any person who may be adversely affected thereby, and for good cause shown, the presiding officer before whom the contested case is pending may make any order that justice requires to protect a party or person from oppression or undue burden or expense. Such order may deny the request for discovery or limit terms, conditions, manner, and scope thereof.

26.8(7) A party may, in accordance with subrule 26.8(5), ask the presiding officer for an order compelling discovery if the other party fails within a reasonable time to make a complete, good-faith response. After notice to both parties and hearing on the motion, the presiding officer shall enter an order that denies or compels discovery. This order may be combined with a protective order pursuant to subrule 26.8(6).

26.8(8) Upon written request by any party or upon the presiding officer's own motion, the presiding officer may impose sanctions for the failure to respond to discovery requests; however, sanctions shall not be imposed without prior specific notice from the presiding officer of the

contemplated sanction, opportunity to be heard, and, if necessary, further opportunity to cure its failure. The sanctions may include the following:

a. Postponing and rescheduling the hearing if requested by the party demonstrably prejudiced by the failure.

b. Excluding testimony of witnesses not identified in response to a specific request for such information.

c. Excluding from the record those exhibits not identified in response to a specific request for such information.

d. Excluding the party from participating in the contested case proceedings.

e. Dismissing the party's appeal.

26.8(9) Requests for discovery shall be served on the opposing party by ordinary mail or email. Responses must be served on the party requesting the discovery within ten days after the discovery request is sent unless the presiding officer grants an extension of time to comply. Requests for discovery must be made at least ten days before a scheduled contested case hearing. A party's inattention to preparation is not good cause to postpone the hearing.

871—26.9(17A,96) Ex parte communications. Ex parte communication is subject to rule 481—10.23(17A).

871—26.10(17A,96) Motions. Motion practice is subject to rule 481—10.15(10A,17A) with the following exceptions:

1. Written responses to motions may be filed within five days after the motion is served.
2. Motions pertaining to the hearing must be filed and served at least five days prior to the hearing date.

871—26.11(17A,96) Prehearing conference. Prehearing conferences are subject to rule 481—10.16(10A,17A), with the exception that requests for a prehearing conference must be filed within three days prior to hearing.

871—26.12(17A,96) Subpoenas for witnesses and documents. Subpoenas are subject to rule 481—10.14(10A,17A) and Iowa Code section 17A.13, with the exception that subpoena requests must be filed within three days prior to hearing.

871—26.13(17A,96) Conduct of hearings. The conduct of hearings is governed by rule 481—10.20(17A), with the exception of the additional following subrules:

26.13(1) The presiding officer shall begin each hearing with a brief statement identifying the parties and issues, outlining the history of the case, advising the parties of their appeal rights and announcing what matters, if any, will be officially noticed. Any party may inspect and use any portion of the administrative file necessary for the presentation of its case. The administrative file may include information from the claimant's files maintained in the agency's computer system.

26.13(2) Each party shall be afforded an opportunity for an opening statement and final arguments.

26.13(3) The hearing shall be confined to evidence relevant to the issue or issues stated on the notice of hearing.

26.13(4) If, during the course of a hearing, it appears to the presiding officer that an issue not set forth in the notice of hearing may affect the presiding officer's decision, the presiding officer shall so notify the parties and announce willingness to continue taking testimony on the underlying factual matters if the parties agree to waive on record further notice and make no objection to continuing. If any party objects, the presiding officer shall postpone or continue the hearing and cause new notices of hearing, containing all relevant issues, to be sent to the parties. Notwithstanding, voluntary quits and discharges generally shall be construed to constitute the single issue of separation from employment so that evidence of either or both types of separation may be received in a single hearing.

26.13(5) If factual issues generally relevant to a party's eligibility or liability for benefits but unrelated to the underlying facts in controversy in the present contested case are exposed, the presiding officer may remand the issue to the appropriate section of the department for investigation and preliminary determination.

26.13(6) If a party fails to appear for the hearing, the presiding officer may proceed with the hearing or decide the appealing party is in default and dismiss the appeal as provided in Iowa Code section 17A.12(3). If no decision has been issued, the absent party may make a written request to reopen the record for good cause as defined in subrule 26.7(3). The presiding officer may reopen the record for additional material, relevant and nonrepetitious evidence not submitted at the case hearing.

a. If an absent party responds to the hearing notice while the hearing is in progress, the presiding officer shall admit the party, summarize the hearing to that point, administer the oath, and resume the hearing.

b. If an absent party responds to the notice of hearing after the record has been closed and any party that has participated is no longer on the telephone line or present, the presiding officer shall not take the evidence of the late party and the party may file a written request to reopen the record.

c. Once a decision has been entered, the absent party may file an appeal to the employment appeal board to request a new hearing.

26.13(7) Whenever necessary, the presiding officer may require the attendance at a hearing of department employees having knowledge of the facts in controversy or having technical knowledge concerning the issues raised in appeal.

a. If the primary issue is the claimant's ability to work, availability for work or work search, the department may be named as respondent. The presiding officer may call department personnel having knowledge of the facts in controversy as witnesses.

b. If the issue on appeal is an offer of or recall to work or a job referral by a local workforce development center, both the employer making the offer or recall and the workforce development center representative making the referral may be witnesses at the hearing.

c. If the issue on appeal is the claimant's refusal of employment because of wages, the presiding officer may take the testimony of the workforce development representative having knowledge of prevailing wages in the vicinity. The presiding officer may also obtain testimony and evidence of the hours and other conditions of work for similar jobs in the area.

26.13(8) At the discretion of the presiding officer, witnesses may be excluded from the hearing room or telephone hearing until called to testify. The presiding officer shall admonish such witnesses not to discuss the case among themselves until after the record has been closed. All witnesses shall be subject to examination by the presiding officer and by all parties.

26.13(9) The presiding officer may expel or refuse admittance to any party, witness or other person whose conduct at the hearing is disorderly.

26.13(10) If the parties agree that no dispute of material facts exists as to a matter that would be a contested case if such a dispute of fact existed, the parties may present all relevant material evidence either by stipulation or otherwise as agreed by the parties, without the necessity of a formal evidentiary hearing.

26.13(11) Any party may appear in any proceeding. Any partnership, cooperation, or association may be represented by any of its members or officers or a duly authorized representative of an interested party. Any party may appear by, or be represented by, an attorney-at-law or a duly authorized representative of an interested party.

26.13(12) If a party not attending the hearing will be represented by another person, such person must submit to the presiding officer written proof of the representation, signed by the party such person claims to represent, at least three days before the hearing.

871—26.14(17A,96) Evidence. Rules of evidence are followed in accordance with Iowa Code section 17A.14.

871—26.15(17A,96) Recording costs.

26.15(1) The presiding officer shall electronically record all evidentiary hearings, prehearing conferences and hearings on motions, all of which constitute a part of the record of the contested case. A party may, at its own expense, also record any hearing electronically or by certified shorthand reporter.

26.15(2) Upon request of a party, the department shall provide a copy of the whole or a part of the record at a cost, unless there is further appeal, in which event the record shall be provided to all parties at no cost.

871—26.16(17A,96) Decisions.

26.16(1) The presiding officer shall issue a written, signed decision as soon as practicable after the closing of the record in a contested case. Each decision shall:

a. Set forth the issues, the appeal rights, a concise history of the case, the findings of essential facts, the reasons for the decision and the actual disposition of the case;

b. Be based on the kind and quality of evidence upon which reasonably prudent persons customarily rely for the conduct of their serious affairs, even if none of such evidence would be admissible in a jury trial in the Iowa district court; and

c. Be sent by first-class mail, email, or other electronic transmission to each of the parties in interest and their representatives.

26.16(2) Copies of all presiding officer decisions shall be kept on file for public inspection at the administrative office of the department of workforce development, filed according to hearing (appeal) number and indexed by the social security number of the claimant.

26.16(3) A presiding officer's decision allowing benefits shall result in the prompt payment of all benefits due. An appeal shall not stay the payment of benefits. A presiding officer's decision reversing an allowance of benefits shall include a statement of overpayment of benefits erroneously paid.

26.16(4) A presiding officer's decision constitutes final agency action in an employer liability contested case.

a. Any party in interest may file with the presiding officer a written application for rehearing within 20 days after the issuance of the decision. A request for rehearing is deemed denied unless the presiding officer grants the rehearing request within 20 days after its filing.

b. Any party in interest may file a petition for judicial review in the Iowa district court within 30 days after the issuance of the decision or within 30 days after the denial of the request for rehearing.

26.16(5) In a claimant benefit contested case, final agency action shall be a presiding officer's decision, if no aggrieved party appealed the decision to the employment appeal board within 15 days, or the decision of the employment appeal board, if the aggrieved party appealed the decision to that tribunal.

a. Once final agency action has been established, any party who is aggrieved or adversely affected by the agency action has 30 days to file a petition for judicial review with the district court.

b. Any party in interest may file with the presiding officer a written application for rehearing within 20 days after the date that the decision becomes final as a result of the failure to appeal the decision to the employment board. Applications for rehearing filed before this date will be forwarded to the employment appeal board as appeals to that tribunal. A request for rehearing is deemed denied unless the presiding officer grants the rehearing request within 20 days after its filing.

c. Any party in interest may file a petition for judicial review within 30 days after the denial of the request for rehearing.

These rules are intended to implement Iowa Code chapters 17A and 96.

ARC 9737C

COLLEGE STUDENT AID COMMISSION[283]

Notice of Intended Action

Proposing rulemaking related to organization and operation and providing an opportunity for public comment

The College Student Aid Commission hereby proposes to rescind Chapter 1, "Organization and Operation," Iowa Administrative Code, and to adopt a new Chapter 1 with the same title.

Legal Authority for Rulemaking

This rulemaking is proposed under the authority provided in Iowa Code section 256.178.

State or Federal Law Implemented

This rulemaking implements, in whole or in part, Iowa Code section 256.178.

Purpose and Summary

The Commission proposes to rescind and adopt a new Chapter 1 pursuant to Executive Order 10. New Chapter 1 is proposed to ensure the Commission illustrates the organizational structure for the Commission as a bureau within the Iowa Department of Education and illustrates specific provisions related to the Commission Board.

The Administrative Rules Coordinator provided preclearance for the publication of this Notice of Intended Action on September 11, 2025.

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 Commission for a waiver of the discretionary provisions, if any, pursuant to 283—Chapter 7.

Public Comment

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

David Ford, Bureau Chief
Bureau of Iowa College Aid
400 East 14th Street
Des Moines, Iowa 50319
Phone: 515.901.9924

Fax: 515.242.5988
Email: david.ford@iowa.gov

Public Hearing

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

December 16, 2025 4 p.m.	Room B50 Grimes State Office Building Des Moines, Iowa
December 17, 2025 9 a.m.	Room B50 Grimes State Office Building Des Moines, Iowa

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

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

Review by Administrative Rules Review Committee

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

The following rulemaking action is proposed:

ITEM 1. Rescind 283—Chapter 1 and adopt the following **new** chapter in lieu thereof:

CHAPTER 1
ORGANIZATION AND OPERATION

283—1.1(256) Purpose. This chapter describes the organization, operation, and location of the college student aid commission (hereinafter generally referred to as the commission).

283—1.2(261) Organization and operations.

1.2(1) *Location.* The location and mailing address of the commission are posted on the Iowa department of education website (educateiowa.gov).

1.2(2) *The commission board.* The commission board's membership is governed by Iowa Code section 256.176.

1.2(3) *Commission board meetings.*

a. A quorum is governed by Iowa Code section 17A.2(1).

b. A specific time is set aside at each meeting for the public to address the commission board. As a general guideline, a limit of five minutes will be allocated for each of these presentations. If a large group seeks to address a specific issue, the chairperson may limit the number of speakers. Members of the public who wish to address the commission board during this portion of the meeting are required to notify the commission's administrative secretary prior to the meeting. The person's name and the subject of the person's remarks must be provided. To accommodate maximum public participation, members of the public are encouraged to submit requests at least 72 hours in advance of the meeting.

1.2(4) *Commission.* The commission is established by Iowa Code section 256.176 to perform the function and duties set forth in Iowa Code chapter 256, subchapter VII, part 4; Iowa Code chapter 261B; other Iowa Code provisions; and the Iowa Administrative Code. The commission exists as a bureau within the organizational structure of the Iowa department of education.

These rules are intended to implement Iowa Code chapter 256.

ARC 9738C

COLLEGE STUDENT AID COMMISSION[283]

Notice of Intended Action

Proposing rulemaking related to commission procedure for rulemaking and petitions for rulemaking and providing an opportunity for public comment

The College Student Aid Commission hereby proposes to rescind Chapter 2, "Commission Procedure for Rule Making," and to adopt a new Chapter 2, "Commission Procedure for Rulemaking and Petitions for Rulemaking," Iowa Administrative Code.

Legal Authority for Rulemaking

This rulemaking is proposed under the authority provided in Iowa Code section 256.178.

State or Federal Law Implemented

This rulemaking implements, in whole or in part, Iowa Code section 256.178.

Purpose and Summary

The Commission proposes to rescind and adopt a new Chapter 2 pursuant to Executive Order 10. New Chapter 2 is proposed to explain the rulemaking process.

The Administrative Rules Coordinator provided preclearance for the publication of this Notice of Intended Action on September 11, 2025.

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 Commission for a waiver of the discretionary provisions, if any, pursuant to 283—Chapter 7.

Public Comment

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

David Ford, Bureau Chief
Bureau of Iowa College Aid
400 East 14th Street
Des Moines, Iowa 50319
Phone: 515.901.9924

Fax: 515.242.5988
Email: david.ford@iowa.gov

Public Hearing

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

December 16, 2025 4 p.m.	Room B50 Grimes State Office Building Des Moines, Iowa
December 17, 2025 9 a.m.	Room B50 Grimes State Office Building Des Moines, Iowa

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

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

Review by Administrative Rules Review Committee

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

The following rulemaking action is proposed:

ITEM 1. Rescind 283—Chapter 2 and adopt the following **new** chapter in lieu thereof:

CHAPTER 2
COMMISSION PROCEDURE FOR RULEMAKING
AND PETITIONS FOR RULEMAKING

283—2.1(17A) Incorporation by reference. The college student aid commission incorporates by this reference all such matters in Iowa Code chapter 17A that deal with rulemaking or petitions for rulemaking.

283—2.2(17A) Contact information.

2.2(1) *General.* Petitions for rulemaking and inquiries about commission rules and the rulemaking process may be directed to the Executive Director of the College Student Aid Commission, Iowa Department of Education, Grimes State Office Building, 400 East 14th Street, Des Moines, Iowa 50319-0146.

2.2(2) *Comments on proposed rules.* Any public comment on a Notice of Intended Action or similar document may be directed to the Executive Director of the College Student Aid Commission, Iowa Department of Education, Grimes State Office Building, 400 East 14th Street, Des Moines, Iowa 50319-0146, or as directed in the Notice of Intended Action or similar document.

2.2(3) *Petitions for rulemaking.* A petition for rulemaking that substantially conforms to the following form will be considered by the commission:

COLLEGE STUDENT AID COMMISSION

Petition by (Name of Petitioner) for the Adoption/Amendment/Repeal of (Cite rule involved).	PETITION FOR RULEMAKING

283—2.3(17A) Electronic submissions. The department encourages electronic submissions of documents under this chapter, including documents bearing electronic signatures. More information is available in the administrative rules content on the Iowa department of education's website (educateiowa.gov).

These rules are intended to implement Iowa Code section 256.178 and chapter 17A.

ARC 9739C

COLLEGE STUDENT AID COMMISSION[283]

Notice of Intended Action

Proposing rulemaking related to declaratory orders and providing an opportunity for public comment

The College Student Aid Commission hereby proposes to rescind Chapter 3, "Declaratory Orders," Iowa Administrative Code, and to adopt a new Chapter 3 with the same title.

Legal Authority for Rulemaking

This rulemaking is proposed under the authority provided in Iowa Code section 256.178.

State or Federal Law Implemented

This rulemaking implements, in whole or in part, Iowa Code section 256.178.

Purpose and Summary

The Commission proposes to rescind and adopt a new Chapter 3 pursuant to Executive Order 10. New Chapter 3 is proposed to explain the declaratory order process.

The Administrative Rules Coordinator provided preclearance for the publication of this Notice of Intended Action on September 11, 2025.

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 Commission for a waiver of the discretionary provisions, if any, pursuant to 283—Chapter 7.

Public Comment

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

David Ford, Bureau Chief
Bureau of Iowa College Aid
400 East 14th Street
Des Moines, Iowa 50319
Phone: 515.901.9924
Fax: 515.242.5988
Email: david.ford@iowa.gov

Public Hearing

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

December 16, 2025 4 p.m.	Room B50 Grimes State Office Building Des Moines, Iowa
December 17, 2025 9 a.m.	Room B50 Grimes State Office Building Des Moines, Iowa

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

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

Review by Administrative Rules Review Committee

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

The following rulemaking action is proposed:

ITEM 1. Rescind 283—Chapter 3 and adopt the following **new** chapter in lieu thereof:

CHAPTER 3
DECLARATORY ORDERS

The college student aid commission adopts, with the exceptions and amendments noted in rule 283—3.1(17A), 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.

283—3.1(17A) Additional information concerning declaratory orders. For purposes of the Uniform Rules on Agency Procedure relating to declaratory orders, the following amendments and exceptions apply:

1. In lieu of "(designate agency)", insert "college student aid commission".
2. In lieu of "(designate office)", insert "Grimes State Office Building, Second Floor, 400 East 14th Street, Des Moines, Iowa 50319-0146".
3. In lieu of "_____days (15 or less)", insert "15 days".
4. In lieu of "_____ days", insert "15 days".
5. In lieu of "(designate official by full title and address)", insert "Executive Director of the College Student Aid Commission, Iowa Department of Education, Grimes State Office Building, Second Floor, 400 East 14th Street, Des Moines, Iowa 50319-0146".

6. In lieu of "(specify office and address)", insert "Executive Director of the College Student Aid Commission, Iowa Department of Education, Grimes State Office Building, Second Floor, 400 East 14th Street, Des Moines, Iowa 50319-0146".

7. Method of service, time of filing, proof of mailing, the date of issuance of an order, and a refusal to issue an order are governed by 283—Chapter 4.

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

ARC 9740C

COLLEGE STUDENT AID COMMISSION[283]

Notice of Intended Action

Proposing rulemaking related to due process and contested cases and providing an opportunity for public comment

The College Student Aid Commission hereby proposes to rescind Chapter 4, "Due Process," to adopt a new Chapter 4, "Due Process and Contested Cases," and to rescind Chapter 5, "Contested Cases," Iowa Administrative Code.

Legal Authority for Rulemaking

This rulemaking is proposed under the authority provided in Iowa Code section 256.178.

State or Federal Law Implemented

This rulemaking implements, in whole or in part, Iowa Code section 256.178.

Purpose and Summary

The Commission proposes to rescind Chapters 4 and 5 and adopt a new Chapter 4 pursuant to Executive Order 10. Proposed Chapter 4 is proposed to consolidate the provisions from the two existing chapters. Proposed Chapter 4 explains the appeal process and contested case hearings.

The Administrative Rules Coordinator provided preclearance for the publication of this Notice of Intended Action on September 11, 2025.

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 Commission for a waiver of the discretionary provisions, if any, pursuant to 283—Chapter 7.

Public Comment

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

David Ford, Bureau Chief
Bureau of Iowa College Aid
400 East 14th Street
Des Moines, Iowa 50319
Phone: 515.901.9924
Fax: 515.242.5988
Email: david.ford@iowa.gov

Public Hearing

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

December 16, 2025 4 p.m.	Room B50 Grimes State Office Building Des Moines, Iowa
December 17, 2025 9 a.m.	Room B50 Grimes State Office Building Des Moines, Iowa

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

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

Review by Administrative Rules Review Committee

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

The following rulemaking action is proposed:

ITEM 1. Rescind 283—Chapter 4 and adopt the following **new** chapter in lieu thereof:

CHAPTER 4
DUE PROCESS AND CONTESTED CASES

283—4.1(256) Definitions. For the purposes of this chapter:

"Commission" means the college student aid commission.

"Waiver" means the same as defined in Iowa Code section 17A.9A(5).

283—4.2(256) Appeals. This rule describes procedures for appeal to commission decisions covering eligibility for state financial aid awards, adjustment in award amounts, refunds of awards, and institutional eligibility for participation in state financial aid programs.

4.2(1) Administrative staff of the commission shall make all decisions in accordance with established policies and published administrative rules approved by the commission and shall notify the concerned individual or institution of these decisions within a reasonable time after inquiry.

4.2(2) If an individual, institution, or any duly appointed representative thereof disagrees with a staff decision, written evidence setting forth the reasons for disagreement shall be presented to the executive director of the commission. The evidence must be presented within 60 days after notification of the staff decision, and the appellant may request a hearing.

a. If no hearing is requested, the executive director will consider all evidence provided and will notify the appellant within 30 days whether the decision is retracted, modified or upheld. The appellant will be advised of the appellant's right to carry the appeal to a meeting of the full commission or to an appeals panel appointed by the commission.

b. If a hearing is requested, the executive director will follow the contested case procedures in rule 283—4.3(17A).

283—4.3(17A) Incorporation by reference. The commission adopts, with the exceptions and amendments noted in rule 283—4.4(17A), 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.

283—4.4(17A) Additional information concerning contested cases. For purposes of the Uniform Rules on Agency Procedure relating to declaratory orders, the following amendments and exceptions apply:

1. In lieu of "(agency name)", insert "college student aid commission".
2. In lieu of "(designate official)", insert "Executive Director".

These rules are intended to implement Iowa Code section 256.178 and chapter 17A.

ITEM 2. Rescind and reserve **283—Chapter 5**.

ARC 9746C

COLLEGE STUDENT AID COMMISSION[283]

Notice of Intended Action

Proposing rulemaking related to public records and fair information practices and providing an opportunity for public comment

The College Student Aid Commission hereby proposes to rescind Chapter 6, "Public Records and Fair Information Practices," Iowa Administrative Code, and to adopt a new Chapter 6 with the same title.

Legal Authority for Rulemaking

This rulemaking is proposed under the authority provided in Iowa Code section 256.178.

State or Federal Law Implemented

This rulemaking implements, in whole or in part, Iowa Code section 256.178.

Purpose and Summary

The Commission proposes to rescind Chapter 6 and adopt a new Chapter 6 pursuant to Executive Order 10. New Chapter 6 is proposed to explain the process of requesting and obtaining public records from the Commission.

The Administrative Rules Coordinator provided preclearance for the publication of this Notice of Intended Action on September 11, 2025.

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 Commission for a waiver of the discretionary provisions, if any, pursuant to 283—Chapter 7.

Public Comment

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

David Ford
Bureau of Iowa College Aid
400 East 14th Street
Des Moines, Iowa 50319
Phone: 515.901.9924
Fax: 515.242.5988
Email: david.ford@iowa.gov

Public Hearing

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

December 16, 2025 4 p.m.	Room B50 Grimes State Office Building Des Moines, Iowa
December 17, 2025 9 a.m.	Room B50 Grimes State Office Building Des Moines, Iowa

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

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

Review by Administrative Rules Review Committee

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

The following rulemaking action is proposed:

ITEM 1. Rescind 283—Chapter 6 and adopt the following **new** chapter in lieu thereof:

CHAPTER 6
PUBLIC RECORDS AND FAIR INFORMATION PRACTICES

The commission hereby adopts, with the following exceptions and amendments, the Uniform Rules on Agency Procedure relating to public records and fair information practices, which are published at www.legis.iowa.gov/DOCS/Rules/Current/UniformRules.pdf on the general assembly's website.

283—6.1(17A,22) Exceptions and additions.

6.1(1) *Definition of "agency."* In lieu of the words "(official or body issuing these rules)", insert "college student aid commission".

6.1(2) *Request for access to record.* In subrule X.3(1), replace the paragraph with "Requests for access to records of the college student aid commission are to be directed to the Grimes State Office Building, Des Moines, Iowa 50319-0146, regardless of where those records are located."

6.1(3) *Office hours.* 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)" in subrule X.3(2), insert "8 a.m. to 4:30 p.m. daily, excluding Saturdays, Sundays, and legal holidays".

6.1(4) *Fees.* In paragraph X.3(7)*"c,"* in lieu of the words "(specify time period)", insert "one hour". The fee will be $60 per hour.

6.1(5) *Procedure by which additions, dissents, or objections may be entered into certain records.* In rule X.6, in lieu of the words "(designate office)", insert "the executive director of the college student aid commission".

6.1(6) *Consent to disclosure by the subject of a confidential record.* In rule X.7, add the following paragraphs:

X.7(1) A letter from a subject of a confidential record to a public official who seeks the official's intervention on behalf of the subject in a matter that involves the agency may to the extent permitted by law be treated as an authorization to release sufficient information about the subject to the official to resolve the matter.

X.7(2) The subject of a confidential record may file a written request to review confidential records about that person as provided in rule 281—5.6(22,256). However, the agency need not release records to the subject in the following circumstances:

a. The identity of a person providing information to the agency need not be disclosed directly or indirectly to the subject of the information when the information is authorized to be held confidential pursuant to Iowa Code section 22.7(18) or other provision of law.

b. Records need not be disclosed to the subject when the records are the work product of an attorney or are otherwise privileged.

c. Peace officers' investigative reports may be withheld from the subject, except as provided by the Iowa Code. More information can be found in Iowa Code section 22.7(5).

d. As otherwise authorized by law.

X.7(3) Where 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.

283—6.2(22,256) Disclosures without the consent of the subject.

6.2(1) Records that are not confidential are routinely disclosed without the consent of the subject.

6.2(2) Records that are confidential will be disclosed outside of the commission only with the consent of the subject of the record or in circumstances in which consent of the subject is not legally necessary.

6.2(3) Confidential records may be disclosed without consent of the subject to the extent allowed by law and to the extent to which the need to access the record is compatible with the purpose for which the record was collected. Purposes that fall within this guideline are considered routine uses of confidential records. Under these premises, the following are considered routine uses:

a. Disclosure to officers, employees, and agents of the commission who have a need for the record in the performance of their employment duties. The custodian of the record may, upon request of an officer or employee or on the custodian's own initiative, determine what constitutes legitimate need to use a confidential record.

b. Transfers of information within the commission, to other state agencies, or to local units of government, as appropriate, to administer the program for which the information is collected.

283—6.3(17A,22) Availability of records.

6.3(1) This rule lists the commission records that are open to the public, those that are confidential, and those that are partially open and partially confidential.

6.3(2) Commission records are listed by category, according to the legal basis for confidential treatment (if any). The commission administers federally funded programs, as well as state programs, and is authorized by Iowa Code section 22.9 to enforce confidentiality standards for federal law and regulations as are required for receipt of the funds. A single record may contain information from several categories.

6.3(3) The chart indicates whether the record contains personally identifiable information and indicates the legal authority for confidentiality and for the collection of personally identifiable information.

Abbreviations are used in the chart as follows:

Code	Meaning	Code	Meaning
O	The records are open for public inspection.	O/C	The record is partially open and partially confidential.
C	The records are confidential and are not open to public inspection.	O/E	The record is partially open to the public and partially exempt from disclosure.
E	The record is exempt from mandatory disclosure to members of the public.	O/E/C	The record is partially open to the public, partially exempt from disclosure, and partially confidential and not open to the public.
E/C	The record is exempt from mandatory disclosure to the public and is confidential and not open to public inspection.	NA	Not applicable.

DESCRIPTION OF RECORD	TYPE OF RECORD	LEGAL AUTHORITY FOR CONFIDENTIALITY	PERSONALLY IDENTIFIABLE INFORMATION	LEGAL AUTHORITY FOR INFORMATION
Records of Commission, Advisory Council, and Committees	O/E	Iowa Code 21.5	No	NA
Rulemaking	O	NA	No	NA
Declaratory Ruling Records	O/C	Iowa Code 22.7	No	NA
Rules and Policy Manuals	O	NA	No	NA
General Correspondence	O/E/C	Iowa Code 22.7	Yes	NA
Publications • General • GSL • Scholarship	O	NA	No	NA
Statistical Reports	O	NA	No	NA
Staff Reports	O	NA	No	NA
Financial & Administrative Records	O/E/C	Iowa Code 22.7	Yes	NA
Registration and Approval Records	O	NA	No	NA
Contracts and Interagency Agreements	O/C	Iowa Code 22.7(3)	No	NA
Sealed Bids Prior to Public Opening	C	Iowa Code 22.3, 22.7 and 72.3	No	NA
Appeal Records	O/C	Iowa Code 22.7	Yes	NA
Litigation Files	O/E/C	Iowa Code 22.7	Yes	NA
Privileged Communication and Products of Attorneys Representing the Commission	E/C	Iowa Code 22.7, Iowa Code of Professional Responsibility for Lawyers, Canon 4	No	NA
Individual Applicant/Recipient Records (such as those collected under the Iowa Tuition Grant and Iowa Vocational-Technical Tuition Grant Programs)	C	Iowa Code 22.7	Yes	Sec. 428[b-c] and Sec. 488[c]
State and Federal Program Records (such as those maintained under the Iowa Tuition Grant Program and the John R. Justice Student Loan Repayment Program)	O	NA	No	NA

283—6.4(22,256) Applicability. This chapter does not:

6.4(1) Compel the commission to create a record that does not otherwise exist.

6.4(2) Require the commission to index or retrieve records that contain information about individuals by that person's name or other personal identifier.

6.4(3) Make available to the general public records that would otherwise not be available under Iowa Code chapter 22.

6.4(4) Govern the maintenance, disclosure or notification of or access to records in the possession of the commission that are governed by the rules of another agency.

6.4(5) Apply to grantees, including local governments or subdivisions thereof, administering state-funded programs unless otherwise provided by law or agreement.

6.4(6) Make available records compiled by the commission in reasonable anticipation of court litigation or formal administrative proceedings. The availability of such records to the general public or to any individual or party subject to such litigation or proceedings is governed by applicable legal and constitutional principles, statutes, rules of discovery, evidentiary privileges, and applicable rules of the commission.

These rules are intended to implement Iowa Code chapter 17A.

ARC 9747C

COLLEGE STUDENT AID COMMISSION[283]

Notice of Intended Action

Proposing rulemaking related to waivers from administrative rules and providing an opportunity for public comment

The College Student Aid Commission hereby proposes to rescind Chapter 7, "Uniform Rules for Waivers," and to adopt a new Chapter 7, "Waivers from Administrative Rules," Iowa Administrative Code.

Legal Authority for Rulemaking

This rulemaking is proposed under the authority provided in Iowa Code section 256.178.

State or Federal Law Implemented

This rulemaking implements, in whole or in part, Iowa Code section 256.178.

Purpose and Summary

The Commission proposes to rescind Chapter 7 and adopt a new Chapter 7 pursuant to Executive Order 10. New Chapter 7 is proposed to explain the rule waiver process to constituents.

The Administrative Rules Coordinator provided preclearance for the publication of this Notice of Intended Action on September 11, 2025.

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 Commission for a waiver of the discretionary provisions, if any, pursuant to 283—Chapter 7.

Public Comment

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

David Ford, Bureau Chief
Bureau of Iowa College Aid
400 East 14th Street
Des Moines, Iowa 50319
Phone: 515.901.9924
Fax: 515.242.5988
Email: david.ford@iowa.gov

Public Hearing

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

December 16, 2025 4 p.m.	Room B50 Grimes State Office Building Des Moines, Iowa
December 17, 2025 9 a.m.	Room B50 Grimes State Office Building Des Moines, Iowa

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

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

Review by Administrative Rules Review Committee

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

The following rulemaking action is proposed:

ITEM 1. Rescind 283—Chapter 7 and adopt the following **new** chapter in lieu thereof:

CHAPTER 7
WAIVERS FROM ADMINISTRATIVE RULES

283—7.1(17A) Definitions. For purposes of this chapter:

"Commission" means the college student aid commission.

"Waiver" means the same as defined in Iowa Code section 17A.9A(5).

283—7.2(17A) General. The commission may grant a waiver of any administrative rule if the waiver is consistent with Iowa Code section 17A.9A.

283—7.3(17A) Criteria for waiver. In response to a petition filed pursuant to this chapter, the commission may in its sole discretion issue an order waiving in whole or in part the requirements of a rule if the commission finds, based on clear and convincing evidence, that all of the factors listed in Iowa Code section 17A.9A(2) apply.

283—7.4(17A) Filing of petition. All petitions for waiver are submitted in writing to the Executive Director, College Student Aid Commission, Department of Education, Grimes State Office Building, 400 East 14th Street, Des Moines, Iowa 50319-0146. 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.

283—7.5(17A) Content of petition. A petition for waiver includes the following information where applicable and known to the requester:

7.5(1) The name, address, and telephone number of the person for whom a waiver is being requested, and the case number of any related contested case.

7.5(2) A description and citation of the specific rule from which a waiver is requested.

7.5(3) The specific waiver requested, including the precise scope and duration.

7.5(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 includes 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.

7.5(5) A history of any prior contacts between the commission and the petitioner relating to the commission's programs, contracts, allocations, loans, grants or other activities in which the petitioner has participated or from which the petitioner has received a benefit that are affected by the proposed waiver, including a description of each affected item held by the requester and any notices of violation or noncompliance, contested case hearings, or investigative reports relating to the item within the last five years.

7.5(6) A detailed statement of the impact on student achievement for any person affected by the granting of a waiver.

7.5(7) Any information known to the requester regarding the commission's treatment of similar cases.

7.5(8) The name, address, and telephone number of any person or entity that would be adversely affected by the granting of a petition.

7.5(9) The name, address, and telephone number of any person with knowledge of the relevant facts relating to the proposed waiver.

7.5(10) Signed releases of information authorizing persons with knowledge regarding the request to furnish the commission with information relevant to the waiver.

283—7.6(17A) Additional information. Prior to issuing an order granting or denying a waiver, the executive director 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 commission or its executive director may, on its own motion or at the petitioner's request, schedule a telephonic or in-person meeting between the petitioner and the commission's executive director, a committee of the commission's staff, or a quorum or committee of the commission's board to consider the petition for waiver.

283—7.7(17A) Notice. The commission will acknowledge a petition upon receipt and ensure that, within 30 days of the 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 commission may give notice to other persons. To accomplish this notice provision, the commission may require the petitioner to serve the notice on all persons to whom notice is required by any provision of law and provide a written statement to the commission attesting that notice has been provided.

283—7.8(17A) Hearing procedures. The provisions of Iowa Code sections 17A.10 through 17A.18A regarding contested case hearings apply in three situations:

7.8(1) To any petition for a waiver filed within a contested case,

7.8(2) When provided by rule or order, or

7.8(3) When required to do so by statute.

283—7.9(17A) Ruling. An order granting or denying a waiver will be in writing and will contain a reference to the particular person and rule or portion thereof to which the order pertains, a statement of the relevant facts and reasons upon which the action is based, and a description of the precise scope and operative period of any waiver issued.

7.9(1) *General.* The final decision on whether the circumstances justify the granting of a waiver is in the sole discretion of the commission, based on the unique, individual circumstances set out in the petition.

7.9(2) *Compliance with Iowa Code standards.* The commission applies the standards and burdens in Iowa Code section 17A.9A(3).

7.9(3) *Administrative deadlines.* When the rule from which a waiver is sought establishes administrative deadlines, the commission will balance the special individual circumstances of the petitioner with the overall goal of uniform treatment of all similarly situated persons.

7.9(4) *Narrowly tailored exception.* A waiver, if granted, shall provide the narrowest exception possible to the provisions of a rule.

7.9(5) *Time period of waiver.* A waiver shall not be permanent unless the petitioner can show that a temporary waiver would be impracticable. If a temporary waiver is granted, there is no automatic right to renewal. At the sole discretion of the commission, a waiver may be renewed if the commission finds that grounds for a waiver continue to exist.

7.9(6) *Time for ruling.* The commission 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 commission 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 commission to grant or deny a petition within the required time period is deemed a denial of that petition by the commission. However, the commission remains responsible for issuing an order denying a waiver.

7.9(7) *Service of order.* Within seven days of its issuance, any order issued under this chapter is to be transmitted to the petitioner or the person to whom the order pertains, and to any other person entitled to such notice by any provision of law.

283—7.10(17A) Public availability. The commission will comply with the public availability and filing procedures of Iowa Code section 17A.9A(4).

283—7.11(17A) After issuance of a waiver.

7.11(1) *Cancellation.* A waiver issued pursuant to this chapter may be withdrawn, canceled or modified if, after appropriate notice and hearing, the commission 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 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.

7.11(2) *Violations.* A violation of conditions in the waiver approval is the equivalent of a violation of the particular rule for which the waiver is granted. As a result, the recipient of a waiver under this chapter who violates a condition of the waiver may be subject to the same remedies or penalties as a person who violates the rule at issue.

7.11(3) *Defense.* After the commission issues an order granting a waiver, the order is a defense within its terms and the specific facts indicated therein for the person to whom the order pertains in any proceeding in which the rule in question is sought to be invoked.

7.11(4) *Judicial review.* Judicial review of the commission's decision to grant or deny a waiver petition may be taken in accordance with Iowa Code chapter 17A.

These rules are intended to implement Iowa Code chapter 17A.

ARC 9768C

COLLEGE STUDENT AID COMMISSION[283]

Notice of Intended Action

Proposing rulemaking related to the Iowa tuition grant program and providing an opportunity for public comment

The College Student Aid Commission hereby proposes to amend Chapter 12, "Iowa Tuition Grant Program," Iowa Administrative Code.

Legal Authority for Rulemaking

This rulemaking is proposed under the authority provided in Iowa Code sections 256.178 and 256.189.

State or Federal Law Implemented

This rulemaking implements, in whole or in part, Iowa Code sections 256.183 through 256.190.

Purpose and Summary

The Commission proposes to amend Chapter 12 pursuant to 2025 Iowa Acts, House File 295. The proposed amendments replace references to the Higher Learning Commission with the broader accreditation authority enacted in House File 295. In addition, the rulemaking proposes a technical clarification to the definition of "program of study" to align the administrative rule language with the operation of the program.

The Administrative Rules Coordinator provided preclearance for the publication of this Notice of Intended Action on October 14, 2025.

Regulatory Analysis

A Regulatory Analysis for this rulemaking was published in the Iowa Administrative Bulletin on September 17, 2025. A public hearing was held on the following date(s):

- October 7, 2025

Fiscal Impact

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

Jobs Impact

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

Waivers

Any person who believes that the application of the discretionary provisions of this rulemaking would result in hardship or injustice to that person may petition the Commission for a waiver of the discretionary provisions, if any, pursuant to 283—Chapter 7.

Public Comment

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

David Ford, Bureau Chief
Bureau of Iowa College Aid
400 East 14th Street
Des Moines, Iowa 50319
Phone: 515.901.9924
Fax: 515.242.5988
Email: david.ford@iowa.gov

Public Hearing

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

December 16, 2025 4 p.m.	Room B50 Grimes State Office Building Des Moines, Iowa
December 17, 2025 9 a.m.	Room B50 Grimes State Office Building Des Moines, Iowa

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

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

Review by Administrative Rules Review Committee

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

The following rulemaking action is proposed:

ITEM 1. Amend rule **283—12.2(256)**, definitions of "Located in Iowa" and "Program of study," as follows:

"Located in Iowa" means a college or university is accredited by ~~the Higher Learning Commission of the North Central Association of Colleges and Schools~~ a federally recognized accreditor of postsecondary educational institutions, has made a substantial investment in a permanent Iowa campus and staff, and offers a full range of courses leading to the degrees offered by the institution as well as a full range of student services.

"Program of study" means the same as defined in rule 283—10.2(256), except that the program of study must lead to an undergraduate degree or an initial teaching license in Iowa.

ITEM 2. Amend subrule 12.5(3) as follows:

12.5(3) *Ongoing eligibility.* An accredited private institution that is participating in the Iowa tuition grant program will immediately notify the commission if its ~~higher learning commission accreditation~~ federally recognized accreditation as a postsecondary educational institution or 501(c)(3) status is lost, or if the accredited private institution will fail to meet the necessary institutional match. Failure to meet any provision in Iowa Code sections 256.183 through 256.190 or this rule may result in the immediate cessation of the institution's participation in the Iowa tuition grant and in the institution returning Iowa tuition grant funds to the commission.

ARC 9767C

COLLEGE STUDENT AID COMMISSION[283]

Notice of Intended Action

Proposing rulemaking related to health care professional incentive program and providing an opportunity for public comment

The College Student Aid Commission hereby proposes to adopt new Chapter 17, "Health Care Professional Incentive Program," Iowa Administrative Code.

Legal Authority for Rulemaking

This rulemaking is proposed under the authority provided in Iowa Code section 256.178 and 2025 Iowa Acts, House File 972.

State or Federal Law Implemented

This rulemaking implements, in whole or in part, 2025 Iowa Acts, House File 972.

Purpose and Summary

The Commission proposes to adopt new Chapter 17 pursuant to 2025 Iowa Acts, House File 972, division IV. This rulemaking defines key terms used in this chapter and explains the process used to award grants under the program.

The Administrative Rules Coordinator provided preclearance for the publication of this Notice of Intended Action on October 27, 2025.

Regulatory Analysis

A Regulatory Analysis for this rulemaking was published in the Iowa Administrative Bulletin on October 1, 2025. A public hearing was held on the following date(s):

- October 21, 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 283—Chapter 7.

Public Comment

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

David Ford, Bureau Chief
Bureau of Iowa College Aid
400 East 14th Street
Des Moines, Iowa 50319
Phone: 515.901.9924

Fax: 515.242.5988
Email: david.ford@iowa.gov

Public Hearing

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

December 16, 2025 4 p.m.	Room B50 Grimes State Office Building Des Moines, Iowa
December 17, 2025 9 a.m.	Room B50 Grimes State Office Building Des Moines, Iowa

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

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

Review by Administrative Rules Review Committee

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

The following rulemaking action is proposed:

ITEM 1. Adopt the following **new** 283—Chapter 17:

CHAPTER 17
HEALTH CARE PROFESSIONAL INCENTIVE PROGRAM

283—17.1(256) Definitions.

"Award" means the same as defined in Iowa Code section 256.222 as enacted by 2025 Iowa Acts, House File 972. The applicant will select the award type on the initial application and may change that choice if a request is provided to the commission in writing.

"Eligible applicant" means an individual who is an eligible health care professional or agrees to become an eligible health care professional, agrees to sign a program agreement, has not received an award under Iowa Code section 256.222(4) as enacted by 2025 Iowa Acts, House File 972, and agrees to complete the obligation. The eligible applicant completes applications on or before the date established by the commission.

1. The program agreement specifies the obligation and other details pertaining to the program.
2. The obligation is fulfilled by serving clients in eligible practice areas on a full-time basis for five consecutive years or on a part-time basis for seven consecutive years. Progression toward completion of the obligation is verified annually.

"Eligible health care professional" means the same as defined in Iowa Code section 256.222 as enacted by 2025 Iowa Acts, House File 972. The eligible health care professional must be licensed or board-certified to practice as an eligible health care professional before the obligation begins.

"Eligible practice area" means the same as defined in Iowa Code section 256.222 as enacted by 2025 Iowa Acts, House File 972. After an eligible applicant signs an agreement to practice in an eligible practice area, subsequent changes to eligible practice areas will not impact that applicant's continued eligibility for the program.

"Part-time" means an average of at least 30 hours, but fewer than 40 hours, per week.

283—17.2(256) Awarding of funds.

17.2(1) *Award designations.* The commission will establish the number of awards and maximum award amounts for each eligible health care profession prior to the fiscal year in which applications will be accepted and awards obligated.

17.2(2) *Selection criteria.* All eligible applicants will be considered for an award. Awards will be prioritized within each eligible health care profession according to subrule 17.2(3).

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

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

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

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

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

17.2(4) *Awarding process.*

a. The commission will provide notice of the eligibility criteria, the anticipated number of awards to be made in each eligible health care profession, the maximum award amount in each eligible health care profession and the application process annually.

b. The commission will collect applications, designate eligible applicants for awards and notify applicants of their eligibility.

c. The commission will track eligible applicants selected to receive awards through completion of their obligation. An obligation is satisfied if completed according to the criteria in Iowa Code section 256.222 as enacted by 2025 Iowa Acts, House File 972, and this rule.

d. Upon verifying completion of the obligation with the eligible health care professional's employer on an annual basis, the commission will pay the annual award.

These rules are intended to implement Iowa Code section 256.222 as enacted by 2025 Iowa Acts, House File 972.

ARC 9766C

COLLEGE STUDENT AID COMMISSION[283]

Notice of Intended Action

Proposing rulemaking related to the court reporter equipment grant program and providing an opportunity for public comment

The College Student Aid Commission hereby proposes to adopt new Chapter 19, "Court Reporter Equipment Grant Program," Iowa Administrative Code.

Legal Authority for Rulemaking

This rulemaking is proposed under the authority provided in Iowa Code section 256.178 and 2025 Iowa Acts, Senate File 647.

State or Federal Law Implemented

This rulemaking implements, in whole or in part, 2025 Iowa Acts, Senate File 647.

Purpose and Summary

The Commission proposes a new Chapter 19 pursuant to 2025 Iowa Acts, Senate File 647, division VI. The proposed rulemaking defines key terms used in this Chapter, outlines the eligibility requirements for applicants, and explains the process used to award grants under the program.

The Administrative Rules Coordinator provided preclearance for the publication of this Notice of Intended Action on October 14, 2025.

Regulatory Analysis

A Regulatory Analysis for this rulemaking was published in the Iowa Administrative Bulletin on September 17, 2025. A public hearing was held on the following date(s):

- October 7, 2025

Fiscal Impact

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

Jobs Impact

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

Waivers

Any person who believes that the application of the discretionary provisions of this rulemaking would result in hardship or injustice to that person may petition the Commission for a waiver of the discretionary provisions, if any, pursuant to 283—Chapter 7.

Public Comment

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

David Ford, Bureau Chief
Bureau of Iowa College Aid
400 East 14th Street
Des Moines, Iowa 50319
Phone: 515.901.9924
Fax: 515.242.5988
Email: david.ford@iowa.gov

Public Hearing

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

December 16, 2025 4 p.m.	Room B50 Grimes State Office Building Des Moines, Iowa
December 17, 2025 9 a.m.	Room B50 Grimes State Office Building Des Moines, Iowa

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

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

Review by Administrative Rules Review Committee

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

The following rulemaking action is proposed:

ITEM 1. Adopt the following **new** 283—Chapter 19:

CHAPTER 19
COURT REPORTER EQUIPMENT GRANT PROGRAM

283—19.1(261) Basis for aid. Assistance available under the court reporter equipment grant program is for students who are enrolled in a court reporter program at an eligible college or university.

283—19.2(261) Definitions. As used in this chapter:

"Approved program" means a court reporter program that meets the definition of an eligible program of study in 283—Chapter 10.

"Eligible institution" means a community college established under Iowa Code chapter 260C, an institution of higher learning governed by the state board of regents, or an accredited private institution as defined in Iowa Code section 256.183.

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

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

283—19.3(261) Eligible applicant. An eligible applicant is enrolled in an approved program at an eligible institution and completes the applications the college student aid commission (commission) deems necessary on or before the date established by the commission.

283—19.4(261) Awarding of funds.

19.4(1) *Selection criteria.* All eligible applicants will be considered for an award.

19.4(2) *Extent of award and maximum award.* The maximum award will be established annually by the commission but will not exceed $2,000 annually.

19.4(3) *Priority for awards.* In the event that funds available are insufficient to provide maximum awards to all eligible applicants, awards are prioritized in the following order:

a. Eligible applicants who are Iowa residents, are in their first year in the approved program, and are employed in a court-related job, by application date.

b. Eligible applicants who are not Iowa residents, are in their first year in the approved program, and are employed in a court-related job, by application date.

c. Eligible applicants who are Iowa residents, are not in their first year in the approved program, and are employed in a court-related job, by application date.

d. Eligible applicants who are not Iowa residents, are not in their first year in the approved program, and are employed in a court-related job, by application date.

19.4(4) *Awarding process.*

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

b. Eligible institutions will inform students applying for admission to the approved program of the availability of the court reporter equipment grant program.

c. The commission will designate eligible applicants for awards.

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

e. Eligible applicants will submit documentation of their court reporter equipment or software purchase to the commission.

f. The commission will reimburse the eligible applicant for court reporter equipment or software purchases in the amount of the maximum award specified under subrule 19.4(2).

g. The commission will periodically investigate and review compliance of eligible institutions participating in this program with the criteria established in Iowa Code section 256.231 as enacted by 2025 Iowa Acts, Senate File 647, division VI, and this rule.

283—19.5(261) Institutional application process. Following the first year of administration of the court reporter equipment grant program by the commission, an institution requesting to participate in the program will apply to the commission using the commission's designated application. An applicant institution will provide the commission with documentation establishing the applicant institution's eligibility as an eligible institution that offers an approved program. Applicant institutions will submit the application and documentation establishing the applicant institution's eligibility before October 1 of the year prior to the beginning of the academic year for which the applicant institution is applying for participation.

These rules are intended to implement Iowa Code section 256.231 as enacted by 2025 Iowa Acts, Senate File 647, division VI.

ARC 9769C

COLLEGE STUDENT AID COMMISSION[283]

Notice of Intended Action

Proposing rulemaking related to the Iowa national guard benefits program and providing an opportunity for public comment

The College Student Aid Commission hereby proposes to amend Chapter 20, "Iowa National Guard Benefits Programs," Iowa Administrative Code.

Legal Authority for Rulemaking

This rulemaking is proposed under the authority provided in Iowa Code section 256.178 and 2025 Iowa Acts, House File 117.

State or Federal Law Implemented

This rulemaking implements, in whole or in part, 2025 Iowa Acts, House File 117.

Purpose and Summary

The Commission proposes to amend Chapter 20 pursuant to 2025 Iowa Acts, House File 117. The proposed amendments add a definition for "educational programs" to clarify eligibility for scholarships and benefits and create a new Iowa National Guard Service Professional Qualification Scholarship designed to assist Guard members in pursuing professional credentials and qualifications necessary for specific occupations.

The Administrative Rules Coordinator provided preclearance for the publication of this Notice of Intended Action on October 27, 2025.

Regulatory Analysis

A Regulatory Analysis for this rulemaking was published in the Iowa Administrative Bulletin on October 1, 2025. A public hearing was held on the following date(s):

- October 21, 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 283—Chapter 7.

Public Comment

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

David Ford, Bureau Chief
Bureau of Iowa College Aid
400 East 14th Street
Des Moines, Iowa 50319
Phone: 515.901.9924
Fax: 515.242.5988
Email: david.ford@iowa.gov

Public Hearing

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

December 16, 2025 4 p.m.	Room B50 Grimes State Office Building Des Moines, Iowa
December 17, 2025 9 a.m.	Room B50 Grimes State Office Building Des Moines, Iowa

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

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

Review by Administrative Rules Review Committee

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

The following rulemaking action is proposed:

ITEM 1. Adopt the following **new** definition of "Educational program," in rule **283—20.1(256)**:

"Educational program" means a program of study that is approved by the adjutant general and leads to a credential as described in Iowa Code section 256.210A as enacted by 2025 Iowa Acts, House File 117.

ITEM 2. Adopt the following **new** rule 283—20.4(256):

283—20.4(256) Iowa national guard service professional qualification scholarship. In the event that the adjutant general authorizes the expenditure of unencumbered or unobligated funds from Iowa Code section 256.210(6) to provide an eligible member of the Iowa national guard who is enrolled in an educational program that meets the criteria of section 256.210A as enacted by 2025 Iowa Acts, House File 117, this rule will be used to administer authorized scholarships. The adjutant general will select program recipients, select educational programs, and authorize scholarship awards under this rule. The decision of the adjutant general is final.

20.4(1) *Eligible applicant.* An eligible applicant is an Iowa resident, as determined by the adjutant general, who enrolls in an educational program at an eligible institution and who meets the award eligibility criteria approved by the adjutant general and the following provisions:

a. Completes the applications the Iowa national guard deems necessary on or before the date established by the Iowa national guard, except that an individual who was on federal active duty at the time of an application deadline will have 30 days to apply upon return to Iowa from active duty.

b. Meets the eligibility criteria in Iowa Code section 256.210A(2) as enacted by 2025 Iowa Acts, House File 117; meets satisfactory academic progress standards; and maintains satisfactory performance of duty upon return from initial active duty training, including attending a minimum of 90 percent of scheduled drill dates and attending annual training.

20.4(2) *Awarding of funds.*

a. Selection criteria. All eligible applicants will be considered for an award.

b. Maximum award and extent of award. The adjutant general will determine the amount and extent of awards eligible applicants can receive.

(1) The maximum award will not exceed the maximum award established by the adjutant general or the tuition and testing fees charged to the eligible applicant by the eligible institution, whichever is lower.

(2) Scholarship awards within a term of enrollment will be reported to the commission within the state-defined payment period.

c. Awarding process. The commission adopts the awarding process in paragraph 20.2(2)*"c"* with the following exceptions:

(1) In lieu of "Iowa Code section 256.210(5) in subparagraph 20.2*"c"*(4)", insert "paragraph 20.4(2)*"b"*".

(2) In lieu of "Iowa Code section 256.210" in subparagraph 20.2(2)*"c"*(7), insert "Iowa Code section 256.210A as enacted by 2025 Iowa Acts, House File 117".

ARC 9759C

COLLEGE STUDENT AID COMMISSION[283]

Notice of Intended Action

Proposing rulemaking related to approval of postsecondary schools and providing an opportunity for public comment

The College Student Aid Commission hereby proposes to rescind Chapter 21, "Approval of Postsecondary Schools," Iowa Administrative Code, and to adopt a new Chapter 21 with the same title.

Legal Authority for Rulemaking

This rulemaking is proposed under the authority provided in Iowa Code sections 256.177, 256.178, 261B.3, 261B.5, 261B.8 and 261G.5.

State or Federal Law Implemented

This rulemaking implements, in whole or in part, Iowa Code sections 256.177, 261B.3, 261B.5 and 261G.5 and 34 CFR 600.9.

Purpose and Summary

The Commission proposes to rescind and adopt a new Chapter 21 pursuant to Executive Order 10. New Chapter 21 is proposed to establish standards, procedures, and oversight mechanisms by which the Commission reviews, approves, monitors, renews, or revokes the registration of postsecondary institutions seeking to operate in Iowa or participate in interstate reciprocity agreements.

The Administrative Rules Coordinator provided preclearance for the publication of this Notice of Intended Action on September 29, 2025.

Regulatory Analysis

A Regulatory Analysis for this rulemaking was published in the Iowa Administrative Bulletin on September 17, 2025. A public hearing was held on the following date(s):

- October 7, 2025

Fiscal Impact

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

Jobs Impact

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

Waivers

Any person who believes that the application of the discretionary provisions of this rulemaking would result in hardship or injustice to that person may petition the Commission for a waiver of the discretionary provisions, if any, pursuant to 283—Chapter 7.

Public Comment

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

David Ford, Bureau Chief
Bureau of Iowa College Aid
400 East 14th Street
Des Moines, Iowa 50319
Phone: 515.901.9924
Fax: 515.242.5988
Email: david.ford@iowa.gov

Public Hearing

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

December 16, 2025 4 p.m.	Room B50 Grimes State Office Building Des Moines, Iowa

December 17, 2025	Room B50
9 a.m.	Grimes State Office Building
	Des Moines, Iowa

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

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

Review by Administrative Rules Review Committee

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

The following rulemaking action is proposed:

ITEM 1. Rescind 283—Chapter 21 and adopt the following **new** chapter in lieu thereof:

CHAPTER 21
APPROVAL OF POSTSECONDARY SCHOOLS

283—21.1(261B,261G,714) Postsecondary registration, exception to registration, and participation in the commission-approved reciprocity agreement. The college student aid commission authorizes postsecondary schools to operate in Iowa and offer postsecondary programs to Iowans pursuant to Iowa Code chapters 261B and 261G and 34 CFR 600.9 as of July 1, 2025.

283—21.2(261B,261G) Definitions. As used in this chapter:

"Interstate reciprocity agreement" means the agreement the commission has entered into in order to participate in interstate reciprocity under Iowa Code chapter 261G.

"Postsecondary school" means an entity that meets any of the following provisions:

1. Meets the conditions in Iowa Code section 261B.2(5)*"a"* and *"c."*
2. Provides a postsecondary course of instruction leading to a credential.

"Postsecondary school closure" means a precipitous or abrupt closure of a postsecondary school, Iowa site, or program during a semester, school period, or term of enrollment that leaves students without an option to complete the courses or program they started and with no ability to receive credit.

"Presence" means the same as defined in Iowa Code section 261B.2 and described in Iowa Code section 261B.3(1).

"State authorization" means the process by which a postsecondary school must seek the commission's approval to operate in Iowa or offer a postsecondary course of instruction to Iowans through registration under Iowa Code chapter 261B or an exception to registration under Iowa Code section 261B.11. Postsecondary schools that are approved by the commission to operate in Iowa or offer a postsecondary course of instruction to Iowans shall receive an official written approval notification issued by the commission. This notification shall identify the institution by name as an educational institution.

283—21.3(261B,261G) State authorization types and requirements.

21.3(1) *Registration.*

a. Qualifying postsecondary schools. A degree-granting postsecondary school whose operation is primarily outside of the state but that has a presence in Iowa, or an Iowa-originating postsecondary school that does not qualify for an exception under Iowa Code section 261B.11 and that is accredited by an accrediting agency recognized and approved by the United States Department of Education or

its successor agency, will register with the commission. A postsecondary school that qualifies for an exception from registration may voluntarily submit an application under subrule 21.3(1). In addition, qualifying postsecondary schools that meet the following conditions must register to offer postsecondary education programs to Iowans:

(1) Provide distance education programs to Iowans in which the student participates in a structured field experience at a location in Iowa that is a required component of the distance education program.

(2) Compensate a party to recruit Iowans, the recruiter maintains an Iowa address, and the recruitment activities are not solely occasional or short-term events, such as college fairs or conferences.

b. Requirements. Qualifying postsecondary schools must submit information required in Iowa Code sections 256.177(7) and 261B.4 and other information requested by the commission. The commission may require a qualifying postsecondary school to submit a new application if there is a change in ownership or governance or an amendment to an existing application. In addition, a qualifying postsecondary school must:

(1) Certify to the commission that the qualifying postsecondary school's approval to operate in a state has not been revoked by the state, the qualifying postsecondary school has not been sanctioned by a state within a year prior to the date of its application, and the qualifying postsecondary school is not under investigation or bound by the terms of a judgment issued by a state's attorney general or other enforcement authority. The postsecondary school will immediately notify the commission of any pending or final sanction by an accrediting agency, state entity, state attorney general, or other enforcement authority.

(2) Certify that it is not subject to a limitation, suspension, or termination order issued by the United States Department of Education or its successor agency. The applicant postsecondary school shall provide the commission with a copy of the postsecondary school's current program participation agreement with the United States Department of Education or its successor agency.

(3) Employ at least one full-time Iowa faculty member or one program or student services coordinator at the Iowa location who is devoted to Iowa students if the postsecondary school operates a location or administrative office at a fixed location in Iowa.

(4) Provide the commission with institutional policies adopted by the postsecondary school that comply with the requirements of Iowa Code section 256.183(1)*"e"* through *"h"* and *"k."*

1. For a program in which a student's academic progress is measured only in clock hours, the postsecondary school shall provide a full refund of tuition and mandatory fees to a student who withdraws and who requests that benefit under Iowa Code section 256.183(1)*"g"* for the payment period in which the student withdrew. The payment period is determined under rules promulgated by the United States Department of Education for the disbursement of federal Stafford loan funds.

2. The employee policy for reporting suspected incidents of child physical or sexual abuse required by Iowa Code section 256.183(1)*"h"* shall apply to individuals the postsecondary school compensates to conduct activities on the postsecondary school's behalf at an Iowa location.

(5) For a covered institution under Iowa Code chapter 261F, adopt a code of conduct that complies with Iowa Code section 261F.2.

(6) For a covered institution under Iowa Code chapter 261F that offers a preferred lender list, the list meets the requirements of Iowa Code section 261F.6.

(7) Provide documentation demonstrating that a program that prepares a student for an occupation that requires professional licensure in Iowa and that the postsecondary school proposes to offer under its registration:

1. Has been approved by the appropriate state of Iowa licensing agency and accrediting agency, if such approval is required, or

2. Meets curriculum standards of the appropriate state of Iowa licensing agency such that the state of Iowa licensing agency does not require the student to complete additional coursework or practicum hours that the postsecondary school did not offer in its professional licensure preparation program.

(8) Have procedures for the preservation of student academic transcripts for a minimum period of 50 years from the point of withdrawal from or completion of the credential and publish contact information to be used by students and graduates who seek to obtain transcript information.

(9) Provide a complaint process for students to file a complaint about the postsecondary school. The postsecondary school must prominently provide on its website the link to the commission's web page for student complaints. The student must complete the postsecondary school's internal complaint or grievance process and receive a decision before filing a complaint with the commission.

(10) Comply with provisions of Iowa Code sections 714.18, 714.19, 714.23, 714.24, and 714.25, if applicable.

(11) Commit to meeting the provisions of rule 283—21.5(261B,261G) and to providing a teach-out plan or providing alternatives for students to complete their programs at other postsecondary schools and ensuring students have continued access to their transcripts if the postsecondary school closes, discontinues a program, or closes an Iowa site before students have completed their program of study.

c. Limitations and denials.

(1) A postsecondary school must meet, to the satisfaction of the commission, all requirements identified in paragraph 21.3(1)*"b."*

(2) Pursuant to Iowa Code section 256.177(7), a nonpublic postsecondary school that is required to register under subrule 21.3(1) must demonstrate that its most recent, official federal financial composite score, as calculated using the method prescribed by the United States Department of Education, is at least 1.0. A postsecondary school that does not participate in the postsecondary student financial aid programs authorized by the United States Department of Education demonstrates that its financial responsibility composite score is official by providing written confirmation of its composite score from its independent auditor. For postsecondary institutions owned and controlled by another entity, the relevant composite score will be the composite score of the parent entity, as identified by the United States Department of Education. A postsecondary school that fails to demonstrate a federal financial composite score of at least 1.0 for two successive years may be subject to restrictions on new Iowa enrollments, may be required to provide a teach-out plan pursuant to subparagraph 21.3(1)*"b"*(11), or may be required to secure a letter of credit in an amount equal to 10 percent of the tuition charged to Iowa residents during the most recently completed fiscal year.

(3) The commission may take action that includes but is not limited to limiting a postsecondary school's program offerings or enrollment or denying or revoking the postsecondary school's registration as a result of any of the following:

1. An adverse notice, warning, or other sanction issued by the postsecondary school's accrediting agency.
2. An adverse action or sanction issued by the United States Department of Education.
3. A publicly announced lawsuit filed by a state agency, a state attorney general's office, or another enforcement authority.
4. A judgment issued by a state attorney general's office or another enforcement authority.
5. Repeated complaints about a postsecondary school received from the postsecondary school's students by the commission, by another state, or by a state attorney general's office.
6. Failure to pay fees due to the commission in accordance with rule 283—21.4(261B,261G).
7. Failure to provide responses to any of the requirements in paragraph 21.3(1)*"b"* or provide evidence substantiating the postsecondary school's compliance with those requirements.
8. Other actions deemed by the commission as significant evidence that the postsecondary school should not be allowed to operate under this chapter.

d. Exceptions. Notwithstanding paragraph 21.3(1)*"a,"* a nonaccredited postsecondary school may qualify for provisional registration if the postsecondary school is authorized under subrule 21.3(2), the postsecondary school is actively seeking accreditation to offer degrees, and the accreditor requires state authorization approval before accreditation approval.

21.3(2) *Exception from registration.*

a. Qualifying postsecondary schools. A postsecondary school that meets an exception in Iowa Code section 261B.11, meets the requirements of paragraph 21.3(2)*"b,"* and has a physical location in the state of Iowa must apply for an exception from registration.

b. Requirements. A qualifying postsecondary school must submit information requested by the commission. In addition, a qualifying postsecondary school must meet the following conditions:

(1) If the postsecondary school offers a course of instruction leading to a degree, with the exception of a postsecondary school that qualifies for an exception under Iowa Code section 261B.11(1)*"h,"* the postsecondary school is accredited by an accrediting agency recognized by the United States Department of Education or its successor agency and will notify the commission of any negative changes to its accrediting status.

(2) The postsecondary school adopts institutional policies that comply with the requirements of subparagraph 21.3(1)*"b"*(4).

(3) The postsecondary school has procedures for the preservation of student academic transcripts for a minimum period of 50 years from the point of withdrawal from or completion of the credential and publishes contact information to be used by students and graduates who seek to obtain transcript information.

(4) A covered institution under Iowa Code chapter 261F adopts a code of conduct that complies with Iowa Code section 261F.2.

(5) If a covered institution under Iowa Code chapter 261F offers a preferred lender list, the list meets the requirements of Iowa Code section 261F.6.

(6) The postsecondary school provides a complaint process for students to file a complaint pursuant to subparagraph 21.3(1)*"b"*(9).

(7) The postsecondary school complies with provisions of Iowa Code sections 714.18, 714.19, 714.23, 714.24, and 714.25, if applicable.

c. Limitations and denials. The commission may take action that includes but is not limited to restricting a postsecondary school's program offerings or enrollment or denying or revoking the postsecondary school's authorization for failure to demonstrate to the commission that the postsecondary school qualifies for the exception and meets consumer protection standards established by the commission.

21.3(3) *Commission-approved interstate reciprocity agreement.*

a. Qualifying postsecondary schools. A participating resident institution pursuant to Iowa Code section 261G.2 that is accredited by an accrediting agency recognized and approved by the United States Department of Education or its successor agency may qualify to apply to the commission to participate in a commission-approved interstate reciprocity agreement.

b. Requirements. A qualifying postsecondary school must be approved under subrule 21.3(1) or subrule 21.3(2), be in compliance with Iowa Code chapters 261B and 261G, and meet the conditions of the interstate reciprocity agreement. In addition, a postsecondary school will prominently disclose on its website the postsecondary school's participation in the commission-approved interstate reciprocity agreement and provide a process for students to file a complaint pursuant to subparagraph 21.3(1)*"b"*(9).

c. Limitations and denials. A participating nonresident institution pursuant to Iowa Code section 261G.2 is not a postsecondary school that is eligible to apply to the commission to participate in a commission-approved interstate reciprocity agreement under Iowa Code chapter 261G.

283—21.4(261B,261G) Authorization fees.

21.4(1) A postsecondary school that applies for initial registration as required under subrule 21.3(1) shall remit an initial registration application fee payable to the commission in the amount of $5,000. This fee is nonrefundable regardless of the commission's decision with respect to the postsecondary school's eligibility for registration in Iowa. A postsecondary school that fails to pay the initial registration application fee shall be denied initial registration consideration.

21.4(2) A postsecondary school that is approved under subrule 21.3(1) or 21.3(3) shall remit an annual fee payable to the commission in the amount due on October 15 of each year. If a postsecondary school's authorization terminates during a year, the postsecondary school shall pay the annual fee to the commission if the postsecondary school's approval is valid as of October 15 of that year or on the date the payment is received. The annual fee is nonrefundable and will be assessed based on a postsecondary school's full-time equivalent (FTE) enrollment as follows:

a. Under 2,500 FTE – $2,000.

b. 2,500 to 9,999 FTE – $4,000.

c. 10,000 FTE or more – $6,000.

21.4(3) A postsecondary school that registers and pays fees under subrule 21.3(1) is not required to pay fees under subrule 21.3(3) if participating in the interstate reciprocity agreement.

283—21.5(261B,261G) Postsecondary school, Iowa site, or program closure.

21.5(1) A postsecondary school that is approved under subrule 21.3(1) or 21.3(2), or a degree-granting postsecondary school approved pursuant to Iowa Code section 714.18, must notify the commission in writing before the postsecondary school takes action to close the postsecondary school, close an Iowa site, or discontinue a program that is offered to Iowans.

21.5(2) If requested by the commission, the postsecondary school shall provide the following information to the commission:

a. The full name, residential address, telephone number, email address, program name, and anticipated graduation date of affected Iowa resident students or, as applicable, affected students at the postsecondary school's Iowa campus(es). The postsecondary school shall organize this list in alphabetical order by student last name.

b. Documentation of the postsecondary school's proposed notice to students.

c. The postsecondary school's specific plan to provide alternatives for affected students to complete the programs offered under the postsecondary school's state authorization, and any external approvals of the plan if applicable.

d. The postsecondary school's plan for storage and retrieval of student transcript information pursuant to subparagraphs 21.3(1)*"b"*(8) and 21.3(2)*"b"*(3).

e. Specific information about how the postsecondary school will provide transitional support to affected students.

f. Contact information for the specific entity and individual who will accept responsibility for all of the following:

(1) Ensuring that unearned federal student aid is returned to the United States Department of Education on a timely basis.

(2) Finalizing student account records and providing copies of the students' final account statements to the students and, upon request, to the commission.

(3) Collecting outstanding bills a student owes to the postsecondary school for tuition and other educational expenses.

(4) Collecting on private education loans or other institutional loans made to students by the postsecondary school and, if applicable, the postsecondary school's private preferred lender(s).

(5) Responding to inquiries from students, parents, and the commission.

21.5(3) An authorized postsecondary school that has a continuous corporate surety bond in effect pursuant to Iowa Code section 714.18 will maintain the bond until the last currently enrolled Iowa student graduates or withdraws.

21.5(4) If the commission takes action to discontinue a postsecondary school's program, close a postsecondary school's Iowa site, or terminate a postsecondary school's operation in Iowa pursuant to subparagraph 21.3(1)*"c"*(3), the postsecondary school shall provide to the commission the information in subrule 21.5(2) and shall be subject to the requirements of subrule 21.5(3).

283—21.6(261B,261G) Postsecondary school closures. In the event of a postsecondary school closure, the commission may use unobligated funds from the postsecondary registration fund, pursuant to Iowa Code section 261B.8, to assist impacted eligible students.

21.6(1) *Eligible students.* The provisions of this rule apply to Iowa resident students who were enrolled in a postsecondary educational program that leads to a recognized educational credential or were on an approved leave of absence at the time of a postsecondary school closure.

21.6(2) *Assistance to impacted eligible students.* The commission may provide the following forms of assistance to eligible students impacted by a postsecondary school closure:

a. Procure, evaluate, and store records needed to establish the validity of claims against a postsecondary school for failure to faithfully perform all contracts and agreements.

b. Pay institutional charges on behalf of Iowans who enrolled at the school.

c. Support an arrangement in which the postsecondary school provides its current students with the opportunity to complete the students' courses of study after the postsecondary school closes, including any activities designed to facilitate the transition of such students to another postsecondary educational institution.

d. Pay private educational loan debt incurred by Iowans for attendance at the postsecondary school during the enrollment term that the college closes.

e. Reimburse Iowans who enrolled at the postsecondary school for other financial loss, as determined by the commission.

21.6(3) *Claims process.* An eligible student making a claim for reimbursement under paragraph 21.16(2)*"b,""d,"* or *"e"* must contact the commission within six months of the postsecondary school closure for a claim form and provide the following supporting information and documentation:

a. Proof of enrollment at the time of postsecondary school closing.

b. Proof of attendance at the time of postsecondary school closing.

c. Proof of Iowa residency at the time of postsecondary school closing.

d. Proof of payment of private educational loan debt, tuition, fees, or other financial loss as determined by the commission.

e. Any other documentation to support a student's claim of enrollment, attendance, or payment.

21.6(4) *Approval process.* The commission will review a claim and the supporting information and documentation submitted by each eligible student seeking reimbursement under this rule. The commission may delay approval of claims for a period not to exceed one year from the date of the postsecondary school closure to ensure all claims related to a postsecondary school closure are received.

21.6(5) *Awarding of approved claims.*

a. All claims for reimbursement shall be submitted and approved within one year of the date of the postsecondary school closure.

b. Claims for reimbursement will first be made against the postsecondary school's surety bond.

c. If the postsecondary school's surety bond is insufficient to provide reimbursement to all approved claims, the postsecondary registration fund, pursuant to Iowa Code section 261B.8, may be used to reimburse any remaining approved claims.

In no case will the total approved claims related to a single postsecondary school closure exceed one-half of the unobligated balance in the postsecondary registration fund pursuant to Iowa Code section 261B.8. If the postsecondary registration fund is insufficient to cover the full amount of all approved claims, the commission shall develop a method of allocating the funds to eligible students.

21.6(6) *Appeal process.* The procedures set forth in 283—Chapter 4 will be followed in the event of an appeal to a decision by the commission.

These rules are intended to implement Iowa Code chapters 256, 261B, and 261G.

ARC 9770C

COLLEGE STUDENT AID COMMISSION[283]

Notice of Intended Action

Proposing rulemaking related to rural Iowa primary care loan repayment program and providing an opportunity for public comment

The College Student Aid Commission hereby proposes to rescind Chapter 24, "Rural Iowa Primary Care Loan Repayment Program," Iowa Administrative Code.

Legal Authority for Rulemaking

This rulemaking is proposed under the authority provided in Iowa Code sections 256.178 and 256.221.

State or Federal Law Implemented

This rulemaking implements, in whole or in part, Iowa Code section 256.221.

Purpose and Summary

The Rural Iowa Primary Care Loan Repayment Program (Iowa Code section 256.221) was repealed on July 1, 2025, by 2025 Iowa Acts, House File 972, so there is no further benefit of Chapter 24, which is proposed to be rescinded.

The Administrative Rules Coordinator provided preclearance for the publication of this Notice of Intended Action on October 14, 2025.

Regulatory Analysis

A Regulatory Analysis for this rulemaking was published in the Iowa Administrative Bulletin on September 17, 2025. A public hearing was held on the following date(s):

- October 7, 2025

Fiscal Impact

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

Jobs Impact

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

Waivers

Any person who believes that the application of the discretionary provisions of this rulemaking would result in hardship or injustice to that person may petition the Commission for a waiver of the discretionary provisions, if any, pursuant to 283—Chapter 7.

Public Comment

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

David Ford, Bureau Chief
Bureau of Iowa College Aid
400 East 14th Street
Des Moines, Iowa 50319
Phone: 515.901.9924
Fax: 515.242.5988
Email: david.ford@iowa.gov

Public Hearing

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

December 16, 2025 4 p.m.	Room B50 Grimes State Office Building Des Moines, Iowa
December 17, 2025 9 a.m.	Room B50 Grimes State Office Building Des Moines, Iowa

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

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

Review by Administrative Rules Review Committee

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

The following rulemaking action is proposed:

ITEM 1. Rescind and reserve **283—Chapter 24**.

ARC 9771C

COLLEGE STUDENT AID COMMISSION[283]

Notice of Intended Action

Proposing rulemaking related to mental health professional loan repayment program and providing an opportunity for public comment

The College Student Aid Commission hereby proposes to rescind Chapter 31, "Mental Health Professional Loan Repayment Program," Iowa Administrative Code.

Legal Authority for Rulemaking

This rulemaking is proposed under the authority provided in Iowa Code sections 256.178 and 256.225.

State or Federal Law Implemented

This rulemaking implements, in whole or in part, Iowa Code section 256.225.

Purpose and Summary

The Mental Health Professional Loan Repayment Program (Iowa Code section 256.225) was repealed on July 1, 2025, by 2025 Iowa Acts, House File 972, so there is no further benefit of Chapter 31, which is proposed to be rescinded.

The Administrative Rules Coordinator provided preclearance for the publication of this Notice of Intended Action on October 14, 2025.

Regulatory Analysis

A Regulatory Analysis for this rulemaking was published in the Iowa Administrative Bulletin on September 17, 2025. A public hearing was held on the following date(s):

- October 7, 2025

Fiscal Impact

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

Jobs Impact

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

Waivers

Any person who believes that the application of the discretionary provisions of this rulemaking would result in hardship or injustice to that person may petition the Commission for a waiver of the discretionary provisions, if any, pursuant to 283—Chapter 7.

Public Comment

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

David Ford, Bureau Chief
Bureau of Iowa College Aid
400 East 14th Street
Des Moines, Iowa 50319
Phone: 515.901.9924
Fax: 515.242.5988
Email: david.ford@iowa.gov

Public Hearing

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

December 16, 2025 4 p.m.	Room B50 Grimes State Office Building Des Moines, Iowa
December 17, 2025 9 a.m.	Room B50 Grimes State Office Building Des Moines, Iowa

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

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

Review by Administrative Rules Review Committee

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

The following rulemaking action is proposed:

ITEM 1. Rescind and reserve **283—Chapter 31**.

ARC 9748C

INSPECTIONS AND APPEALS DEPARTMENT[481]

Notice of Intended Action

Proposing rulemaking related to the audits unit and providing an opportunity for public comment

The Department of Inspections, Appeals, and Licensing hereby proposes to rescind Chapter 22, "Health Care Facility Audits," and to adopt a new Chapter 84, "Audits Unit," Iowa Administrative Code.

Legal Authority for Rulemaking

This rulemaking is proposed under the authority provided in Iowa Code section 10A.402.

State or Federal Law Implemented

This rulemaking implements, in whole or in part, Iowa Code section 10A.402 and Executive Order 10.

Purpose and Summary

This rulemaking proposes to rescind Chapter 22 and adopt a new Chapter 84. This rulemaking implements Iowa Code section 10A.402 in accordance with the goals and directives of Executive Order 10. Iowa Code section 10A.402 requires that the Department coordinate the conduct of various audits and investigations, including audits related to the administration of health care facilities.

The proposed rules implement Iowa Code section 10A.402 by setting forth the specific Iowa Administrative Code chapters with which the Department ensures compliance. The rulemaking also spells out that information compiled during the audit is confidential.

Regulatory Analysis

A Regulatory Analysis for this rulemaking was published in the Iowa Administrative Bulletin on October 1, 2025. A public hearing was held on the following date(s):

- October 21, 2025

The Department received no public comments.

Fiscal Impact

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

Jobs Impact

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

Waivers

Any person who believes that the application of the discretionary provisions of this rulemaking would result in hardship or injustice to that person may petition the Department for a waiver of the discretionary provisions, if any, pursuant to 481—Chapter 6.

Public Comment

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

Amy Oetken
Department of Inspections, Appeals, and Licensing
6200 Park Avenue, Suite 100
Des Moines, Iowa 50321
Phone: 515.672.4929
Email: amy.oetken@dia.iowa.gov

Public Hearing

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

December 16, 2025 8:30 to 9 a.m.	Ledges Conference Room 6200 Park Avenue, Suite 100 Des Moines, Iowa
December 17, 2025 2 to 2:30 p.m.	Ledges Conference Room 6200 Park Avenue, Suite 100 Des Moines, Iowa

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

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

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

Review by Administrative Rules Review Committee

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

The following rulemaking action is proposed:

ITEM 1. Rescind and reserve **481—Chapter 22**.

ITEM 2. Adopt the following **new** 481—Chapter 84:

CHAPTER 84
AUDITS UNIT

481—84.1(10A) Audit occurrence. The department, acting as an agent for the Iowa department of health and human services (HHS), audits financial records of intermediate care facilities, residential care facilities, and intermediate care facilities for the intellectually disabled on a rotating basis or upon request of HHS. Audits are intended to ensure compliance with the following Iowa Administrative Code chapters:

1. 441—Chapter 52, "Payment."
2. 441—Chapter 54, "Facility Participation."
3. 441—Chapter 81, "Nursing Facilities."
4. 441—Chapter 82, "Intermediate Care Facilities for Persons with an Intellectual Disability."

If a chapter not listed is used in an audit, the auditor will notify the facility.

481—84.2(10A) Confidentiality. All information compiled during an audit is confidential according to Iowa Code sections 10A.105 and 217.30. All inquiries to release information that is confidential under Iowa Code section 217.30 will be addressed to HHS.

84.2(1) Information may be added to an audit file by the subject of the audit when the subject notifies the Audits Unit, Department of Inspections, Appeals, and Licensing, 6200 Park Avenue, Des Moines, Iowa 50321.

84.2(2) At the conclusion of the audit, when material is returned to HHS, HHS rules regarding fair information practices prevail.

These rules are intended to implement Iowa Code sections 10A.402 and 22.11.

ARC 9749C

INSPECTIONS AND APPEALS DEPARTMENT[481]

Notice of Intended Action

Proposing rulemaking related to economic fraud control bureau and providing an opportunity for public comment

The Department of Inspections, Appeals, and Licensing hereby proposes to rescind Chapter 72, "Economic Fraud Control Bureau," and to adopt a new Chapter 82, "Economic Fraud Bureau," Iowa Administrative Code.

Legal Authority for Rulemaking

This rulemaking is proposed under the authority provided in Iowa Code section 10A.402.

State or Federal Law Implemented

This rulemaking implements, in whole or in part, Iowa Code section 10A.402; 2025 Iowa Acts, House Files 248 and 249; and Executive Order 10.

Purpose and Summary

This rulemaking proposes to rescind Chapter 72 and adopt a new Chapter 82. This rulemaking implements Iowa Code section 10A.402 and 2025 Iowa Acts, House Files 248 and 249 in accordance with the goals and directives of Executive Order 10. Iowa Code section 10A.402 requires that the Department coordinate the conduct of various audits and investigations, including audits related to the administration of health care facilities.

Iowa Code section 10A.402 provides that the Director of the Department shall coordinate the conduct of various audits and investigations, including audits related to the administration and disbursing of funding under the State Supplementary Assistance program and the Medical Assistance Program; investigations and collections relative to the liquidation of overpayment debts owed to the Department of Health and Human Services; and investigations related to the administration of the State Supplementary Assistance program, the State Medical Assistance program, the Supplemental Nutrition Assistance Program, the Family Investment Program, and any other State or federal benefit assistance program.

House File 248 adds adoption to Iowa Code chapter 91A relating to wage payment collection. House File 249 allows the Department of Homeland Security and Emergency Management to assign the power to investigate fraud and recover improperly paid-out benefits for the Iowa Individual Disaster Grants Program to the Department.

The rulemaking implements Iowa Code section 10A.402 by describing the duties of the Economic Fraud Bureau (EFB) and describing the investigation procedures.

The rulemaking implements House Files 248 and 249 by clarifying that the Department can investigate fraud if a written agreement has been entered into between the Department and an entity of the executive branch of the federal, State, or local government.

Regulatory Analysis

A Regulatory Analysis for this rulemaking was published in the Iowa Administrative Bulletin on October 1, 2025. A public hearing was held on the following date(s):

- October 21, 2025

The Department received no public comments.

Fiscal Impact

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

Jobs Impact

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

Waivers

Any person who believes that the application of the discretionary provisions of this rulemaking would result in hardship or injustice to that person may petition the Department for a waiver of the discretionary provisions, if any, pursuant to 481—Chapter 6.

Public Comment

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

Amy Oetken
Department of Inspections, Appeals, and Licensing
6200 Park Avenue, Suite 100
Des Moines, Iowa 50321
Phone: 515.672.4929
Email: amy.oetken@dia.iowa.gov

Public Hearing

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

December 16, 2025 8:30 to 9 a.m.	Ledges Conference Room 6200 Park Avenue, Suite 100 Des Moines, Iowa
December 17, 2025 2 to 2:30 p.m.	Ledges Conference Room 6200 Park Avenue, Suite 100 Des Moines, Iowa

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

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

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

Review by Administrative Rules Review Committee

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

The following rulemaking action is proposed:

ITEM 1. Rescind and reserve **481—Chapter 72**.

ITEM 2. Adopt the following **new** 481—Chapter 82:

CHAPTER 82
ECONOMIC FRAUD BUREAU

481—82.1(10A) Definitions.

"Client" means any person who has made an application for or is receiving state or federal public assistance from any state or federal agency.

"Collateral contact" means a reliable source other than the client who is knowledgeable about information relative to pertinent public assistance case factors.

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

"HHS" means the Iowa department of health and human services.

"Division" means the investigations division of the department.

"EBT" or *"electronic benefit transfer"* means the electronic process that allows a client to authorize the transfer of the client's benefits from a financial account to a retailer to pay for eligible items received. Clients are issued an EBT card similar to a bank ATM or debit card to receive and use their Supplemental Nutrition Assistance Program (SNAP) benefits.

"EBT trafficking" means the same as defined in 7 CFR 271.2.

"Intentional program violation" or *"IPV"* means the same as defined in 7 CFR 273.16(c)(1) and (2).

"Pertinent public assistance case factors" means information considered necessary to verify household composition, income, resources or any other potential program violation.

"Program violation" means action that is contrary to the rules of eligibility for any state or federal public assistance program.

"Public assistance" means the same as defined in rule 441—11.1(217), or any other state or federal assistance program.

481—82.2(10A) Economic fraud bureau (EFB or bureau). Generally, the EFB conducts investigations of public assistance fraud, if a written agreement has been entered into between the department and an entity of the executive branch of the federal, state or local government, in order to maintain integrity and accountability in the administration of public assistance benefits.

481—82.3(10A) Investigation procedures.

82.3(1) *Client contact.* The bureau may but does not have to contact the client during the course of an investigation. If the bureau contacts the client and the client does not respond, the client's nonresponse will be included in the bureau's investigation findings.

82.3(2) *Evidence gathered.* The bureau may conduct record reviews and gather evidence to verify a client's employment, wages, residence, household composition, income versus expenses, property ownership or other relevant facts.

82.3(3) *Subpoenas.* Subpoenas may be issued pursuant to Iowa Code section 10A.104 and 481—subrule 1.1(4) to obtain information necessary to an investigation. Subpoenas may be served upon the respondent of the subpoena or the respondent's registered agent as follows:

a. Personally by division personnel,

b. Via USPS mail, or

c. Via facsimile or email.

Division personnel determine the appropriate method by which the respondent is to deliver information in response to a subpoena duces tecum.

82.3(4) *Collateral contacts.* The division may use collateral contacts to collect information pertinent to an investigation or verify information provided by the client.

82.3(5) *Cooperation.* The division may cooperate with local, state or federal law enforcement agencies during investigations.

481—82.4(10A) EBT trafficking investigations. In addition to the procedures outlined in rule 481—82.3(10A), the following apply to EBT trafficking investigations.

82.4(1) *Probable cause.* Probable cause must be established before an EBT trafficking investigation may be conducted.

82.4(2) *Referrals.* Referrals to the division may come from HHS, retailers, law enforcement agencies or the general public or following the identification of questionable EBT card transactions through federal or state databases. The bureau may open an investigation without an outside referral.

481—82.5(10A) Findings. At the completion of an investigation, the bureau will transmit its findings in writing to the appropriate state or federal agency and make recommendations based on the evidence obtained or provided during the investigation.

82.5(1) *Decisions about public assistance eligibility.* The appropriate state or federal agency makes all decisions about public assistance eligibility. HHS will report the case action taken and any determination of overpayment, cost avoidance, or intentional program violation to the division.

82.5(2) *Testimony and hearings.* Staff of the division may be called to testify in administrative and legal proceedings related to an investigation, in addition to conducting EBT intentional program violation hearings.

481—82.6(10A) Confidentiality. The EFB will maintain confidentiality of investigative case information in accordance with Iowa Code sections 10A.105 and 22.7(5) and any other applicable state or federal law.

These rules are intended to implement Iowa Code sections 10A.105, 10A.402, and 10A.403.

ARC 9750C

INSPECTIONS AND APPEALS DEPARTMENT[481]

Notice of Intended Action

Proposing rulemaking related to Medicaid fraud control unit and providing an opportunity for public comment

The Department of Inspections, Appeals, and Licensing hereby proposes to rescind Chapter 73, "Medicaid Fraud Control Unit," and to adopt Chapter 83, "Medicaid Fraud Control Unit," Iowa Administrative Code.

Legal Authority for Rulemaking

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

State or Federal Law Implemented

This rulemaking implements, in whole or in part, Iowa Code sections 10A.104, 10A.105, 10A.402 and 10A.403; 42 CFR §1007.11; 45 CFR §164.512(d); and Executive Order 10.

Purpose and Summary

This rulemaking proposes to rescind Chapter 73 and adopt a new Chapter 83. This rulemaking implements Iowa Code section 10A.402 in accordance with the goals and directives of Executive Order 10.

Iowa Code section 10A.402 provides that the director of the Department shall coordinate the conduct of various audits and investigations, including investigating Medicaid fraud.

These rules provide information as to the investigatory authority and procedures of the Medicaid Fraud Control Unit (MFCU). The MFCU is tasked with the responsibility of protecting the integrity of Iowa's Medicaid program by investigating fraud, waste, and abuse committed by Medicaid providers, as well as investigating abuse/neglect of patients in health care and noninstitutional settings. The proposed rules delineate the types of investigations that fall under the MFCU's jurisdiction within its allocated state and federal authority; clarify which statutory definitions (State, federal, or both) by which the MFCU abides in its ordinary course of business; explain State and federal legal authority to obtain records and information during an investigation, including subpoena authority and how it is implemented and the confidentiality of MFCU investigatory materials.

Regulatory Analysis

A Regulatory Analysis for this rulemaking was published in the Iowa Administrative Bulletin on October 1, 2025. A public hearing was held on the following date(s):

- October 21, 2025

The Department received no public comments.

Fiscal Impact

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

Jobs Impact

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

Waivers

Any person who believes that the application of the discretionary provisions of this rulemaking would result in hardship or injustice to that person may petition the Department for a waiver of the discretionary provisions, if any, pursuant to 481—Chapter 6.

Public Comment

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

Amy Oetken
Department of Inspections, Appeals, and Licensing
6200 Park Avenue, Suite 100
Des Moines, Iowa 50321
Phone: 515.672.4929
Email: amy.oetken@dia.iowa.gov

Public Hearing

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

December 16, 2025 8:30 to 9 a.m.	Ledges Conference Room 6200 Park Avenue, Suite 100 Des Moines, Iowa
December 17, 2025 2 to 2:30 p.m.	Ledges Conference Room 6200 Park Avenue, Suite 100 Des Moines, Iowa

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

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

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

Review by Administrative Rules Review Committee

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

The following rulemaking action is proposed:

ITEM 1. Rescind and reserve **481—Chapter 73**.

ITEM 2. Adopt the following **new** 481—Chapter 83:

CHAPTER 83
MEDICAID FRAUD CONTROL UNIT

481—83.1(10A) Definitions.

"Abuse" or *"neglect"* means the same as "abuse of patients or residents" and "neglect of patients or residents" as defined in 42 CFR §1007.1 committed against:

1. A patient or resident of a health care facility as defined by 42 CFR §1007.1.
2. A resident in a board and care facility as defined by 42 CFR §1007.1.
3. A Medicaid beneficiary in a noninstitutional or other setting.

Such conduct may include but is not limited to violations under Iowa Code chapters 235B, 235E, 708, 709, 714, and 726.

"Director" means the same as defined in Iowa Code chapter 10A.

"Fraud" means the same as defined in 42 CFR §1007.1.

"Medicaid," "medical assistance program" or *"medical assistance"* means the same as defined in Iowa Code chapter 249A.

"Provider" means the same as defined in 42 CFR §1007.1.

"Unit" means the Iowa Medicaid fraud control unit.

481—83.2(10A) Investigative authority. The unit's investigative authority is found in Iowa Code chapter 10A, 42 CFR §1007.11, and 45 CFR §164.512(d).

481—83.3(10A) Access to records. The unit is authorized to request, review, and retain information and records necessary to investigate allegations within its state and federal authority. The unit is also a health oversight agency as defined by 45 CFR §164.501 and can receive protected health information pursuant to 45 CFR §164.512(d).

481—83.4(10A) Subpoenas. In addition to any subpoena provisions set forth in 481—Chapter 1, the following apply:

83.4(1) The unit may serve subpoenas during the course of an open investigation upon an individual, entity, or the individual's or entity's registered agent by:

a. Personal service.
b. U.S. mail.
c. Electronic transmission via facsimile or email.

83.4(2) The unit is authorized to determine the appropriate format and method by which the individual or entity is to provide the information in response to a subpoena duces tecum.

481—83.5(10A) Confidentiality. The unit will maintain the confidentiality of all investigative case information in accordance with Iowa Code chapters 22 and 685, 42 CFR §1007.11(f), 42 CFR Part 2, and any other applicable state or federal law.

These rules are intended to implement Iowa Code sections 10A.104(6), 10A.105, 10A.402(5), and 10A.403.

ARC 9753C

INSPECTIONS AND APPEALS DEPARTMENT[481]

Notice of Intended Action

Proposing rulemaking related to public assistance debt recovery unit and providing an opportunity for public comment

The Department of Inspections, Appeals, and Licensing hereby proposes to rescind Chapter 90, "Public Assistance Debt Recovery Unit," and to adopt new Chapter 90, "Public Assistance Debt Recovery Unit (PADRU)," Iowa Administrative Code.

Legal Authority for Rulemaking

This rulemaking is proposed under the authority provided in Iowa Code section 10A.402.

State or Federal Law Implemented

This rulemaking implements, in whole or in part, Iowa Code section 10A.402 and Executive Order 10.

Purpose and Summary

This proposed rulemaking rescinds and repromulgates Chapter 90 and implements Iowa Code section 10A.402 in accordance with Executive Order 10.

Iowa Code section 10A.402 provides that the Director of the Department shall coordinate the conduct of various audits and investigations and the collections regarding the liquidation of overpayment debts. This rulemaking sets forth the recovery-of-debt process used by the Department.

Regulatory Analysis

A Regulatory Analysis for this rulemaking was published in the Iowa Administrative Bulletin on October 1, 2025. A public hearing was held on the following date(s):

- October 21, 2025

The Department received no public comments.

Fiscal Impact

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

Jobs Impact

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

Waivers

Any person who believes that the application of the discretionary provisions of this rulemaking would result in hardship or injustice to that person may petition the Department for a waiver of the discretionary provisions, if any, pursuant to 481—Chapter 6.

Public Comment

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

Amy Oetken
Department of Inspections, Appeals, and Licensing
6200 Park Avenue, Suite 100

Des Moines, Iowa 50321
Phone: 515.672.4929
Email: amy.oetken@dia.iowa.gov

Public Hearing

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

December 16, 2025 8:30 to 9 a.m.	Ledges Conference Room 6200 Park Avenue, Suite 100 Des Moines, Iowa
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Virtual participation information will be made available on the Department's website prior to the public hearings.

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

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

Review by Administrative Rules Review Committee

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

The following rulemaking action is proposed:

ITEM 1. Rescind 481—Chapter 90 and adopt the following **new** chapter in lieu thereof:

CHAPTER 90
PUBLIC ASSISTANCE DEBT RECOVERY UNIT (PADRU)

PREAMBLE

More information related to this chapter can be found in 441—Chapter 11.

481—90.1(10A) Definitions. The following definitions apply:

"Active case" means a household that is receiving public assistance.

"Allotment reduction" means an amount withheld from a financial or SNAP benefit.

"Benefit reduction" refers to SNAP.

"Debt" means the dollar amount of public assistance, by program, received by or on behalf of a person or provider in excess of that allowed by law, rules, or regulations for any given month(s); or the dollar amount of public assistance unlawfully transferred or obtained in violation of program rules; or the dollar amount of unpaid IowaCare personal financial responsibility obligations.

"Debtor" means any person who has been determined by HHS or by the department to be responsible for the repayment of a particular public assistance debt.

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

"Economic fraud bureau" means the economic fraud bureau of the investigations division of the department.

"FIP" means the family investment program described in 441—Chapters 40, 41, 45 and 46.

"Grant reduction" refers to the FIP and to RCA.

"HHS" means the Iowa department of health and human services.

"Notice of debt" means a notice that informs the debtor that a debt in a public assistance program has occurred and identifies the debt amount, the dates on which the debt was incurred, the cause of the debt, and the options the debtor has to repay the debt (more information can be found in 441—Chapter 11).

"Public assistance" means any program that HHS administers that confers a financial, medical, or SNAP benefit.

"RCA" means refugee cash assistance as described in 441—Chapter 60.

"Recovery" means the repayment of a debt by direct cash or credit card payment from the debtor, by allotment reduction, by setoffs, or by garnishment of wages or assets.

"Repayment agreement" means the same as defined in rule 441—11.1(217).

"Setoffs" means the practice described in Iowa Code section 421.65 and 701—Chapter 26.

"SNAP" means the Supplemental Nutrition Assistance Program as defined in rule 441—65.1(234).

"Title XIX divestiture" means a debt against a person who receives transferred assets from a Medicaid applicant or recipient within five years prior to an application for medical assistance if the applicant is approved for medical assistance (Medicaid) or a transfer impacting the recovery or payment of a medical assistance (Medicaid) debt.

481—90.2(10A) Recovery process. The recovery process begins when data specifying which public assistance program(s) owed a debt is successfully entered on the designated overpayment recovery system and a notice of debt is issued to the debtor.

481—90.3(10A) Records. PADRU maintains an account for each debt that has occurred for a debtor filed under the debtor's name, including information maintained pursuant to rule 441—11.2(217).

481—90.4(10A) Debt repayment. A notice of debt pursuant to 441—subrule 11.2(2) or Form 470-0495, Agreement to Pay a Debt, is used to initiate payments of a debt. The minimum rate of payment is determined by each program unless set by a court order or otherwise negotiated by HHS. All recoveries are transmitted to the HHS cashier. Payments are made directly by cash, check, or money order or through an online payment portal by the debtor except as otherwise provided in this rule. The amount of allotment reduction for a FIP overpayment caused by an agency error will be different from the amount of allotment reduction for a client error, as determined by HHS.

90.4(1) *Active cases—PROMISE JOBS program.* For payment reduction for the PROMISE JOBS program, the debtor has to provide written permission to effectuate a FIP reduction.

90.4(2) *Active cases—FIP, RCA, SNAP.* Allotment reduction will be used, except that cash payment pursuant to a repayment agreement may be used when the repayment amount exceeds the amount that may be collected by allotment reduction.

90.4(3) *SNAP with electronic benefit balances.* SNAP payments may be made by returning electronic benefits to pay the debt.

481—90.5(10A) Further collection action. If complete repayment has not been received by the methods described in rule 481—90.4(10A), or if the repayment agreement is not returned, further collection action may be taken. This action includes but is not limited to the following:

90.5(1) *For all debts.*

a. Debts of $6,500 or less, small claims court action.

b. Debts of more than $6,500, referral to the attorney general for district court action.

c. State income tax refund setoffs in accordance with 441—Chapter 11 and Iowa Code section 421.65.

d. The filing of a claim in a debtor's estate or bankruptcy proceedings.

e. Garnishment of wages or assets.

f. Setoffs of a state warrant.

g. Distress warrants.

h. Liens.

90.5(2) *For SNAP debts.* In addition to the above actions, federal offsets may be used for the collection of SNAP debts in accordance with rule 441—11.5(234).

481—90.6(10A) Appeal rights. If a notice of debt or other notice of adverse action is received by the debtor and the debtor wishes to contest the debt, an appeal is submitted to the recovery unit or to HHS. If an appeal is submitted, the recovery process is suspended until conclusion of the appeal process outlined in 481—Chapter 9 and 441—Chapter 7.

481—90.7(10A) Data processing systems matches. The recovery unit compares information with other data processing systems to identify the location, resources, or income of a debtor. Part or all of a data processing system is used. The recovery unit uses but is not limited to using the data processing systems of the following entities:

1. Social Security Administration,
2. Department of workforce development,
3. Department of revenue,
4. Department of administrative services,
5. Department of transportation (driver's license and motor vehicle registration), and
6. Department of health and human services.

481—90.8(10A) Confidentiality. The confidentiality of records is in accordance with 441—Chapter 9.

These rules are intended to implement Iowa Code section 10A.402.

ARC 9760C

INSPECTIONS AND APPEALS DEPARTMENT[481]

Notice of Intended Action

Proposing rulemaking related to general provisions for social and charitable gambling and providing an opportunity for public comment

The Department of Inspections, Appeals, and Licensing hereby proposes to rescind Chapter 100, "General Provisions for Social and Charitable Gambling," Iowa Administrative Code, and to adopt a new Chapter 100 with the same title.

Legal Authority for Rulemaking

This rulemaking is proposed under the authority provided in Iowa Code section 99B.2.

State or Federal Law Implemented

This rulemaking implements, in whole or in part, Iowa Code section 99B.2 and Executive Order 10.

Purpose and Summary

This rulemaking proposes the repromulgation of Chapter 100. This rulemaking implements Iowa Code section 99B.2 in accordance with the goals and directives of Executive Order 10. Iowa Code section 99B.2 requires that the Department adopt rules to carry out the provisions of the chapter and may include descriptions of books, records, and accounting requirements; methods of displaying costs and explanations of games and rules; and definitions of unfair or dishonest games, acts, or practices.

The proposed rules set out the licensure standards for social and charitable gambling and describe the posting of rules. The rulemaking also provides information on appropriate prizes and games that are prohibited. The rules describe recordkeeping and reporting requirements and include information on expenses and receipts. The rulemaking further sets out requirements for raffles and standards for bingo equipment and supplies, including licensure of manufacturers and distributors.

Regulatory Analysis

A Regulatory Analysis for this rulemaking was published in the Iowa Administrative Bulletin on October 1, 2025. A public hearing was held on the following date(s):

- October 22, 2025

The Department received no public comments.

Fiscal Impact

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

Jobs Impact

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

Waivers

Any person who believes that the application of the discretionary provisions of this rulemaking would result in hardship or injustice to that person may petition the Department for a waiver of the discretionary provisions, if any, pursuant to 481—Chapter 6.

Public Comment

Any interested person may submit written or oral comments concerning this proposed rulemaking, which must be received by the Department no later than 4:30 p.m. on December 18, 2025. Comments should be directed to:

Amy Oetken
Department of Inspections, Appeals, and Licensing
6200 Park Avenue, Suite 100
Des Moines, Iowa 50321
Phone: 515.672.4929
Email: amy.oetken@dia.iowa.gov

Public Hearing

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

December 17, 2025 2 to 2:30 p.m.	Ledges Conference Room 6200 Park Avenue, Suite 100 Des Moines, Iowa
December 18, 2025 8:30 to 9 a.m.	Ledges Conference Room 6200 Park Avenue, Suite 100 Des Moines, Iowa

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

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

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

Review by Administrative Rules Review Committee

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

The following rulemaking action is proposed:

ITEM 1. Rescind 481—Chapter 100 and adopt the following **new** chapter in lieu thereof:

GAMES OF SKILL, CHANCE, BINGO AND RAFFLES

CHAPTER 100
GENERAL PROVISIONS FOR SOCIAL AND CHARITABLE GAMBLING

481—100.1(99B) Definitions. In addition to the definitions found in Iowa Code chapter 99B, and unless specifically defined in 481—Chapters 101 through 106, the following definitions apply to all social and charitable gambling rules:

"Bingo supplies and equipment" means a machine, display board, monitor, card, bingo paper, or any other implement or provision used in the conduct of the game of bingo licensed pursuant to Iowa Code chapter 99B.

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

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

"QO" means the same as "qualified organization" as defined in Iowa Code section 99B.1(29).

481—100.2(99B) Licensure. Gambling shall only occur upon receipt of a license issued by the department that shall be prominently displayed at the gambling location.

100.2(1) *Types of gambling licenses—QOs.* A QO may apply for the six following license types, each of which permits the activities listed. A QO with a one-year or two-year license may apply for a very large raffle license.

License type/ Activity type	Two-year QO	One-year QO	180-day QO	90-day QO	14-day QO	Bingo at a fair or festival
Bingo	Three occasions per week; 15 occasions per month	No	No	No	Two occasions	One occasion per day for length of fair or festival
Games of skill and chance	Unlimited carnival-style games	No	No	No	Unlimited carnival-style games	No
Game night	One per calendar month	One per calendar month	One per calendar month	One per calendar month	One per calendar month	No
Very small and small raffles	Unlimited	Unlimited	Unlimited	Unlimited	Unlimited	No
Large raffles	One per calendar year	Eight per license period, each conducted in a different county	One per calendar year	One per calendar year	One per calendar year	No
Very large raffles	One per calendar year, requires additional very large raffle license	One per calendar year, requires additional very large raffle license	No	No	No	No
Electronic raffles	One small raffle per day; one large raffle per calendar year	No	No	No	No	No

100.2(2) *Other types of gambling licenses.* There are four other types of gambling licenses:

a. One-year license for an amusement concession.

b. Two-year license for social gambling in beer and liquor establishments.

c. Two-year license for social gambling in public places.

d. Annual license for manufacturers and distributors of bingo equipment and supplies or electronic raffle systems.

100.2(3) *Unlicensed very small raffle.* Iowa Code section 99B.24(3) allows one unlicensed very small raffle per calendar year for an organization that meets the definition of a QO. The QO shall obtain permission from the department to conduct this raffle.

100.2(4) *Political action committees.* Political action committees are not QOs and are not eligible for gambling licenses.

481—100.3(99B) License application. In addition to requirements for licensure found in Iowa Code chapter 99B, the following standards apply to gambling licenses.

100.3(1) *Applications.* Applications may be completed online by visiting dial.iowa.gov and clicking on the link for "Social and Charitable Gambling." A paper application may be requested from the Social and Charitable Gambling Unit, Iowa Department of Inspections, Appeals, and Licensing, 6200 Park Avenue, Des Moines, Iowa 50321; or by calling 515.281.6848.

100.3(2) *Receipt of application.* An application shall be submitted at least 30 days before the beginning date requested.

100.3(3) *Fees.* License fees are not refundable.

100.3(4) *Documentation.* QOs applying for a charitable gambling license must submit documentation to prove tax-exempt status with the application.

100.3(5) *Application for incorrect license.* If the applicant does not apply for the appropriate license, the license fee may be applied to the appropriate license within 30 days of notification to the applicant by the department.

100.3(6) *Incomplete application submitted.* If the applicant submits an incomplete application, the application may be completed and submitted within 30 days of notification to the applicant by the department without forfeiting the fee submitted with the incomplete application.

100.3(7) *Responsible party.* The responsible party identified on the application shall sign the application or submit the online application and be a person who is authorized to make decisions on behalf of the QO.

100.3(8) *Sales tax permit.* QOs and amusement concessions licensees shall possess a sales tax permit at the time the license application is submitted. The following gambling activities are exempt from sales and local option taxes:

a. Gambling activities conducted by county and city governments.

b. Gambling activities held by the Iowa state fair, Iowa state fair authority, or Iowa state fair foundation (organized under Iowa Code chapter 173), including gambling activities that occur outside of the annual scheduled fair event.

c. Gambling activities held by a fair (as defined in Iowa Code section 174.1(2)), including gambling activities that occur outside of scheduled fair events.

d. Raffles held by a licensed QO at a fair as defined in Iowa Code section 99B.1 and pursuant to the requirements specified in Iowa Code section 99B.24.

e. Raffles, whether or not they are conducted at a fair event, where the proceeds are used to provide educational scholarships by a qualifying organization representing veterans as defined in Iowa Code section 99B.27(1)*"b."*

100.3(9) *State tax liabilities.* The applicant must have no outstanding state tax liabilities or submit with the application a copy of a negotiated repayment plan with the department of revenue and be current in all payments.

100.3(10) *Revocation—no license issued.*

a. No one involved in an organization with a gambling license revocation action pending will be granted a license similar to the license revoked.

b. No one with a gambling license currently under revocation may be issued any gambling license during the period of revocation.

c. A license will not be issued if there is a current revocation of either a gambling or a retail alcohol license for the location named on the license application.

100.3(11) *Criminal violations.* No applicant shall have been convicted of or pled guilty to a criminal violation of Iowa gambling law. No applicant shall have been convicted of a felony, federal or

state, within five years of the date of the application. For felony convictions more than five years prior to the date of the application, citizenship rights must have been restored in order for the application to be considered. The applicant may have no more than two convictions of or guilty pleas to serious or aggravated misdemeanors in the last two years.

100.3(12) *Violations of gambling law or Iowa alcoholic beverage control Act (Iowa Code chapter 123).*

a. No applicant shall have been convicted of or pled guilty to a criminal violation of Iowa gambling law.

b. No retail alcohol license shall have been suspended within the last 12 months or revoked because of a conviction of or guilty plea to a criminal violation of the Iowa alcoholic beverage control Act.

481—100.4 Reserved.

481—100.5(99B) Returned checks. If a check intended to pay for any license provided for under Iowa Code chapter 99B is not honored for payment by the bank on which the check is drafted, the department will notify the applicant of the need to provide sufficient payment before the license will be issued. An additional fee of $25 will be assessed for each dishonored check.

481—100.6(99B) Payment systems. Payment systems are authorized by Iowa Code section 99B.5 and shall comply with all applicable federal and state laws regarding payment card processing and the protection of personal information.

481—100.7(99B) Participation—game of skill, game of chance or raffle. No one who conducts a game of skill, game of chance, or raffle may participate in the game or raffle. An individual "conducts" a raffle if the individual directly participates in the mechanism of selection of the prize, such as drawing the winning entry. An individual "conducts" a game of skill or game of chance if the person is a dealer or a croupier or otherwise operates the game.

481—100.8(99B) Posted rules—games other than bingo and raffles. Rules established by the licensee shall be posted on a sign near the front of the playing area in large, easily readable print or made available electronically at each player's location before the player forfeits money to play the game and include:

1. The name and mailing address of the licensee;
2. Prices to play;
3. How winners will be determined;
4. Prize(s) or categories of prizes for each game; and
5. Description of each game, including the cost per game. For example, a game might be one opportunity to shoot and make one basket or three opportunities to shoot and make one basket.

481—100.9 Reserved.

481—100.10(99B) Rules—raffles.

100.10(1) A copy of the rules for a raffle shall be available upon request and include the following:

a. Methods of awarding a prize;

b. Prices to play, including discounts; and

c. Whether a sufficient number of entries must be sold in order for the raffle to occur, or if an alternate prize is offered when sales of entries are insufficient.

100.10(2) A licensed QO may also include in its rules items such as the policy for nonpayment of prizes.

481—100.11(99B) Prizes. Prizes are governed by the following standards.

100.11(1) *Amusement concession licensees.* The maximum prize limit for games of skill and games of chance is $950 in merchandise.

100.11(2) *QOs.* The following table provides prize limits for types of gambling conducted by QOs.

Type of gambling	Prize limits
Games of skill and games of chance	$10,000 in merchandise
Very small raffle	Cumulative value of cash prizes is $1,000 or less; or purchased merchandise is $1,000 or less; or donated merchandise is $5,000 or less
Small raffle	Cumulative value of all cash and prizes is more than $1,000 but not more than $10,000
Large raffle	Cumulative value of cash and prizes is more than $10,000 but not more than $100,000
Very large raffle	Cumulative value of cash and prizes is more than $100,000 but not more than $200,000; or the prize is real property
Single bingo game	Up to $250 cash or merchandise
Bingo jackpot	$1,000 cash or merchandise maximum on first jackpot in 24-hour period; $2,500 cash or merchandise maximum on second jackpot in 24-hour period (see Iowa Code section 99B.21(2)*"d"*)

100.11(3) *Game night.* An individual shall not spend more than $250 for entrance fees and wagers. Cash and merchandise may be awarded in an aggregate amount not to exceed $10,000. No participant shall win more than a total of $5,000.

481—100.12(99B) Games of chance—prohibited games. Slot machines and pull-tabs are unlawful for all licenses issued under Iowa Code chapter 99B. Other than during a game night, games in the following list are unlawful:

1. Punchboard,
2. Pushcard,
3. Craps,
4. Chuck-a-luck,
5. Roulette,
6. Klondike,
7. Blackjack,
8. Baccarat,
9. Equality, or
10. Three-card monte.

481—100.13(99B) Records. In addition to requirements found in Iowa Code section 99B.16, the following requirements apply.

100.13(1) *Disbursement journal.* Records of expenses and dedicated and distributed money are as follows:

a. The date of expenditure, the name of the payee, a description of the purpose of payment, the amount of payment, and the method of payment.

b. The purpose for expenditure of dedicated funds.

100.13(2) *Supporting documentation—time requirements.* Supporting documentation such as invoices or bills shall be kept for three years.

481—100.14(99B) Reports. The requirements are set forth in Iowa Code section 99B.16 and as follows.

100.14(1) A report will be submitted even if no gambling activity occurred during the reporting period.

100.14(2) Reports may be completed online by visiting dial.iowa.gov and clicking on the link for "Social and Charitable Gambling." A paper version of the annual gambling report may be obtained from the Social and Charitable Gambling Unit, Iowa Department of Inspections, Appeals, and Licensing, 6200 Park Avenue, Des Moines, Iowa 50321; or by telephone at 515.281.6848.

100.14(3) When the due date is on Saturday, Sunday, or a legal holiday, the report is due the next business day.

481—100.15(10A,17A,99B) Appeal rights. Any decision of the department may be appealed in accordance with procedures set out in 481—Chapter 10 and Iowa Code chapter 17A. When an appeal is received, the status of the license is governed by the following.

100.15(1) *Denial of untimely or insufficient renewal application.* If a renewal application is not timely or sufficient, a license may not be issued until a final decision is issued and all appeal rights have been exhausted.

100.15(2) *Denial of timely and sufficient renewal application.* If a renewal application is timely and sufficient but is denied by the department, a license remains effective until a final decision is issued and all appeal rights have been exhausted.

100.15(3) *Denial of new application.* If a new application is denied, no license may be issued until a final decision is issued and all appeal rights have been exhausted.

481—100.16(99B) Raffles. The following apply to all raffles, including electronic raffles.

100.16(1) *Timing.* The license must be in effect before promotions for the raffle can begin. The gambling event begins when the first entry is sold and ends when winning numbers are drawn. If an organization obtains a temporary license to conduct a raffle, the entirety of the raffle, including promotion, sale of entries and drawing, must fall within the time period for the temporary license.

100.16(2) *Raffle entries—sales.* Any price may be charged for a raffle entry, and the price, including any discounts, shall be the same for every purchaser. Raffle entries shall not be purchased by credit card nor be sold outside the state of Iowa. Organizations shall comply with United States Postal Service regulations restricting the sale of raffle entries through the mail. The purchaser of a raffle entry shall be provided the location, date, and time of the corresponding raffle drawing at the time of purchase.

100.16(3) *Raffle entries—discount.* A licensee may offer raffle entries for sale at a discounted rate if the discount is applied in a nondiscriminatory manner. The amount paid for entries shall not be determined by any variable characteristic, such as height, weight, or wingspan. The discount must be available to all persons throughout the duration of the raffle and posted on all promotional material.

100.16(4) *Winners.* The drawing of the winning entry shall be done in a manner that allows the purchasers to observe the drawing.

a. The date by which the prize shall be claimed will be no fewer than 14 days following the drawing. The licensed QO will make a reasonable effort to inform the winner of the drawing results during that time frame.

b. If the prize is not claimed, the licensed QO may do one of the following:

(1) Continue to draw until a winner claims the prize. Each drawing will allow the time period specified in paragraph 100.16(4)*"a"* for claiming the prize.

(2) Donate the unclaimed prize to another QO to be used for an educational, civic, public, charitable, patriotic, or religious use.

100.16(5) *Prizes.* If a prize is merchandise, its value shall be determined by the purchase price paid by the organization or donor. The prize may be a single item or several items.

481—100.17(99B) Expenses. Requirements are set forth in Iowa Code section 99B.14(1).

100.17(1) *Proof of expense.* No expense item shall be allowed without a proper receipt, paid invoice, or canceled check or be paid from an outside source. The burden of proof is on the licensee to show that all expenses were incurred exclusively and directly as a result of the gambling activity. An expense will not be considered reasonable if the amount charged significantly exceeds the prevailing rate or average retail cost of the item or service purchased.

100.17(2) *Allowed expenses.* Expenses allowed within the 40 percent limit are:

a. The license fee;

b. Rent of building or equipment;

c. Taxes (other than state and local sales tax paid on gross receipts);

d. Promotion expense;

e. Major equipment purchases;

f. Overhead expenses;

g. Worker compensation; and

h. Other expenses incurred exclusively and directly as a result of the gambling activity.

481—100.18(99B) Net receipts. Requirements are set forth in Iowa Code section 99B.14.

100.18(1) *Examples.* The following examples illustrate methods to determine net receipts, allowable expenses, and the amount requested to be dedicated and distributed.

a. Example 1. When sales tax is not included in gross receipts, sales tax need not be deducted to arrive at net receipts.

Gross receipts (excluding sales tax)	$100,000
Amount awarded as prizes	$20,000
Net receipts	$80,000
Minimum dedicated and distributed (60% of net receipts)	$48,000
Maximum expenses (40% of net receipts)	$32,000

b. Example 2. When sales tax is included in gross receipts, it is deducted to arrive at net receipts.

Gross receipts (including sales tax)	$107,000
Amount awarded as prizes	$20,000
Sales tax (7%)	$7,000
Net receipts	$80,000
Minimum dedicated and distributed (60% of net receipts)	$48,000
Maximum expenses (40% of net receipts)	$32,000

100.18(2) *Time for distribution.* Net receipts received during the calendar year shall be distributed no later than 30 days following the end of each calendar year, except as pursuant to Iowa Code section 99B.14(2)*"a."*

481—100.19(99B) Licensure of manufacturers and distributors of bingo equipment and supplies and electronic raffle systems. Requirements are set forth in Iowa Code section 99B.32.

100.19(1) Reserved.

100.19(2) *Application.* The applicant shall comply with the requirements of Iowa Code chapter 99B, administrative rules of the department, and other applicable state or federal laws. The department may require detailed information concerning the business structure and operation of the applicant, including but not limited to the following:

a. All owners, officers, and board members of the business.

b. All names under which the applicant will conduct business in the state of Iowa.

100.19(3) *Manufacturers and distributors of electronic raffle systems—additional requirements.* A manufacturer or distributor of electronic raffle systems must meet the following additional requirements in order to obtain a license.

a. Approval of certifying entity by the department. In addition to licensure, manufacturers and distributors of electronic raffle systems will be certified by an entity approved by the department. "Approved by the department" means that the entity has submitted its qualifications in writing to the director for review and has received approval in writing by the director or the director's designee.

b. Certification—requirements. Entities approved by the department to certify manufacturers and distributors of electronic raffle systems will ensure all electronic raffle systems meet the requirements of Iowa Code section 99B.25 and rule 481—100.20(99B).

c. Review of contracts—notification. The applicant will submit to the department for review at the time of application the base contract intended for use with QOs. For the duration of the license, the licensee will notify the department each time the licensee enters into a contract with a QO by submitting in writing the name of the QO and the duration of the contract. The required notification will allow the

department to verify that the QO holds a valid two-year QO license, which permits the conduct of an electronic raffle.

481—100.20(99B) Bingo supplies and equipment. Products sold within this state to a gambling license holder shall meet the following requirements:

100.20(1) Products will be manufactured and sold by an Iowa-licensed manufacturer or distributor.

100.20(2) Products will be supplies and equipment used in connection with the game of bingo as defined in Iowa Code section 99B.1. The following are noninclusive characteristics of the game of bingo to which products must conform:

a. Cards or playing faces will have spaces marked in horizontal and vertical rows. Each space will be designated by number, letter, symbol, or picture or a combination of numbers, letters, symbols, or pictures.

b. Balls or objects used to select spaces that are to be covered on the card or playing face will bear numbers, letters, symbols, or pictures or a combination of numbers, letters, symbols, or pictures corresponding to the system used for designating the spaces.

c. The bingo machine will contain a receptacle where objects or balls are placed and from which the objects or balls representing the space to be covered are selected. The selection of the balls or objects by the bingo machine will be by chance and may be either manual or mechanical.

100.20(3) Bingo cards sold in Iowa will have the manufacturer's name imprinted on the cards.

481—100.21(99B) Electronic raffles. In addition to the requirements found in Iowa Code section 99B.25, the following requirements apply to electronic raffles:

100.21(1) Reserved.

100.21(2) All entries will be included in the drawing.

100.21(3) The sale of raffle entries and the drawing of the winning entry will take place within the same calendar day.

These rules are intended to implement Iowa Code chapter 99B.

ARC 9758C

INSPECTIONS AND APPEALS DEPARTMENT[481]

Notice of Intended Action

Proposing rulemaking related to amusement concessions and providing an opportunity for public comment

The Department of Inspections, Appeals, and Licensing hereby proposes to rescind Chapter 101, "Amusement Concessions," Iowa Administrative Code, and to adopt a new Chapter 101 with the same title.

Legal Authority for Rulemaking

This rulemaking is proposed under the authority provided in Iowa Code section 99B.2.

State or Federal Law Implemented

This rulemaking implements, in whole or in part, Iowa Code section 99B.2 and Executive Order 10.

Purpose and Summary

This rulemaking proposes the repromulgation of Chapter 101. This rulemaking implements Iowa Code section 99B.2 in accordance with the goals and directives of Executive Order 10. Iowa Code section 99B.2 requires that the Department adopt rules to carry out the provisions of the chapter and may include descriptions of books, records, and accounting requirements; methods of displaying costs and explanations of games and rules; and definitions of unfair or dishonest games, acts, or practices.

The rulemaking implements the aforementioned Iowa Code section by setting forth licensing standards for amusement concessions and specifying that prizes must be merchandise.

Regulatory Analysis

A Regulatory Analysis for this rulemaking was published in the Iowa Administrative Bulletin on October 1, 2025. A public hearing was held on the following date(s):

- October 22, 2025

The Department received no public comments.

Fiscal Impact

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

Jobs Impact

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

Waivers

Any person who believes that the application of the discretionary provisions of this rulemaking would result in hardship or injustice to that person may petition the Department for a waiver of the discretionary provisions, if any, pursuant to 481—Chapter 6.

Public Comment

Any interested person may submit written or oral comments concerning this proposed rulemaking, which must be received by the Department no later than 4:30 p.m. on December 18, 2025. Comments should be directed to:

Amy Oetken
Department of Inspections, Appeals, and Licensing
6200 Park Avenue, Suite 100
Des Moines, Iowa 50321
Phone: 515.672.4929
Email: amy.oetken@dia.iowa.gov

Public Hearing

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

December 17, 2025 11 to 11:30 a.m.	Ledges Conference Room 6200 Park Avenue, Suite 100 Des Moines, Iowa
December 18, 2025 8:30 to 9 a.m.	Ledges Conference Room 6200 Park Avenue, Suite 100 Des Moines, Iowa

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

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

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

Review by Administrative Rules Review Committee

The Administrative Rules Review Committee, a bipartisan legislative committee which oversees rulemaking by executive branch agencies, may, on its own motion or on written request by any individual or group, review this rulemaking at its regular monthly meeting or at a special meeting.

The Committee's meetings are open to the public, and interested persons may be heard as provided in Iowa Code section 17A.8(6).

The following rulemaking action is proposed:

ITEM 1. Rescind 481—Chapter 101 and adopt the following **new** chapter in lieu thereof:

CHAPTER 101
AMUSEMENT CONCESSIONS

481—101.1(99B) License requirements. No games shall be conducted until an application is approved and a license is issued in accordance with 481—Chapter 100.

101.1(1) A gambling license is required for each amusement concession game, with the name and description of the game attached to the application.

101.1(2) The person conducting an amusement concession, for the purposes of licensure, is the owner of the amusement concession.

481—101.2(99B) Prizes. All prizes shall be merchandise.

These rules are intended to implement Iowa Code section 99B.31.

ARC 9757C

INSPECTIONS AND APPEALS DEPARTMENT[481]

Notice of Intended Action

Proposing rulemaking related to general provisions for all amusement devices and providing an opportunity for public comment

The Department of Inspections, Appeals, and Licensing hereby proposes to rescind Chapter 104, "General Provisions for All Amusement Devices," Iowa Administrative Code, and to adopt a new Chapter 104 with the same title.

Legal Authority for Rulemaking

This rulemaking is proposed under the authority provided in Iowa Code section 99B.2.

State or Federal Law Implemented

This rulemaking implements, in whole or in part, Iowa Code section 99B.2 and Executive Order 10.

Purpose and Summary

This rulemaking proposes the repromulgation of Chapter 104. This rulemaking implements Iowa Code section 99B.2 in accordance with the goals and directives of Executive Order 10. Iowa Code section 99B.2 requires that the Department adopt rules to carry out the provisions of the chapter and may include descriptions of books, records, and accounting requirements; methods of displaying costs and explanations of games and rules; and definitions of unfair or dishonest games, acts, or practices.

The proposed rules set out the standards for devices and the prizes that can be issued. The rulemaking further sets forth games and devices that are not allowed. Finally, the rulemaking sets forth that registration is required and explains the potential violations for failure to comply.

Regulatory Analysis

A Regulatory Analysis for this rulemaking was published in the Iowa Administrative Bulletin on October 1, 2025. A public hearing was held on the following date(s):

- October 22, 2025

The Department received no public comments.

Fiscal Impact

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

Jobs Impact

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

Waivers

Any person who believes that the application of the discretionary provisions of this rulemaking would result in hardship or injustice to that person may petition the Department for a waiver of the discretionary provisions, if any, pursuant to 481—Chapter 6.

Public Comment

Any interested person may submit written or oral comments concerning this proposed rulemaking, which must be received by the Department no later than 4:30 p.m. on December 18, 2025. Comments should be directed to:

Amy Oetken
Department of Inspections, Appeals, and Licensing
6200 Park Avenue, Suite 100
Des Moines, Iowa 50321
Phone: 515.672.4929
Email: amy.oetken@dia.iowa.gov

Public Hearing

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

December 17, 2025 11 a.m.	Ledges Conference Room 6200 Park Avenue, Suite 100 Des Moines, Iowa
December 18, 2025 8:30 to 9 a.m.	Ledges Conference Room 6200 Park Avenue, Suite 100 Des Moines, Iowa

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

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

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

Review by Administrative Rules Review Committee

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

The following rulemaking action is proposed:

ITEM 1. Rescind 481—Chapter 104 and adopt the following **new** chapter in lieu thereof:

CHAPTER 104
GENERAL PROVISIONS FOR ALL AMUSEMENT DEVICES

481—104.1(10A,99B) Definitions. Definitions in rules 481—100.1(10A,99B) and 481—105.1(10A,99B) are incorporated by reference in this chapter, along with the following definitions:

"Amusement device" means the same as defined in Iowa Code section 99B.1(2). An amusement device is not a device that plays poker, blackjack, roulette, or keno. Devices specified in Iowa Code section 725.9 as gambling devices are not amusement devices.

"Gambling device" means the same as defined in Iowa Code section 725.9(2) and does not include devices that do not comply with Iowa Code chapter 99B.

"Knock-off switch" means a mechanism or other method that releases free games or credits accumulated toward the award of merchandise.

"Prize" means a ticket(s) or token(s) that is dispensed by an amusement device as an award for use.

"Progressive games" means games in which the value of the prizes increases an incremental amount with each game.

"Slot machine" means a mechanical, electronic, or video gambling device into which a player deposits coins, tokens or currency and from which certain credits, tickets, tokens or coins are paid out when a particular, random configuration of symbols appears on the reels, simulated reels, or screen of the device. The slot machine may have a lever, buttons, or other means to activate or stop the play.

481—104.2(99B) Device restrictions. All amusement devices shall comply with Iowa Code section 99B.52 and the following:

104.2(1) The device will be electrical, which includes both electronic and video, or mechanical, or a combination of both.

104.2(2) The device will not be designed or adapted to issue or pay coins or currency.

104.2(3) The device may be designed or adapted to award merchandise or tickets or tokens redeemable for merchandise.

104.2(4) The device may be designed or adapted to issue tickets or tokens except tickets or tokens that may be used to play any device or game.

104.2(5) The device will not have a knock-off switch. Credits may be released by the insertion of coins, currency, or tokens to activate a new game. Free games may only be utilized for playing the device and not released in any other manner.

104.2(6) The device will be designed or adapted to accept only coins, currency, or tokens to play the game.

481—104.3(99B) Prohibited games/devices.

104.3(1) The following games or devices are not permitted:

a. Gambling games permitted in Iowa Code chapter 99F.

b. Any machine that does not conform to the requirements in these rules or Iowa Code chapter 99B.

c. Any machine designed like or resembling a machine that is normally used for casino-type gambling.

d. Amusement devices designed or adapted to facilitate gambling.

e. Progressive games.

104.3(2) This rule does not prohibit the possession of antique slot machines when possessed pursuant to Iowa Code chapter 725.

481—104.4(99B) Prizes. Prizes not to exceed a retail value of $50 per play or game may be awarded for use of an amusement device.

104.4(1) Merchandise with a retail value of no more than $50 per transaction may be awarded.

104.4(2) One or more free games may be awarded by the device.

104.4(3) If the device is designed or adapted to issue tickets or tokens, the following shall apply:

a. Tickets or tokens will not be used to purchase or play a game.

b. Tickets or tokens will not be redeemed for coins or currency.

c. Tickets or tokens may be redeemed for merchandise.

d. Tickets or tokens may be accumulated to the maximum allowable prize limit per play or game to purchase merchandise.

e. Tickets or tokens may be redeemed for food and beverage.

f. If the entire amount of the ticket or token issued by the amusement device is not redeemed for merchandise, the balance will not be redeemed for cash.

g. Tickets or tokens will only be redeemed on the premises where the amusement device is located and only for merchandise sold in the normal course of business on the premises.

104.4(4) Merchandise prizes shall not be repurchased.

481—104.5(99B) Registration. An amusement device must be registered in compliance with Iowa Code section 99B.53. Registration is required if chance plays a role equal to or greater than the players' skill or knowledge in determining the outcome of the game. Additional licenses or registrations under Iowa Code chapter 99B are not required.

481—104.6(99B) Violations.

104.6(1) Failure to comply with the limitations imposed on the use and possession of amusement devices in Iowa Code chapter 99B constitutes unlawful gambling, which may result in the following consequences:

a. Conviction for illegal gambling under the provisions of Iowa Code chapter 725.

b. Forfeiture of property under the provisions of Iowa Code chapter 809.

104.6(2) Additional consequences apply for registered amusement devices pursuant to 481—Chapter 105.

481—104.7(99B,17A) Declaratory orders. In addition to the requirements for declaratory orders found in 481—Chapter 3, parties seeking a declaratory order shall file with their petition a written evaluation of the game by an independent gaming laboratory approved by the department.

104.7(1) *Approved by the department.* "Approved by the department" means that the gaming laboratory has submitted its qualifications in writing to the director for review and approval in writing by the director or the director's designee.

104.7(2) *Written evaluation—requirements.* The independent gaming laboratory's evaluation must analyze whether chance plays a role equal to or greater than the players' skill or knowledge in determining the outcome of the game. "Outcome of the game" includes both whether the player correctly solves the puzzle and what prize is awarded.

These rules are intended to implement Iowa Code sections 99B.1, 99B.2, and 99B.51 through 99B.58.

ARC 9756C

INSPECTIONS AND APPEALS DEPARTMENT[481]

Notice of Intended Action

Proposing rulemaking related to registered amusement devices and providing an opportunity for public comment

The Department of Inspections, Appeals, and Licensing hereby proposes to rescind Chapter 105, "Registered Amusement Devices," Iowa Administrative Code, and to adopt a new Chapter 105 with the same title.

Legal Authority for Rulemaking

This rulemaking is proposed under the authority provided in Iowa Code section 99B.2.

State or Federal Law Implemented

This rulemaking implements, in whole or in part, Iowa Code section 99B.2 and Executive Order 10.

Purpose and Summary

This rulemaking proposes the repromulgation of Chapter 105. This rulemaking implements Iowa Code section 99B.2 in accordance with the goals and directives of Executive Order 10. Iowa Code section 99B.2 requires that the Department adopt rules to carry out the provisions of the chapter and may include descriptions of books, records, and accounting requirements; methods of displaying costs and explanations of games and rules; and definitions of unfair or dishonest games, acts, or practices.

The proposed rules set out standards for registered amusement devices to ensure that the devices are fair and honest.

Regulatory Analysis

A Regulatory Analysis for this rulemaking was published in the Iowa Administrative Bulletin on October 1, 2025. A public hearing was held on the following date(s):

- October 22, 2025

The Department received no public comments.

Fiscal Impact

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

Jobs Impact

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

Waivers

Any person who believes that the application of the discretionary provisions of this rulemaking would result in hardship or injustice to that person may petition the Department for a waiver of the discretionary provisions, if any, pursuant to 481—Chapter 6.

Public Comment

Any interested person may submit written or oral comments concerning this proposed rulemaking, which must be received by the Department no later than 4:30 p.m. on December 18, 2025. Comments should be directed to:

Amy Oetken
Department of Inspections, Appeals, and Licensing
6200 Park Avenue, Suite 100
Des Moines, Iowa 50321
Phone: 515.672.4929
Email: amy.oetken@dia.iowa.gov

Public Hearing

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

December 17, 2025 11 to 11:30 a.m.	Ledges Conference Room 6200 Park Avenue, Suite 100 Des Moines, Iowa

December 18, 2025 8:30 to 9 a.m.	Ledges Conference Room 6200 Park Avenue, Suite 100 Des Moines, Iowa

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

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

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

Review by Administrative Rules Review Committee

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

The following rulemaking action is proposed:

ITEM 1. Rescind 481—Chapter 105 and adopt the following **new** chapter in lieu thereof:

CHAPTER 105
REGISTERED AMUSEMENT DEVICES

481—105.1(10A,99B) Definitions. The definitions in Iowa Code section 99B.51 and rule 481—104.1(10A,99B) are incorporated by reference in this chapter. In addition, the following definitions apply to the possession and use of registered amusement devices.

"Counting mechanism" means an appliance that tallies the volume of business of an individual amusement device.

"Distributes" means to deliver, to provide or to otherwise make available in Iowa amusement devices required to be registered in accordance with these rules.

"Operation" means that a registered amusement device is made available for use by the public or made available for use on the premises of a charitable organization.

"Person" means a person as defined by Iowa Code section 4.1.

"Premises" means a location where one or more registered amusement devices is available for public use.

"Registered amusement device" means an electrical or mechanical amusement device in operation subject to registration by the department pursuant to Iowa Code section 99B.53 and includes both the external and internal components.

"Responsible party" means the owner of the amusement device.

"Security mechanism" means an appliance that prevents a person from operating an electrical or mechanical amusement device by not allowing the acceptance of money until action is taken by the owner or owner's designee to allow the person to operate the device.

481—105.2(99B) Registered amusement devices. Each registered amusement device shall only be located on premises as described in Iowa Code section 99B.53.

105.2(1) Any change in the registered amusement device constitutes a new registered amusement device for which registration is required. The word "change" does not include repairs or replacement of parts that do not change or alter the operation of the device as originally registered.

105.2(2) If the amusement device needs to be repaired, the owner may repair it without losing the registration position or buying a new registration tag. A repair constitutes any change to a device as long as the type of game and the number of devices in a location is not changed. If the repairs or replacement

parts alter the operation of the device as originally registered, the device must be reregistered before being made available for operation. If an amusement device needs to be replaced because it is defective, it must be replaced with the same game in order to keep the registration position.

105.2(3) Reserved.

105.2(4) An amusement device registration position becomes available under the following circumstances:

a. When a distributor or owner:

(1) Is going out of business,

(2) Fails to renew a registration by the renewal due date, or

(3) Has an electrical or mechanical device seized by law enforcement and the seizure is upheld through a forfeiture hearing.

b. When an amusement device is replaced with a new amusement device that has a different game.

c. When any other legal order has been issued that pertains to violations of Iowa Code chapter 99B, 123, or 123A.

105.2(5) Premises with a Class "B" or Class "E" retail alcohol license shall post a sign near a registered amusement device stating that a person must be 21 years of age or older to operate the registered amusement device and the premises shall ask for ID prior to disengaging the security mechanism.

105.2(6) Reserved.

105.2(7) If the department, or the department's designee, determines that a registered amusement device is not in compliance with the requirements of this chapter or any other provision of Iowa law, the device may be subject to seizure, and any registration associated with the device, including the registration of the manufacturer, distributor, or owner, may be revoked or suspended.

105.2(8) Situations that constitute advertising and promoting as restricted by Iowa Code section 99B.53(12) include but are not limited to posted signs, newspaper/magazine advertisements, radio and television advertisements, word of mouth and Internet posting.

105.2(9) If there is no amusement device registration availability, a person may be included on a waiting list for an amusement device registration position.

a. A person shall appear on the waiting list only once for a single registration position.

b. A person may be added to the waiting list by sending an email to gmms@dia.iowa.gov or by writing the department at Department of Inspections, Appeals, and Licensing, Social and Charitable Gambling Unit, 6200 Park Avenue, Des Moines, Iowa 50319-0083; or by calling 515.281.6840.

c. The department will maintain the waiting list in chronological order.

d. When a registration position becomes available, the department will notify the first person on the waiting list of the amusement device registration availability by mail or email. If multiple positions become available, the department may notify as many persons on the waiting list as there are available positions.

e. The person on the waiting list shall have ten days from the time the notification was sent to submit a registered amusement device application and the fee.

f. If the person does not submit the registration application, fee and proof of purchase within ten days, the person shall forfeit the position on the waiting list and be removed from the waiting list.

105.2(10) An initial amusement device registration shall only be allowed at a location that has a Class "C," special Class "C," Class "D," or Class "F" retail alcohol license issued pursuant to Iowa Code chapter 123.

105.2(11) If a person purchases an amusement device that is registered with the department, the registration tag, if available, must be removed from the purchased amusement device and returned to the department or the department notified in writing within ten calendar days of the change in ownership. The purchased device will be removed from the inventory of the original owner, thus creating a registration position on the waiting list. The purchaser must apply for a registration position on the waiting list for the device.

105.2(12) An amusement device that is registered with the department and located in a warehouse may be placed in a location that has a Class "C," special Class "C," Class "D," or Class "F" retail

alcohol license issued pursuant to Iowa Code chapter 123. Such a device may also be used as a replacement device.

105.2(13) The registration application for all new amusement devices must be accompanied by the receipt, invoice, or bill of sale containing the seller's name, company name, and address, transaction date, motherboard serial number, and name of the game.

105.2(14) Devices shall not allow for more than one player. Each playing position constitutes one amusement device.

481—105.3(99B) Prohibited registered amusement devices. The following devices are prohibited:

1. Amusement devices registered in violation of statutory or regulatory requirements governing such devices.
2. Registered amusement devices that are prohibited by rule 481—104.3(99B).
3. Any registered amusement device designed or adapted to facilitate gambling.

481—105.4(99B) Prizes. Prizes may be awarded for use of a registered amusement device in conformance with rule 481—104.4(99B).

481—105.5(99B) Registration by a manufacturer, distributor, or an owner that operates for profit. A person engaged in business in Iowa as a manufacturer, a distributor, or an owner that operates for profit shall be registered with the department prior to engaging in business in Iowa. A person shall register under each of the categories that applies to the business to be conducted in Iowa and pay the designated fee for each category of registration as set forth in Iowa Code section 99B.56.

105.5(1) Reserved.

105.5(2) Registration forms are available from the Department of Inspections, Appeals, and Licensing, Social and Charitable Gambling Unit, 6200 Park Avenue, Des Moines, Iowa 50321; or by telephone at 515.281.6840.

105.5(3) If registration information changes, the person shall notify the department in writing of the changes within ten calendar days.

105.5(4) Registration fees are nonrefundable.

481—105.6(99B) Registration of registered amusement devices. Each owner of an amusement device subject to registration by the department pursuant to Iowa Code section 99B.53 shall obtain a registration before the amusement device is available for operation. A registration issued pursuant to Iowa Code chapter 99B is required to offer a registered amusement device for use.

105.6(1) Reserved.

105.6(2) In the event a registration position is not open, the distributor's or owner's name may be placed on the department's waiting list. The distributor or owner will be notified by the department when a position is available. Upon the distributor's or owner's completion of the application form and payment of the required fee, the department will issue a registration tag valid for one year from the date of issuance.

a. Application forms are available from the Department of Inspections, Appeals, and Licensing, Amusement Devices, 6200 Park Avenue, Des Moines, Iowa 50321. The application form shall contain all information required by the department.

b. Prior to placement of the amusement device for public use, the registration tag shall be prominently displayed on the front of the registered amusement device in such a manner as to be clearly visible to the general public.

c. Any changes to the information provided on the application, including but not limited to changes in ownership, registered amusement device location, and the cessation of business in this state, shall be reported to the department in writing or electronically within ten calendar days of the occurrence of any of the above events.

d. Registration fees are nonrefundable.

105.6(3) A new registered amusement device must be obtained from a manufacturer that is registered with the department pursuant to Iowa Code section 99B.56. A registered amusement device

that has been placed on location and used may be obtained from a manufacturer, distributor or owner that is registered with the department pursuant to Iowa Code section 99B.56. A distributor or owner that ceases, for any reason, to be registered pursuant to Iowa Code section 99B.56 may sell any registered amusement devices in the distributor's or owner's possession within 12 months from the date registration ceases. For all amusement devices new to the purchaser, proof of purchase, which includes the seller's name, company name, and address, must accompany the application for registration of the machine.

105.6(4) Reserved.

105.6(5) Each electrical or mechanical amusement device required to be registered pursuant to Iowa Code section 99B.53 shall include on the amusement device a counting mechanism.

a. The department of inspections, appeals, and licensing or the department of public safety will notify the distributor, owner, or qualified organization in advance to have access to the information provided by the counting mechanism.

b. The counting mechanism shall be at least six digits in length; and cumulatively count the total amounts inserted in the device during game play. If the mechanism being used tallies in dollars and cents, at least six digits must be used for the dollar amount. The counting mechanism shall not be able to be reset.

c. The counting mechanism shall be equipped with a battery backup, or an equivalent, and accurately maintain all required information for 30 days after power is discontinued from the device.

105.6(6) The owner of the registered amusement device shall exercise due diligence in ensuring that the amusement device complies with these rules and all laws governing such devices. Upon request by the department or the department's designee, any manufacturer or distributor registered with the department, or any owner of a registered device, shall permit the inspection of any amusement device and make available for inspection all records, documents, and agreements pertaining to the amusement device.

481—105.7(99B) Violations. Failure to comply with the limitations imposed on the use and possession of registered amusement devices in Iowa Code chapter 99B may result in the following:

1. Conviction for illegal gambling may result under the provisions of Iowa Code chapter 725.
2. Suspension or revocation of a retail alcohol license may result under the provisions of Iowa Code chapter 123.
3. Property may be forfeited under the provisions of Iowa Code chapter 809.
4. Violation of any laws pertaining to gambling may result in suspension or revocation of a registration as prescribed in Iowa Code section 99B.55.
5. Unless otherwise prescribed in Iowa Code section 99B.55, a registration may be revoked upon the violation of any gambling law, rule or regulation, including Iowa Code chapter 99B, 481—Chapter 104, or this chapter.
6. A registration may be revoked if the registrant or an agent of the registrant engages in any act or omission that would have permitted the department to refuse to issue a registration under Iowa Code chapter 99B.

481—105.8(10A,99B) Appeal rights. Decisions to refuse to issue a registration or to revoke a registration by the department may be appealed in accordance with the procedures set out in 481—Chapter 9. The refusal to issue a registration or the notice of revocation will be in writing and state the specific grounds for the action. When an appeal is received, the status of the registration is governed by the following standards:

105.8(1) No registration will be issued when a new application is denied.

105.8(2) A previously issued registration remains effective until a final agency decision is issued.

481—105.9(10A,99B) Procedure for denial, revocation, or suspension of a registration.

105.9(1) The department may revoke, suspend, or deny a registration issued pursuant to Iowa Code section 99B.56 for cause following 30 days' written notice delivered by certified mail, return receipt requested, or by personal service and an opportunity for hearing pursuant to 481—105.8(10A,99B).

105.9(2) If the registrant has not requested a hearing within the prescribed time period, the department may affirm, modify or set aside the department's proposed action in the department's final written decision.

105.9(3) The department may suspend a registration prior to a hearing if the director determines that the public integrity of the registered activity is compromised or that there is a risk to public health, safety, or welfare.

105.9(4) The department may rescind the notice of revocation, suspension, or denial at any point prior to hearing when the department becomes satisfied that the reasons for revocation, suspension, or denial have been or will be removed.

105.9(5) The department will send by certified mail, return receipt requested, or serve personally upon the applicant or registrant a copy of the department's final decision.

105.9(6) If the department finds cause for denial of a registration, the applicant shall not reapply for registration of an amusement device for two years.

105.9(7) If the department finds cause for revocation or suspension, the department shall suspend or revoke the registration for a period not to exceed two years.

105.9(8) In addition to the suspension or revocation, a registrant that allows an individual under the age of 21 to operate an electrical or mechanical amusement device may also be fined for a scheduled violation pursuant to Iowa Code section 805.8C(4) and 805.8C(5).

481—105.10(99B) Annual verification of device location. Each distributor or owner that owns amusement devices shall, with the annual distributor or owner registration, verify all device locations.

481—105.11(99B) Criteria for approval or denial of a registration.

105.11(1) The department will consider the responsible person's history of compliance with Iowa Code sections 99B.51 through 99B.58 and other gambling laws and rules in determining whether to approve or deny an application for registration of an amusement device, a manufacturer, a distributor, or an owner.

105.11(2) The department will deny a registration application if the registration does not comply with Iowa Code section 99B.52 and the following:

a. The applicant owes back taxes or fees to the state of Iowa.

b. An amusement device registration availability position is not available.

c. For any other reason, the department deems denial of the registration appropriate.

105.11(3) The period for refusal to issue a registration shall not exceed two years.

481—105.12(10A,99B) Suspension or revocation of a registration. If the responsible party violates the law, including Iowa Code chapter 99B, 481—Chapter 104, this chapter, or any other laws or administrative rules, the registrant's registration may be suspended or revoked.

These rules are intended to implement Iowa Code sections 99B.1, 99B.2 and 99B.51 through 99B.58.

ARC 9755C

INSPECTIONS AND APPEALS DEPARTMENT[481]

Notice of Intended Action

Proposing rulemaking related to card game tournaments by veterans organizations and providing an opportunity for public comment

The Department of Inspections, Appeals, and Licensing hereby proposes to rescind Chapter 106, "Card Game Tournaments by Veterans Organizations," Iowa Administrative Code, and to adopt a new Chapter 106 with the same title.

Legal Authority for Rulemaking

This rulemaking is proposed under the authority provided in Iowa Code section 99B.2.

State or Federal Law Implemented

This rulemaking implements, in whole or in part, Iowa Code chapter 99B and Executive Order 10.

Purpose and Summary

This rulemaking proposes the repromulgation of Chapter 106. This rulemaking implements Iowa Code section 99B.2 in accordance with the goals and directives of Executive Order 10. Iowa Code section 99B.2 requires that the Department adopt rules to carry out the provisions of the chapter and may include descriptions of books, records, and accounting requirements; methods of displaying costs and explanations of games and rules; and definitions of unfair or dishonest games, acts, or practices.

The proposed rules set out the rules for card game tournaments and explain where recordkeeping, application, and licensing requirements can be found.

Regulatory Analysis

A Regulatory Analysis for this rulemaking was published in the Iowa Administrative Bulletin on October 1, 2025. A public hearing was held on the following date(s):

- October 22, 2025

The Department received no public comments.

Fiscal Impact

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

Jobs Impact

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

Waivers

Any person who believes that the application of the discretionary provisions of this rulemaking would result in hardship or injustice to that person may petition the Department for a waiver of the discretionary provisions, if any, pursuant to 481—Chapter 6.

Public Comment

Any interested person may submit written or oral comments concerning this proposed rulemaking, which must be received by the Department no later than 4:30 p.m. on December 18, 2025. Comments should be directed to:

Amy Oetken
Department of Inspections, Appeals, and Licensing
6200 Park Avenue, Suite 100
Des Moines, Iowa 50321
Phone: 515.672.4929
Email: amy.oetken@dia.iowa.gov

Public Hearing

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

December 17, 2025 11 to 11:30 a.m.	Ledges Conference Room 6200 Park Avenue, Suite 100 Des Moines, Iowa

December 18, 2025 8:30 to 9 a.m.	Ledges Conference Room 6200 Park Avenue, Suite 100 Des Moines, Iowa

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

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

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

Review by Administrative Rules Review Committee

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

The following rulemaking action is proposed:

ITEM 1. Rescind 481—Chapter 106 and adopt the following **new** chapter in lieu thereof:

CHAPTER 106
CARD GAME TOURNAMENTS BY VETERANS ORGANIZATIONS

481—106.1(99B) Definitions. In addition to definitions found in Iowa Code chapter 99B, for the purposes of this chapter, the following definitions apply:

"Card game tournament" or *"tournament"* means a series of card games held by a licensee during a consecutive period of time of not more than 24 hours and not held as part of a monthly game night licensed pursuant to Iowa Code section 99B.27.

"Licensee" means a qualified organization representing veterans that has been issued a license pursuant to Iowa Code section 99B.12 and the rules in 481—Chapter 100 and this chapter.

481—106.2(99B) Licensing. Application and license requirements are found in Iowa Code section 99B.27 and 481—Chapter 100.

481—106.3(99B) Card game tournament. In addition to the requirements found in Iowa Code section 99B.27, licensees conducting tournaments must post or distribute tournament rules to all participants before the tournament begins, including the following information:

1. Participation fees;
2. Prize(s); and
3. Any other tournament rules.

481—106.4(99B) Records. The licensee shall comply with the recordkeeping requirements found in Iowa Code sections 99B.16 and 99B.27(3) and 481—Chapter 100.

These rules are intended to implement Iowa Code sections 99B.2 and 99B.27.

ARC 9772C

PUBLIC HEALTH DEPARTMENT[641]

Notice of Intended Action

Proposing rulemaking related to general provisions for radiation and radiation protection standards and providing an opportunity for public comment

The Department of Health and Human Services hereby proposes to rescind Chapter 37, "Physical Protection of Category 1 and Category 2 Quantities of Radioactive Material," and to adopt a new Chapter 37, "General Provisions for Radiation and Radiation Protection Standards," Iowa Administrative Code.

Legal Authority for Rulemaking

This rulemaking is proposed under the authority provided in Iowa Code chapter 136C.

State or Federal Law Implemented

This rulemaking implements, in whole or in part, Iowa Code chapter 136C and 10 CFR Part 20.

Purpose and Summary

This proposed rulemaking is one of eight chapters pertaining to radiologic health matters regulated by the Department. This proposed rulemaking 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.

Regulatory Analysis

A Regulatory Analysis for this rulemaking was published in the Iowa Administrative Bulletin on October 15, 2025. A public hearing was held on the following date(s):

- November 4, 2025

Fiscal Impact

The State of Iowa is moving to a new licensing system for all agencies. The new licensing system does not support late fees. This change was expected to have a fairly significant fiscal impact on the total fees collected under 641—Chapters 37, 38, 43, and 44. As a result, the Department is removing the recurring late fees from these chapters and adding instead a one-time reinstatement fee for late registrations. In total, this switch is expected to decrease fee revenue by approximately $20,000 for the Department's Bureau of Radiologic Health. Fees collected under these chapters offset administrative costs and do not impact the State's General Fund.

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 December 16, 2025. Comments should be directed to:

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

Public Hearing

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

December 16, 2025 10 to 10:30 a.m.	Microsoft Teams Meeting ID: 264 358 640 097 83 Passcode: V95vw7re
December 16, 2025 2 to 2:30 p.m.	Microsoft Teams Meeting ID: 272 546 865 793 5 Passcode: Zf6zZ62V

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 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 is irradiated (HE = ΣwTHT).

"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 Part 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 whom 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

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})
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
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—Chapter 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.* Each notice of registration will expire annually.

37.8(8) *Renewal of notice of registration.* An application for renewal of registration shall be submitted annually in accordance with the requirements of this chapter.

37.8(9) *Reinstatement of registration.*

a. An application for reinstatement of registration shall be submitted to the department when a registration has not been renewed within 30 days following the expiration date in accordance with this chapter.

b. The annual registration fee, as specified in Iowa Code section 39.9, shall be submitted to the department at the time of reinstatement.

c. A reinstatement fee of $100 shall be submitted to the department at the time of reinstatement, in addition to the annual registration fees.

37.8(10) *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(11) *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(12) *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 annually thereafter, as long as the registrant owns the radiation machine, remit the applicable fee to the department in adherence with the fee schedule below:

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	—

Type of radiation machine		Fee per tube	Maximum fee
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) An application shall be submitted through the online licensing portal for both initial application and annual renewals thereafter. The application shall:

1. Contain complete and accurate information as required by the department;
2. Include an annual nonrefundable fee of $200.

(3) Reinstatement. Reinstatement applications shall be submitted through the online licensing portal when a registration has not been renewed within 30 days following the expiration date.

1. The annual registration fee described in this chapter shall be submitted to the department at the time of reinstatement.
2. A reinstatement fee of $100 shall be submitted to the department at the time of reinstatement, in addition to the annual registration fees.

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) An application shall be submitted through the online licensing portal for both initial application and annual renewals thereafter. The application shall:

1. Contain complete and accurate information as required by the department;
2. Include an annual nonrefundable fee of $100.

(3) Reinstatement. Reinstatement applications shall be submitted through the online licensing portal when a registration has not been renewed within 30 days following the expiration date.

1. The annual registration fee described in this chapter shall be submitted to the department at the time of reinstatement.
2. A reinstatement fee of $100 shall be submitted to the department at the time of reinstatement, in addition to the annual registration fees.

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) An application shall be submitted through the online licensing portal for both initial application and annual renewals thereafter. 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.

(3) Reinstatement. Reinstatement applications shall be submitted through the online licensing portal when a registration has not been renewed within 30 days following the expiration date.

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) An application shall be submitted through the online licensing portal for both initial application and annual renewals thereafter. The application shall:

1. Contain complete and accurate information as required by the department;
2. Include the annual nonrefundable fee of $200.

(3) Reinstatement. Reinstatement applications shall be submitted through the online licensing portal when a registration has not been renewed within 30 days following the expiration date.

1. The annual registration fee described in this chapter shall be submitted to the department at the time of reinstatement.
2. A reinstatement fee of $100 shall be submitted to the department at the time of reinstatement, in addition to the annual registration fees.

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

	Program Code	Category	Type	New License Fee	Inspection Priority	Annual Fee
(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 reinstatement fee will be due when annual fees have not been submitted within 30 days following the annual due date.

(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) $100 reinstatement fee when a registration has not been renewed within 30 days following the expiration date. This fee is added to the unpaid annual registration fees.

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.

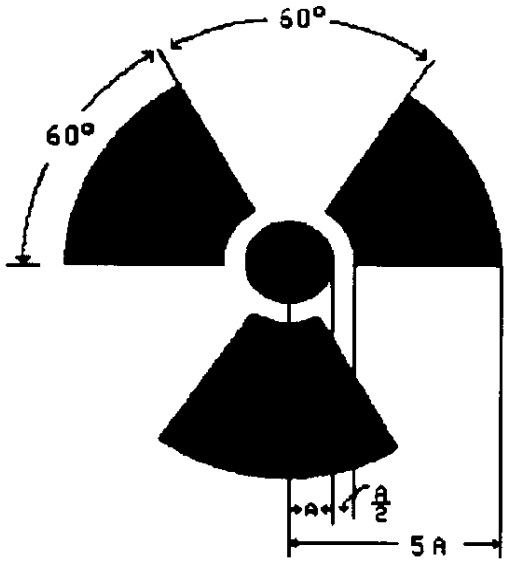
e. Each portable gauge licensee shall use a minimum of two independent physical controls that form tangible barriers to secure portable gauges from unauthorized removal whenever portable gauges are not under the control and constant surveillance of the licensee.

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.

ARC 9773C

PUBLIC HEALTH DEPARTMENT[641]

Notice of Intended Action

Proposing rulemaking related to permits to operate ionizing radiation producing machines or administer radioactive materials for medical imaging and providing an opportunity for public comment

The Department of Health and Human Services hereby proposes to rescind Chapter 38, "General Provisions for Radiation Machines and Radioactive Materials," and to adopt a new Chapter 38, "Permits to Operate Ionizing Radiation Producing Machines or Administer Radioactive Materials for Medical Imaging," Iowa Administrative Code.

Legal Authority for Rulemaking

This rulemaking is proposed under the authority provided in Iowa Code sections 136C.3 through 136C.5, 136C.10, and 136C.14.

State or Federal Law Implemented

This rulemaking implements, in whole or in part, Iowa Code sections 136C.3 through 136C.5, 136C.10, and 136C.14 and 10 CFR Part 20.

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. This proposed rulemaking also decreases the application fee amount that prospective permit holders must pay. 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.

Regulatory Analysis

A Regulatory Analysis for this rulemaking was published in the Iowa Administrative Bulletin on October 15, 2025. A public hearing was held on the following date(s):

- November 4, 2025

Fiscal Impact

This proposed rulemaking lowers the application fee for permit holders from $150 to $100. This decrease in application fee is expected to decrease fees to permit holders by roughly $9,000, based on State fiscal year (SFY) 2025 data. In addition, the State of Iowa is moving to a new licensing system for all agencies. The new licensing system does not support late fees. This change was expected to

have a fairly significant fiscal impact on the total fees collected under 641—Chapters 37, 38, 43, and 44. As a result, the Department is removing the recurring late fees from these chapters and adding a one-time reinstatement fee for late registrations. In total, this switch is expected to decrease fee revenue by approximately $20,000 for the Department's Bureau of Radiologic Health. Fees collected under these chapters offset administrative costs and do not impact the State's General Fund.

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.

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 December 16, 2025. Comments should be directed to:

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

Public Hearing

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

December 16, 2025 10 to 10:30 a.m.	Microsoft Teams Meeting ID: 264 358 640 097 83 Passcode: V95vw7re
December 16, 2025 2 to 2:30 p.m.	Microsoft Teams Meeting ID: 272 546 865 793 5 Passcode: Zf6zZ62V

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 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 $100 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 with computed tomography endorsement. 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 $100 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 $100 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 $100 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.

ARC 9754C

PUBLIC HEALTH DEPARTMENT[641]

Notice of Intended Action

Proposing rulemaking related to registration and safety requirements for radioactive materials and providing an opportunity for public comment

The Department of Health and Human Services hereby proposes to rescind Chapter 39, "Registration of Radiation Machine Facilities, Licensure of Radioactive Materials and Transportation of Radioactive

Materials," and to adopt a new Chapter 39, "Registration and Safety Requirements for Radioactive Materials," Iowa Administrative Code.

Legal Authority for Rulemaking

This rulemaking is proposed under the authority provided in Iowa Code chapter 136C.

State or Federal Law Implemented

This rulemaking implements, in whole or in part, Iowa Code chapter 136C.

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 were reviewed pursuant to 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 sets forth regulations regarding radiation producing machines, radioactive materials, and the transportation of radioactive materials.

Regulatory Analysis

A Regulatory Analysis for this rulemaking was published in the Iowa Administrative Bulletin on October 15, 2025. A public hearing was held on the following date(s):

- November 4, 2025

Fiscal Impact

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

Jobs Impact

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

Waivers

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.

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 December 16, 2025. Comments should be directed to:

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

Public Hearing

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

December 16, 2025 10 to 10:30 a.m.	Microsoft Teams Meeting ID: 264 358 640 097 83 Passcode: V95vw7re

December 16, 2025 2 to 2:30 p.m.	Microsoft Teams Meeting ID: 272 546 865 793 5 Passcode: Zf6zZ62V

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 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. Information and records, including applications and supporting documents submitted to the department, may be made available for public inspection in accordance with Iowa Code chapter 22, Examination of Public Records (Open Records). However, the department may withhold any information and record, in whole or in part, from public inspection if disclosure of its content is not required in the public interest and would adversely affect the interest of a person concerned. Information related to the possession, use,

or storage of radioactive materials shall not be made available for public inspection due to associated security risks.

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 chapter 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 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, Iowa 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: $\frac{\text{Concentration of Radionuclide A in Product}}{\text{+ Exempt concentration of Radionuclide A}}$

$\frac{\text{Concentration of Radionuclide B in Product}}{\leq 1 \text{ Exempt concentration of Radionuclide B}}$

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.

ARC 9742C

PUBLIC HEALTH DEPARTMENT[641]

Notice of Intended Action

Proposing rulemaking related to registration and safety requirements for radiation emitting machines in the healing arts—medicine, podiatry, dental, chiropractic, and veterinary medicine and providing an opportunity for public comment

The Department of Health and Human Services (Department) hereby proposes to rescind Chapter 40, "Standards for Protection Against Radiation," and to adopt a new Chapter 40, "Registration and Safety Requirements for Radiation Emitting Machines in the Healing Arts—Medicine, Podiatry, Dental, Chiropractic, and Veterinary Medicine," Iowa Administrative Code.

Legal Authority for Rulemaking

This rulemaking is proposed under the authority provided in Iowa Code chapter 136C.

State or Federal Law Implemented

This rulemaking implements, in whole or in part, Iowa Code chapter 136C.

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.

Regulatory Analysis

A Regulatory Analysis for this rulemaking was published in the Iowa Administrative Bulletin on October 15, 2025. A public hearing was held on the following date(s):

- November 4, 2025

Fiscal Impact

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

Jobs Impact

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

Waivers

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.

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 December 16, 2025. Comments should be directed to:

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

Public Hearing

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

December 16, 2025 10 to 10:30 a.m.	Microsoft Teams Meeting ID: 264 358 640 097 83 Passcode: V95vw7re
December 16, 2025 2 to 2:30 p.m.	Microsoft Teams Meeting ID: 272 546 865 793 5 Passcode: Zf6zZ62V

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 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 this chapter 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:

$$\overline{\text{CTDI}} = \frac{1}{nT}\int_{-7T}^{+7T} D(z)\,dz$$

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
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 this chapter.

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. Alternate viewing system as backup. 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 intraoral, panoramic, cephalometric, and volumetric dental imaging equipment.

1. In addition to the applicable requirements of this chapter, all dental intraoral, 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. Radiation protection shielding survey. 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), 641—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.

ARC 9741C

PUBLIC HEALTH DEPARTMENT[641]

Notice of Intended Action

Proposing rulemaking related to safety requirements for the use of radiation machines and certain uses of radioactive materials and providing an opportunity for public comment

The Department of Health and Human Services (Department) hereby proposes to rescind Chapter 41, "Safety Requirements for the Use of Radiation Machines and Certain Uses of Radioactive Materials," and to adopt a new Chapter 41, "Registration and Safety Requirements for Mammography and Stereotactic Breast Biopsy," Iowa Administrative Code.

Legal Authority for Rulemaking

This rulemaking is proposed under the authority provided in Iowa Code chapter 136C and 21 CFR Part 900.

State or Federal Law Implemented

This rulemaking implements, in whole or in part, Iowa Code chapter 136C.

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.

Regulatory Analysis

A Regulatory Analysis for this rulemaking was published in the Iowa Administrative Bulletin on October 15, 2025. A public hearing was held on the following date(s):

- November 4, 2025

Fiscal Impact

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

Jobs Impact

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

Waivers

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 7.

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 December 16, 2025. Comments should be directed to:

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

Public Hearing

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

December 16, 2025 10 to 10:30 a.m.	Microsoft Teams Meeting ID: 264 358 640 097 83 Passcode: V95vw7re
December 16, 2025 2 to 2:30 p.m.	Microsoft Teams Meeting ID: 272 546 865 793 5 Passcode: Zf6zZ62V

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 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.

ARC 9743C

PUBLIC HEALTH DEPARTMENT[641]

Notice of Intended Action

Proposing rulemaking related to registration and safety requirements for therapeutic use of radiation machines, particle accelerators for nonhuman use, and analytical X-ray equipment and providing an opportunity for public comment

The Department of Health and Human Services hereby proposes to rescind Chapter 42, "Permit to Operate Ionizing Radiation Producing Machines or Administer Radioactive Materials," and to adopt a new Chapter 42, "Registration and Safety Requirements for Therapeutic Use of Radiation Machines, Particle Accelerators for Nonhuman Use, and Analytical X-ray Equipment," Iowa Administrative Code.

Legal Authority for Rulemaking

This rulemaking is proposed under the authority provided in Iowa Code sections 136C.3 through 136C.5, 136C.10, and 136C.14.

State or Federal Law Implemented

This rulemaking implements, in whole or in part, Iowa Code sections 136C.3 through 136C.5, 136C.10, and 136C.14 and Executive Order 10.

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.

Regulatory Analysis

A Regulatory Analysis for this rulemaking was published in the Iowa Administrative Bulletin on October 15, 2025. A public hearing was held on the following date(s):

- November 4, 2025

Fiscal Impact

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

Jobs Impact

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

Waivers

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.

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 December 16, 2025. Comments should be directed to:

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

Public Hearing

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

December 16, 2025 10 to 10:30 a.m.	Microsoft Teams Meeting ID: 264 358 640 097 83 Passcode: V95vw7re
December 16, 2025 2 to 2:30 p.m.	Microsoft Teams Meeting ID: 272 546 865 793 5 Passcode: Zf6zZ62V

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 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 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).

ARC 9752C

PUBLIC HEALTH DEPARTMENT[641]

Notice of Intended Action

Proposing rulemaking related to radon testing and analysis requirements and providing an opportunity for public comment

The Department of Health and Human Services hereby proposes to rescind Chapter 43, "Minimum Requirements for Radon Testing and Analysis," and to adopt a new Chapter 43, "Radon Testing and Analysis Requirements," Iowa Administrative Code.

Legal Authority for Rulemaking

This rulemaking is proposed under the authority provided in Iowa Code chapters 136B and 280.

State or Federal Law Implemented

This rulemaking implements, in whole or in part, Iowa Code chapters 136B and 280.

Purpose and Summary

This proposed chapter was reviewed pursuant to 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.

Regulatory Analysis

A Regulatory Analysis for this rulemaking was published in the Iowa Administrative Bulletin on October 15, 2025. A public hearing was held on the following date(s):

- November 4, 2025

Fiscal Impact

The State of Iowa is moving to a new licensing system for all agencies. The new licensing system does not support late fees. This change was expected to have a fairly significant fiscal impact on the total fees collected under 641—Chapters 37, 38, 43, and 44. As a result, the Department is removing the recurring late fees from these chapters and adding a one-time reinstatement fee for late registrations. In total, this switch is expected to decrease fee revenue by approximately $20,000 for the Department's Bureau of Radiologic Health. Fees collected under these chapters offset administrative costs and do not impact the State's General Fund.

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 December 16, 2025. Comments should be directed to:

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

Public Hearing

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

December 16, 2025 10 to 10:30 a.m.	Microsoft Teams Meeting ID: 264 358 640 097 83 Passcode: V95vw7re
December 16, 2025 2 to 2:30 p.m.	Microsoft Teams Meeting ID: 272 546 865 793 5 Passcode: Zf6zZ62V

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 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 through the online licensing portal 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.* Certifications will expire annually.

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.

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.

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.

43.4(7) *Reinstatement of an expired certification.* Reinstatement applications shall be submitted through the online licensing portal when a registration has not been renewed within 30 days following the expiration date. Any person wishing to reinstate an expired radon measurement certification must:

a. Submit the required application and continuing education documentation that was due at time of expiration. If it has been more than 2 years since expiration, 8 hours of continuing education must be completed with 4 of those hours being an approved measurement standards review course; and

b. Pay the applicable certification and reinstatement fees.

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 initial 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 initial 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 reinstatement fee.* 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. $100 reinstatement fee when a certification has not been renewed within 30 days following the expiration date. This fee is added to the unpaid annual certification 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 a 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.

ARC 9751C

PUBLIC HEALTH DEPARTMENT[641]

Notice of Intended Action

Proposing rulemaking related to radon mitigation requirements and providing an opportunity for public comment

The Department of Health and Human Services hereby proposes to rescind Chapter 44, "Minimum Requirements for Radon Mitigation," and to adopt a new Chapter 44, "Radon Mitigation Requirements," Iowa Administrative Code.

Legal Authority for Rulemaking

This rulemaking is proposed under the authority provided in Iowa Code chapter 136B.

State or Federal Law Implemented

This rulemaking implements, in whole or in part, Iowa Code chapter 136B.

Purpose and Summary

This proposed rulemaking is one of eight chapters pertaining to radiologic health matters regulated by the Department. This proposed rulemaking and the seven others were reviewed pursuant to 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.

Regulatory Analysis

A Regulatory Analysis for this rulemaking was published in the Iowa Administrative Bulletin on October 15, 2025. A public hearing was held on the following date(s):

- November 4, 2025

Fiscal Impact

In this chapter, the Department is reducing the fee for out-of-state radon mitigation and measurement specialist fees. During State fiscal year (SFY) 2025, 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 approximately $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. Application fees are used to offset administrative costs and do not contribute to the State's General Fund. In addition, the State of Iowa is moving to a new licensing system for all agencies. The new licensing system does not support late fees. This change was expected to have a fairly significant fiscal impact on the total fees collected under 641—Chapters 37, 38, 43, and 44. As a result, the Department is removing the recurring late fees from these chapters and adding a one-time reinstatement fee for late registrations. In total, this switch is expected to decrease fee revenue by approximately $20,000 for the Department's Bureau of Radiologic Health. Fees collected under these chapters offset administrative costs and do not impact the State's General Fund.

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 December 16, 2025. Comments should be directed to:

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

Public Hearing

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

December 16, 2025 10 to 10:30 a.m.	Microsoft Teams Meeting ID: 264 358 640 097 83 Passcode: V95vw7re
December 16, 2025 2 to 2:30 p.m.	Microsoft Teams Meeting ID: 272 546 865 793 5 Passcode: Zf6zZ62V

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 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 with 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 through the online licensing portal 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).

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. Credentials will expire annually.

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.

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.* Reinstatement applications shall be submitted through the online licensing portal when a registration has not been renewed within 30 days following the expiration date. Any person wishing to reinstate an expired radon measurement certification must complete the following:

a. Submit the required application and continuing education documentation that was due at time of expiration. If it has been more than two years since expiration, eight hours of continuing education must be completed with four of those hours being an approved mitigation standards review course; and

b. Pay the applicable credentialing and reinstatement fees.

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 initial 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 reinstatement 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. $100 reinstatement fee when a certification has not been renewed within 30 days following the expiration date. This fee is added to the unpaid annual credentialing fee.

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.

ARC 9744C

PUBLIC HEALTH DEPARTMENT[641]

Notice of Intended Action

Proposing rulemaking related to radiation safety requirements for industrial radiographic operations, particle accelerators for nonhuman use, analytical X-ray equipment, and well-logging and providing an opportunity for public comment

The Department of Health and Human Services hereby proposes to rescind Chapter 45, "Radiation Safety Requirements for Industrial Radiographic Operations, Particle Accelerators for Nonhuman Use, Analytical X-Ray Equipment, and Well-Logging," Iowa Administrative Code.

Legal Authority for Rulemaking

This rulemaking is proposed under the authority provided in Iowa Code chapters 136B and 136C.

State or Federal Law Implemented

This rulemaking implements, in whole or in part, Iowa Code chapters 136B and 136C.

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.

Regulatory Analysis

A Regulatory Analysis for this rulemaking was published in the Iowa Administrative Bulletin on October 15, 2025. A public hearing was held on the following date(s):

- November 4, 2025

Fiscal Impact

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

Jobs Impact

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

Waivers

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.

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 December 16, 2025. Comments should be directed to:

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

Public Hearing

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

December 16, 2025 10 to 10:30 a.m.	Microsoft Teams Meeting ID: 264 358 640 097 83 Passcode: V95vw7re
December 16, 2025 2 to 2:30 p.m.	Microsoft Teams Meeting ID: 272 546 865 793 5 Passcode: Zf6zZ62V

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

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

Review by Administrative Rules Review Committee

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

The following rulemaking action is proposed:

ITEM 1. Rescind and reserve **641—Chapter 45**.

ARC 9722C

PUBLIC SAFETY DEPARTMENT[661]

Notice of Intended Action

Proposing rulemaking related to sheriff's uniforms and providing an opportunity for public comment

The Public Safety Department hereby proposes to rescind Chapter 3, "Sheriff's Uniforms," Iowa Administrative Code, and to adopt a new Chapter 3 with the same title.

Legal Authority for Rulemaking

This rulemaking is proposed under the authority provided in Iowa Code section 331.657.

State or Federal Law Implemented

This rulemaking implements, in whole or in part, Iowa Code section 331.657.

Purpose and Summary

Pursuant to Executive Order 10, the Department proposes to rescind Chapter 3 and adopt a new chapter in lieu thereof. The proposed chapter details the color and design of the standard uniform and accessories for sheriffs and deputies in Iowa.

Regulatory Analysis

A Regulatory Analysis for this rulemaking was published in the Iowa Administrative Bulletin on October 1, 2025. A public hearing was held on the following date(s):

- October 21, 2025

The Department received no public comments.

Fiscal Impact

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

Jobs Impact

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

Waivers

Any person who believes that the application of the discretionary provisions of this rulemaking would result in hardship or injustice to that person may petition the Department for a waiver of the discretionary provisions, if any, pursuant to rule 661—10.222(17A).

Public Comment

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

Josie Wagler
Department of Public Safety
Oran Pape State Office Building

215 East 7th Street
Des Moines, Iowa 50319
Phone: 515.725.6185
Email: wagler@dps.state.ia.us

Public Hearing

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

December 16, 2025 3 to 3:30 p.m.	First Floor Public Conference Room 125 Oran Pape State Office Building Des Moines, Iowa
December 17, 2025 9:30 to 10 a.m.	First Floor Public Conference Room 125 Oran Pape State Office Building Des Moines, Iowa

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

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

Review by Administrative Rules Review Committee

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

The following rulemaking action is proposed:

ITEM 1. Rescind 661—Chapter 3 and adopt the following **new** chapter in lieu thereof:

CHAPTER 3
SHERIFF'S UNIFORMS

661—3.1(17A,331) General provisions. These rules are adopted to designate the color and design of the standard uniform and accessories for Iowa sheriffs and deputy sheriffs.

3.1(1) The specifications of the uniforms and accessories, such as fabric and style, are made available to the department of administrative services.

3.1(2) Persons wanting to enter bids on the sheriff's uniforms and accessories should contact the department of administrative services.

661—3.2(17A,331) Uniform. The uniform generally consists of:

1. Sage green trousers with a one-inch strip of material the same color as the shirt down the outside seam of each pant leg.
2. Long-sleeved or short-sleeved shirts with two breast pockets, pleated, with three-pointed flags and shoulder ornaments made of the same material and color as the trousers.
3. The winter and summer hats are sage green with a swivel strap and three-inch brims. The winter hat has a gold metallic acorn cord. The summer hat has a metal eyelet for a badge. The winter fur hat is sage green with sage green fur trim. A baseball style cap can be sage green or match the shirt.
4. Sage green ties that are three and one-half inches at the widest point.
5. Black, round-toed shoes or boots.
6. A sage green light duty jacket or a forest green raincoat that is reversible to international orange or safety yellow.

7. Accessories consisting of shoulder and blazer emblems, badges, name bar, tie accessories, and rank insignia.

These rules are intended to implement Iowa Code section 331.657.

ARC 9728C

PUBLIC SAFETY DEPARTMENT[661]

Notice of Intended Action

Proposing rulemaking related to governor's traffic safety bureau and providing an opportunity for public comment

The Public Safety Department hereby proposes to rescind Chapter 20, "Governor's Traffic Safety Bureau," Iowa Administrative Code, and to adopt a new Chapter 20 with the same title.

Legal Authority for Rulemaking

This rulemaking is proposed under the authority provided in Executive Order 23 (June 9, 1986).

State or Federal Law Implemented

This rulemaking implements, in whole or in part, Executive Order 23 and 23 U.S.C. Section 402.

Purpose and Summary

Pursuant to Executive Order 10, the Department proposes to rescind Chapter 20 and adopt a new chapter in lieu thereof. The chapter designates the Commissioner of the Department as the Governor's highway safety representative for Iowa and establishes the Department as the State highway safety agency. Additionally, the chapter outlines responsibilities of the Governor's Traffic Safety Bureau (GTSB) and establishes funding criteria and program requirements for federally appropriated funds.

Regulatory Analysis

A Regulatory Analysis for this rulemaking was published in the Iowa Administrative Bulletin on October 1, 2025. A public hearing was held on the following date(s):

- October 21, 2025

The Department received no public comments.

Fiscal Impact

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

Jobs Impact

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

Waivers

Any person who believes that the application of the discretionary provisions of this rulemaking would result in hardship or injustice to that person may petition the Department for a waiver of the discretionary provisions, if any, pursuant to rule 661—10.222(17A).

Public Comment

Any interested person may submit written or oral comments concerning this proposed rulemaking, which must be received by the Department no later than 4:30 p.m. on December 19, 2025. Comments should be directed to:

Josie Wagler
Department of Public Safety
Oran Pape State Office Building
215 East 7th Street
Des Moines, Iowa 50319
Phone: 515.725.6185
Email: wagler@dps.state.ia.us

Public Hearing

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

December 18, 2025 10:30 to 11 a.m.	First Floor Public Conference Room 125 Oran Pape State Office Building Des Moines, Iowa
December 19, 2025 2:30 to 3 p.m.	First Floor Public Conference Room 125 Oran Pape State Office Building Des Moines, Iowa

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

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

Review by Administrative Rules Review Committee

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

The following rulemaking action is proposed:

ITEM 1. Rescind 661—Chapter 20 and adopt the following **new** chapter in lieu thereof:

CHAPTER 20
GOVERNOR'S TRAFFIC SAFETY BUREAU

661—20.1(23USC402,ExecOrd23) Authority. 23 U.S.C. Section 402 requires each state to have a highway safety program sponsored by the U.S. Secretary of Transportation under the responsibility of the governor.

20.1(1) The governor designated the commissioner of the department of public safety as the governor's highway safety representative for Iowa and established the department of public safety as the state highway safety agency.

20.1(2) The governor's traffic safety bureau administers the state highway safety program in accordance with the provisions of 23 U.S.C.

661—20.2(23USC402,ExecOrd23) Purpose. The purpose of the highway safety program is to provide a coordinated federal, state and local effort to reduce traffic-related deaths, injuries, and property damage crashes.

661—20.3(23USC402,ExecOrd23) Responsibilities.

20.3(1) The governor's traffic safety bureau develops and prepares the state's highway safety plan based on evaluation of highway crashes and traffic safety problems within the state.

20.3(2) The governor's traffic safety bureau encourages and assists local units of government in improving their traffic safety programs.

20.3(3) The governor's traffic safety bureau serves as a reviewing authority for federal and state traffic safety programs.

20.3(4) The governor's traffic safety bureau monitors safety program activity and expenditures of funds by state and local agencies as authorized by 23 U.S.C. Section 402.

20.3(5) The governor's traffic safety bureau coordinates the state highway safety plan with other state agencies.

20.3(6) Application for funding.

a. Proposals for funding highway safety programs may be submitted during set application time periods by any city, county, or state agency or nonprofit organization or any other eligible organization or individual.

b. Applications for funding in the next federal fiscal year, beginning October 1, must be received on or before March 1 to be considered. The bureau chief of the governor's traffic safety bureau may amend the deadline dates in order to implement projects and special activities as deemed appropriate.

c. Initial proposals should include project title, statement of the highway safety problem to be addressed supported by crash data, what is being proposed to solve the problem, how it will be evaluated, a proposed budget, and a letter of intent accepting responsibility for the proposed project from the responsible authority of the organization making application.

d. Only requests containing the listed elements will be considered for funding.

e. Assistance in developing and submitting proposals for highway safety funding may be obtained by contacting the governor's traffic safety bureau, Iowa department of public safety, by email at gtsbinfo@dps.state.ia.us.

661—20.4(23USC402,ExecOrd23) Funding criteria.

20.4(1) Allocation of federally appropriated funds administered by the governor's traffic safety bureau pursuant to 23 U.S.C. Section 402 are based on: (1) federally mandated projects; and (2) high-fatality and personal-injury crash causations and locations.

NOTE: The governor's traffic safety bureau refers to current federal authorization to dictate how funds are distributed.

20.4(2) At least 40 percent of all federal funds apportioned to the state of Iowa pursuant to 23 U.S.C. Section 402 for any fiscal year will be expended by political subdivisions of the state to carry out local highway safety programs authorized by the governor's representative for highway safety.

661—20.5(23USC402,ExecOrd23) Program requirements.

20.5(1) All approved programs funded by the governor's traffic safety bureau are administered in compliance with the current version of the Iowa Governor's Traffic Safety Bureau Policies and Procedures Manual located on the department of public safety's website at dps.iowa.gov/gtsb-publications-surveys-reports. Copies may also be obtained by emailing gtsbinfo@dps.state.ia.us.

20.5(2) Highway safety contract procedures and reporting forms and their explanations are contained in the current version of the Iowa Governor's Traffic Safety Bureau Policies and Procedures Manual.

These rules are intended to implement Executive Order 23 and 23 U.S.C. Section 402.

ARC 9723C

PUBLIC SAFETY DEPARTMENT[661]

Notice of Intended Action

Proposing rulemaking related to marijuana eradication procedures and providing an opportunity for public comment

The Public Safety Department hereby proposes to rescind Chapter 28, "Marijuana Eradication Procedures," Iowa Administrative Code, and to adopt a new Chapter 28 with the same title.

Legal Authority for Rulemaking

This rulemaking is proposed under the authority provided in Iowa Code section 80.5.

State or Federal Law Implemented

This rulemaking implements, in whole or in part, Iowa Code section 80.5.

Purpose and Summary

Pursuant to Executive Order 10, the Department proposes to rescind Chapter 28 and adopt a new chapter in lieu thereof. The proposed chapter provides for the processes to report and investigate marijuana operations and outlines eradication procedures for cultivated and uncultivated marijuana.

Regulatory Analysis

A Regulatory Analysis for this rulemaking was published in the Iowa Administrative Bulletin on October 1, 2025. A public hearing was held on the following date(s):

- October 21, 2025

The Department received no public comments.

Fiscal Impact

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

Jobs Impact

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

Waivers

Any person who believes that the application of the discretionary provisions of this rulemaking would result in hardship or injustice to that person may petition the Department for a waiver of the discretionary provisions, if any, pursuant to rule 661—10.222(17A).

Public Comment

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

Josie Wagler
Department of Public Safety
Oran Pape State Office Building
215 East 7th Street
Des Moines, Iowa 50319
Phone: 515.725.6185
Email: wagler@dps.state.ia.us

Public Hearing

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

December 16, 2025 3:30 to 4 p.m.	First Floor Public Conference Room 125 Oran Pape State Office Building Des Moines, Iowa

December 17, 2025 10 to 10:30 a.m.	First Floor Public Conference Room 125 Oran Pape State Office Building Des Moines, Iowa

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

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

Review by Administrative Rules Review Committee

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

The following rulemaking action is proposed:

ITEM 1. Rescind 661—Chapter 28 and adopt the following **new** chapter in lieu thereof:

CHAPTER 28
MARIJUANA ERADICATION PROCEDURES

661—28.1(80) Reports of marijuana. Persons wishing to report marijuana growing in Iowa, whether cultivated or uncultivated, may contact any local law enforcement agency within the state of Iowa or the Division of Narcotics Enforcement by telephone through the toll-free Marijuana Hotline at 1.800.532.0052.

661—28.2(80) Cultivated marijuana. Upon receipt of information pertaining to marijuana cultivation or harvesting, the department of public safety, division of narcotics enforcement, may coordinate with the department of agriculture and land stewardship to investigate.

661—28.3(80) Uncultivated marijuana. Upon receipt of information pertaining to wild uncultivated marijuana, the department of public safety, division of narcotics enforcement, will notify the county sheriff or chief of police of the report. After the sheriff has been notified, the department of public safety, division of narcotics enforcement, will notify, by regular mail, the owner of the land where uncultivated marijuana has been reported and will request that the landowner voluntarily remove the marijuana. Notification to a landowner of information regarding uncultivated marijuana growing on the landowner's property, as provided in this rule, is intended to obtain voluntary cooperation in the eradication of marijuana. The county sheriff and the local police chief, if any, will be sent copies of the notice, also by regular mail.

661—28.4(80) Scope and limitation. Nothing in this chapter shall be construed to be a restriction or limitation upon the nature or scope of the authority of any member of the department of public safety or of any other public officer as otherwise provided by law.

These rules are intended to implement Iowa Code section 80.5.

ARC 9721C

PUBLIC SAFETY DEPARTMENT[661]

Notice of Intended Action

Proposing rulemaking related to human trafficking prevention training and providing an opportunity for public comment

The Public Safety Department hereby proposes to rescind Chapter 29, "Human Trafficking Prevention Training—Lodging Providers," Iowa Administrative Code, and to adopt a new Chapter 29 with the same title.

Legal Authority for Rulemaking

This rulemaking is proposed under the authority provided in Iowa Code section 80.45A.

State or Federal Law Implemented

This rulemaking implements, in whole or in part, Iowa Code section 80.45A.

Purpose and Summary

Pursuant to Executive Order 10, the Department proposes to rescind Chapter 29 and adopt a new chapter in lieu thereof. The proposed chapter establishes the Department's Human Trafficking Prevention Training Program, outlines program content, and provides guidance for any lodging provider seeking certification. This rulemaking also establishes a process for outside organizations to receive approval to conduct trainings and issue certifications to lodging providers.

Regulatory Analysis

A Regulatory Analysis for this rulemaking was published in the Iowa Administrative Bulletin on October 1, 2025. A public hearing was held on the following date(s):

- October 21, 2025

The Department received no public comments.

Fiscal Impact

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

Jobs Impact

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

Waivers

Any person who believes that the application of the discretionary provisions of this rulemaking would result in hardship or injustice to that person may petition the Department for a waiver of the discretionary provisions, if any, pursuant to rule 661—10.222(17A).

Public Comment

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

Josie Wagler
Department of Public Safety
Oran Pape State Office Building
215 East 7th Street

Des Moines, Iowa 50319
Phone: 515.725.6185
Email: wagler@dps.state.ia.us

Public Hearing

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

December 16, 2025 2 to 2:30 p.m.	First Floor Public Conference Room 125 Oran Pape State Office Building Des Moines, Iowa
December 17, 2025 9 to 9:30 a.m.	First Floor Public Conference Room 125 Oran Pape State Office Building Des Moines, Iowa

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

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

Review by Administrative Rules Review Committee

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

The following rulemaking action is proposed:

ITEM 1. Rescind 661—Chapter 29 and adopt the following **new** chapter in lieu thereof:

CHAPTER 29
HUMAN TRAFFICKING PREVENTION TRAINING—LODGING PROVIDERS

661—29.1(80) Definitions. The definitions in Iowa Code section 80.45A(1) are adopted and incorporated herein.

661—29.2(80) Establishment of training program. The department of public safety's human trafficking prevention training program certifies a lodging provider's voluntary completion of human trafficking prevention training. The program is established pursuant to Iowa Code section 80.45A.

661—29.3(80) Human trafficking prevention training program content. In order to receive approval by the commissioner, human trafficking prevention training will include, at a minimum, all of the requirements set forth in Iowa Code section 80.45A(3).

661—29.4(80) Training providers.

29.4(1) *Training.* A list of certified training providers is maintained on the office to combat human trafficking website.

29.4(2) *Approval process for organizations.* Organizations cannot issue human trafficking prevention training certifications to lodging providers for purposes of this rule prior to receiving approval by the commissioner. To receive approval to conduct a training program, a training provider can apply through the office to combat human trafficking website and provide sufficient information to establish that the training program meets the requirements of rule 661—29.3(80).

661—29.5(80) Certification for lodging providers and their employees. All current, certified lodging providers are listed on the office to combat human trafficking website.

29.5(1) *Application.* Any lodging provider seeking certification of completed human trafficking prevention training can submit a completed application form to the office to combat human trafficking website. The online application form will not be considered complete unless all required information is submitted, including verification of employee training certificates, and will not be processed until it is complete.

NOTE: The website for human trafficking prevention training and certification for employees, lodging providers, and training providers is www.stophtiowa.org.

29.5(2) *Fee.* There is no fee for lodging providers to request or renew a trafficking prevention training certification. Approved organizational training providers under subrule 29.4(2) may charge fees for training programs; however, lodging providers are under no obligation to utilize such training providers.

29.5(3) *Maintenance of records.* In order to maintain certification, lodging providers must maintain up-to-date human trafficking prevention training certification records on all current employees at all times. The office to combat human trafficking is entitled to review the human trafficking prevention training records for each employee and complete employee lists upon request.

29.5(4) *Revocation.* The commissioner has authorized the office to combat human trafficking to revoke a lodging provider's certification at any time. If all employees of a certified lodging provider fail to renew their trainings every three years, the office to combat human trafficking will remove the lodging provider from the approved list of providers and revoke the lodging provider's certification. Failure to maintain records of individual employee certifications may result in the revocation of a lodging provider's certification.

29.5(5) *Certification expiration.* All human trafficking prevention training certificates issued by the office to combat human trafficking bear an expiration date. All employees of a certified lodging provider must complete approved human trafficking prevention training every three years for the lodging provider to maintain a valid certification and to receive public funds.

29.5(6) *Grace periods.* Lodging providers are responsible for ensuring lodging certifications are current and valid and that new employees successfully complete human trafficking prevention training. Employees have a grace period of 30 days from when their previous training certificate expires to complete a new, approved training. Certificates expire three years from the date on which they were issued.

a. Lodging providers. The application needs to be filed no later than 30 days after beginning operation in this state or the date on which an existing training certification expires.

b. Employees of lodging providers. The application needs to be filed no later than 30 days after the date of hire or the date on which an existing training certification expires.

These rules are intended to implement Iowa Code section 80.45A.

ARC 9726C

PUBLIC SAFETY DEPARTMENT[661]

Notice of Intended Action

Proposing rulemaking related to complaints against employees and providing an opportunity for public comment

The Public Safety Department hereby proposes to rescind Chapter 35, "Complaints Against Employees," Iowa Administrative Code.

Legal Authority for Rulemaking

This rulemaking is proposed under the authority provided in Iowa Code chapters 22 and 80F.

State or Federal Law Implemented

This rulemaking implements, in whole or in part, Iowa Code chapter 80.

Purpose and Summary

The purpose of Chapter 35 is to provide the public with steps on how to file a complaint against an employee of the Department. This chapter also outlines notification and investigative procedures when a complaint is filed. Upon review of this chapter in accordance with Executive Order 10, the Department has determined it does not possess rulemaking authority. Therefore, the Department is proposing to rescind this chapter. The intended benefit of this chapter will still be achieved through the Department's website, internal policy, and Iowa Code chapters 80 and 80F.

Regulatory Analysis

A Regulatory Analysis for this rulemaking was published in the Iowa Administrative Bulletin on October 1, 2025. A public hearing was held on the following date(s):

- October 22, 2025

The Department received no public comments.

Fiscal Impact

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

Jobs Impact

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

Waivers

Any person who believes that the application of the discretionary provisions of this rulemaking would result in hardship or injustice to that person may petition the Department for a waiver of the discretionary provisions, if any, pursuant to rule 661—10.222(17A).

Public Comment

Any interested person may submit written or oral comments concerning this proposed rulemaking, which must be received by the Department no later than 4:30 p.m. on December 19, 2025. Comments should be directed to:

Josie Wagler
Department of Public Safety
Oran Pape State Office Building
215 East 7th Street
Des Moines, Iowa 50319
Phone: 515.725.6185
Email: wagler@dps.state.ia.us

Public Hearing

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

December 18, 2025 9 to 9:30 a.m.	First Floor Public Conference Room 125 Oran Pape State Office Building Des Moines, Iowa
December 19, 2025 3 to 3:30 p.m.	First Floor Public Conference Room 125 Oran Pape State Office Building Des Moines, Iowa

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

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

Review by Administrative Rules Review Committee

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

The following rulemaking action is proposed:

ITEM 1. Rescind and reserve **661—Chapter 35**.

ARC 9727C

PUBLIC SAFETY DEPARTMENT[661]

Notice of Intended Action

Proposing rulemaking related to notification of law enforcement and providing an opportunity for public comment

The Public Safety Department hereby proposes to rescind Chapter 88, "Notification of Law Enforcement Agency by Hospital Prior to Discharge of a Person with Serious Mental Impairment," Iowa Administrative Code.

Legal Authority for Rulemaking

This rulemaking is proposed under the authority provided in Iowa Code section 229.22 as amended by 2010 Iowa Acts, Senate File 2352.

State or Federal Law Implemented

This rulemaking implements, in whole or in part, Iowa Code section 229.22.

Purpose and Summary

Pursuant to Iowa Code section 229.22 as amended by 2010 Iowa Acts, Senate File 2352, a hospital or facility is required to notify a specified law enforcement agency prior to the discharge of a patient brought to a hospital or facility for emergency mental health treatment by a law enforcement agency for whom an arrest warrant has been issued or charges are pending. The purpose of Chapter 88 is to establish the form to be used by law enforcement agencies to request this notification be made. However, after reviewing this chapter in accordance with Executive Order 10, the Department has determined it to be redundant and duplicative of procedure already established in Iowa Code section 229.22.

Regulatory Analysis

A Regulatory Analysis for this rulemaking was published in the Iowa Administrative Bulletin on October 1, 2025. A public hearing was held on the following date(s):

- October 22, 2025

The Department received no public comments.

Fiscal Impact

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

Jobs Impact

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

Waivers

Any person who believes that the application of the discretionary provisions of this rulemaking would result in hardship or injustice to that person may petition the Department for a waiver of the discretionary provisions, if any, pursuant to rule 661—10.222(17A).

Public Comment

Any interested person may submit written or oral comments concerning this proposed rulemaking, which must be received by the Department no later than 4:30 p.m. on December 19, 2025. Comments should be directed to:

Josie Wagler
Department of Public Safety
Oran Pape State Office Building
215 East 7th Street
Des Moines, Iowa 50319
Phone: 515.725.6185
Email: wagler@dps.state.ia.us

Public Hearing

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

December 18, 2025 10 to 10:30 a.m.	First Floor Public Conference Room 125 Oran Pape State Office Building Des Moines, Iowa
December 19, 2025 2 to 2:30 p.m.	First Floor Public Conference Room 125 Oran Pape State Office Building Des Moines, Iowa

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

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

Review by Administrative Rules Review Committee

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

The following rulemaking action is proposed:

ITEM 1. Rescind and reserve **661—Chapter 88**.

ARC 9724C

PUBLIC SAFETY DEPARTMENT[661]

Notice of Intended Action

Proposing rulemaking related to division of criminal investigation criminalistics laboratory and providing an opportunity for public comment

The Public Safety Department hereby proposes to rescind Chapter 150, "Division of Criminal Investigation Criminalistics Laboratory," Iowa Administrative Code, and to adopt a new Chapter 150 with the same title.

Legal Authority for Rulemaking

This rulemaking is proposed under the authority provided in Iowa Code section 691.3.

State or Federal Law Implemented

This rulemaking implements, in whole or in part, Iowa Code chapter 691.

Purpose and Summary

Pursuant to Executive Order 10, the Department proposes rescinding Chapter 150 and adopting a new chapter in lieu thereof. The purpose of proposed Chapter 150 is to define the capabilities of the State Criminalistics Laboratory. These rules also govern the submission of evidence to the laboratory, distribution of reports, and disposition of evidence.

Regulatory Analysis

A Regulatory Analysis for this rulemaking was published in the Iowa Administrative Bulletin on October 1, 2025. A public hearing was held on the following date(s):

- October 22, 2025

The Department received no public comments.

Fiscal Impact

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

Jobs Impact

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

Waivers

Any person who believes that the application of the discretionary provisions of this rulemaking would result in hardship or injustice to that person may petition the Department for a waiver of the discretionary provisions, if any, pursuant to rule 661—10.222(17A).

Public Comment

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

Josie Wagler
Department of Public Safety
Oran Pape State Office Building
215 East 7th Street
Des Moines, Iowa 50319

Phone: 515.725.6185
Email: wagler@dps.state.ia.us

Public Hearing

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

December 16, 2025 4 to 4:30 p.m.	First Floor Public Conference Room 125 Oran Pape State Office Building Des Moines, Iowa
December 17, 2025 10:30 to 11 a.m.	First Floor Public Conference Room 125 Oran Pape State Office Building Des Moines, Iowa

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

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

Review by Administrative Rules Review Committee

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

The following rulemaking action is proposed:

ITEM 1. Rescind 661—Chapter 150 and adopt the following **new** chapter in lieu thereof:

CHAPTER 150
DIVISION OF CRIMINAL INVESTIGATION CRIMINALISTICS LABORATORY

661—150.1(691) Criminalistics laboratory. The state criminalistics laboratory created in Iowa Code section 691.1 is located, pursuant to that section, within the division of criminal investigation.

150.1(1) *Identification.* The state criminalistics laboratory will be known as the division of criminal investigation criminalistics laboratory. Unless the context clearly implies otherwise, the term "laboratory," when used in this chapter, means the division of criminal investigation criminalistics laboratory.

150.1(2) *Administration.* The laboratory will be headed by an administrator who reports to the director of the division of criminal investigation.

150.1(3) *Contact information.*

a. The address of the laboratory for receiving mail or shipped materials is Iowa DCI Criminalistics Laboratory, 2240 South Ankeny Boulevard, Ankeny, Iowa 50023.

b. The telephone number of the laboratory is 515.725.1500.

c. Information regarding the laboratory may be obtained from the department website.

NOTE: Currently, information about the laboratory may be found at www.dps.state.ia.us/DCI/Crime_Lab/index.shtml.

661—150.2(691) Purpose and scope of work. The laboratory provides forensic science services to law enforcement agencies within the state of Iowa. The laboratory will, within its capabilities, conduct analyses and comparative studies on physical evidence to aid in any criminal investigation, when requested by a prosecuting attorney, a medical examiner, or a law enforcement agency.

150.2(1) *Resource or capability limitations.*

a. The laboratory administrator may refuse any request to conduct an analysis when, in the judgment of the administrator, the laboratory is unable to adequately conduct the requested analysis, either because of resource limitations or because the analysis is not within the professional capabilities of laboratory personnel.

b. The laboratory administrator may establish a policy excluding evidence of specific types or evidence arising from certain types of cases from being accepted by the laboratory if the administrator finds that such a policy is necessary either due to resource constraints, safety concerns, or the professional capabilities of laboratory personnel. Any policy adopted pursuant to this paragraph will be made available to all county attorneys, medical examiners, and law enforcement agencies within Iowa.

c. If analysis by the laboratory of specific evidence arising from a criminal investigation in Iowa has been excluded pursuant to either paragraph 150.2(1)*"a"* or *"b,"* the administrator may, at the administrator's discretion, assist the agency requesting the analysis in locating the services of another laboratory able to perform the requested analysis.

150.2(2) *Exclusion by law.* The laboratory will only perform analyses that have arisen from, or will aid in, criminal investigations or that are otherwise provided for by law.

661—150.3(691) Laboratory capabilities. The laboratory is capable of performing any forensic scientific analysis for which a laboratory staff member has received appropriate training and for which the necessary equipment and materials are available to the staff member performing the analysis. Information regarding the current forensic science capabilities of the laboratory may be obtained in the Iowa Criminalistics Laboratory Quality Assurance Manual published by the laboratory.

661—150.4(691) Evidence submission to the laboratory.

150.4(1) Evidence may be submitted to the laboratory by:

a. Any law enforcement agency in Iowa;

b. The Iowa department of corrections;

c. Any other criminal or juvenile justice agency, with the approval of the laboratory administrator; or

d. Any other state agency, with the approval of the laboratory administrator.

150.4(2) Evidence may be submitted to the laboratory via regular, certified, or registered mail or personal service. Any evidence to be submitted to the laboratory will be entered electronically into the laboratory information management system prior to submission. Each entry will include a description of each item to be submitted and an examination request for each item to be submitted.

NOTE: Access to the laboratory information management system is restricted to authorized users representing agencies authorized to submit evidence to the laboratory. Authorized users should contact the laboratory for instructions regarding access to the system.

150.4(3) Evidence submitted to the laboratory that is not personally delivered will be packaged in such a manner that laboratory personnel can determine that the package has not been opened while in transit. If the laboratory receives an unsealed or damaged package, the laboratory may refuse to process such evidence if the integrity of the evidence has been compromised.

661—150.5(17A,691) Distribution of reports.

150.5(1) A copy of each completed report of analyses performed by the laboratory will be provided to the submitting officer and to the prosecuting attorney. The prosecuting attorney is responsible for providing copies of any laboratory report to the defendant or defendants as required by law.

150.5(2) Results of laboratory analyses will not be made available to any unauthorized person or organization.

661—150.6(17A,691) Disposition of evidence.

150.6(1) Evidence will be returned to the submitting agency unless one of the following conditions applies:

a. Retention of the evidence would be beneficial for future laboratory analysis.

b. Returning the evidence presents a hazard to health or safety. Any required notice to the defendant of destruction of evidence pursuant to this paragraph is the responsibility of the prosecuting attorney.

150.6(2) Evidence will not be transferred or submitted to any person or agency other than the submitting agency without an applicable court order unless authorized by the submitting agency.

These rules are intended to implement Iowa Code chapter 691.

ARC 9725C

PUBLIC SAFETY DEPARTMENT[661]

Notice of Intended Action

Proposing rulemaking related to public safety survivor benefits fund and providing an opportunity for public comment

The Public Safety Department hereby proposes to rescind Chapter 292, "Public Safety Survivor Benefits Fund," Iowa Administrative Code.

Legal Authority for Rulemaking

This rulemaking is proposed under the authority provided in Iowa Code section 80.47.

State or Federal Law Implemented

This rulemaking implements, in whole or in part, Iowa Code section 80.47.

Purpose and Summary

The purpose of Chapter 292 is to establish the operation of the Public Safety Survivor Benefits Fund as outlined in Iowa Code section 80.47. 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 292 in its entirety.

Regulatory Analysis

A Regulatory Analysis for this rulemaking was published in the Iowa Administrative Bulletin on October 1, 2025. A public hearing was held on the following date(s):

- October 22, 2025

The Department received no comments.

Fiscal Impact

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

Jobs Impact

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

Waivers

Any person who believes that the application of the discretionary provisions of this rulemaking would result in hardship or injustice to that person may petition the Department for a waiver of the discretionary provisions, if any, pursuant to rule 661—10.222(17A).

Public Comment

Any interested person may submit written or oral comments concerning this proposed rulemaking, which must be received by the Department no later than 4:30 p.m. on December 19, 2025. Comments should be directed to:

Josie Wagler
Department of Public Safety
Oran Pape State Office Building
215 East 7th Street
Des Moines, Iowa 50319
Phone: 515.725.6185
Email: wagler@dps.state.ia.us

Public Hearing

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

December 18, 2025 9:30 to 10 a.m.	First Floor Public Conference Room 125 Oran Pape State Office Building Des Moines, Iowa
December 19, 2025 1:30 to 2 p.m.	First Floor Public Conference Room 125 Oran Pape State Office Building Des Moines, Iowa

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

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

Review by Administrative Rules Review Committee

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

The following rulemaking action is proposed:

ITEM 1. Rescind and reserve **661—Chapter 292**.

ARC 9745C

REVENUE DEPARTMENT[701]

Notice of Intended Action

Proposing rulemaking related to investment subsidiary combined returns and providing an opportunity for public comment

The Revenue Department hereby proposes to amend Chapter 304, "Adjustments to Computed Tax and Tax Credits," Chapter 501, "Filing Returns, Payment of Tax, Penalty and Interest, and Tax Credits," and Chapter 602, "Determination of Net Income," Iowa Administrative Code.

Legal Authority for Rulemaking

This rulemaking is proposed under the authority provided in 2024 Iowa Acts, Senate File 2442.

State or Federal Law Implemented

This rulemaking implements, in whole or in part, 2024 Iowa Acts, Senate File 2442.

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.

Regulatory Analysis

A Regulatory Analysis for this rulemaking was published in the Iowa Administrative Bulletin on October 15, 2025. A public hearing was held on the following date(s):

- November 4, 2025

Fiscal Impact

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

Jobs Impact

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

Waivers

Any person who believes that the application of the discretionary provisions of this rulemaking would result in hardship or injustice to that person may petition the Department for a waiver of the discretionary provisions, if any, pursuant to rule 701—3.7(99G,123,421,17A).

Public Comment

Any interested person may submit written or oral comments concerning this proposed rulemaking, which must be received by the Department no later than 4:30 p.m. on December 16, 2025. Comments should be directed to:

Benjamin Clough
Department of Revenue
Hoover State Office Building
P.O. Box 10457
Des Moines, Iowa 50306-3457
Phone: 515.587.0662
Email: ben.clough@iowa.gov

Public Hearing

If requested, a public hearing at which persons may present their views orally or in writing will be held as follows:

December 16, 2025 10 to 11 a.m.	Room 1 NW Hoover State Office Building Des Moines, Iowa

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

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

Review by Administrative Rules Review Committee

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

The following rulemaking action is proposed:

ITEM 1. 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.

TREASURER OF STATE

Notice—Public Funds Interest Rates

In compliance with Iowa Code chapter 74A and section 12C.6, the following interest rates of interest for public obligations and special assessments have been established. The usury rate for November is 6.00%.

INTEREST RATES FOR PUBLIC OBLIGATIONS AND ASSESSMENTS

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

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

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

New official state interest rates, effective November 11, 2025, setting the minimums that may be paid by Iowa depositories on public funds are listed below.

TIME DEPOSITS

7-31 days	Minimum .05%
32-89 days	Minimum .05%
90-179 days	Minimum 1.70%
180-364 days	Minimum 1.60%
One year to 397 days	Minimum 1.80%
More than 397 days	Minimum 1.85%

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

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

USURY

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

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

ARC 9761C

COLLEGE STUDENT AID COMMISSION[283]

Adopted and Filed

Rulemaking related to Iowa minority grants for economic success

The College Student Aid Commission hereby rescinds Chapter 22, "Iowa Minority Grants for Economic Success (Images)," Iowa Administrative Code.

Legal Authority for Rulemaking

This rulemaking is adopted under the authority provided in Iowa Code section 256.178.

State or Federal Law Implemented

This rulemaking implements, in whole or in part, Iowa Code sections 256.213 through 256.217.

Purpose and Summary

The Commission is rescinding Chapter 22 pursuant to Executive Order 10. The Iowa Minority Grants for Economic Success program has not received an appropriation in over two decades and is not operational. There is no benefit of the 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 9487C**. 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 Commission on October 31, 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 283—Chapter 7.

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 31, 2025.

The following rulemaking action is adopted:

ITEM 1. Rescind and reserve **283—Chapter 22**.

[Filed 11/4/25, effective 12/31/25]
[Published 11/26/25]
EDITOR'S NOTE: For replacement pages for IAC, see IAC Supplement 11/26/25.

ARC 9762C

COLLEGE STUDENT AID COMMISSION[283]

Adopted and Filed

Rulemaking related to chiropractic loan forgiveness program

The College Student Aid Commission hereby rescinds Chapter 33, "Chiropractic Loan Forgiveness Program," Iowa Administrative Code.

Legal Authority for Rulemaking

This rulemaking is adopted under the authority provided in Iowa Code section 256.178.

State or Federal Law Implemented

This rulemaking implements, in whole or in part, Iowa Code section 256.205.

Purpose and Summary

The Commission is rescinding Chapter 33 pursuant to Executive Order 10. The Chiropractic Loan Forgiveness Program has not received an appropriation since FY 2010 and is not operational. There is no further benefit of the 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 9488C**. 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 Commission on October 31, 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 283—Chapter 7.

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 31, 2025.

The following rulemaking action is adopted:

ITEM 1. Rescind and reserve **283—Chapter 33**.

[Filed 11/4/25, effective 12/31/25]
[Published 11/26/25]
EDITOR'S NOTE: For replacement pages for IAC, see IAC Supplement 11/26/25.

ARC 9763C

HUMAN SERVICES DEPARTMENT[441]

Adopted and Filed

Rulemaking related to conditions of eligibility

The Department of Health and Human Services hereby rescinds Chapter 75, "Conditions of Eligibility," Iowa Administrative Code, and adopts a new Chapter 75 with the same title.

Legal Authority for Rulemaking

This rulemaking is adopted under the authority provided in Iowa Code sections 249A.3 and 249A.4.

State or Federal Law Implemented

This rulemaking implements, in whole or in part, Iowa Code chapter 514I and sections 249A.3 and 249A.4, Title XIX of the Social Security Act, 42 CFR 435, and 42 CFR 457.

Purpose and Summary

This chapter establishes the conditions of eligibility for the medical assistance program administered by the Department under Iowa Code chapter 249A and addresses related matters. This chapter incorporates changes that were intended to be implemented but not taken up during a five-year rule review performed in 2022. Those changes include incorporating a Modified Adjusted Gross Income (MAGI) methodology based on federal tax rules, implementing portions of the Affordable Care Act, and implementing the concept of reasonable compatibility for verifying resources and income.

This chapter has undergone a Red Tape Review pursuant to Executive Order 10. As a result, the Department has removed restrictive terms, made minor wording changes, removed outdated language, and removed duplicative language, where possible. The Department also took this opportunity to restructure the chapter, dividing coverage groups into separate divisions based on categories of coverage.

Finally, this rulemaking also implements sections 18 and 19 of 2025 Iowa Acts, House File 1049, which updates the personal needs allowance for participants in the medical assistance program who are residents of facilities. The personal needs allowance was raised from $50 to $55.

Public Comment and Changes to Rulemaking

Notice of Intended Action for this rulemaking was published in the Iowa Administrative Bulletin on October 1, 2025, as **ARC 9581C**. Public hearings were held on the following date:

- October 21, 2025

No one attended the public hearings. No public comments were received. Minor changes from the Notice have been made in that cross-references to another Department chapter have been updated.

Adoption of Rulemaking

This rulemaking was adopted by the Department on November 5, 2025.

Fiscal Impact

This rulemaking has no fiscal impact to the State of Iowa beyond the $330,513 that was allocated to implement the personal needs allowance increase outlined in Sections 18 and 19 of 2025 Iowa Acts, House File 1049.

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 January 1, 2026.

The following rulemaking action is adopted:

ITEM 1. Rescind 441—Chapter 75 and adopt the following **new** chapter in lieu thereof:

CHAPTER 75
CONDITIONS OF ELIGIBILITY

DIVISION I
DEFINITIONS, COVERAGE GROUPS, AND GENERAL CONDITIONS OF ELIGIBILITY

441—75.1(249A) Definitions. Unless otherwise specified, the definitions in this rule apply to 441—Chapters 74 through 88.

"Act" means the federal Social Security Act. All references to the Act herein are as amended to August 1, 2025.

"Aged" means a person 65 years of age or older.

"Applicant" means a person who is requesting medical assistance on the person's own behalf or a person for whom medical assistance is requested.

"AVS" or *"asset verification system"* means the use of an electronic asset data source to verify assets held in banks and other financial institutions for non-MAGI.

"Blind" means a person with central visual acuity of 20/200 or less in the better eye with use of corrective lens or visual field restriction to 20 degrees or less.

"Caretaker" means an individual with whom a child is living and who assumes primary responsibility for the child's care. For this purpose, two individuals may be considered to have assumed primary responsibility for a child's care.

"Change in income" means a permanent change in hours worked or rate of pay, any change in the amount of unearned income, or the beginning or ending of any income.

"Child" means a natural or biological child, or an individual legally recognized as the child of a parent based on the conception, gestation, or birth of the child during a legal marriage; an adoptive child; or a child of an individual's spouse (stepchild) unless parental rights have been legally terminated.

"Client" means all of the following:

1. A Medicaid applicant;
2. A Medicaid member;
3. A person whose income or assets are considered in determining eligibility for an applicant or member.

"Code of Federal Regulations" or *"CFR"* means the United States Code of Federal Regulations. All references to the CFR herein are as amended to August 1, 2025, unless another effective date is specified.

"Community spouse" means a noninstitutionalized spouse of an institutionalized spouse.

"Conditionally eligible" means that a person has been assigned but not met spenddown as defined in subrule 75.8(1), or has been assigned a monthly premium but has not yet paid the premium for that month pursuant to subparagraph 75.6(6)*"b"*(4).

"Coverage group" means a group of persons who meet certain common eligibility requirements.

"Dependent child" or *"dependent children"* means a child or children who meet the nonfinancial eligibility requirements of the applicable family-related coverage group.

"Electronic data sources" or *"EDS"* means federal and state data sources with which the department conducts data matches for the purpose of determining eligibility. Federal data sources include the Internal Revenue Service (IRS), the Social Security Administration (SSA) and the United States Department of Homeland Security. State data sources include Iowa workforce development (IWD) wage and unemployment compensation, SSA, IRS, and the Public Assistance Reporting Information System (PARIS).

"Family-related Medicaid" includes coverage groups that apply to children, parents and caretakers and pregnant women who are not aged, blind or disabled.

"Federal poverty level" or *"FPL"* means the levels published and updated periodically in the Federal Register by the United States Department of Health and Human Services (DHHS) under the authority of 42 U.S.C. 9902(2) and revised annually on April 1.

"General conditions of eligibility" means the eligibility criteria specified in the following provisions:

1. Rule 441—75.9(249A): furnishing of social security number.
2. Rule 441—75.10(249A): residency requirements.
3. Rule 441—75.11(249A): citizenship or alienage requirements.
4. Rule 441—75.14(249A): establishing liability and obtaining support.
5. Rule 441—75.15(249A): medical resources.
6. Rule 441—75.16(249A): medical assistance lien.
7. Rule 441—75.29(249A): investigation of eligibility.

"Income in-kind" means any gain or benefit that is not in the form of money payable directly to the applicant, member, or person whose income or assets are considered in determining eligibility for an applicant or member, including nonmonetary benefits such as meals, clothing, and vendor payments.

Vendor payments are monetary payments to a third party and not to the applicant, member, or person whose income is considered in determining eligibility.

"Institutionalized person" means a person who is an inpatient in a nursing facility or a Medicare-certified skilled nursing facility, a person who is an inpatient in a medical institution and for whom payment is made based on a level of care provided in a nursing facility, or a person who is as described in subrule 75.6(8).

"Institutionalized spouse" means a married person living in a medical institution, or nursing facility, or home- and community-based waiver setting who is likely to remain living in these circumstances for at least 30 consecutive days and whose spouse is not in a medical institution or nursing facility.

"Local office" means the county office of the department or a state mental health institute.

"Medical institution," when used in this chapter, means a facility organized to provide medical care, including nursing and convalescent care, in accordance with accepted standards as authorized by state law and as evidenced by the facility's license. A medical institution may be public or private. Medical institutions include the following:

1. Hospitals.
2. Extended care facilities (skilled nursing).
3. Intermediate care facilities.
4. Mental health institutions.

"Member" means any person who has been determined eligible and has been enrolled to receive medical assistance pursuant to 441—Chapter 75. "Member" may be used interchangeably with "recipient." This definition does not apply to the phrase "household member." For the medically needy program, "member" means a person who has been determined eligible for Medicaid under the medically needy program, has been approved, and has countable income at or below the medically needy income level (MNIL) or has reduced the person's countable income to the MNIL during the certification period through spenddown. Unless otherwise specified, a person is not a member for any month in which Medicaid for that person is subject to recoupment because the person was ineligible.

"Modified adjusted gross income" or *"MAGI"* means the tax-based methodology used to determine income eligibility and household size for family-related Medicaid and other coverage groups as prescribed by 1902(e)(14) of the Act (42 U.S.C. 1396a(e)(14) and 42 CFR 435.603).

"Non-MAGI-related" means those persons whose eligibility is determined using regulations governing the supplemental security income (SSI) program administered by the SSA, except that income is considered prospectively. "Non-MAGI-related" also includes persons who would be eligible for SSI except for certain eligibility factors as specified in rule 441—75.6(249A).

"Nursing facility services" means the level of care provided in a medical institution licensed for nursing services or skilled nursing services for the purposes of rules 441—75.23(249A) and 441—75.85(249A).

"Parent" means a natural or biological parent, or an individual legally recognized as the parent of a child based on the conception, gestation, or birth of the child during a legal marriage; an adoptive parent; or the spouse of another parent (stepparent) unless parental rights have been legally terminated.

"Pay and chase" means that the state pays the total amount allowed under the department's payment schedule and then seeks reimbursement from a liable third party. The pay and chase provision applies to Medicaid claims for preventive pediatric services and all services provided to a person for whom there is court-ordered medical support.

"Payee" refers to an SSI payee as defined in 20 CFR 416.601.

"Presumptive eligibility" means that a person is presumed to be eligible for Medicaid on a temporary basis based on statements provided by the person.

"Presumptive Medicaid" means immediate and temporary health care coverage based on a presumptive eligibility decision to pay for the cost of care during the presumptive period as described in subrule 75.7(4).

"Presumptive provider" means an organization approved by the department to conduct and authorize presumptive eligibility determinations pursuant to 441—subrule 76.7(1).

"Qualified entity" means an individual, under the supervision and authority of a presumptive provider, who has been determined by the department to be capable of making presumptive Medicaid eligibility determinations pursuant to 441—subrule 76.7(2).

"Reasonably compatible" or *"reasonable compatibility"* means the standard by which the total attested countable income or resources for each person's household size is compared with the total amount from available EDS or AVS used by the department. Attested income or resources must meet one of the following three criteria to meet the standards for reasonable compatibility:

1. Both the total attested income or resources and the total income or resources from the EDS or AVS are above, at, or below the applicable income or resource limit for Medicaid or hawki; or
2. The total attested income is within 10 percent of the total income from EDS or the total resources are below the resource limit for the applicable program; or
3. The total attested income or resources exceeds the total income or resources from EDS or AVS.

If the attested income or resources meet any of the reasonable compatibility criteria, the income or resources are considered to be verified.

"Reasonable opportunity period" means the 90-day period allowed for applicants and members to provide satisfactory documentation of citizenship, nationality, or qualified alien status pursuant to subparagraph 75.11(2)*"c"*(4).

"Refugee" means the same as defined in 8 U.S.C. §1101(a) INA 101 (a)(42).

"Retroactive period" means the three calendar months immediately preceding the month in which an application is filed.

"Sibling" means an individual who shares at least one common parent with another individual.

"Spouse" means a party to a legally recognized marriage, including a common-law marriage.

"Stepparent" means a person who is not the parent of the dependent child, but is the legal spouse of the dependent child's parent. A stepparent is considered a parent under a coverage group that is subject to MAGI methodology pursuant to 42 CFR 435.603.

"Supply" or *"supplying"* means the requested information is received by the department by the specified due date.

"Tax dependent" means an individual who can be claimed by another individual as a dependent for federal income tax purposes.

"Transfer of assets" means the transfer of resources or income for less than fair market value as provided in rule 441—75.23(249A).

"Unborn child" includes an unborn child during the entire term of pregnancy.

"United States Code" or *"U.S.C."* means the general and permanent laws of the United States. All references to the U.S.C. herein are as amended to August 1, 2025, unless another effective date is specified.

441—75.2(249A) Categories of persons covered. Persons who meet the criteria of one of the categorical groups below receive Medicaid if they meet the eligibility requirements of a related coverage group described in rules 441—75.3(249A) through 441—75.8(249A) and the general conditions of eligibility described within this chapter.

75.2(1) *Family-related Medicaid.* Medicaid is available to the following categories of persons who meet the eligibility requirements of one of the family-related Medicaid coverage groups described in rule 441—75.3(249A), the general conditions of eligibility specified in Division I of this chapter, and the eligibility factors specific to family-related medical assistance described in Division II of this chapter unless stated otherwise within this chapter:

a. Children under the age of 19.
b. Parents and caretakers.
c. Pregnant women.
d. Persons in foster care, a subsidized adoption arrangement, or subsidized guardianship.
e. Former foster care youth.
f. Persons living in a medical institution.

75.2(2) *Persons who need breast or cervical cancer treatment.* Pursuant to rule 441—75.4(249A), Medicaid is available to persons who have been screened and found to need treatment for breast or cervical cancer.

75.2(3) *Persons aged 19 through 64.* Medicaid is available to persons who are aged 19 or older and under the age of 65 who meet the eligibility requirements of the Iowa health and wellness plan (IHAWP) as described in subrule 75.5(1) and 441—Chapter 74.

75.2(4) *Persons who are refugees.* Medicaid is available to refugees who meet the requirements described in subrules 75.5(3) and 75.5(4) and who do not meet the requirements of another Medicaid coverage group or hawki.

75.2(5) *Aged, blind, or disabled persons.* The following coverage groups are available to persons who are aged, blind, or disabled and who meet the eligibility criteria of a coverage group described in rule 441—75.6(249A) and the general conditions of eligibility specified in this chapter:

a. Persons receiving SSI or state supplementary assistance or eligible for, but not receiving, SSI.

b. Aged, blind or disabled persons ineligible for SSI or state supplementary assistance due to income or other requirements.

c. Certain persons essential to the welfare of an aged, blind, or disabled person.

d. Persons residing in a medical institution.

e. Persons participating in Medicare savings programs.

f. Working persons with disabilities.

g. Children with disabilities.

h. Persons who may be eligible for additional services that are not available through regular Medicaid, and a waiver of federal policy has been approved. These are known as waiver services and are defined in 441—Chapter 83.

441—75.3(249A) Family-related Medicaid. Medicaid will be available to children, parents and other caretakers and to pregnant women who meet the eligibility requirements of a coverage group described within this rule and the general conditions of eligibility described in this chapter.

75.3(1) *Family medical assistance program (FMAP).* Medicaid will be available to low-income children and to the children's parent or other caretaker if the following criteria are met:

a. Children must meet the requirements described in rule 441—75.50(249A), and the parent or other caretaker must meet the requirements described in rule 441—75.51(249A).

b. Countable household income must not exceed the FMAP limits prescribed in rule 441—75.74(249A). Financial eligibility will be determined according to MAGI methodology pursuant to Division III of this chapter.

75.3(2) *Pregnant women, infants, and children (mothers and children (MAC)).* Medicaid will be available to pregnant women, infants (under one year of age), and children who have not attained the age of 19 if the following criteria are met.

a. Income.

(1) Household income must not exceed the applicable limits for the MAC program as stated in rule 441—75.74(249A).

(2) In establishing eligibility for pregnant women, infants, and children, income and household size will be determined pursuant to rule 441—75.72(249A).

(3) In establishing eligibility for a pregnant woman or any person whose MAGI household size includes a pregnant woman, the unborn child (or children) will be considered when determining the number of persons in the household. Attestation of pregnancy will be accepted in accordance with subrule 75.72(5).

b. Eligibility for pregnant women under this rule will begin no earlier than the first day of the month in which conception occurred and will continue throughout the pregnancy when requirements described in rule 441—75.18(249A) are met.

c. The effect of age on eligibility for an infant or a child will be determined pursuant to rule 441—75.52(249A).

d. When determining eligibility under this coverage group, the requirement to live with a parent or other caretaker as specified at subrule 75.50(2) and the age and school attendance provisions specified in subrule 75.50(1) do not apply.

e. A woman who was both eligible and enrolled in Medicaid on the date her pregnancy ends will be entitled to receive Medicaid through the postpartum period in accordance with subrule 75.3(4).

f. If an infant loses eligibility under this coverage group at the time of the first birthday due to exceeding the income limit for children or if a child loses eligibility at the time of the nineteenth birthday, but the infant or child is receiving inpatient services in a medical institution, Medicaid will continue under this coverage group for the duration of continuous inpatient services.

75.3(3) *Newborn children.* Medicaid will be available without an application to newborn children of women who are determined eligible for Medicaid for the month of the child's birth or for emergency services for labor and delivery for the child's birth. Eligibility begins with the month of the birth and continues through the month of the first birthday as long as the child remains an Iowa resident.

a. The department will accept any written or verbal statement as verification of the newborn's birth date unless the department determines the birth date is questionable.

b. In order for Medicaid to continue after the month of the first birthday, a redetermination of eligibility must be completed.

75.3(4) *Postpartum eligibility following pregnancy.* Medicaid will continue to be available for a period of 12 months beginning the first of the month following the end of pregnancy and continuing for 12 months for a woman who was both eligible and enrolled in Medicaid on the date her pregnancy ends.

a. Except as described in this subrule, the woman is not required to meet any eligibility criteria described in this chapter or the reenrollment requirements in rule 441—76.14(249A) during the 12-month postpartum period.

b. The woman will not be required to file an application.

c. Pregnant women determined eligible only for emergency services pursuant to subrule 75.11(4) are eligible under this provision.

75.3(5) *Healthy and well kids in Iowa (hawki).* Hawki will be available to children under the age of 19 who are not eligible for Medicaid and who meet the provisions of 441—Chapter 86.

75.3(6) *Transitional Medicaid.*

a. Eligible persons. Transitional Medicaid will be available for a period of up to 12 months to the following persons:

(1) A dependent child who becomes ineligible for FMAP due to increased income from employment of the dependent child or the child's parent or other caretaker;

(2) The child's parent or caretaker who becomes ineligible for FMAP due to increased income from employment of the dependent child or the child's parent or other caretaker; and

(3) The following household members of persons described in subparagraph 75.3(6)*"a"*(1) or *"a"*(2) who currently meet all FMAP requirements, except for income:

1. Persons who were in the home prior to FMAP discontinuance but did not receive FMAP at the time; and

2. Persons who entered the home prior to FMAP discontinuance or during the transitional Medicaid period.

b. Increase in income from employment. Increased income from employment includes but is not limited to the following:

(1) Beginning employment.

(2) Increased rate of pay.

(3) Increased hours of employment.

c. Transitional Medicaid and continuous eligibility. Transitional Medicaid eligibility rules supersede continuous eligibility rules for a child as described in rule 441—75.19(249A).

d. FMAP received in three of six months. In order to receive transitional Medicaid coverage under the provisions of this subrule, at least one of the individuals described in subparagraph 75.3(6)*"a"*(1) or *"a"*(2) must have received FMAP during at least three of the six months immediately preceding the month in which ineligibility occurred. The months the member receives FMAP due to continuous

eligibility as described in rule 441—75.19(249A) do not count toward the transitional Medicaid requirement of receiving FMAP for at least three of the last six months. If there is an increase in income from employment when a child's continuous eligibility is ending, the child will not be redetermined to the transitional Medicaid coverage group.

e. Period of transitional coverage. The 12 months of transitional Medicaid coverage begin the day following discontinuance of FMAP eligibility and will continue for a consecutive 12-month period without regard to income changes, subject to paragraphs 75.3(6)*"g," "h,"* and *"i."*

f. Reserved.

g. Fraud. Transitional Medicaid will not be allowed under the provisions of this subrule when it has been determined that the member received FMAP in any of the six months immediately preceding the month of discontinuance as the result of fraud. Fraud is defined in accordance with Iowa Code section 239B.14.

h. Eligible child. During the transitional Medicaid period, assistance will be discontinued at the end of the first month in which there is no longer an eligible child living in the household who meets the requirements in rule 441—75.50(249A).

i. Other conditions of eligibility. Members must meet all applicable general conditions of eligibility described in this chapter except for the income limits described in rule 441—75.74(249A).

j. Transitional period ends. Transitional Medicaid will be discontinued beginning with the first month following the month in which the household no longer meets the eligibility criteria. Notice will be provided to the household in accordance with adequate and timely notice provisions as specified in rule 441—16.2(17A).

75.3(7) *Extended Medicaid.*

a. Eligible persons. Extended Medicaid will be available for a period of up to four months to the following individuals:

(1) A dependent child who becomes ineligible for FMAP due to receipt of income from alimony or other spousal support;

(2) The child's parent or caretaker who becomes ineligible for FMAP due to receipt of income from alimony or other spousal support; and

(3) The following household members of persons described in subparagraph 75.3(7)*"a"*(1) or *"a"*(2) who currently meet all FMAP requirements, except for income:

1. Persons who were in the home prior to FMAP discontinuance but did not receive FMAP at the time; and

2. Persons who enter the home prior to FMAP discontinuance or during the extended Medicaid period.

b. FMAP received in three of six months. In order to receive extended Medicaid coverage under the provisions of this subrule, at least one member must have received FMAP during at least three of the six months immediately preceding the month in which ineligibility occurred.

c. Period of extended coverage. The four months of extended Medicaid coverage begins the day following discontinuance of FMAP eligibility and will continue for four consecutive months, subject to paragraph 75.3(7)*"f."*

d. Reserved.

e. Other conditions of eligibility. Members must meet all applicable general conditions of eligibility described in this chapter except for the income limits described in rule 441—75.74(249A).

f. Extended period ends. Extended Medicaid will be discontinued beginning with the first month following the month in which the household no longer meets eligibility criteria. Notice will be provided to the household in accordance with adequate and timely notice provisions as specified in rule 441—16.2(17A).

75.3(8) *Children in foster care, subsidized adoption arrangement, or subsidized guardianship arrangement not eligible under Title IV-E or Title XVI of the Act.* Medicaid will be available to persons under the age of 21 if the following criteria are met:

a. For the child medical assistance program (CMAP), the person is in foster care or a subsidized adoption arrangement in accordance with subparagraph 75.3(8)*"a"*(1), *"a"*(2), or *"a"*(3) and the person is not eligible for assistance under Title IV-E or Title XVI of the Act.

(1) The person is placed in licensed foster care for which the state pays foster care maintenance payments pursuant to Iowa Code section 234.35 and rule 441—156.20(234).

(2) The person is a special needs child in an adoption assistance agreement with the department pursuant to rule 441—201.5(600), regardless of whether the adoption assistance agreement provides for adoption subsidy maintenance payments.

(3) The person is a special needs child who resides in Iowa in a private home with the child's adoptive parent(s) and is in an adoption assistance agreement with another state with which Iowa has a reciprocity agreement as follows:

1. The other state is a member of the interstate compact on adoption and medical assistance (ICAMA); and

2. The other state provides medical assistance benefits pursuant to a program funded under Title XIX of the Act under the optional group in Section 1902(a)(10)(A)(ii)(VIII) of the Act to children residing in that state (at least until aged 18) for whom there is a state adoption assistance agreement in effect with the state of Iowa other than under Title IV-E of the Act.

b. For the subsidized guardianship medically needy program, the person resides in Iowa in a private home pursuant to a court-approved subsidized guardianship arrangement under 441—Chapter 204 and the person is not eligible for assistance under Title IV-E or Title XVI of the Act. As authorized under 42 CFR 435.308, this reasonable classification of individuals is a separate coverage group from the medical assistance available to medically needy persons described in rule 441—75.8(249A).

c. There are no financial eligibility requirements for these coverage groups.

d. The effect of reaching age 21 on the person's eligibility will be determined pursuant to rule 441—75.52(249A).

e. The age requirements and the requirement to live with a parent or other caretaker as provided in rule 441—75.50(249A) do not apply for persons under this coverage group.

75.3(9) *Children in foster care, subsidized adoption arrangement, or subsidized guardianship arrangement and eligible under Title IV-E.*

a. Medicaid will be available to a child under the age of 21 who is eligible under Title IV-E of the Act and for whom any of the following is provided:

(1) Foster care maintenance payments for a child placed in licensed foster care pursuant to Iowa Code section 234.35 and rule 441—156.20(234).

(2) Guardianship assistance pursuant to rule 441—204.4(234), regardless of whether the guardianship assistance agreement provides for guardianship subsidy maintenance payments.

(3) Adoption assistance pursuant to rule 441—201.5(600), regardless of whether the adoption assistance agreement provides for adoption subsidy maintenance payments.

b. IV-E assistance from another state. Medicaid will be available to children under the age of 21 who are eligible for federal foster care maintenance payments, adoption assistance, or guardianship assistance under Title IV-E of the Act from another state and live in Iowa, including children with an adoption or guardianship assistance agreement that does not provide for maintenance payments.

c. There are no financial eligibility requirements for these coverage groups.

d. The effect of reaching age 21 on the person's eligibility will be determined pursuant to rule 441—75.52(249A).

e. The age requirements and the requirement to live with a parent or other caretaker as provided in rule 441—75.50(249A) do not apply for persons under this coverage group.

75.3(10) *State-only funded medical assistance for children in foster care or a subsidized adoption arrangement for whom the department has financial responsibility in whole or in part.*

a. When the department is responsible for foster care maintenance payments for a child placed in licensed foster care pursuant to Iowa Code section 234.35 and rule 441—156.20(234), or has negotiated an adoption assistance agreement pursuant to rule 441—201.5(600) for a child living in a private home

regardless of whether the agreement provides for adoption subsidy maintenance payments, state-only funded medical assistance will be available to the child if:

(1) The child is under the age of 21, lives in Iowa, and is not otherwise eligible under a category for which federal financial participation is available; or

(2) The child is under the age of 21, lives in another state, and is not eligible for benefits from the other state pursuant to a program funded under Title XIX of the Act, notwithstanding the residency requirements of 441—75.10(249A).

b. There are no financial eligibility requirements for this coverage group.

c. The effect of reaching the age of 21 on the person's eligibility will be determined pursuant to rule 441—75.52(249A).

d. The age requirements and the requirement to live with a parent or other caretaker as provided in rule 441—75.50(249A) do not apply for persons under this coverage group.

75.3(11) *State-only funded medical assistance for children in a court-approved subsidized guardianship home for whom the department has financial responsibility in whole or in part.*

a. When the department has negotiated a subsidized guardianship agreement for a child pursuant to 441—Chapter 204, state-only funded medical assistance will be available to the child under this subrule if the child is under the age of 21 and living in a private home pursuant to a court-approved subsidized guardianship agreement if:

(1) The child lives in Iowa and is not eligible for Medicaid under a category for which federal financial participation is available due to reasons other than:

1. Failure to provide information, or
2. Failure to comply with other procedural requirements; or

(2) Notwithstanding the residency requirements of rule 441—75.10(249A), the child lives in another state and is not eligible for benefits from the other state pursuant to a program funded under Title XIX of the Act, due to reasons other than:

1. Failure to provide information, or
2. Failure to comply with other procedural requirements.

b. There are no financial eligibility requirements for this coverage group.

c. The effect of reaching the age of 21 on the person's eligibility will be determined pursuant to rule 441—75.52(249A).

d. The age requirements and the requirement to live with a parent or other caretaker as provided in rule 441—75.50(249A) do not apply for persons under this coverage group.

75.3(12) *Medicaid for former foster care youth (EMIYA).* Medicaid will be available to a person who meets all of the following conditions:

a. The person is at least 18 years of age (or such higher age to which foster care is provided to the person, as provided in paragraph 75.3(12)*"c"*) and under 26 years of age. The effect of reaching the age of 26 on the person's eligibility will be determined pursuant to rule 441—75.52(249A).

b. The person is:

(1) Not described in and is not enrolled under any of subclauses (I) through (VII) of Section 1902(a)(10)(A)(i) of Title XIX of the Act; or

(2) Described in any of such subclauses but has income that exceeds the level of income applicable under Iowa's state Medicaid plan for eligibility to enroll for Medicaid under such subclause.

c. The person was in foster care as defined in Iowa Code section 232.2(20B):

(1) Under the responsibility of Iowa or a tribe within Iowa on the date of attaining 18 years of age or such higher age as described in Iowa Code section 234.1 on or prior to December 31, 2022; or

(2) Under the responsibility of any state on the date of attaining 18 years of age or such higher age as defined under Section 1902(a)(10)(A)(i) of the Act on or after January 1, 2023.

d. The person was enrolled in the Iowa Medicaid program under Title XIX of the Act on the date of attaining 18 years of age or such higher age as described in Iowa Code section 234.1 on or prior to December 31, 2022; or

e. The person was enrolled in Medicaid in any state on the date of attaining 18 years of age or such higher age as defined under Section 1902(a)(10)(A)(i) of the Act on or after January 1, 2023.

f. There are no financial eligibility requirements for this coverage group.

75.3(13) *Persons under 21 receiving care in a medical facility who would be eligible under a special income standard.* Medicaid will be available to persons under the age of 21 who meet the requirements in paragraph 75.6(4)*"b."*

75.3(14) *Presumptive eligibility for family-related medical assistance.* Medicaid will be temporarily available to the following persons who are determined to be presumptively eligible for Medicaid pursuant to rule 441—75.7(249A):

a. Infants (within MAC income limits specified in rule 441—75.74(249A));

b. Children (within hawki income limits specified in 441—subrule 86.2(2));

c. Parents and other caretakers (within FMAP income limits specified in rule 441—75.74(249A));

d. Pregnant women (within MAC income limits specified in rule 441—75.74(249A)); and

e. EMIYA.

75.3(15) *Family-related medically needy.* Pursuant to rule 441—75.8(249A), Medicaid will be available to children under the age of 19 and pregnant women who would be eligible for a family-related coverage group except for excess income. The coverage group is also available to a "parent" and "caretaker" as defined in rule 441—75.1(249A) who meet the requirements described in rule 441—75.8(249A) and who would be eligible for a family-related coverage group or IHAWP except for excess income.

This rule is intended to implement Iowa Code sections 249A.3, 249A.3A and 249A.4.

441—75.4(249A) Persons who have been screened and found to need breast or cervical cancer treatment (BCCT).

75.4(1) Medicaid is available to persons who meet the eligibility requirements described within this rule and the general conditions of eligibility described in this chapter.

a. Medicaid will be available to persons who:

(1) Are under the age of 65:

(2) Have been screened for breast or cervical cancer under the National Breast and Cervical Cancer Early Detection Program (NBCCEDP) established under Title XV of the Public Health Service Act as amended to August 1, 2025, and have been found to need BCCT (including a precancerous condition);

(3) Do not otherwise have creditable coverage, as that term is defined by the Health Insurance Portability and Accountability Act (HIPAA) (42 U.S.C. Section 300gg-3(c)(1)). An individual is not considered to have creditable coverage just because the individual may receive medical services provided by the Indian Health Service, a tribal organization, or an Urban Indian Organization; and

(4) Are not eligible for Medicaid under Iowa Code section 249A.3(1).

b. Eligibility established under this subrule continues until the person is:

(1) No longer receiving BCCT;

(2) Aged 65 or older; or

(3) Covered by creditable coverage or eligible for Medicaid under Iowa Code section 249A.3(1).

c. Persons applying for this coverage group are not subject to MAGI methodologies described in Division III of this chapter. Income eligibility is determined by the NBCCEDP.

75.4(2) Presumptive eligibility. Medicaid is temporarily available to persons who have been screened for breast or cervical cancer and found to need treatment for the cancer and who are determined to be presumptively eligible for Medicaid under BCCT pursuant to rule 441—75.7(249A).

441—75.5(249A) Persons under age 65; refugees. Medicaid is available to persons who are under age 65 and to persons admitted to the United States as refugees who meet the eligibility requirements of a coverage group described within this rule.

75.5(1) *Iowa health and wellness plan (IHAWP).* This coverage group is available to persons who are aged 19 or older and under the age of 65 who meet the eligibility requirements of the IHAWP as described in 441—Chapter 74 and who are not eligible for Medicaid under a family-related or non-MAGI-related coverage group.

75.5(2) *Presumptive eligibility for IHAWP.* Medicaid will be temporarily available to persons who are aged 19 or older and under the age of 65 who are determined to be presumptively eligible for IHAWP medical assistance pursuant to rule 441—75.7(249A).

75.5(3) *Refugee medical assistance (RMA).* RMA is available to refugees, subject to the time limit set forth in rule 441—60.7(217) and paragraph 75.5(3)*"a,"* when the requirements of this rule are met and eligibility does not exist under another Medicaid coverage group or hawki.

a. The time limit begins the month of entry, regardless of which day during the month is the refugee's date of entry. The time limit applies to each person, not to each case or household.

b. The refugee must meet the immigration status and other non-financial requirements described in 441—Chapter 60.

c. Financial eligibility will be determined according to MAGI methodology pursuant to Division III of this chapter. Countable household income must not exceed the FMAP limits prescribed at rule 441—75.74(249A).

d. For purposes of Medicaid, the refugee is not required to meet the work and training requirements specified in rule 441—60.9(217).

75.5(4) *Extended coverage for refugees.* RMA will be available to a refugee for the remainder of the time limit described in subrule 75.5(3) when the refugee, who is a member, becomes ineligible for RMA or Medicaid under another coverage group solely due to earnings of a household member and eligibility does not exist under another coverage group.

a. A refugee will not be required to meet any minimum program participation time frames to receive RMA coverage under this subrule.

b. A person who returns to the household after the family becomes ineligible for RMA or Medicaid may be included in the extended RMA household if the person was included in the RMA or Medicaid household the month the family became ineligible for RMA or other Medicaid.

441—75.6(249A) Aged, blind or disabled. Medicaid is available to persons who are aged, blind or disabled and who meet the eligibility requirements of a coverage group described within this rule, the general conditions of eligibility, and the eligibility factors specific to non-MAGI-related Medicaid described in Division IV unless stated otherwise within this chapter.

75.6(1) *Persons receiving SSI or state supplementary assistance; persons eligible for but not receiving SSI.*

a. SSI recipients. Medicaid will be available to all persons receiving SSI payments as authorized by the SSA under Title XVI of the Act.

b. State supplementary assistance recipients. Medicaid will be available to all recipients of state supplementary assistance as authorized by Iowa Code chapter 249, 441—Chapters 50 through 54 and 177, and Title XVI of the Act. This applies to mandatory and optional state supplementary assistance payments, whether administered by the department or the SSA.

c. Persons who meet the income and resource requirements of SSI. Medicaid will be available to aged, blind, or disabled persons as described below who meet the income and resource guidelines of SSI but who are not receiving SSI:

(1) Aged and blind persons, as defined in rule 441—75.1(249A).

(2) Disabled persons, as determined pursuant to rule 441—75.81(249A).

(3) In establishing eligibility for children for this coverage group, resources of the child and ineligible parent or stepparent, regardless of age, will be disregarded.

(4) In establishing eligibility for adults for this coverage group, resources of non-MAGI persons will be treated according to SSI policies.

d. Persons who do not receive an SSI payment but are considered as SSI recipients. Medicaid will be available to a person who is not receiving an SSI payment because the SSA has determined that the person exceeds the income limit when the department still considers the person to be an SSI recipient.

75.6(2) *Persons who are not eligible for SSI or state supplementary assistance.*

a. Persons who are ineligible for SSI because of requirements that do not apply under Title XIX of the Act. Medicaid will be available to persons who would be eligible for SSI except for an eligibility requirement used in that program that is specifically prohibited under Title XIX of the Act.

b. Persons who would be eligible for SSI or state supplementary assistance but for social security cost-of-living increases received. Medicaid will be available to all current social security recipients who meet the following conditions:

(1) They were entitled to and received concurrently in any month after April 1977 SSI and social security or state supplementary assistance and social security,

(2) They subsequently lost eligibility for SSI or state supplementary assistance, and

(3) They would be eligible for SSI or state supplementary assistance if all of the social security cost-of-living increases that they and their financially responsible spouses, parents, and dependent children received since they were last eligible for and received social security and SSI (or state supplementary assistance) concurrently were deducted from their income. Spouses, parents, and dependent children are considered financially responsible if their income would be considered in determining the applicant's eligibility.

c. Persons who would be eligible for SSI or state supplementary assistance, except that they receive social security benefits from a parent's account based on disability. Medicaid will be available to persons who receive SSI or state supplementary assistance after their eighteenth birthday because of a disability or blindness that began before the age of 22 and who would continue to receive SSI or state supplementary assistance except that they become entitled to or receive an increase in social security benefits from a parent's account.

d. Persons ineligible due to October 1, 1972, social security increase. Medicaid will be available to persons and families whose assistance grants were canceled as a result of the increase in social security benefits October 1, 1972, as long as these persons and families would be eligible for an assistance grant if the increase were not considered.

e. Persons who would be eligible for SSI or state supplementary assistance but for increases in social security benefits because of elimination of the actuarial reduction formula and cost-of-living increases received. Medicaid will be available to all current social security recipients who meet all of the following conditions:

(1) They were eligible for a social security benefit in December of 1983.

(2) They were eligible for and received a widow's or widower's disability benefit and SSI or state supplementary assistance for January of 1984.

(3) They became ineligible for SSI or state supplementary assistance because of an increase in their widow's or widower's benefit that resulted from the elimination of the reduction factor in the first month in which the increase was paid and in which a retroactive payment of that increase for prior months was not made.

(4) They have been continuously eligible for a widow's or widower's benefit from the first month the increase was received.

(5) They would be eligible for SSI or state supplementary assistance benefits if the amount of the increase from elimination of the reduction factor and any subsequent cost-of-living adjustments were disregarded.

(6) They submitted an application prior to July 1, 1988.

f. Widows and widowers who are no longer eligible for SSI or state supplementary assistance because of the receipt of social security benefits. Medicaid will be available to widows and widowers who meet the following conditions:

(1) They have applied for and received or were considered recipients of SSI or state supplementary assistance.

(2) They apply for and receive Title II widow's or widower's insurance benefits or any other Title II old age or survivor's benefits, if eligible for widow's or widower's benefits.

(3) They were not entitled to Part A Medicare hospital insurance benefits at the time of application and receipt of Title II old age or survivor's benefits. They are not currently entitled to Part A Medicare hospital insurance benefits.

(4) They are no longer eligible for SSI or state supplementary assistance solely because of the receipt of their social security benefits.

g. Continued Medicaid for disabled children from August 22, 1996. Medicaid will be available to persons who were receiving SSI as of August 22, 1996, and who would continue to be eligible for SSI but for Section 211(a) of the Personal Responsibility and Work Opportunity Act of 1996 (Public Law 104-193) as amended to August 1, 2025, and 42 U.S.C. 1382c(a)(3).

75.6(3) *Certain persons essential to the welfare of Title XVI beneficiaries.* Medicaid will be available to the person living with and essential to the welfare of a Title XVI beneficiary, provided the essential person was eligible for Medicaid as of December 31, 1973. The person will continue to be eligible for Medicaid as long as the person continues to meet the definition of "essential person" in effect for the Old Age Assistance, Aid to the Blind, or Aid to the Permanently and Totally Disabled public assistance programs on December 31, 1973, and as determined by SSA.

75.6(4) *Persons residing in a medical institution.*

a. Persons who would be eligible for SSI or state supplementary assistance except for their institutional status. Medicaid will be available to persons receiving care in a medical institution who would be eligible for SSI or state supplementary assistance if they were not institutionalized.

b. Persons receiving care in a medical facility who would be eligible under a special income standard.

(1) Medicaid will be available to persons who:

1. Meet level of care requirements as set forth in rules 441—78.3(249A), 441—81.2(249A), 441—82.6(3) and 441—82.7(249A).

2. Receive care in a hospital, nursing facility, psychiatric medical institution, intermediate care facility for the intellectually disabled (ICF-ID), or Medicare-certified skilled nursing facility.

3. Have gross countable monthly income that does not exceed 300 percent of the federal SSI benefits for one.

4. Either meets all SSI eligibility requirements except for income or is under age 21 pursuant to subrule 75.3(14).

(2) For all persons in this coverage group, income will be considered as provided for non-MAGI-related coverage groups under rule 441—75.80(249A). In establishing eligibility for persons aged 21 or older for this coverage group, resources will be considered as provided for non-MAGI-related coverage groups.

(3) A person in this group will not be eligible until the person has been institutionalized for a period of 30 consecutive days, and eligibility will be effective no earlier than the first day of the month in which the 30-day period begins. A period of 30 days means beginning from 12 a.m. of the day of admission to the medical institution and ending no earlier than 12 midnight of the thirtieth day following the beginning of the period.

1. A person who enters a medical institution and who dies prior to completion of the 30-day period will be considered to meet the 30-day period provision.

2. Only one 30-day period is required to establish eligibility during a continuous stay in a medical institution. Discharge during a subsequent month, creating a partial month of care, does not affect eligibility for that partial month regardless of whether the eligibility determination was completed prior to discharge.

3. A temporary absence of not more than 14 full consecutive days during which the person remains under the jurisdiction of the institution does not interrupt the 30-day period. In order to remain under the jurisdiction of the institution, a person must first have been physically admitted to the institution.

75.6(5) *Medicare savings programs.* The purpose of the coverage groups within this subrule is to assist low-income persons with the payments of Medicare premiums, coinsurance, and deductibles. These groups are known as Medicare savings programs.

a. Qualified Medicare beneficiary (QMB) program.

(1) Medicaid will be available to persons who are entitled to hospital insurance under Part A of Medicare to cover the cost of the Medicare Part A and B premiums, coinsurance, and deductibles, providing the following conditions are met:

1. The person's monthly income does not exceed 100 percent of the FPL applicable to the family size.

2. The amount of income will be determined as under the SSI program.

3. The person's resources do not exceed three times the maximum resource level allowed under the SSI program, annually adjusted by increases in the consumer price index for inflation as defined in Section 1905(p)(1)(C) of the Act.

(2) The amount of resources will be determined as under the SSI program unless the person lives and is expected to live at least 30 consecutive days in a medical institution and has a spouse at home, in which case the resource determination will be made according to subrules 75.82(3) and 75.82(4).

(3) Income will not include any amount of social security income attributable to the cost-of-living increase beginning January 1 until the annual revision of the FPL on April 1.

(4) The effective date of eligibility is the first of the month after the month of decision.

(5) Pursuant to 42 CFR 435.909(b), SSI recipients are automatically enrolled in the QMB group.

b. Qualified disabled and working persons. Medicaid will be available to cover the cost of the premium for Part A of Medicare (hospital insurance benefits) for qualified disabled and working persons.

(1) Qualified disabled and working persons are persons who meet the following requirements:

1. The person's monthly income does not exceed 200 percent of the applicable FPL for the family size.

2. The person's resources do not exceed twice the maximum amount allowed under the SSI program.

3. The person is not eligible for any other Medicaid benefits.

4. The person is entitled to enroll in Medicare Part A of Title XVIII under Section 1818A of the Act (as added by Section 6012 of the Omnibus Budget Reconciliation Act (OBRA) 1989).

(2) The amount of the person's income and resources will be determined as under the SSI program.

c. Specified low-income Medicare beneficiaries.

(1) Medicaid will be available to persons who are entitled to hospital insurance under Part A of Medicare to cover the cost of the Medicare Part B premium, provided the following conditions are met:

1. The person's monthly income exceeds 100 percent of the FPL but is less than 120 percent of the FPL applicable to a family of the size involved.

2. The person's resources do not exceed three times the maximum resource level allowed under the SSI program, annually adjusted by increases in the consumer price index for inflation as defined in section 1905(p)(1)(C) of the Act.

(2) The amount of income and resources will be determined as under the SSI program unless the person lives and is expected to live at least 30 consecutive days in a medical institution and has a spouse at home, in which case the resource determination will be made according to subrules 75.82(3) and 75.82(4).

(3) Income will not include any amount of social security income attributable to the cost-of-living increase beginning January 1 until the annual revision of the FPL on April 1.

(4) The effective date of eligibility will be as set forth in 441—subrule 76.13(1).

d. Expanded specified low-income Medicare beneficiaries.

(1) Medicaid benefits to cover the cost of the Medicare Part B premium will be available to persons who are entitled to Medicare Part A provided the following conditions are met:

1. The person is not otherwise eligible for Medicaid.

2. The person's monthly income is at least 120 percent of the FPL but is less than 135 percent of the FPL applicable to a family of the size involved.

3. The person's resources do not exceed three times the maximum resource level allowed under the SSI program, annually adjusted by increases in the consumer price index for inflation as defined in Section 1905(p)(1)(C) of the Act.

(2) The amount of the income and resources will be determined the same as under the SSI program unless the person lives and is expected to live at least 30 consecutive days in a medical institution and has a spouse at home, in which case the resource determination will be made according to subrules 75.82(3) and 75.82(4).

(3) Income will not include any amount of social security income attributable to the cost-of-living increase beginning January 1 until the annual revision of the FPL on April 1.

(4) The effective date of eligibility will be as set forth in 441—subrule 76.13(1).

75.6(6) *Medicaid for employed people with disabilities (MEPD).*

a. Medicaid will be available to persons who meet all of the following conditions:

(1) They are disabled as determined pursuant to rule 441—75.81(249A), except that being engaged in substantial gainful activity will not preclude a determination of disability.

(2) They are less than 65 years of age.

(3) They are members of families (including families of one) whose income is less than 250 percent of the FPL for the family. Family income will include gross income of all family members, less SSI program disregards, exemptions, and exclusions, including the earned income disregards. The social security cost-of-living increase will be excluded in the current calendar year for January until April.

(4) They receive earned income from employment or self-employment or are eligible pursuant to paragraph 75.6(6)*"c."*

(5) They would be eligible for Medicaid under another coverage group set out in this rule (other than the medically needy coverage groups in rule 441—75.8(249A)), disregarding all income, up to $10,000 of available resources for an individual and $21,000 for a couple, and any additional resources held by the disabled individual in a retirement account, a medical savings account, or an assistive technology account.

(6) They have paid any premium assessed pursuant to paragraph 75.6(6)*"b."*

b. Persons whose gross income is greater than 150 percent of the FPL.

(1) For a person whose gross income exceeds 150 percent of the FPL for an individual, eligibility is conditional upon payment of a premium. Gross income includes all earned and unearned income of the conditionally eligible person, except that income attributable to a social security cost-of-living adjustment will be included only in determining premium liability based on a subsequently published FPL. A monthly premium will be assessed at the time of application and at the annual review. The premium amounts and the FPL increments above 150 percent of the FPL used to assess premiums will be adjusted annually on August 1.

(2) Beginning with the month of application, the monthly premium amount will be established based on projected average monthly income. The monthly premium established will not be increased for any reason before the next eligibility review. The premium will not be reduced due to a change in the FPL but may be reduced or eliminated prospectively before the next eligibility review if a reduction in projected average monthly income is verified.

(3) Eligible persons are required to complete and return forms specified by the department with income information during the twelfth month of the annual enrollment period to determine the premium to be assessed for the next 12-month enrollment period.

(4) Premiums will be assessed as follows:

IF THE INCOME OF THE APPLICANT IS ABOVE:	THE MONTHLY PREMIUM IS:
150% of Federal Poverty Level	$43
165% of Federal Poverty Level	$59
180% of Federal Poverty Level	$70
200% of Federal Poverty Level	$82
225% of Federal Poverty Level	$97
250% of Federal Poverty Level	$113
300% of Federal Poverty Level	$141
350% of Federal Poverty Level	$171
400% of Federal Poverty Level	$202
450% of Federal Poverty Level	$233

IF THE INCOME OF THE APPLICANT IS ABOVE:	THE MONTHLY PREMIUM IS:
550% of Federal Poverty Level	$291
650% of Federal Poverty Level	$351
750% of Federal Poverty Level	$413
850% of Federal Poverty Level	$488
1000% of Federal Poverty Level	$586
1150% of Federal Poverty Level	$685
1300% of Federal Poverty Level	$790
1480% of Federal Poverty Level	$913

(5) Eligibility is contingent upon the payment of any assessed premiums. Medicaid eligibility will not be made effective for a month until the premium assessed for the month is paid. The premium must be paid within three months of the month of coverage or of the month of initial billing, whichever is later, for the person to be eligible for the month.

(6) When the department notifies the applicant of the amount of the premiums, the applicant shall pay any premiums due as follows:

1. The premium for each month is due the fourteenth day of the month the premium is to cover.

EXCEPTIONS: The premium for the month of initial billing is due the fourteenth day of the following month; premiums for any months prior to the month of initial billing are due on the fourteenth day of the third month following the month of billing.

2. If the fourteenth day falls on a weekend or a state holiday, payment is due the first working day following the holiday or weekend.

3. When any premium payment due in the month it is to cover is not received by the due date, Medicaid eligibility will be canceled.

(7) Payments received will be applied in the following order:

1. To the month in which the payment is received if the premium for the current calendar month is unpaid.

2. To the following month when the payment is received after a billing statement has been issued for the following month.

3. To prior months when a full payment has not been received. Payments will be applied beginning with the most recent unpaid month before the current calendar month, then the oldest unpaid prior month and forward until all prior months have been paid.

4. When premiums for all months above have been paid, any excess will be held and applied to any months for which eligibility is subsequently established, as specified in numbered paragraphs 75.6(6)*"b"*(7)"1," "2," and "3" above, and then to future months when a premium becomes due.

5. Any excess on an inactive account will be refunded to the client after two calendar months of inactivity, or no longer being assessed a monthly premium, or upon request from the client.

(8) An individual's case may be reopened when Medicaid eligibility is canceled for nonpayment of premium. However, the full premium must be received by the department on or before the last day of the month following the month the premium is to cover.

(9) Premiums may be submitted in the form of money orders or personal checks to the address printed on the coupon attached to the MEPD billing statement.

(10) Once an individual is canceled from Medicaid due to nonpayment of premiums, the individual must reapply to establish Medicaid eligibility unless the reopening provisions of this subrule apply.

(11) When a premium due in the month it is to cover is not received by the due date, a notice of decision will be issued to cancel Medicaid. The notice will be provided in accordance with 441—Chapter 16 and will include reopening provisions that apply if payment is received, as well as appeal rights under 441—Chapter 7.

(12) A form specified by the department will be used for billing and collection.

c. Members in this coverage group who become unable to work due to a change in their medical condition or who lose employment will remain eligible for a period of six months from the month of the change in their medical condition or loss of employment as long as they intend to return to work and

continue to meet all other eligibility criteria under this subrule. Members shall submit a form prescribed by the department to report on the end of their employment and their intent to return to employment.

d. For purposes of this subrule, the following definitions apply:

"Assistive technology" is the systematic application of technologies, engineering, methodologies, or scientific principles to meet the needs of and address the barriers confronted by individuals with disabilities in areas that include education, rehabilitation, technology devices, and assistive technology services.

"Assistive technology accounts" include funds in contracts, savings, trust or other financial accounts, financial instruments or other arrangements with a definite cash value set aside and designated for the purchase, lease or acquisition of assistive technology, assistive technology devices, or assistive technology services. Assistive technology accounts must be held separate from other accounts, and funds and must be used to purchase, lease or otherwise acquire assistive technology, assistive technology services, or assistive technology devices for the working person with a disability when a physician, certified vocational rehabilitation counselor, licensed physical therapist, licensed speech therapist, or licensed occupational therapist has established the medical necessity of the device, technology, or service and determined the technology, device, or service can reasonably be expected to enhance the individual's employment.

"Assistive technology device" is any item, piece of equipment, product system, or component part, whether acquired commercially, modified, or customized, that is used to increase, maintain, or improve functional capabilities or address or eliminate architectural, communication, or other barriers confronted by persons with disabilities.

"Assistive technology service" means any service that directly assists an individual with a disability in the selection, acquisition, or use of an assistive technology device or other assistive technology. It includes but is not limited to services referred to or described in the Assistive Technology Act of 1998, 29 U.S.C. §3002(4).

"Family," if the individual is under the age of 18 and unmarried, includes parents living with the individual, unmarried siblings under the age of 18 and living with the individual, and children of the individual who live with the individual. If the individual is 18 years of age or older, or married, "family" includes the individual's spouse living with the individual and any children living with the individual who are under the age of 18 and unmarried. No other persons will be considered members of an individual's family. An individual living alone or with others not listed above will be considered to be a family of one.

"Medical savings account" means an account exempt from federal income taxation pursuant to Section 220 of the United States Internal Revenue Code (26 U.S.C. §220).

"Retirement account" means any retirement or pension fund or account, listed in Iowa Code section 627.6(8)*"f"* as exempt from execution, regardless of the amount of contribution, the interest generated, or the total amount in the fund or account.

75.6(7) *Medicaid for kids with special needs (MKSN).* Medicaid will be available to children who meet all of the following conditions on or after January 1, 2009:

a. The child is under 19 years of age.

b. The child is disabled as determined pursuant to rule 441—75.81(249A) based on the disability standards for children used for SSI benefits under Title XVI of the Act but without regard to any income or asset eligibility requirements of the SSI program.

c. The child is enrolled in any group health plan available through the employer of a parent living in the same household as the child if the employer contributes at least 50 percent of the total cost of annual premiums for that coverage. The parent shall enroll the child and pay any employee premium required to maintain coverage for the child.

d. The child's household has income at or below 300 percent of the FPL applicable to a family of that size.

(1) For this purpose, the child's household includes any of the following persons who are living with the child and are not receiving Medicaid on another case:

1. The child's parents.

2. The child's unmarried siblings under the age of 19.
3. The child's spouse.
4. The child's children.
5. The children of the child's spouse.

(2) Only those persons identified in subparagraph 75.6(7)*"d"*(1) will be considered a member of the child's household. A person who receives medically needy coverage with a spenddown or limited benefits such as Medicare savings programs is not considered to be "receiving Medicaid" for the purposes of subparagraph *"d"*(1). A child who lives alone or with persons not identified in subparagraph *"d"*(1) will be considered as having a household of one.

(3) For this purpose, all unearned and earned income of the household, unless specifically exempted, disregarded, deducted for work expenses, or diverted, will be considered in determining initial and continuing eligibility.

75.6(8) *Persons eligible for waiver services.* Medicaid will be available to members eligible for waiver services as defined in 441—Chapter 83.

441—75.7(249A) Presumptive eligibility. Medicaid will be temporarily available to persons who are determined to be presumptively eligible for Medicaid pursuant to this subrule. Presumptive eligibility will be determined by a qualified entity (QE) and will be based solely on the applicant's attested circumstances as provided to the QE and entered by the QE directly online into the Medicaid Presumptive Eligibility Portal (MPEP) system. Verification cannot be requested or required for a presumptive eligibility determination.

75.7(1) *Application process.* Persons and families requesting assistance under this subrule shall apply with a QE using the methods described in 441—subrule 76.7(3). The requirements for filing date of application, effective date of coverage, signature on application, notice and appeal rights, and full Medicaid eligibility determinations described in 441—subrules 76.7(4) through 76.7(7) apply.

75.7(2) *Eligibility requirements applicable to all presumptive eligibility determinations except as stated otherwise within this rule.* The following eligibility requirements are applicable to all presumptive eligibility determinations, except as stated otherwise within this rule.

a. Household size. Household size will be determined using MAGI methodology as described in rule 441—75.72(249A).

b. Countable income. Countable income will be determined using MAGI methodology as described in rule 441—75.73(249A).

c. Citizenship or qualified noncitizen status. The person for whom assistance is requested must be a citizen of the United States or a qualified noncitizen as defined in 441—75.11(249A), except for a pregnant woman described in paragraph 75.7(3)*"c."*

d. Iowa residency. The person for whom assistance is requested must be a resident of Iowa as described in rule 441—75.10(249A).

e. Prior presumptive eligibility. A person will not be determined presumptively eligible more than once in a 12 calendar month period, except as allowed in paragraph 75.7(3)*"g."* The first month of the 12 calendar month period begins with the calendar month the application is received by the qualified entity.

75.7(3) *Categories of eligibility and specific requirements.* The following categories of persons are eligible for a presumptive determination. Persons applying for a presumptive determination must meet all specific requirements related to the category of coverage in addition to the requirements in subrule 75.7(2), except as stated otherwise within this subrule. For categories where age is an eligibility factor, the effect of reaching an age limit on the person's eligibility will be determined pursuant to rule 441—75.52(249A).

a. Presumptive eligibility for children. Presumptive eligibility is available to children who meet the following requirements:

(1) Age—the child must be under the age of 19 as described in rule 441—75.52(249A).

(2) Income limits—household income must not exceed:

1. The MAC program limit for infants and the applicable household size as specified in rule 441—75.74(249A) when the child is under the age of one; or

2. The hawki program limit for a household of the same size as specified in 441—subrule 86.2(2) when the child is aged 0 through 18.

b. Presumptive eligibility for parents and other caretakers. Presumptive eligibility will be available to a parent or other caretaker who meets the following requirements:

(1) Household income must not exceed the family medical assistance program income limits specified in rule 441—75.74(249A).

(2) The parent or caretaker lives with a dependent child as described in subrule 75.50(2) and has primary responsibility for the child's care as described in subrule 75.51(2).

c. Presumptive eligibility for pregnant women. Presumptive eligibility for ambulatory prenatal care is available to a woman who is pregnant and who also meets the following requirements:

(1) Household income must not exceed the MAC program limit for pregnant women specified at rule 441—75.74(249A) for the applicable household size.

(2) A pregnant woman will not be required to meet the citizen or noncitizen requirements of rule 441—75.11(249A).

d. Presumptive eligibility for IHAWP. Presumptive eligibility for IHAWP is available to a person who meets the following requirements:

(1) The non-financial eligibility requirements described in rule 441—74.2(249A,249N).

(2) Household income not exceeding 133 percent of the FPL based on the size of the household pursuant to rule 441—74.4(249A,249N).

e. Presumptive eligibility for former foster care youth. Presumptive eligibility will be available to a person who is under the age of 26, was formerly in foster care, and meets the requirements described in subrule 75.3(12).

f. Presumptive eligibility for persons who have been screened and found to need treatment for breast or cervical cancer. Presumptive eligibility is available to a person who has been screened and found to need treatment for either breast or cervical cancer, subject to the following:

(1) The person must be determined to meet the eligibility requirements described in subrule 75.4(1).

(2) The person will not be required to meet the eligibility requirements described in paragraph 75.7(2)*"a," "b,"* or *"c."*

g. Presumptive eligibility more than once in a 12 calendar month period. A person will be determined presumptively eligible only once in a 12 calendar month period beginning with the calendar month the application is received by the qualified entity, except as follows:

(1) A new period of presumptive eligibility will begin each time a person is screened as described in subparagraph 75.4(1)*"a"* and determined to need treatment for a new occurrence of breast or cervical cancer.

(2) A pregnant woman may be determined presumptively eligible for Medicaid once per pregnancy but no more than once per pregnancy.

75.7(4) *Presumptive eligibility period.* Presumptive eligibility is effective on the date that a qualified entity completes the presumptive eligibility determination pursuant to 441—subrule 76.7(5) and ends as described in the paragraphs below.

a. For persons determined presumptively eligible under paragraphs 75.7(3)*"b"* through *"f,"* presumptive eligibility will continue until:

(1) In the case of a person on whose behalf a Medicaid application has not been filed, the last day of the calendar month following the month of the presumptive eligibility determination; or

(2) In the case of a person on whose behalf a Medicaid application has been filed, the day on which a decision is made on that application. Withdrawal of a Medicaid application before a decision is made will not affect the person's eligibility during the presumptive period.

b. For children determined presumptively eligible under paragraph 75.7(3)*"a,"* presumptive eligibility will continue until:

(1) In the case of a child on whose behalf a Medicaid application has not been filed, the last day of the calendar month following the month of the presumptive eligibility determination; or

(2) In the case of a child on whose behalf a Medicaid (including hawki) application has been filed, the day the child is determined eligible for Medicaid, the last day of the month before the child is determined eligible for hawki, or the day the child is determined ineligible for both Medicaid and hawki. Withdrawal of a Medicaid (including hawki) application before a decision is made will not affect the child's eligibility during the presumptive period.

75.7(5) *Services covered.*

a. Persons determined presumptively eligible under paragraphs 75.7(3)*"a," "b," "e,"* and *"f"* will be entitled to all Medicaid-covered services, including early and periodic screening, diagnosis, and treatment (EPSDT) services for children. Payment of claims for Medicaid services provided during the presumptive period is not dependent upon the department's determination of Medicaid or hawki eligibility.

b. Covered services for pregnant women determined presumptively eligible under paragraph 75.7(3)*"c"* will be limited to ambulatory prenatal care services during the presumptive period. Payment of claims for ambulatory prenatal care services is not dependent upon a determination of Medicaid eligibility by the department. "Ambulatory prenatal care" means all Medicaid-covered services, except inpatient hospital or institutional care and charges associated with delivery of the baby (including miscarriage or termination of a pregnancy).

c. Persons determined presumptively eligible under paragraph 75.7(3)*"d"* will be limited to all services offered under IHAWP pursuant to 441—Chapter 74. Payment of claims for services offered under IHAWP and provided during the presumptive eligibility period is not dependent upon the department's determination of IHAWP eligibility.

441—75.8(249A) Medically needy persons.

75.8(1) *Medically needy definitions.* For purposes of this rule, the following definitions apply:

"Break in assistance" for medically needy means the lapse of more than three months from the end of the medically needy certification period to the beginning of the next current certification period.

"Certification period" for medically needy means the period of time not to exceed two consecutive months in which a person is conditionally eligible.

"Client" for medically needy means all of the following:

1. A medically needy applicant;
2. A medically needy member;
3. A person who is conditionally eligible for Medicaid under the medically needy coverage group; and
4. A person whose income or assets are considered in determining eligibility for an applicant or member.

"Conditionally eligible" means that a person has completed the application process and has been assigned a medically needy certification period and spenddown amount but has not met the spenddown amount for the certification period.

"Family-related medically needy" means those persons who would be eligible for a family-related coverage group pursuant to rule 441—75.3(249A) except for excess income.

"FMAP-related medically needy" means those persons who would be eligible for FMAP pursuant to subrule 75.3(1) except for excess income.

"Incurred medical expenses" for the medically needy program means:

1. Medical bills paid by a client, responsible relative, or state or political subdivision program other than Medicaid during the retroactive certification period or certification period, or
2. Unpaid medical expenses for which the client or responsible relative remains obligated.

"Member" for the medically needy program means a medically needy person who has income at or less than the medically needy income level (MNIL) or who has reduced countable income to the MNIL during the certification period through spenddown.

"Necessary medical and remedial services" for the medically needy program means medical services recognized by law that are currently covered under the Medicaid program.

"Needy specified relative" means a nonparental specified relative, as defined for the family investment program (FIP) in rule 441—40.21(239B), who meets all of the eligibility requirements of the FMAP coverage group pursuant to subrule 75.3(1).

"Noncovered Medicaid services" for the medically needy program means medical services that are not covered under Medicaid because the provider was not enrolled in Medicaid, the services are ones that are otherwise not covered under Medicaid, the bill is for a responsible relative who is not included in the Medically needy eligibility determination pursuant to subrule 75.8(3) or the bill is for services delivered before the start of a certification period.

"Obligated medical expense" for the medically needy program means a medical expense for which the client or responsible relative continues to be legally liable.

"Ongoing eligibility" for the medically needy program means that eligibility continues for an SSI-related, family-related, or FMAP-related medically needy person with a zero spenddown.

"Recertification" in the medically needy coverage group means establishing a new certification period when the previous period has expired and there has not been a break in assistance.

"Responsible relative" for medically needy means a spouse, parent, or stepparent of the applicant or member who lives with the applicant or member.

"Retroactive certification period" for the medically needy program means one, two, or three calendar months prior to the date of application. When applicable pursuant to 441—subrule 76.13(3), the retroactive certification period begins with the first day of the first month within the three-month period that Medicaid-covered services were received and continues to the end of the month immediately prior to the month of application.

"Retroactive period" means the three calendar months immediately preceding the month in which an application is filed and applies when applicable pursuant to 441—subrule 76.13(3).

"Spenddown" means the process by which a medically needy person obligates excess income for allowable medical expenses to reduce income to the appropriate MNIL.

"SSI-related medically needy" means those persons whose eligibility is determined using regulations governing the supplemental security income (SSI) program except for income or resources.

75.8(2) *Coverage groups.* Medically needy will be available to the following persons who meet the general conditions of eligibility described in this chapter:

a. Pregnant women. Pregnant women who would be eligible for a family-related coverage group pursuant to rule 441—75.3(249A) except for excess income. For family-related programs, pregnant women will have the unborn child or children counted in the household size as if the child or children were born and living with them pursuant to subrule 75.72(5).

b. FMAP-related persons under 19. Persons under the age of 19 who would be eligible for a family-related coverage group pursuant to rule 441—75.3(249A) except for excess income.

c. SSI-related persons. Persons who would be eligible for SSI except for excess income or resources.

d. FMAP-related parents and caretakers. Parents and caretakers who:

(1) Meet the requirements of rule 441—75.51(249A) and whose income exceeds the limits for FMAP; and

(2) Live with a dependent child who meets the requirements of rule 441—75.50(249A).

75.8(3) *Family-related eligible group.*

a. The eligible group consists of all eligible people specified below and living together, except when one or more of these people receive SSI under Title XVI of the Act. There will be at least one eligible parent or needy specified relative and at least one dependent child in the eligible group, except when the only eligible child is receiving SSI. The parent or needy specified relative may be the only FMAP-related eligible group member receiving Medicaid if:

(1) The only dependent child receives SSI, or

(2) The dependent child is ineligible for Medicaid, or

(3) The parent or needy specific relative voluntarily chooses to exclude the dependent child or children in order to receive coverage for the parent or needy relative.

b. The following persons will be included (except as otherwise provided in these rules) without regard to the person's employment status, income, or resources:

(1) All dependent children who are siblings of whole or half blood or adoptive.

(2) Any parent of such children if the parent is living in the same home as the dependent children.

c. The following persons may be included:

(1) The needy specified relative who assumes the role of parent.

(2) The needy specified relative who acts as payee when the parent is in the home but is unable to act as payee.

(3) An incapacitated stepparent, upon request, when the stepparent is the legal spouse of the parent and the incapacitated stepparent does not have a child in the eligible group.

1. A stepparent is considered incapacitated when a clearly identifiable physical or mental defect has a demonstrable effect upon earning capacity or the performance of the homemaking duties required to maintain a home for the stepchild. The incapacity shall be expected to last for a period of at least 30 days from the date of application.

2. The determination of incapacity shall be supported by medical or psychological evidence. The evidence may be obtained from either an independent licensed physician or psychologist or the state rehabilitation agency. The evidence may be submitted either by letter from the physician or on a form specified by the department. When an examination is required and other resources are not available to meet the expense of the examination, the physician will be authorized to make the examination and submit the claim for payment on a form specified by the department. A finding of eligibility for social security benefits or SSI benefits based on disability or blindness is acceptable proof of incapacity.

75.8(4) *Resources and income of all persons considered.*

a. Resources of all parents and other caretakers and of all potentially eligible individuals living together, except as specified at paragraph 75.8(4)*"b"* or those excluded in accordance with the provisions of paragraph 75.8(4)*"d,"* will be considered in determining eligibility of adults. Resources of all parents and other caretakers and of all potentially eligible individuals living together will be disregarded in determining eligibility of children. Income of all parents and other caretakers and of all potentially eligible individuals living together, except as specified in paragraph 75.8(4)*"b"* or those excluded in accordance with the provisions of paragraph 75.8(4)*"d,"* will be considered in determining eligibility.

b. The amount of income of the responsible relative that has been counted as available to a family-related household other than the medically needy applicant or member household or SSI individual will not be considered in determining the countable income for the medically needy applicant or member household.

c. The resource determination will be according to subrules 75.82(3) and 75.82(4) when one spouse is expected to reside at least 30 consecutive days in a medical institution.

d. Certain persons may be voluntarily excluded from the family-related medically needy eligibility determination as follows:

(1) Exclusions from the eligibility determination. In determining eligibility under the family-related medically needy coverage groups described in paragraphs 75.8(2)*"a," "b,"* and *"d,"* the following persons may be excluded from consideration when determining medically needy eligibility of other household members:

1. Siblings (of whole or half blood, or adoptive) of eligible children.
2. Self-supporting parents of minor unmarried parents.
3. Stepparents of eligible children.
4. Children living with a parent or caretaker.

(2) Needs, income, and resource exclusions. The needs, income, and resources of persons who are voluntarily excluded will also be excluded. If a self-supporting parent of a minor unmarried parent is voluntarily excluded, then the minor unmarried parent will not be counted in the household size when determining eligibility for the minor unmarried parent's child. However, the income and resources of the minor unmarried parent will be used in determining eligibility for the unmarried minor parent's child. If a stepparent is voluntarily excluded, the legally recognized natural or adoptive parent will not be counted

in the household size when determining eligibility for the natural or adoptive parent's children. However, the income and resources of the natural or adoptive parent will be used in determining eligibility for the natural or adoptive parent's children.

(3) Medicaid entitlement. Persons whose needs are voluntarily excluded from the eligibility determination will not be entitled to Medicaid under this or any other coverage group.

(4) Situations where a parent's needs are excluded. In situations where the parent's needs are excluded but the parent's income and resources are considered in the eligibility determination (e.g., minor unmarried parent living with self-supporting parents), the excluded parent will be allowed the earned income deduction, child care expenses, and work incentive disregard as provided at paragraph 75.8(6)*"a."*

(5) Situations where a child's needs, income, and resources are excluded. In situations where the child's needs, income, and resources are excluded from the eligibility determination pursuant to subparagraph 75.8(4)*"d"*(2), and the child's income is not sufficient to meet the child's needs, the parent will be allowed to divert income to meet the unmet needs of the excluded child. The maximum amount to be diverted will be the difference between the schedule of basic needs of all potentially eligible individuals living together with the child included and the schedule of basic needs with the child excluded, in accordance with the FIP provisions in 441—subrule 41.28(2), minus any countable income of the child.

75.8(5) *Resources.*

a. The resource limit for adults in SSI-related households will be $10,000 per household.

b. Disposal of resources for less than fair market value by SSI-related applicants or members is governed by rule 441—75.23(249A).

c. The resource limit for family-related adults will be $10,000 per household. In establishing eligibility for children for this coverage group, resources of all persons in the medically needy household, regardless of age, will be disregarded. In establishing eligibility for adults for this coverage group, resources will be considered according to rule 441—41.26(239B).

d. The resources of SSI-related persons will be treated according to SSI policies.

e. When a resource is jointly owned by SSI-related persons and family-related persons, the resource will be treated according to SSI policies for the SSI-related person and according to the policies described in paragraph 75.8(5)*"c"* for the family-related persons.

75.8(6) *Income.* All unearned and earned income, unless specifically exempted, disregarded, deducted for work expenses, or diverted, will be considered in determining initial and continuing eligibility.

a. Income policies for family-related medically needy coverage groups. MAGI income and household size policies do not apply to the family-related medically needy coverage groups described in subrule 75.8(2). When determining eligibility for a family-related medically needy coverage group described in subrule 75.8(2), the department will determine countable income as described in the following subparagraphs.

(1) Earned income. "Earned income" means income in the form of a salary, wages, tips, bonuses, commission earned as an employee, income from Job Corps, or profit from self-employment. Earned income from commissions, wages, tips, bonuses, Job Corps, or salary means the total gross amount irrespective of the expenses of employment.

(2) Earned income deductions. Deductions from earned income will be made as follows:

1. Each person in the household whose gross nonexempt earned income is considered in determining eligibility is entitled to one 20 percent earned income deduction from the monthly gross earnings. The deduction is intended to include work-related expenses other than child care such as taxes, transportation, meals, and uniforms.

2. Each person in the household is entitled to a deduction for child or incapacitated adult care expenses for employment-related hours subject to the following limitations:

- The going rate in the community up to $175 per month for each child aged two or older or each incapacitated adult.
- The going rate in the community up to $200 per month for each child under the age of two.

- No deduction is allowed for any portion of the cost of care that is paid for by a third party such as but not limited to the child care assistance program.
- Stepparents and self-supporting parents on minor parent cases will be allowed incapacitated adult care or child care expenses for the ineligible dependents of the stepparent or self-supporting parent.
- No deduction is allowed when both parents are in the home and one parent is not employed during the hours that care is needed if the parent at home during those hours is physically and mentally able to provide the care.
- A deduction is allowable only when the care covers the actual employment hours plus a reasonable period of time for commuting, or the period of time when the person who would normally care for the child or incapacitated adult is employed at such hours that the person is required to sleep during the waking hours of the child or incapacitated adult, excluding any hours a child is in school.
- Any special needs of a physically or mentally handicapped child or adult will be taken into consideration in determining the deduction allowed.
- If the amount claimed is questionable, the expense shall be verified by a receipt or a statement from the provider of care. The expense will be allowed when paid to any person except a parent or legal guardian of the child or another member of the household.

(3) With respect to self-employment, a person is considered to be self-employed if the requirements of FIP in 441—subrule 41.27(2) are met. Income will be considered earned income when it is produced as a result of the performance of services by an individual.

1. Earned income means the net profit from self-employment, defined as gross income less the allowable costs of producing the income as allowed for FIP pursuant to 441—subrule 41.27(2) for a non-home based enterprise.

2. In determining net profit for a self-employed enterprise in the home other than providing room and board, renting apartments or providing child care services, the costs allowed for FIP pursuant to 441—subrule 41.27(2) will be allowed except deductions are limited to 10 percent of the total gross income to cover the costs of upkeep for the home.

(4) When the client is renting out apartments in the client's home, the following will be deducted from the gross rentals received to determine the profit:

1. Shelter expense in excess of that set forth on the chart of basic needs components for FIP in 441—subrule 41.28(2).

2. That portion of expense for utilities furnished to tenants that exceeds the amount set forth on the chart of basic needs components for FIP in 441—subrule 41.28(2).

3. Ten percent of gross rentals to cover the cost of upkeep.

(5) In determining profit from furnishing board, room, operating a family life home, or providing nursing care, the following amounts will be deducted from the payments received:

1. $41 plus an amount equivalent to the monthly maximum Supplemental Nutrition Assistance Program benefit for a one-member household for a boarder and roomer or an individual in the home to receive nursing care, or $41 for a roomer, or an amount equivalent to the monthly maximum food assistance program benefit for a one-member household for a boarder.

2. Ten percent of the total payment to cover the cost of upkeep for individuals receiving a room or nursing care.

(6) Gross income from providing child care in the applicant's or member's own home will include the total payments received for the service and any payment received due to the Child Nutrition Amendments of 1978 as amended to August 1, 2025, for the cost of providing meals to children.

1. In determining profit from providing child care services in the applicant's or member's own home, 40 percent of the total gross income received will be deducted to cover the costs of producing the income unless the applicant or member requests to have actual expenses in excess of the 40 percent considered.

2. When the applicant or member requests to have expenses in excess of the 40 percent considered, profit will be determined in the same manner as specified at numbered paragraph 75.8(6)*"a"*(3)"2."

(7) Unearned income. Unearned income is any income in cash that is not gained by labor or service. When taxes are withheld from unearned income, the amount considered will be the net income after the withholding of taxes (Federal Insurance Contributions Act as amended to August 1, 2025, state and federal income taxes). Net unearned income will be determined by deducting reasonable income-producing costs from the gross unearned income. Money left after this deduction will be considered gross income available to meet the needs of the eligible group.

1. Social security income is the amount of the entitlement before withholding of a Medicare premium.

2. When the client sells property on contract, proceeds from the sale will be considered exempt as income. The portion of any payment that represents principal is considered a resource upon receipt as defined for FIP in 441—subrule 41.26(4). The interest portion of the payment is considered a resource the month following the month of receipt.

3. Support payments in cash will be considered as unearned income in determining initial and continuing eligibility.

- Any nonexempt cash support payment for a member of the eligible group made while the application is pending will be treated as unearned income.
- Support payments will be considered as unearned income in the month in which the IV-A agency (the department's income maintenance area) is notified of the payment by the IV-D agency (child support services). The amount of income to consider will be the actual amount paid or the monthly entitlement, whichever is less.
- Support payments reported by child support services during a past month for which eligibility is being determined will be used to determine eligibility for the month. Support payments anticipated to be received in future months will be used to determine eligibility for future months. When support payments terminate in the month of decision of a family-related application, both support payments already received and support payments anticipated to be received in the month of decision will be used to determine eligibility for that month.

(8) Income will be diverted to meet the unmet needs of ineligible children and to permit payment of court-ordered support to children not living with the parent as allowed for FIP pursuant to 441—subrule 41.27(4).

(9) The following FIP policies also apply to determining income eligibility for family-related medically needy: 441—subrules 41.27(3), 41.27(5), 41.27(6), 41.27(7), and 41.27(8) and 441—paragraphs 41.27(9)*"c," "g," "h,"* and *"i."*

b. Income policies as specified in federal SSI regulations regarding treatment of earned and unearned income are applied to SSI-related persons when determining initial and continuing eligibility.

c. The monthly income will be determined prospectively unless actual income is available.

d. The income for the certification period will be determined by adding both months' net income together to arrive at a total.

e. The income for the retroactive certification period when applicable pursuant to 441—subrule 76.13(3) will be determined by adding each month of the retroactive period to arrive at a total.

75.8(7) *Medically needy income level (MNIL).*

a. The MNIL is based on 133 1/3 percent of the schedule of basic needs, as provided for FIP in 441—subrule 41.28(2) with households of one treated as households of two, as follows:

Number of Persons	1	2	3	4	5	6	7	8	9	10
MNIL	$483	$483	$566	$666	$733	$816	$891	$975	$1058	$1158

Each additional person $116

b. When determining household size for the MNIL, all potentially eligibles and all individuals whose income is considered as specified in subrule 75.8(4) shall be included unless the person has been excluded according to the provisions of paragraph 75.8(4)*"d."*

c. The MNIL for the certification period will be determined by adding both months' MNIL to arrive at a total. The MNIL for the retroactive certification period when applicable pursuant to

441—subrule 76.13(3) will be determined by adding each month of the retroactive period to arrive at a total.

d. The total net countable income for the certification period will be compared to the total MNIL for the certification period based on family size as specified in paragraph 75.8(7)*"b."* If the total countable net income is equal to or less than the total MNIL, the medically needy individuals will be eligible for Medicaid. If the total countable net income exceeds the total MNIL, the medically needy individuals will not be eligible for Medicaid unless incurred medical expenses equal or exceed the difference between the net income and the MNIL.

e. Effective date of approval. Eligibility during the certification period, or the retroactive certification period when applicable pursuant to 441—subrule 76.13(3), will be effective as of the first day of the first month of the certification period or the retroactive certification period when the MNIL is met.

75.8(8) *Verification of medical expenses to be used in spenddown calculation.* The applicant or member shall submit evidence of medical expenses that are for noncovered Medicaid services and for covered services incurred prior to the certification period to the department on a claim form, which shall be completed by the medical provider.

a. Verification of medical expenses for the applicant or member that are covered Medicaid services and occurred during the certification period shall be submitted by the provider to Iowa Medicaid on a claim form. The applicant or member shall inform the provider of the applicant's or member's spenddown obligation at the time services are rendered or at the time the applicant or member receives notification of a spenddown obligation. In cases where the provider is uncooperative or where returning to the provider would constitute an unreasonable requirement on the applicant or member, the worker will obtain the claim form from the provider.

b. Verification of allowable expenses incurred for transportation to receive medical care as specified in rule 441—78.13(249A) will be on forms specified by the department. Applicants who have not established that they met spenddown in the current certification period will be allowed 12 months following the end of the certification period to submit medical expenses for that period or 12 months following the date of the notice of decision when the certification period had ended prior to the notice of decision.

75.8(9) *Spenddown calculation.*

a. Medical expenses that are incurred during the certification period may be used to meet spenddown. Medical expenses incurred prior to a certification period will be used to meet spenddown if not already used to meet spenddown in a previous certification period and if all of the following requirements are met:

(1) The expenses remain unpaid as of the first day of the certification period.

(2) The expenses are not Medicaid-payable in a previous certification period or the retroactive certification period when applicable pursuant to 441—subrule 76.13(3).

(3) The expenses are not incurred during any prior certification period with the exception of the retroactive period, when applicable pursuant to 441—subrule 76.13(3), in which the person was conditionally eligible but did not meet spenddown.

(4) Notwithstanding subparagraphs 75.8(9)*"a"*(1) through *"a"*(3), paid medical expenses from the retroactive period can be used to meet spenddown in the retroactive period or in the certification period for the two months immediately following the retroactive period.

b. Spenddown will be adjusted under the following circumstances:

(1) When a bill for a Medicaid-covered service incurred during the certification period has been applied to meet spenddown if a bill for a covered service incurred prior to the certification period is subsequently received.

(2) When a bill for a noncovered Medicaid service is subsequently received with a service date prior to the Medicaid-covered service.

(3) When an unpaid bill for a Medicaid-covered service incurred during the certification period has been applied to meet spenddown if a paid bill for a covered service incurred in the certification period is subsequently received with a service date prior to the date of the notice of spenddown status.

c. Order of deduction. Incurred medical expenses, including those reimbursed by a state or political subdivision program other than Medicaid but excluding those otherwise subject to payment by a third party, will be deducted in the following order:

(1) Medicare and other health insurance premiums, deductibles, or coinsurance charges.

EXCEPTION: When some of the household members are eligible for full Medicaid benefits under the Health Insurance Premium Payment Program (HIPP), as provided in rule 441—75.21(249A), the health insurance premium will not be allowed as a deduction to meet the spenddown obligation of household members in the medically needy coverage group.

(2) An average statewide monthly standard deduction for the cost of medically necessary personal care services provided in a licensed residential care facility will be allowed as a deduction for spenddown. These personal care services include assistance with activities of daily living such as preparation of a special diet, personal hygiene and bathing, dressing, ambulation, toilet use, transferring, eating, and managing medication. The average statewide monthly standard deduction for personal care services will be based on the average per day rate of health care costs associated with residential care facilities participating in the state supplementary assistance program for a 30.4-day month as computed by multiplying the previous year's average per day rate by the inflation factor increase during the preceding calendar year ending December 31 of the consumer price index for all urban Consumers as published by the United States Bureau of Labor Statistics.

(3) Medical expenses for necessary medical and remedial services that are recognized under state law but not covered by Medicaid, chronologically by date of submission.

(4) Medical expenses for acupuncture, chronologically by date of submission.

(5) Medical expenses for necessary medical and remedial services that are covered by Medicaid, chronologically by date of submission.

d. When spenddown has been met and a bill is received with a service date after spenddown has been met, the bill will not be deducted to meet spenddown.

e. When incurred medical expenses have reduced income to the applicable MNIL, the individuals will be eligible for Medicaid.

f. Medical expenses reimbursed by a public program other than Medicaid prior to the certification period will not be considered a medical deduction.

75.8(10) *Medicaid services.* Persons eligible for Medicaid as medically needy will be eligible for all services covered by Medicaid except:

a. Care in a nursing facility or an ICF-ID.

b. Care in an institution for mental disease.

c. Care in a Medicare-certified skilled nursing facility.

75.8(11) *Reviews.* Reviews of eligibility will be made for SSI-related and family-related medically needy members with a zero spenddown as often as circumstances indicate but in no instance will the period of time between reviews exceed 12 months. Family-related medically needy persons and SSI-related needy persons shall complete forms specified by the department as part of the review process when requested to do so by the department.

75.8(12) *Redetermination.* When an SSI-related or family-related member who has had ongoing eligibility because of a zero spenddown has income that exceeds the MNIL, a redetermination of eligibility will be completed to change the member's eligibility to a two-month certification with spenddown. This redetermination will be effective the month the income exceeds the MNIL or the first month following timely notice.

a. The department will determine eligibility for SSI-related medically needy when an SSI recipient has been determined to be ineligible for SSI due to excess income or resources in one or more of the months after the effective date of the SSI eligibility decision.

b. All eligibility factors will be reviewed on redeterminations of eligibility.

75.8(13) *Recertifications.* A new application must be submitted when the certification period has expired and there has been a break in assistance as defined at subrule 75.8(1). When the certification period has expired and there has not been a break in assistance, the family-related members and SSI-related members shall use forms specified by the department to be recertified.

75.8(14) *Disability determinations.* An applicant receiving social security disability benefits under Title II of the Act or railroad retirement benefits based on the Act's definition of disability by the Railroad Retirement Board will be deemed disabled without any further determination. In other cases under the medically needy program, the department will conduct an independent determination of disability unless the applicant has been denied SSI benefits based on lack of disability and the applicant does not allege either (1) a disabling condition different from or in addition to that considered by the SSA or (2) that the applicant's condition has changed or deteriorated since the most recent SSA determination.

a. In conducting an independent determination of disability, the department will use the same criteria required by federal law to be used by the SSA in determining disability for purposes of SSI under Title XVI of the Act. The disability determination services division of Iowa workforce development will make the initial disability determination on behalf of the department.

b. For an independent determination of disability, the applicant or the applicant's authorized representative shall complete, sign, and submit forms as specified by the department.

c. In connection with any independent determination of disability, the department will determine whether reexamination of the person's medical condition will be necessary for periodic redeterminations of eligibility. When reexamination is required, the member or the member's authorized representative shall complete and submit the same forms specified by the department as required in paragraph 75.8(14)*"b."*

441—75.9(249A) Furnishing of social security number.

75.9(1) *Requirement.* As a condition of eligibility, except as provided by subrule 75.9(2), a Medicaid client must provide to the department all social security numbers issued to each individual (including children) for whom Medicaid is sought.

75.9(2) *Exceptions to requirement.* The requirement of subrule 75.9(1) does not apply to an individual who:

a. Is not eligible to receive a social security number;

b. Does not have a social security number and may only be issued a social security number for a valid nonwork reason in accordance with 20 CFR §422.104; or

c. Refuses to obtain a social security number because of a well-established religious objection. For this purpose, a well-established religious objection means that the individual:

(1) Is a member of a recognized religious sect or division of the sect; and

(2) Adheres to the tenets or teachings of the sect or division of the sect and for that reason is conscientiously opposed to applying for or using a national identification number.

75.9(3) *Cooperation in obtaining social security number.* If a social security number has not been issued or is not known, the individual seeking Medicaid must cooperate with the department in applying for a social security number with the SSA or in requesting the SSA to furnish the number.

441—75.10(249A) Residency requirements. Residency in Iowa is a condition of eligibility for medical assistance.

75.10(1) *Definitions.* The following definitions apply for the purposes of this subrule:

a. Institution. "Institution" means an "institution" or a "medical institution" as those terms are defined in 42 CFR §435.1010. For purposes of state placement, "institution" also includes foster care homes licensed as set forth in 45 CFR §1355.20 and providing food, shelter and supportive services to one or more persons unrelated to the proprietor.

b. Incapable of expressing intent regarding residency. For purposes of this rule, an individual is considered to be "incapable of indicating intent regarding residency" if the individual:

(1) Has an IQ of 49 or less or has a mental age of seven or less;

(2) Has been judged legally incompetent; or

(3) Has been determined to be incapable of indicating intent regarding residency by a physician, psychologist or other person licensed by the state in the field of intellectual disability.

c. Iowa resident. An Iowa resident is one:

(1) Who is living in Iowa voluntarily with the intention of making that person's home there and not for a temporary purpose. A person is a resident of Iowa when living there on other than a temporary basis. Residence will not depend upon the reason for which the individual entered the state, except insofar as it may bear upon whether the individual is there voluntarily or for a temporary purpose; or

(2) Who, at the time of application, is living in Iowa, is not receiving assistance from another state, and entered Iowa with a job commitment or seeking employment in Iowa, whether or not currently employed.

75.10(2) *Determination of residency.* State residency is determined according to the following criteria. If more than one criterion applies, the applicable criterion listed first determines the individual's residency.

a. Individuals receiving Title IV-E payments. Individuals who are receiving federal foster care maintenance payments or have a guardianship assistance agreement or have an adoption assistance agreement under Title IV-E of the Act are considered to be residents of the state where the child lives.

b. Cases of disputed residency. If two or more states do not agree on an individual's state of residence, the state where the individual is physically located is the state of residence.

c. Temporary absence from state of residence. An individual who was a resident of a state pursuant to the other criteria of this rule, who is temporarily absent from that state, and who intends to return to that state when the purpose of the absence has been accomplished remains a resident of that state during the absence unless another state has determined that the person is a resident there for Medicaid purposes.

d. Individuals placed by a state in an out-of-state institution. If any agency of a state, including an entity recognized under state law as being under contract with the state for such purposes, arranges for an individual to be placed in an institution located in another state, the state arranging or actually making the placement is considered the individual's state of residence during that placement.

(1) Any action beyond providing information to the individual and the individual's family constitutes arranging or making a placement. However, the following actions do not constitute arranging or making a placement:

1. Providing basic information to individuals about another state's Medicaid program and information about the availability of health care services and providing facilities in another state.

2. Assisting an individual in locating an institution in another state, provided the individual is not incapable of indicating intent regarding residency and independently decides to move.

(2) When a competent individual leaves an out-of-state institution in which the individual was placed by a state, that individual's state of residence is the state where the individual is physically located.

e. Individuals receiving a state supplementary assistance payment. Individuals who are receiving a state supplementary assistance payment pursuant to 42 U.S.C. §1382e (including payments from Iowa pursuant to 441—Chapters 50 through 54 and Chapter 177) are considered to be residents of the state paying the supplementary assistance.

f. Individuals aged 21 and over who are residing in an institution and who are capable of indicating intent regarding residency. For an individual aged 21 or over who is residing in an institution and who is capable of indicating intent regarding residency, the state of residence is the state where the individual is living and intends to reside.

g. Individuals aged 21 and over who are residing in an institution and who became incapable of indicating intent regarding residency before the age of 21. For an individual aged 21 or over who is residing in an institution and who became incapable of indicating intent regarding residency before the age of 21, the state of residence is:

(1) That of the parent applying for Medicaid on the individual's behalf if the parents reside in separate states (if a legal guardian has been appointed and parental rights are terminated, the state of residence of the guardian is used instead of that of the parent);

(2) The parent's or legal guardian's state of residence at the time of placement (if a legal guardian has been appointed and parental rights are terminated, the state of residence of the guardian is used instead of that of the parent);

(3) The current state of residence of the parent or legal guardian who files the application if the individual is residing in an institution in that state (if a legal guardian has been appointed and parental rights are terminated, the state of residence of the guardian is used instead of that of the parent); or

(4) The state of residence of the individual or party who files an application if the individual has been abandoned by the individual's parent(s), does not have a legal guardian, and is residing in an institution in that state.

h. Individuals aged 21 and over who are residing in an institution and who became incapable of indicating intent regarding residency at or after the age of 21. For an individual aged 21 or over who is residing in an institution and who became incapable of indicating intent regarding residency at or after the age of 21, the state of residence is the state in which the individual is physically present.

i. Individuals aged 21 and over who are not residing in an institution and who are incapable of indicating intent regarding residency. For an individual aged 21 or over who is not residing in an institution and who is incapable of indicating intent regarding residency, the state of residence is the state where the individual is living.

j. Individuals aged 21 and over who are not residing in an institution and who are capable of indicating intent regarding residency. For an individual aged 21 or over who is not residing in an institution and who is capable of indicating intent regarding residency, the state of residence is the state where the individual is living and either:

(1) Intends to reside, with or without a fixed address; or

(2) Entered with a job commitment or to seek employment, whether or not currently employed.

k. Individuals under the age of 21 who are residing in an institution and who are not married or emancipated. For an individual under the age of 21 who is residing in an institution and who is neither married nor emancipated, the state of residence is:

(1) The parent's or legal guardian's state of residence at the time of placement (if a legal guardian has been appointed and parental rights are terminated, the state of residence of the guardian is used instead of that of the parent);

(2) The current state of residence of the parent or legal guardian who files the application if the individual is residing in an institution in that state (if a legal guardian has been appointed and parental rights are terminated, the state of residence of the guardian is used instead of that of the parent); or

(3) The state of residence of the individual or party who files an application if the individual has been abandoned by the individual's parent(s), does not have a legal guardian, and is residing in an institution in that state.

l. Individuals under the age of 21 who are capable of indicating intent regarding residency and who are married or emancipated. For an individual under the age of 21 who is capable of indicating intent regarding residency and who is married or emancipated from the individual's parent, the state of residence is determined in accordance with paragraph 75.10(2)*"j."*

m. Other individuals under the age of 21. For an individual under the age of 21 who is not described in paragraph 75.10(2)*"k"* or *"l,"* the state of residence is:

(1) The state where the individual resides, with or without a fixed address; or

(2) The state of residency of the parent or caretaker, determined in accordance with paragraph 75.10(2)*"j,"* with whom the individual resides.

441—75.11(249A) Citizenship or alienage requirements.

75.11(1) *Definitions.* For purposes of this rule, the following definitions apply.

"Care and services necessary for the treatment of an emergency medical condition" means services provided in a hospital, clinic, office or other facility that is equipped to furnish the required care for an emergency medical condition, provided the care and services are not related to an organ transplant procedure furnished on or after August 10, 1993. Payment for emergency medical services will be limited to medical services that are required and directly related to the treatment of the emergency medical condition.

"Citizen" and *"citizenship"* includes both citizens of the United States and nationals of the United States as defined in 8 U.S.C. §1101(a)(22).

"Federal means-tested program" means all federal programs that are means-tested, with the exception of:

1. Medical assistance for care and services necessary for the treatment of an emergency medical condition not related to an organ transplant procedure furnished on or after August 10, 1993.
2. Short-term, non-cash, in-kind emergency disaster relief.
3. Assistance or benefits under the National School Lunch Act as amended to August 1, 2025.
4. Assistance or benefits under the Child Nutrition Act of 1966 as amended to August 1, 2025.
5. Public health assistance (not including any assistance under Title XIX of the Act) for immunizations with respect to immunizable diseases and for testing and treatment of symptoms of communicable diseases whether or not the symptoms are caused by a communicable disease.
6. Payments of foster care and adoption assistance under Parts B and E of Title IV of the Act for a parent or a child who would, in the absence of numbered paragraph "1," be eligible to have payments made on the child's behalf under such part but only if the foster or adoptive parent (or parents) of the child is a qualified alien as defined in Section 431 of the Act.
7. Programs, services, or assistance (such as soup kitchens, crisis counseling and intervention, and short-term shelter) specified by the attorney general of the United States in the attorney general's sole and unreviewable discretion after consultation with appropriate federal agencies and departments that:

- Deliver in-kind services at the community level, including through public or private nonprofit agencies;
- Do not condition the provision of assistance, the amount of assistance provided, or the cost of assistance provided on the individual recipient's income or resources; and
- Are necessary for the protection of life or safety.

8. Programs of student assistance under Titles IV, V, IX, and X of the Higher Education Act of 1965 as amended to August 1, 2025, and Titles III, VII, and VIII of the Public Health Services Act as amended to August 1, 2025.
9. Means-tested programs under the Elementary and Secondary Education Act of 1965 as amended to August 1, 2025.
10. Benefits under the Head Start Act, as amended to August 1, 2025.
11. Benefits funded through an employment and training program of the U.S. Department of Labor.

"INA" means the Immigration and Naturalization Act as amended to August 1, 2025, unless another effective date is specified.

"Noncitizen" means the same as "alien" as defined in 8 U.S.C. §1101(a)(3).

"Qualified noncitizen" means the same as "qualified alien" as defined in 8 U.S.C. §1641(b) and (c). A qualified noncitizen is:

1. Lawfully admitted for permanent residence in the United States under the INA;
2. Granted asylum in the United States under Section 208 of the INA;
3. A refugee admitted to the United States under Section 207 of the INA;
4. Paroled into the United States under Section 212(d)(5) of the INA for a period of at least one year;
5. An individual whose deportation from the United States is withheld under Section 243(h) of the INA as in effect before April 1, 1997, or under Section 241(b)(3) of the INA;
6. Granted conditional entry to the United States pursuant to Section 203(a)(7) of the INA as in effect before April 1, 1980;
7. An Amerasian admitted to the United States as described in 8 U.S.C. Section 1612(b)(2)(A)(i)(V);
8. A Cuban/Haitian entrant to the United States as described in Section 501(e) of the Refugee Education Assistance Act of 1980 (Public Law 96-422) as amended to August 1, 2025;
9. A battered noncitizen as described in 8 U.S.C. Section 1641(c);
10. Certified as a victim of trafficking as described in Section 107(b)(1)(A) of Public Law 106-386 as amended to August 1, 2025;

11. An American Indian born in Canada to whom Section 289 of the INA applies or is a member of a federally recognized Indian tribe as defined in 25 U.S.C. Section 450b(e) as amended to August 1, 2025;

12. Under the age of 21 and is lawfully residing in the United States as allowed by 42 U.S.C. Section 1396b(v)(4)(A)(ii); or

13. Lawfully residing in the United States in accordance with a Compact of Free Association with the Government of the Federated States of Micronesia, the Republic of the Marshall Islands, or the Republic of Palau as described in 8 U.S.C. Section 1612(b)(2)(G) as amended by Section 208 of Division CC of Public Law 116-260 and as amended to August 1, 2025.

"Qualifying quarters" includes all of the qualifying quarters of coverage as defined under Title II of the Act worked by a parent of a noncitizen while the noncitizen was under the age of 18 and all of the qualifying quarters worked by a spouse of the noncitizen during their marriage if the noncitizen remains married to the spouse or the spouse is deceased. No qualifying quarter of coverage that is creditable under Title II of the Act for any period beginning after December 31, 1996, may be credited to a noncitizen if the parent or spouse of the noncitizen received any federal means-tested public benefit during the period for which the qualifying quarter is so credited.

75.11(2) *Citizenship and alienage.*

a. Eligibility. To be eligible for Medicaid, a person must be one of the following:

(1) A citizen or national of the United States.

(2) A qualified noncitizen continuously present (as described in Interim Guidance on Verification of Citizenship, Qualified Alien Status and Eligibility under Title IV of the Personal Responsibility and Work Opportunity Reconciliation Act (PRWORA) at 62 FR 61415 dated November 11, 1997, and as amended to August 1, 2025) in the United States since before August 22, 1996.

(3) A qualified noncitizen under the age of 21.

(4) A refugee admitted to the United States under Section 207 of the INA.

(5) A noncitizen who has been granted asylum under Section 208 of the INA.

(6) A noncitizen whose deportation is withheld under Section 243(h) or 241(b)(3) of the INA.

(7) A qualified noncitizen veteran who has an honorable discharge that is not due to alienage.

(8) A qualified noncitizen who is on active duty in the Armed Forces of the United States other than active duty for training.

(9) A qualified noncitizen who is the spouse or unmarried dependent child of a qualified noncitizen described in subparagraph 75.11(2)*"a"*(7) or *"a"*(8), including a surviving spouse who has not remarried.

(10) A qualified noncitizen who has resided in the United States for a period of at least five years beginning on the date of the qualified noncitizen's entry into the United States with a status within the meaning of numbered paragraph "1," "4," or "9" under the definition of "qualified noncitizen" in subrule 75.11(1).

(11) An Amerasian admitted as described in 8 U.S.C. Section 1612(b)(2)(A)(i)(V).

(12) A Cuban/Haitian entrant as described in Section 501(e) of the Refugee Education Assistance Act of 1980 (Public Law 96-422) as amended to August 1, 2025.

(13) A certified victim of trafficking as described in Section 107(b)(1)(A) of Public Law 106-386 as amended to August 1, 2025.

(14) An American Indian born in Canada to whom Section 289 of the INA applies or who is a member of a federally recognized Indian tribe as defined in 25 U.S.C. Section 450b(e) as amended to August 1, 2025.

(15) An Iraqi or Afghan immigrant treated as a refugee pursuant to Section 1244(g) of Public Law 110-181 as amended to August 1, 2025, or to Section 602(b)(8) of Public Law 111-8 as amended to August 1, 2025.

(16) An Afghan paroled into the United States treated as a refugee pursuant to Section 2502 of Public Law 117-43 as amended to August 1, 2025.

(17) A qualified noncitizen lawfully residing in the United States in accordance with a Compact of Free Association with the Government of the Federated States of Micronesia, the Republic of the

Marshall Islands, or the Republic of Palau as described in 8 U.S.C. Section 1612(b)(2)(G) as amended by Section 208 of Division CC of Public Law 116-260 and as amended to August 1, 2025.

(18) A conditional entrant pursuant to Section 203(a)(7) of the INA as in effect before April 1, 1980.

b. Attestation of citizenship or qualified noncitizen status. As a condition of eligibility, each applicant and member shall attest in writing to the applicant's or member's citizenship or qualified noncitizen status by signing the applicable form identified in subparagraph 75.11(2)*"b"*(1), *"b"*(2), *"b"*(3), or *"b"*(4). The attestation may be provided, in writing and under penalty of perjury, by an adult member of the individual's household, an authorized representative as defined in rule 441—76.1(249A), or, if the individual is a minor or incapacitated, by someone acting responsibly for the individual provided the person acting responsibly attests to having knowledge of the individual's status.

(1) All applicants for Medicaid shall attest to their citizenship or qualified noncitizen status by signing forms prescribed by the department that contain the declaration of their citizenship or qualified noncitizen status.

(2) Family-related Medicaid members and members subject to MAGI methodology shall attest to their citizenship or qualified noncitizen status by completing and signing forms prescribed by the department that contain the declaration of their citizenship or qualified noncitizen status.

(3) Non-MAGI-related Medicaid members not actually receiving SSI who have been continuous members since August 1, 1988, shall attest to their citizenship or qualified noncitizen status by signing the application form described in subparagraph 75.11(2)*"b"*(1) at time of review.

(4) The department will prescribe forms for an attestation of citizenship or qualified noncitizen status that will meet the requirements of subrule 75.11(2) for children under the age of 19 who are otherwise eligible pursuant to rule 441—76.4(249A).

c. Verification of citizenship and identity or qualified noncitizen status. An applicant or member attestation of citizenship or qualified noncitizen status must be verified as a condition of eligibility for Medicaid. An applicant or member who attests to citizenship must also verify their identity. The verification of citizenship status is acceptable as identity verification, except as stated otherwise within this subrule.

(1) Verification by electronic data sources. The department will accept applicant or member attestation of citizenship or qualified noncitizen status as verified when the attestation is consistent with available EDS.

(2) Satisfactory documentation of citizenship and identity is required. Except for the persons identified in paragraph 75.11(2)*"i,"* applicants or members for whom an attestation of United States citizenship has been made pursuant to paragraph 75.11(2)*"b"* shall present satisfactory documentation of the attested status and their identity when the attestation is not verified by available electronic data sources. Satisfactory documentation is identified in paragraphs 75.11(2)*"d," "e," "f," "g,"* and *"h."* The provisions of the reasonable opportunity period described in subparagraphs 75.11(2)*"c"*(4) and *"c"*(5) apply.

(3) Satisfactory documentation of qualified noncitizen status is required. Except for persons receiving SSI benefits under Title XVI of the Act, applicants or members for whom an attestation of a qualified noncitizen status has been made pursuant to paragraph 75.11(2)*"b"* shall present satisfactory documentation of the attested status when the attestation is not verified by available EDS. Satisfactory documentation of qualified noncitizen status is identified in paragraph 75.11(2)*"j."* The department will request documentation in writing from the applicant or member. The provisions of the reasonable opportunity period described in subparagraphs 75.11(2)*"c"*(4) and *"c"*(5) applies.

(4) Reasonable opportunity period for providing satisfactory documentation. Applicants and members will be allowed a reasonable opportunity period of 90 days to provide satisfactory documentation of citizenship and identity or qualified noncitizen status. The reasonable opportunity period begins on the date a written request for documentation or a notice pursuant to subparagraph 75.11(2)*"c"*(3) or *"c"*(7) above is issued to an applicant or member, whichever is later, and continues for 90 days.

(5) Medicaid approval pending reasonable opportunity period. Medicaid will be approved for new applicants and continue for members not previously required to provide documentation of citizenship

and identity or qualified noncitizen status until the end of the reasonable opportunity period, subject to 441—subrule 76.16(1).

(6) No retroactive eligibility until citizenship and identity or qualified noncitizen status is verified. Retroactive eligibility pursuant to 441—subrule 76.13(3) is available only after citizenship and identity or qualified noncitizen status has been verified with EDS or documentation has been provided pursuant to paragraph 75.11(2)*"d," "e," "f," "g," "h,"* or *"j."* When applicable, the retroactive months are outside the reasonable opportunity period during which Medicaid coverage may be provided without required documentation of citizenship and identity or qualified noncitizen status.

(7) Verification of citizenship and identity or qualified noncitizen status not required. Applicants who reapply following a break in coverage and members who are subject to an eligibility review are not required to reverify citizenship and identity or qualified noncitizen status unless:

1. The individual reports a change in citizenship or qualified noncitizen status;
2. The individual's qualified noncitizen status is a type the department has determined is subject to change; or
3. The department receives information indicating a potential change in the individual's citizenship or qualified noncitizen status.

d. Standalone evidence of citizenship and identity. Any one of the documents described in 42 CFR 435.407(a) will be accepted as sufficient evidence of citizenship and identity. In addition, provision of an individual's name, social security number, and date of birth to the department will constitute satisfactory documentation of citizenship and identity if submission of the name, social security number, and date of birth to the SSA produces a data match response that substantiates the individual's citizenship and identity. If submission of the name, social security number, and date of birth to the SSA does not produce a data match response that substantiates the individual's citizenship and identity, the department will issue a written request for documentation or a notice to the applicant or member pursuant to subparagraph 75.11(2)*"c"*(4) giving the applicant or member 90 days to correct any errors in the name, social security number, or date of birth submitted; to correct any errors in the SSA's records; or to provide other documentation of citizenship and identity pursuant to paragraphs 75.11(2)*"d"* through *"h."*

e. Combination evidence of citizenship.

(1) If an applicant does not provide documentary evidence of citizenship and identity from the list in paragraph 75.11(2)*"d,"* information or documentation as described in 42 CFR 435.407(b) will be accepted as satisfactory evidence to establish citizenship if accompanied by an identity document listed in paragraph 75.11(2)*"f"*:

(2) If the applicant does not have one of the documents listed in paragraph 75.11(2)*"d"* or *"e,"* they may submit an affidavit provided by the department, signed by another individual under penalty of perjury who can reasonably attest to the applicant's citizenship, that contains the applicant's name, date of birth, and place of U.S. birth. The affidavit does not have to be notarized.

f. Evidence of identity. Any of the following documents described in 42 CFR 435.407(c) or (d) will be accepted as proof of identify, provided the document has a photograph or other identifying information sufficient to establish identity, including but not limited to name, age, sex, race, height, weight, eye color, or address.

g. Reserved.

h. Documentary evidence. The department will accept documents in accordance with 42 CFR 435.407(f) and provide assistance in a timely manner to individuals who need assistance in securing satisfactory documentary evidence of citizenship or identity in accordance with 42 CFR 435.407(e).

i. Persons not required to verify citizenship and identity status. A person for whom an attestation of United States citizenship has been made pursuant to paragraph 75.11(2)*"b"* is not required to present documentation of citizenship and identity for Medicaid eligibility if any of the following circumstances apply:

(1) The person is entitled to or enrolled for benefits under any part of Title XVIII of the Act (Medicare).

(2) The person is receiving federal social security disability insurance (SSDI) benefits under Title II of the Act, Section 223 or 202, based on disability (as defined in Section 223(d)).

(3) The person is receiving SSI benefits under Title XVI of the Act.

(4) The person is or was exempted while assisted by child welfare services funded under Part B of Title IV of the Act on the basis of being a child in foster care as defined in Iowa Code section 232.2. This exemption does not apply and the person is subject to the citizenship and identity documentation requirements described in paragraph 75.11(2)*"c"* when services under Part B of Title IV were terminated due to failure to meet citizenship requirements.

(5) The person is or was exempted while assisted by foster care as defined in Iowa Code section 232.2 or adoption assistance funded under Part E of Title IV of the Act. This exemption does not apply and the person is subject to the citizenship and identity documentation requirements described in paragraph 75.11(2)*"c"* when services under Part E of Title IV were terminated due to failure to meet citizenship requirements.

(6) The person has previously presented satisfactory documentary evidence of citizenship and identity as specified by the United States Secretary of Health and Human Services.

(7) The person is or was deemed eligible for medical assistance pursuant to 42 U.S.C. Section 1396a(e)(4) on or after July 1, 2006, as the newborn of a Medicaid-eligible mother.

(8) The person is or was eligible for medical assistance pursuant to 42 U.S.C. Section 1397ll(e) as the newborn of a mother eligible for assistance under a State Children's Health Insurance Program (SCHIP) pursuant to Title XXI of the Act.

j. Satisfactory documentation of qualified noncitizen status. For the purpose of subparagraph 75.11(2)*"c"*(3), satisfactory documentation of qualified noncitizen status is documentation issued by the U.S. Citizenship and Immigration Services (USCIS) of the Department of Homeland Security (formerly Immigration and Naturalization Service (INS)) that identifies the person's qualified noncitizen status.

75.11(3) *Deeming of sponsor's income and resources.* When a qualified noncitizen admitted for lawful permanent residence (including those who applied for an immigrant visa or for adjustment of status, other than those whose status was adjusted from refugee or asylee status under 8 U.S.C. §1159 on or after December 19, 1997) is sponsored by a person who executed an affidavit of support as described in 8 U.S.C. Section 1631(a)(1) on behalf of the qualified noncitizen, the income and resources of each sponsor will be deemed to determine eligibility only for the sponsored qualified noncitizen and not for any nonsponsored members of the sponsored qualified noncitizen's household as follows:

a. Income. For the family-related and non-MAGI-related coverage groups described in rules 441—75.3(249A) through 441—75.9(249A) applicable to the sponsored qualified noncitizen, the amount deemed to the sponsored qualified noncitizen will be the total gross countable income of each sponsor less the following deductions that will be applied to both family-related and non-MAGI-related applicants or members:

(1) The deductions described at 20 CFR §416.1166a, except that the amount to be deemed from each sponsor will be divided by the number of noncitizens sponsored by that sponsor.

(2) Diversion from countable earned and unearned income of the sponsor for the following:

1. Alimony or child support payments to persons not living with the sponsor.

2. Payments made to persons not living with the sponsor but who are claimed (or could be claimed) by the sponsor for federal income tax purposes.

b. Resources for non-MAGI-related coverage groups. When the sponsored qualified noncitizen's coverage group is non-MAGI-related, the total gross countable resources of each sponsor will be deemed to determine eligibility of the sponsored qualified noncitizen pursuant to 20 CFR §416.1204 less the applicable following deduction: $2,000 if the sponsor does not live with a spouse, $3,000 if the sponsor lives with a spouse who is not a sponsor, or $4,000 if the sponsor lives with a spouse who is also the qualified noncitizen's sponsor. Resources are not considered for family-related coverage groups and therefore not deemed to a sponsored qualified noncitizen applying for or receiving under a family-related coverage group.

c. An indigent qualified noncitizen is exempt from the deeming of a sponsor's income and resources for 12 months after indigence is determined. A qualified noncitizen will be considered indigent if the following are true:

(1) The qualified noncitizen does not live with the sponsor; and

(2) The qualified noncitizen's gross income, including any income actually received from or made available by the sponsor, is less than 100 percent of the FPL for the sponsored qualified noncitizen's household size.

d. A battered qualified noncitizen as described in 8 U.S.C. Section 1641(c) is exempt from the deeming of a sponsor's income and resources for 12 months.

e. Deeming of the sponsor's income and resources does not apply when:

(1) The sponsored qualified noncitizen attains citizenship through naturalization pursuant to Chapter 2 of Title II of the INA as amended to August 1, 2025.

(2) The sponsored qualified noncitizen has earned 40 qualifying quarters of coverage as defined in Title II of the Act or can be credited with 40 qualifying quarters as defined in subrule 75.11(1).

(3) The sponsored qualified noncitizen or the sponsor dies.

(4) The sponsored qualified noncitizen is a lawfully residing child under the age of 21 as allowed by 42 U.S.C. Section 1396b(v)(4)(A)(ii).

(5) For non-MAGI-related Medicaid, the sponsored qualified noncitizen becomes blind or disabled as defined under Title XVI of the Act after admission to the United States as a lawful permanent resident.

(6) For non-MAGI-related Medicaid, three years after the date the sponsored qualified noncitizen was admitted to the United States as a lawful permanent resident.

75.11(4) *Eligibility for payment of emergency medical services.* Noncitizens who do not meet the provisions of subrule 75.11(2) and who would otherwise qualify except for their noncitizen status are eligible to receive Medicaid for care and services necessary for the treatment of an emergency medical condition as defined in subrule 75.11(1). To qualify for payment under this provision, the noncitizen must meet all other eligibility criteria, including state residence requirements in rule 441—75.10(249A), with the exception of rule 441—75.9(249A) and subrules 75.11(2) and 75.11(3).

441—75.12(249A) Inmates of public institutions. A person is not eligible for medical assistance for any care or services received while the person is an inmate of a public institution. For the purpose of this rule, "inmate of a public institution" and "public institution" mean the same as defined in 42 CFR Section 435.1010.

75.12(1) *Suspension.* Medical assistance will be suspended rather than canceled while a person is an inmate of a public institution if all of the following conditions are met:

a. The department is notified of the person's entry into the public institution through either:

(1) A daily report that is provided to the department by the public institution and includes the person's first name and last name and the date the person entered the institution; or

(2) Other verified notice received by the department.

b. The person has entered a public institution on or after January 1, 2012, and has been in the public institution for 30 days or more.

c. On the date of entry into the public institution, the person was a Medicaid member.

d. The person is eligible for medical assistance as an individual except for institutional status.

75.12(2) *Coverage during suspension.* While medical assistance is suspended, payment will be made only for services limited to inpatient hospital claims only.

75.12(3) *Reinstatement.* The Medicaid case for an inmate who is released from a public institution while Medicaid is suspended will be reopened without an application if both of the following conditions are met:

a. The department is notified of the person's release from the public institution through either:

(1) A daily report provided to the department by the public institution that includes the person's first name and last name and the date the person was released from the institution; or

(2) Other verified notice received by the department.

b. All information available to the department indicates that the person is currently eligible for Iowa Medicaid as an individual.

This rule is intended to implement Iowa Code section 249A.3 and 2011 Iowa Acts, Senate File 482, division IX.

441—75.13 Reserved.

441—75.14(249A) Establishing liability and obtaining support.

75.14(1) As a condition of eligibility, adult Medicaid applicants and members shall cooperate in obtaining medical support for themselves and for any other person in the household for whom Medicaid is requested or received and for whom the applicant or member can legally assign rights for medical support, except when the member has good cause for refusal to cooperate as defined in subrule 75.14(7).

a. The adult applicant shall agree to cooperate in obtaining medical support at the time of application.

b. The adult member shall cooperate in the following:

(1) Identifying and locating parties liable for the support of household members receiving Medicaid.

(2) Establishing liability for the support of household members receiving Medicaid, including establishment of paternity if paternity has not previously been established.

(3) Obtaining medical support and payments for medical care for household members receiving Medicaid.

c. Cooperation is defined as including the following actions by the adult member upon request:

(1) Appearing at the child support services as defined in 441—Chapter 95 to provide verbal or written information or documentary evidence known to, possessed by or reasonably obtainable by the member that is relevant to achieving the objectives of the child support recovery program.

(2) Appearing as a witness at judicial or other hearings or proceedings.

(3) Providing information, or attesting to the lack of information, under penalty of perjury.

d. Upon request, the adult member shall cooperate with the department in supplying information with respect to potentially liable parties, the receipt of medical support or payments for medical care, and the establishment of liability for support to the extent necessary to establish eligibility for assistance.

e. Upon request, the adult member shall cooperate with child support services by supplying all known information and documents pertaining to the location of potentially liable parties and taking action as may be necessary to secure medical support and payments for medical care or to establish liability. This includes completing and signing documents determined to be necessary by the state's attorney for any relevant judicial or administrative process.

f. Child support services will make the determination of whether or not the adult member has cooperated for the purposes of this rule.

75.14(2) Failure of an adult applicant to agree to cooperate or an adult member to cooperate will result in denial or cancellation of the noncooperating adult's Medicaid benefits. In family-related Medicaid cases, all exclusions, expenses and deductions described in rule 441—75.73(249A) will be allowed when otherwise applicable.

75.14(3) Each Medicaid member who is required to cooperate with child support services shall have the opportunity to claim good cause for refusing to cooperate in establishing liability or securing medical support and payments for medical care. The provisions set forth in subrules 75.14(7) through 75.14(11) will be used when making a determination of the existence of good cause.

75.14(4) Each Medicaid member shall assign to the department any rights to medical support and payments for medical care from any other person for which the person can legally make assignment. This shall include rights to medical support and payments for medical care on the member's own behalf or on behalf of any other person in the household who receives Medicaid.

An assignment is effective the same date the notice of eligibility is issued and is effective for the entire period for which eligibility is granted. Support payments not intended for medical support will not be assigned to the department.

75.14(5) Pregnant women establishing eligibility under the MAC coverage group as provided in subrule 75.3(2) will be exempt from the provisions in this rule for any born child for whom the pregnant woman applies for or receives Medicaid. Additionally, any previously pregnant woman eligible for postpartum coverage under the provision of subrule 75.3(4) will not be subject to the provisions in this rule until after the end of the month in which the postpartum period expires.

Pregnant women establishing eligibility under any other coverage groups, except those set forth in subrule 75.3(2) or 75.3(4), will be subject to the provisions in this rule when establishing eligibility for born children. However, when a pregnant woman who is subject to these provisions fails to cooperate, the woman will lose eligibility under her current coverage group and her eligibility for Medicaid will be automatically redetermined under subrule 75.3(2).

75.14(6) Notwithstanding subrule 75.14(5), any pregnant woman or previously pregnant woman establishing eligibility under subrule 75.3(2) or 75.3(4) will not be exempt from the provisions of 75.14(4) that require an adult member to assign any rights to medical support and payments for medical care.

75.14(7) Good cause exists when it is determined that cooperation in establishing liability and securing support is against the best interests of the child.

a. The department will determine that cooperation is against the child's best interest when the member's cooperation in establishing liability or securing support is reasonably anticipated to result in:

(1) Physical or emotional harm to the child for whom support is to be sought;

(2) Physical or emotional harm to the parent or other caretaker with whom the child is living that reduces the person's capacity to care for the child adequately.

b. The department will determine that cooperation is against the child's best interest when at least one of the following circumstances exists and the department believes that because of the existence of that circumstance, in the particular case, proceeding to establish liability or secure support would be detrimental to the child for whom support would be sought:

(1) The child was conceived as the result of incest or forcible rape.

(2) Legal proceedings for the adoption of the child are pending before a court of competent jurisdiction.

(3) The member is currently being assisted by a public or licensed private social agency to resolve the issue of whether to keep the child or relinquish the child for adoption and the discussions have not gone on for more than three months.

c. Physical harm and emotional harm shall be of a serious nature in order to justify a finding of good cause. A finding of good cause for emotional harm will be based only upon a demonstration of an emotional impairment that substantially affects the individual's functioning.

d. When the good cause determination is based in whole or in part upon the anticipation of emotional harm to the child, the parent, or the other caretaker, the following shall be considered:

(1) The present emotional state of the individual subject to emotional harm.

(2) The emotional health history of the individual subject to emotional harm.

(3) Intensity and probable duration of the emotional impairment.

(4) The degree of cooperation required.

(5) The extent of involvement of the child in the liability establishment or support enforcement activity to be undertaken.

75.14(8) Each Medicaid member who is required to cooperate with child support services will have the opportunity to claim good cause for refusing to cooperate in establishing liability or securing support payments.

a. Before requiring cooperation, the department will notify the member of the right to claim good cause as an exception to the cooperation requirement and of all the requirements applicable to a good cause determination.

b. The initial notice advising of the right to refuse to cooperate for good cause will:

(1) Advise the member of the potential benefits the child may derive from the establishment of liability and securing support.

(2) Advise the member that by law cooperation in establishing liability and securing support is a condition of eligibility for the Medicaid program.

(3) Advise the member of the sanctions provided for refusal to cooperate without good cause.

(4) Advise the member that good cause for refusal to cooperate may be claimed and that if the department determines, in accordance with these rules, that there is good cause, the member will be excused from the cooperation requirement.

(5) Advise the member that upon request, or following a claim of good cause, the department will provide further notice with additional details concerning good cause.

c. When the member makes a claim of good cause or requests additional information regarding the right to file a claim of good cause, the department will issue a second notice. To claim good cause, the member shall sign and date a form prescribed by the department and return it. This form:

(1) Indicates that the member must provide corroborative evidence of good cause circumstance and must, when requested, furnish sufficient information to permit the county office to investigate the circumstances.

(2) Informs the member that, upon request, the department will provide reasonable assistance in obtaining the corroborative evidence.

(3) Informs the member that on the basis of the corroborative evidence supplied and the department's investigation, when necessary, the department will determine whether cooperation would be against the best interests of the child for whom support would be sought.

(4) Lists the circumstances under which cooperation may be determined to be against the best interests of the child.

(5) Informs the member that child support recovery services may review the findings and basis for a good cause determination and may participate in any hearings concerning the issue of good cause.

(6) Informs the member that child support recovery services may attempt to establish liability and collect support in those cases where it is determined that this can be done without risk to the member if done without the member's participation.

d. The member who refuses to cooperate and who claims to have good cause for refusing to cooperate has the burden of establishing the existence of a good cause circumstance. Failure to meet these requirements shall constitute a sufficient basis for the department to determine that good cause does not exist. The member shall:

(1) Specify the circumstances that the member believes provide sufficient good cause for not cooperating.

(2) Corroborate the good cause circumstances.

(3) When requested, provide sufficient information to permit an investigation.

75.14(9) The department will determine whether good cause exists for each Medicaid member who claims to have good cause.

a. The department will notify the member of its determination that good cause does or does not exist. The determination will:

(1) Be in writing.

(2) Contain the findings and basis for determination.

(3) Be entered in the case record.

b. The determination of whether good cause exists will be made within 45 days from the day the good cause claim is made. The department may exceed this time standard only when:

(1) The case record documents that the department needs additional time because the information required to verify the claim cannot be obtained within the time standard, or

(2) The case record documents that the claimant did not provide corroborative evidence within the time period set forth in subrule 75.14(10).

c. When the department determines that good cause does not exist:

(1) The member will be so notified and be afforded an opportunity to cooperate, withdraw the application for assistance, or have the case closed; and

(2) Continued refusal to cooperate will result in the loss of Medicaid for the person who refuses to cooperate.

d. The department will make a good cause determination based on the corroborative evidence supplied by the member only after it has examined the evidence and found that it verifies the good cause claim.

e. Before making a final determination of good cause for refusing to cooperate, the department will:

(1) Afford child support services the opportunity to review and comment on the findings and basis for the proposed determination, and

(2) Consider any recommendation from child support services.

f. Child support services may participate in any appeal hearing that results from a member's appeal of a department action with respect to a decision on a claim of good cause.

g. Assistance will not be denied, delayed, or discontinued pending a determination of good cause for refusal to cooperate when the member has specified the circumstances under which good cause can be claimed and provided the corroborative evidence and any additional information needed to establish good cause.

h. The department will:

(1) Periodically, but not less frequently than every six months, review those cases in which the department has determined that good cause exists based on a circumstance that is subject to change.

(2) When it determines that circumstances have changed so that good cause no longer exists, rescind its findings and proceed to enforce the requirements pertaining to cooperation in establishing liability and securing support.

75.14(10) The member who claims good cause shall provide corroborative evidence within 20 days from the day the claim was made. In exceptional cases where the department determines that the member requires additional time because of the difficulty in obtaining the corroborative evidence, the department will allow a reasonable additional period upon approval by the worker's immediate supervisor.

a. A good cause claim may be corroborated with the following types of evidence:

(1) Birth certificates or medical or law enforcement records that indicate that the child was conceived as the result of incest or forcible rape.

(2) Court documents or other records that indicate that legal proceedings for adoption are pending before a court of competent jurisdiction.

(3) Court, medical, criminal, child protective services, social services, psychological, or law enforcement records that indicate that the potentially liable person might inflict physical or emotional harm on the child.

(4) Medical records that indicate emotional health history and present emotional health status of the parent or other caretaker or the children for whom support would be sought; also, written statements from a mental health professional indicating a diagnosis or prognosis concerning the emotional health of the parent or other caretaker or the child for whom support would be sought.

(5) A written statement from a public or licensed private social agency that the member is being assisted by the agency to resolve the issue of whether to keep the child or relinquish the child for adoption.

(6) Sworn statements from individuals other than the member with knowledge of the circumstances that provide the basis for the good cause claim.

b. When, after examining the corroborative evidence submitted by the member, the department wishes to request additional corroborative evidence needed to permit a good cause determination, the department will:

(1) Promptly notify the member that additional corroborative evidence is needed, and

(2) Specify the type of corroborative evidence needed.

c. When the member requests assistance in securing evidence, the department will:

(1) Advise the member how to obtain the necessary documents, and

(2) Make a reasonable effort to obtain any specific documents that the member is not reasonably able to obtain without assistance.

d. When a claim is based on the member's anticipation of physical harm and corroborative evidence is not submitted in support of the claim:

(1) The department will investigate the good cause claim when it believes that the claim is credible without corroborative evidence and corroborative evidence is not available.

(2) Good cause will be found when the claimant's statement and investigation satisfies the department that the member has good cause for refusing to cooperate.

(3) A determination that good cause exists will be reviewed and approved or disapproved by a supervisor and the findings will be recorded in the case record.

e. The department may further verify the good cause claim when the member's statement of the claim together with the corroborative evidence do not provide sufficient basis for making a determination. When the department determines that it is necessary, the department may conduct an investigation of good cause claims to determine whether good cause exists.

f. When it conducts an investigation of a good cause claim, the department will:

(1) Contact the potentially liable person from whom support would be sought when the contact is determined to be necessary to establish the good cause claim.

(2) Before making the necessary contact, notify the member so the member may present additional corroborative evidence or information so that contact with the potentially liable person becomes unnecessary, withdraw the application for assistance or have the case closed, or have the good cause claim denied.

75.14(11) Enforcement without parent or other caretaker's cooperation. When the department makes a determination that good cause exists, the department will also make a determination of whether child support services can proceed without risk of harm to the child, parent, or other caretaker when the enforcement or collection activities do not involve their participation.

a. Child support services will have an opportunity to review and comment on the findings and basis for the proposed determination and the department will consider any recommendations from child support services.

b. The determination will be in writing, contain the department's findings and basis for the determination, and be entered into the case record.

c. When the department excuses cooperation but determines that child support services may proceed to establish liability or enforce support, the department will notify the member to enable the individual to have the case closed.

441—75.15(249A) Medical resources. Medical resources include health and accident insurance, eligibility for care through the Department of Veterans Affairs, specialized child health services, services received through Title XVIII of the Act (Medicare), and other resources for meeting the cost of medical care that may be available to the member. These resources must be used when reasonably available.

75.15(1) The department will approve payment only for those services or that part of the cost of a given service for which no medical resources exist unless pay and chase provisions as defined in rule 441—75.1(249A) are applicable.

75.15(2) As a condition of eligibility for Medicaid, a person who has the legal capacity to execute an assignment shall do all of the following:

a. Assign to the department all rights to payments of medical care from any third party to the extent that payment has been made under the Medicaid program. The applicant's signature on the application form listed in 441—paragraph 76.2(1)*"c"* shall constitute agreement to the assignment. The assignment shall be effective for the entire period during which Medicaid makes payment for medical care.

b. Cooperate with the department in obtaining third-party payments. The member or someone acting on the member's behalf shall:

(1) File a claim or submit an application for any reasonably available medical resource, and

(2) Cooperate in the processing of the claim or application.

c. Cooperate with the department in identifying and providing information to assist the department in pursuing any third party who may be liable to pay for medical care and services available under the Medicaid program.

75.15(3) Good cause for failure to cooperate in the filing or processing of a claim or application will be considered to exist when the member, or someone acting on behalf of a minor or legally incompetent adult member, is physically or mentally incapable of cooperation. Good cause will be considered to exist when cooperation is reasonably anticipated to result in:

a. Physical or emotional harm to the member for whom medical resources are being sought;

b. Physical or emotional harm to the parent or payee, acting on the behalf of a minor or legally incompetent adult member, for whom medical resources are being sought.

75.15(4) Failure to cooperate as required in subrule 75.15(2) without good cause as defined in subrule 75.15(3) will result in the termination of Medicaid benefits. The department will make the determination of good cause based on information and evidence provided by the member or by someone acting on the member's behalf.

a. The Medicaid benefits of a minor or legally incompetent adult member will not be terminated for failure to cooperate in reporting medical resources.

b. When a parent or payee acting on behalf of a minor or legally incompetent adult member fails to file a claim or application for reasonably available medical resources or fails to cooperate in the processing of a claim or application without good cause, the Medicaid benefits of the parent or payee will be terminated.

This rule is intended to implement Iowa Code sections 249A.4 and 249A.54.

441—75.16(249A) Medical assistance lien.

75.16(1) When the Medicaid program pays for a member's medical care or expenses, the department will have a lien upon all monetary claims that the member may have against third parties for those expenses. Monetary claims will include medical malpractice claims for injuries sustained on or after July 1, 2011. The lien will be to the extent of the Medicaid payments only.

a. A lien is not effective unless the department files a notice of lien with the clerk of the district court in the county where the member resides and with the member's attorney when the member's eligibility for Medicaid is established. The notice of lien will be filed before the third party has concluded a final settlement with the member, the member's attorney, or other representative.

b. The third party shall obtain a written determination from the department concerning the amount of the lien before a settlement is deemed final.

(1) A compromise, including but not limited to notification, settlement, waiver or release of a claim, does not defeat the department's lien except pursuant to the written agreement of the director or the director's designee under which the department would receive less than full reimbursement of the amounts it expended.

(2) A settlement, award, or judgment structured in any manner not to include medical expenses or an action brought by a member or on behalf of a member that fails to state a claim for recovery of medical expenses does not defeat the department's lien if there is any recovery on the member's claim.

c. All notifications required by law shall be directed to the department. Notification shall be considered made as of the time the notification is deposited so addressed, postage prepaid, in the United States Postal Service system.

75.16(2) The department may pursue its rights to recover either directly from any third party or from any recovery obtained by or on behalf of any member. If a member incurs the obligation to pay attorney fees and court costs for the purpose of enforcing a monetary claim to which the department has a lien under this rule, upon the receipt of the judgment or settlement of the total claim, of which the lien for Medicaid payments is a part, the court costs and reasonable attorney fees will first be deducted from this total judgment or settlement. One-third of the remaining balance will then be deducted and paid to the member. From the remaining balance, the lien of the department will be paid. Any amount remaining will be paid to the member. An attorney acting on behalf of a member for the purpose of enforcing a claim to which the department has a lien shall not collect from the member any amount as attorney fees that is in excess of the amount the attorney customarily would collect on claims not subject to this rule. The department will provide computer-generated documents or claim forms describing the services for

which it has paid upon request of any affected member or the member's attorney. The documents may also be provided to a third party where necessary to establish the extent of the department's claim.

75.16(3) In those cases where appropriate notification is not given to the department or where the department's recovery rights are otherwise adversely affected by an action of the member or someone acting on the member's behalf, Medicaid benefits will be terminated. The Medicaid benefits of a minor child or a legally incompetent adult member will not be terminated under this subrule. Subsequent eligibility for Medicaid benefits will be denied until an amount equal to the unrecovered claim has been reimbursed to the department or the individual produces documentation of incurred medical expense equal to the amount of the unrecovered claim. The incurred medical expense will not be paid by the Medicaid program.

a. The member, or someone acting on the member's behalf, shall provide information and verification as required to establish the availability of medical or third-party resources.

b. The member or person acting on the member's behalf shall complete a form prescribed by the department, in a timely manner at the time of application, when any change in medical resources occurs during the application period, and when any changes in medical resources occur after the application is approved. A report will be considered timely when made within ten days from:

(1) The date that health insurance begins, changes, or ends.

(2) The date that eligibility begins for care through the Department of Veterans Affairs, specialized child health services, Title XVIII of the Act (Medicare) and other resources.

(3) The date the member, or someone acting on the member's behalf, files an insurance claim against an insured third party for the payment of medical expenses that otherwise would be paid by Medicaid.

(4) The date the member, or someone acting on the member's behalf, retains an attorney with the expectation of seeking restitution for injuries from a possibly liable third party, and the medical expenses resulting from those injuries would otherwise be paid by Medicaid.

(5) The date that the member, or someone acting on the member's behalf, receives a partial or total settlement for the payment of medical expenses that would otherwise be paid by Medicaid. The member may report the change in person, by telephone, by mail, or by using forms prescribed by the department when annual reviews are completed and when the client requests a form.

c. The member, or someone acting on the member's behalf, shall complete a form prescribed by the department when the department has reason to believe that the member has sustained an accident-related injury. Failure to cooperate in completing and returning this form or in giving complete and accurate information will result in the termination of Medicaid benefits.

d. When the recovery rights of the department are adversely affected by the actions of a parent or payee acting on behalf of a minor or legally incompetent adult member, the Medicaid benefits of the parent or payee will be terminated. When a parent or payee fails to cooperate in completing or returning any form required by the department, or fails to give complete and accurate information concerning the accident-related injuries of a minor legally incompetent adult member, the department will terminate the Medicaid benefits of the parent or payee.

e. The member, or someone acting on the member's behalf, shall refund to the department from any settlement or payment received the amount of any medical expenses paid by Medicaid. Failure of the member to do so will result in the termination of Medicaid benefits. In those instances where a parent or payee, acting on behalf of a minor or legally incompetent adult member, fails to refund a settlement overpayment to the department, the Medicaid benefits of the parent or payee will be terminated.

75.16(4) Third party and provider responsibilities.

a. The health care services provider shall inform the department by appropriate notation on Form CMS-1500 that other coverage exists but did not cover the service being billed or that payment was denied.

b. The health care services provider shall notify the department in writing by mailing copies of any billing information sent to a member, an attorney, an insurer or other third party after a claim has been submitted to or paid by the department.

c. An attorney representing an applicant for Medicaid or a past or present Medicaid member on a claim to which the department has filed a lien under this rule shall notify the department of the claim of which the attorney has actual knowledge, before filing a claim, commencing an action or negotiating a settlement offer. Actual knowledge shall include the notice to the attorney pursuant to subrule 75.16(1). The mailing and deposit in a U.S. post office or public mailing box of the notice, addressed to the department at its state or local office location, is adequate legal notice of the claim.

75.16(5) *Department's lien.*

a. The department's liens are valid and binding on an attorney, insurer or other third party only upon notice by the department or unless the attorney, insurer or other third party has actual notice that the member is receiving Medicaid from the department and only to the extent that the attorney, insurer or third party has not made payment to the member or an assignee of the member prior to the notice. Any information released to an attorney, insurer or other third party by the health care services provider that indicates that reimbursement from the state was contemplated or received will be construed as giving the attorney, insurer or other third party actual knowledge of the department's involvement. For example, information supplied by a health care services provider that indicates Medicaid involvement will be construed as showing involvement by the department under Iowa Code section 249A.54. Payment of benefits by an insurer or third party pursuant to the rights of the lienholder in this rule discharges the attorney, insurer or other third party from liability to the member or the member's assignee to the extent of the payment to the department.

b. When the department has reason to believe that an attorney is representing a member on a claim to which the department filed a lien under this rule, the department will issue notice to that attorney of the department's lien rights.

c. When the department has reason to believe that an insurer is liable for the costs of a member's medical expenses, the department will issue notice to the insurer of the department's lien rights.

d. The mailing and deposit in a U.S. post office or public mailing box of the notice, addressed to the attorney or insurer, is adequate legal notice of the department's subrogation rights.

75.16(6) For purposes of this rule, the term "third party" includes an attorney, individual, institution, corporation, or public or private agency that is or may be liable to pay part or all of the medical costs incurred as a result of injury, disease or disability by or on behalf of an applicant for Medicaid or a past or present Medicaid member.

75.16(7) The department may enforce its lien by a civil action against any liable third party.

This rule is intended to implement Iowa Code sections 249A.4 and 249A.54.

441—75.17 Reserved.

441—75.18(249A) Continuous eligibility for pregnant women.

75.18(1) A pregnant woman who was eligible and enrolled in Medicaid under the provisions of this chapter prior to the end of her pregnancy shall remain continuously eligible throughout the pregnancy and the 12-month postpartum period as provided in subrule 75.3(4), regardless of changes in circumstances, except if any of the following occur:

a. The woman requests voluntary termination of eligibility.

b. The woman ceases to be a resident of the state of Iowa.

c. Iowa Medicaid finds that the woman's eligibility was determined incorrectly at the most recent determination or redetermination of eligibility because of agency error or fraud, abuse, or perjury.

d. The woman dies.

75.18(2) Except as described in subrule 75.3(4), the woman is not required to meet any eligibility criteria described in this chapter or the reenrollment requirements at 441—paragraph 76.14(1)*"a"* during the pregnancy and 12-month postpartum period.

75.18(3) At the end of the 12-month postpartum period, the woman will be subject to the reenrollment requirements at 441—paragraph 76.14(1)*"b."*

75.18(4) Pregnant women determined eligible only for emergency services pursuant to subrule 75.11(4) are eligible under this provision.

441—75.19(249A) Continuous eligibility for children. A child under the age of 19 who is determined eligible for ongoing Medicaid will retain that eligibility for up to 12 months regardless of changes in family circumstances, except as described in this rule.

75.19(1) *Exceptions to coverage.* This rule does not apply to the following:

a. Children whose eligibility was determined under the newborn coverage group described in subrule 75.3(3).

b. Children whose eligibility was determined under the medically needy coverage group described in rule 441—75.8(249A).

c. Children whose Medicaid is state-funded only.

d. Children eligible only in a retroactive month pursuant to 441—subrule 76.13(3).

e. Children whose U.S. citizenship and identity, or noncitizenship status, is not verified within the reasonable opportunity period described in paragraph 75.11(2)*"c."*

f. Children whose eligibility was determined under express lane procedures described in rule 441—76.4(249A).

g. Children whose initial eligibility was established incorrectly.

75.19(2) *Duration of coverage.* Coverage under this rule will extend through the earliest of the following:

a. The month of the household's annual eligibility review;

b. The month when the child reaches the age of 19, except as stated in rule 441—75.52(249A);

c. The month when the child ceases to be a resident of Iowa or fails to provide the department with adequate information to determine whether the child meets residency requirements pursuant to rule 441—75.10(249A);

d. The month that voluntary termination of eligibility is requested; or

e. The month the child is determined to be deceased.

75.19(3) *Assignment of review date.* Children entering an existing Medicaid household will be assigned the same annual eligibility review date as that established for the household.

441—75.20(249A) Medical assistance corrective payments. If a decision by the department or SSA following an appeal on a denied application for any of the coverage groups set forth in 441—75.3(249A) through 441—75.8(249A) is favorable to the claimant, reimbursement will be made to the claimant for any medical bills paid by the claimant during the period between the date of the denial on the initial application and the date regular Medicaid coverage began when the bills were for medical services rendered in the period now determined to be an eligible period based on the following conditions:

75.20(1) These bills must be for services covered by the Medicaid program as set forth in 441—Chapter 78.

75.20(2) Reimbursement will be based on Medicaid rates for services in effect at the time the services were provided.

75.20(3) If a county relief agency has paid medical bills on the member's behalf and has not received reimbursement through assignment as set forth in 441—Chapter 80, the department will reimburse the county relief agency directly on the same basis as if the reimbursement was made to the member.

75.20(4) Members and county relief agencies may file claims for payment under this subrule on forms prescribed the department. These forms are available from the county office. All requests for reimbursement will be acted upon within 60 days of receipt of the forms in the county office.

75.20(5) Any adverse action taken by the department with respect to an application for reimbursement is appealable under 441—Chapter 7.

441—75.21(249A) Health insurance premium payment (HIPP) program. Under the HIPP program, the department will pay for the cost of premiums, coinsurance, copayments, and deductibles for Medicaid-eligible individuals when the department determines that those costs will be less than the cost of paying for the individual's care through Medicaid, including managed care capitation fees. Payment will include only the cost to the Medicaid-eligible individual or household.

75.21(1) *Definitions.* For purposes of this rule, the following definitions apply:

"Absent parent" means a noncustodial parent or a parent who is not living with the member.

"Authorized representative" means an individual or organization authorized by a competent applicant or member; authorized by a responsible person acting for an incompetent applicant or member pursuant to 441—subrule 76.9(2); or with other legal authority to represent the applicant or member in the application process, renewal of eligibility and other ongoing communications with the department.

"Capitation payment" means a monthly payment to the managed care contractor on behalf of each member for the provision of health services under the managed care organization contract. Payment is made by the department regardless of whether the member receives services during the month. The managed care capitation payment varies based on the eligible member's sex, age, and eligibility aid type.

"Cost-effective" means a determination has been made that a savings will accrue to the department by paying the insurance premium, cost sharing, wrap benefits, and administrative cost.

"Cost sharing" means the member's portions of in-network health care costs not covered by an insurance plan. "Cost sharing" includes copayments, coinsurance and deductibles, which vary among health care plans.

"Custodian" means the person recognized as representing the interests of the member for Medicaid assistance. When the member reaches the age of 18 and the custodian is not used in determining Medicaid eligibility, there shall be legal documentation in place that the custodian is now the responsible person or authorized representative.

"Employer-sponsored insurance" or *"ESI"* means any health insurance plan paid for by a business on behalf of its employees.

"High-deductible health plan" or *"HDHP"* means a health insurance plan that meets the definition found in Section 223(c)(2) of the United States Internal Revenue Code as amended to August 1, 2025.

"HIPP-eligible member" or *"HIPP enrollee"* means a person whose Medicaid eligibility is calculated in the cost-effective determination for HIPP.

"Household" means the group of people who are used in the budgeting and size when determining Medicaid eligibility.

"Individual plan" means an insurance plan purchased through a government-run health insurance marketplace or through a local broker or agent.

"Insurance plan" means major medical comprehensive health coverage provided through an employer, the Consolidated Omnibus Budget Reconciliation Act of 1985 (COBRA) as amended to August 1, 2025, a government-run health insurance marketplace, or a local broker or agent. Dental and vision plans are not considered to be insurance plans for purposes of this definition.

"Member" means an individual who has been determined eligible for Medicaid assistance and is enrolled to receive assistance.

"Policyholder" means the person in whose name an insurance policy is registered.

"Responsible person" means an individual recognized by the department pursuant to 441—subrule 76.9(1) as acting for an applicant or member who is unable to act on the applicant's or member's own behalf because the applicant or member is a minor or is incompetent, incapacitated, or deceased.

"Wrap benefits" means the services covered under the Medicaid state plans that are not paid for by insurance plans (i.e., waiver services, transportation).

75.21(2) *Insurance plans.* Participation in an insurance plan is not a condition of Medicaid eligibility. The department will pay for the cost of the insurance plan premiums, coinsurance, copayment, and deductibles of an insurance plan for a member if:

a. A member is enrolled in or can be added to the insurance plan; and

b. The insurance plan is cost-effective as described in subrule 75.21(3).

75.21(3) *Cost-effectiveness.* An insurance plan shall be considered cost-effective when the amount the department would pay for the member's insurance premiums, cost sharing, wrap benefits, and administrative costs is likely to be less than the amount the department would pay through Medicaid, including managed care capitation fees. When determining the cost-effectiveness of an insurance plan, the following data will be considered:

a. The cost to the member or household for the insurance premium, coinsurance, copayments and deductibles. Costs paid by an employer or other plan sponsor will not be considered in the cost-effectiveness determination.

b. The cost of care through Medicaid, including managed care capitation fees, the department would pay for the member.

c. The estimated cost of wrap benefits per member based on the member's sex, age, and eligibility aid type.

d. The specific health-related circumstances of the members covered under the health plan. The HIPP Medical History Questionnaire will be used to obtain this information. When the information indicates any health conditions that could be expected to result prospectively in higher-than-average bills for any Medicaid member:

(1) If the member is currently covered by the insurance plan, the department will request from the policyholder, or from the responsible person for the member, an insurance summary of the member's paid claims for the previous 12 months. If there is sufficient evidence to indicate that such claims can be expected to continue in the next 12 months, the claims will be considered in determining the cost-effectiveness of the insurance plan. The cost of the insurance plan premium, member's cost sharing, and administrative cost are compared to the actual claims to determine the cost-effectiveness of providing the coverage.

(2) If the member was not covered by the health plan in the previous 12 months, fee-for-service paid Medicaid claims may be used to project the cost-effectiveness of the plan.

e. Annual administrative expenditures of $150 per HIPP member covered under the health plan.

f. Whether the estimated savings to the department for members covered under the health insurance plan is at least $5 per month per household.

75.21(4) *Coverage of non-Medicaid-eligible family members.* When an insurance plan is determined to be cost-effective, the department will pay for insurance premiums for non-Medicaid-eligible family members if a non-Medicaid-eligible family member must be enrolled in the insurance plan in order to obtain coverage for the Medicaid-eligible family members. However:

a. The needs of the non-Medicaid-eligible family members will not be taken into consideration when determining cost-effectiveness; and

b. Payments for deductibles, coinsurances or other cost-sharing obligations will not be made on behalf of family members who are not Medicaid-eligible.

75.21(5) *Insurance plans ineligible for reimbursement.* Premiums will not be paid for insurance plans under any of the following circumstances:

a. The insurance plan is that of an absent parent.

b. The insurance plan is an indemnity policy that supplements the policyholder's income or pays only a predetermined amount for services covered under the policy (e.g., $50 per day for hospital services instead of 80 percent of the charge).

c. The insurance plan is a school plan offered on the basis of attendance or enrollment at the school.

d. The insurance premium is used to meet a spenddown obligation under the medically needy program, as provided in rule 441—75.8(249A), when all persons in the household are eligible or potentially eligible only under the medically needy program. When some of the household members are eligible for full Medicaid benefits under coverage groups other than medically needy, the premium will be paid if it is determined to be cost-effective when considering only the persons receiving full Medicaid coverage. In those cases, the insurance premium will not be allowed as a deduction to meet the spenddown obligation for those persons in the household participating in the medically needy program.

e. The insurance plan is designed to provide coverage only for a temporary period of time (e.g., 30 to 180 days).

f. The persons covered under the insurance plan are not Medicaid-eligible on the date the decision regarding eligibility for the HIPP program is made. No retroactive payments will be made if the case is not Medicaid-eligible on the date of decision.

g. The person is eligible only for a coverage group that does not provide full Medicaid services.

h. Insurance coverage is provided through the Iowa Comprehensive Health Insurance Association in accordance with Iowa Code chapter 514E.

i. Insurance on the member(s) is maintained by someone who does not live with the member(s), is not the legal guardian of the member(s), is not a responsible person, or does not have legal permission to access the Medicaid information of the member(s) (e.g., self-supporting adult children).

j. The member has Medicare. If other members in the household are covered by the insurance plan, cost-effectiveness is determined without including the Medicare-covered member.

k. The insurance plan does not provide major medical coverage but pays only for specific situations (i.e., accident plans) or illnesses (i.e., cancer policy).

l. The health plan pays secondary to another plan.

m. The only Medicaid member is in foster care.

n. The member is active for Medicaid under Medicaid for children with disabilities (i.e., MKSN) pursuant to subrule 75.6(7). Any other Medicaid members in the household who are covered by the health plan will be determined for cost-effectiveness.

o. The insurance plan is limited due to preexisting conditions.

p. The insurance plan is a subsidized insurance plan purchased through a government-run health insurance exchange.

q. On the date the decision regarding eligibility for the HIPP program is made, the insurance is no longer available.

r. The insurance plan is an HDHP.

75.21(6) *Department evaluation of ESI plans.* When evaluating ESI plans available through an employer, if there is more than one cost-effective insurance plan available, the department will pay the premium for only one plan. The member may choose the cost-effective plan in which to enroll.

75.21(7) *Effective date of premium payment.* The effective date of premium payments for a cost-effective health plan will be determined as follows:

a. Premium payments shall begin the later of:

(1) The first day of the month in which the Employer's Statement of Earnings, HIPP Program Application, or the automated HIPP referral is received by the HIPP unit; or

(2) The first day of the first month in which the health plan is determined to be cost-effective.

b. If the person is not enrolled in the insurance plan when eligibility for participation in the HIPP program is established, premium payments will begin in the month in which the first premium payment is due after enrollment occurs.

c. If there was a lapse in coverage during the application process (e.g., the health plan is dropped and reenrollment occurs at a later date), premium payments will not be made for any period of time before the current effective date of coverage.

d. In no case will payments be made for premiums that were used as a deduction to income for determining client participation or the amount of the spenddown obligation.

e. The Employer Verification of Insurance Coverage will be used to verify the effective date of coverage and costs for persons enrolled in group health plans through an employer.

f. The effective date of coverage of an insurance plan not obtained through an employer will be verified by a copy of the certificate of coverage for the plan or by some other verification from the insurer.

75.21(8) *Method of premium payment.* Payments of premiums will be made directly to the insurance carrier, except as follows:

a. The department may arrange for payment to an employer in order to circumvent a payroll deduction.

b. When an employer will not agree to accept premium payments from the department in lieu of a payroll deduction to the employee's wages, the department will reimburse the employee directly for payroll deductions or for payments made directly to the employer for the payment of premiums. The department will issue reimbursement to the employee five working days before the employee's pay date.

c. When premium payments are occurring through an automatic withdrawal from a bank account by the insurance carrier, the department may reimburse the policyholder for those withdrawals.

d. Payments for COBRA coverage will be made directly to the insurance carrier, the COBRA administrator, or the former employer. Payments may be made directly to the former employee only in those cases where:

(1) Information cannot be obtained for direct payment; or

(2) The department pays for only part of the total premium.

75.21(9) *Payment of claims.* Claims from medical providers for persons participating in this program will be paid in the same manner as claims are paid for other persons with a third-party resource in accordance with the provisions of 441—Chapters 79 and 80.

75.21(10) *Reviews of cost-effectiveness and eligibility.* Reviews of cost-effectiveness and eligibility will be completed annually and may be conducted more frequently at the discretion of the department.

a. Annual review of ESI cost-effectiveness and eligibility will be completed using the HIPP Program Review form.

b. Annual review of individual health plan cost-effectiveness and eligibility will be the HIPP Private Policy Review form.

c. Failure of the household to cooperate in the annual review process will result in cancellation of premium payment.

d. Redeterminations will be completed whenever:

(1) A premium rate, copayment, deductible, or coinsurance changes;

(2) A person covered under the policy loses full Medicaid eligibility;

(3) Changes in employment or hours of employment affect the availability of an insurance plan;

(4) The insurance carrier changes;

(5) The policyholder leaves the Medicaid home;

(6) There is a decrease in the services covered under the policy; or

(7) The Medicaid category of coverage changes.

e. The policyholder shall report changes that may affect the availability of the insurance plan reimbursed by the HIPP program, or changes that affect the cost-effectiveness of the policy, within ten calendar days from the date of the change.

f. If a change in the number of members in the Medicaid household causes the health plan not to be cost-effective, lesser health plan options, as defined in paragraph 75.21(15)*"a,"* will be considered if they are available and cost-effective.

g. When employment ends, hours of employment are reduced, or some other qualifying event affecting the availability of the group health plan occurs, the department will verify whether coverage may be continued under the provisions of COBRA.

(1) The Employer Verification of COBRA Eligibility form may be used for this purpose.

(2) If it is cost-effective to do so, the department will pay premiums to maintain insurance coverage for members after the occurrence of the event that would otherwise result in termination of coverage.

75.21(11) *Time frames for determining cost-effectiveness.* The department will determine cost-effectiveness of the insurance plan and notify the applicant of the decision regarding payment of the premiums within 65 calendar days from the date an application or referral (as defined in subrule 75.21(7)) is received. Additional time may be taken when, for reasons beyond the control of the department or the applicant, information needed to establish cost-effectiveness cannot be obtained within the 65-day period.

75.21(12) *Notices.*

a. Adequate notice will be provided to the household under the following circumstances:

(1) To inform the household of the initial decision on cost-effectiveness and premium payment.

(2) To inform the household that premium payments are being discontinued because Medicaid eligibility has been lost by all persons covered under the health plan.

(3) The insurance plan is no longer available to the family (e.g., the employer no longer provides health insurance coverage or the policy is terminated by the insurance company).

b. The department will provide timely and adequate notice as defined in rule 441—16.2(17A) to inform the household of a decision to discontinue payment of the health insurance premium because:

(1) The department has determined the insurance plan is no longer cost-effective; or

(2) The member has failed to cooperate in providing information necessary to establish continued eligibility for the HIPP program.

75.21(13) *Rate refund.* The department is entitled to any rate refund made when the insurance carrier determines a return of premiums to the policyholder is due for any time period for which the department paid the premium.

75.21(14) *Reinstatement of HIPP eligibility.*

a. When eligibility for the HIPP program is canceled because the persons covered under the insurance plan lose Medicaid eligibility, HIPP eligibility will be reinstated when Medicaid eligibility is reestablished if all other eligibility factors are met.

b. When HIPP eligibility is canceled because of the policyholder's failure to cooperate in providing information necessary to establish continued eligibility for the HIPP program, benefits will be reinstated the first day of the first month in which cooperation occurs if all other eligibility factors are met.

75.21(15) *Amount of insurance premium paid.*

a. For ESI plans, the policyholder shall provide verification of the cost of all possible insurance plan options (i.e., single, employee/children, family).

(1) The HIPP program will pay only for the option that provides coverage to the cost-effective members of the household.

(2) The HIPP program will not pay the portion of the premium cost that is the responsibility of the employer or other plan sponsor.

b. For individual health plans, the HIPP program will pay the cost of covering the cost-effective members covered by the plan.

c. For insurance plans, if another household member must be covered to obtain coverage for the members, the HIPP program will pay the cost of covering that household member if the coverage is cost-effective as determined pursuant to subrules 75.21(3) and 75.21(4).

75.21(16) *Reporting changes.* Failure to report and verify changes may result in cancellation of HIPP benefits.

a. The policyholder shall verify changes by providing a pay stub, a summary of benefits and coverage, a rate sheet, or a letter from the insurance carrier reflecting the change.

b. Changes in employment or the employment-related insurance carrier shall be verified by the employer.

c. Any benefits paid during a period in which there was ineligibility for HIPP due to unreported changes shall be subject to recovery in accordance with the provisions of 441—Chapter 11.

d. Any underpayment that results from an unreported change will be paid effective the first day of the month in which the change is reported.

75.21(17) *Discontinuation of premium payments.*

a. When the household loses Medicaid eligibility, premium payments will be discontinued as of the month of Medicaid ineligibility.

b. When only part of the household loses Medicaid eligibility, the department will complete a review in order to ascertain whether payment of the health insurance premium continues to be cost-effective. If the department determines that the insurance plan is no longer cost-effective, premium payment will be discontinued pending timely and adequate notice.

c. If the household fails to cooperate in providing information necessary to establish ongoing eligibility for the HIPP program, the department will discontinue premium payment after timely and adequate notice. The department will request all information in writing and allow the household ten calendar days in which to provide it.

d. If the policyholder leaves the Medicaid household, premium payments will be discontinued pending timely and adequate notice.

e. If the insurance plan is no longer available or the policy has lapsed, premium payments will be discontinued as of the effective date of the termination of the coverage.

441—75.22(249A) AIDS/HIV health insurance premium payment program. For the purposes of this rule, "AIDS" and "HIV" mean the same as defined in Iowa Code section 141A.1.

75.22(1) *Conditions of eligibility.* The department will pay for the cost of continuing health insurance coverage to persons with AIDS or an HIV-related illness when the following criteria are met:

a. The person with AIDS or an HIV-related illness shall be the policyholder, or the spouse of the policyholder, of an individual or group health plan.

b. The person shall be a resident of Iowa in accordance with the provisions of rule 441—75.10(249A).

c. The person shall not be eligible for Medicaid. The person shall be required to apply for Medicaid benefits when it appears Medicaid eligibility may exist. Persons who are required to meet a spenddown obligation under the medically needy program, as provided in rule 441—75.8(249A), are not considered Medicaid-eligible for the purpose of establishing eligibility under these provisions. When Medicaid eligibility is attained, premium payments shall be made under the provisions of rule 441—75.21(249A) if all criteria of that rule are met.

d. A physician's statement shall be provided verifying the policyholder or the spouse of the policyholder suffers from AIDS or an HIV-related illness. The physician's statement shall also verify that the policyholder or the spouse of the policyholder is or will be unable to continue employment in the person's current position or that hours of employment will be significantly reduced due to AIDS or an HIV-related illness. The Physician's Verification of Diagnosis form shall be used to obtain this information from the physician.

e. Gross income shall not exceed 300 percent of the FPL for a family of the same size. The gross income of all family members will be counted using the definition of gross income under the SSI program.

f. Liquid resources shall not exceed $10,000 per household. The following are examples of countable resources:

(1) Unobligated cash.

(2) Bank accounts.

(3) Stocks, bonds, and certificates of deposit, excluding IRS-defined retirement plans.

g. The health insurance plan must be cost-effective based on the amount of the premium and the services covered.

75.22(2) *Application process.*

a. Application. Persons applying for participation in this program shall complete the AIDS/HIV HIPP Application. The applicant shall be required to provide documentation of income and assets. The application will be available from and may be filed at any county office or the department.

An application will be considered as filed on the date an AIDS/HIV HIPP Application containing the applicant's name, address and signature is received and date-stamped in any county office or the department.

b. Time limit for decision. Every reasonable effort will be made to render a decision within 30 days. Additional time for rendering a decision may be taken when, due to circumstances beyond the control of the applicant or the department, a decision regarding the applicant's eligibility cannot be reached within 30 days (e.g., verification from a third party has not been received).

c. Eligible on the day of decision. No payments will be made for current or retroactive premiums if the person with AIDS or an HIV-related illness is deceased prior to a final eligibility determination being made on the application, if the insurance plan has lapsed, or if the person has otherwise lost coverage under the insurance plan.

d. Waiting list. After funds appropriated for this purpose are obligated, the department will deny pending applications. The department will mail a notice of decision within ten calendar days following the determination that funds have been obligated. The notice will state that the applicant meets eligibility requirements but no funds are available and that the applicant will be placed on the waiting list or that the applicant does not meet eligibility requirements. Applicants not awarded funding who meet the eligibility requirements will be placed on a statewide waiting list according to the order in which the

completed applications were filed. In the event that more than one application is received at one time, applicants will be entered on the waiting list on the basis of the day of the month of the applicant's birthday, lowest number being first on the waiting list. Any subsequent tie will be decided by the month of birth, January being month one and the lowest number.

75.22(3) *Presumed eligibility.* The applicant may be presumed eligible to participate in the program for a period of two calendar months or until a decision regarding eligibility can be made, whichever is earlier. Presumed eligibility will be granted when all of the following occur:

a. The application is accompanied by a completed Physician's Verification of Diagnosis form.

b. The application is accompanied by a premium statement from the insurance carrier indicating the policy will lapse before an eligibility determination can be made.

c. It can be reasonably anticipated that the applicant will be determined eligible from income and resource statements on the application.

75.22(4) *Family coverage.* When the person is enrolled in a policy that provides health insurance coverage to other members of the family, only that portion of the premium required to maintain coverage for the policyholder or the policyholder's spouse with AIDS or an HIV-related illness will be paid under this rule unless modification of the policy would result in a loss of coverage for the person with AIDS or an HIV-related illness.

75.22(5) *Method of premium payment.* Premiums shall be paid in accordance with the provisions of subrule 75.21(8).

75.22(6) *Effective date of premium payment.* Premium payments will be effective with the month of application or the effective date of eligibility, whichever is later.

75.22(7) *Reviews.* The department will review circumstances of persons participating in the program quarterly to ensure eligibility criteria continue to be met. The AIDS/HIV HIPP Program Review form shall be completed by the recipient or someone acting on the recipient's behalf for this purpose.

75.22(8) *Termination of assistance.* Premium payments for otherwise eligible persons shall be paid under this rule until one of the following conditions is met:

a. The person becomes eligible for Medicaid. In which case, premium payments shall be paid in accordance with the provisions of rule 441—75.21(249A).

b. The insurance coverage is no longer available.

c. Maintaining the insurance plan is no longer considered the most cost-effective way to pay for medical services.

d. Funding appropriated for the program is exhausted.

e. The person with AIDS or an HIV-related illness dies.

f. The person fails to provide requested information necessary to establish continued eligibility for the program.

75.22(9) *Notices.*

a. An adequate notice as defined in rule 441—16.1(17A) will be provided under the following circumstances:

(1) To inform the applicant of the initial decision regarding eligibility to participate in the program.

(2) To inform the recipient that premium payments are being discontinued under these provisions because Medicaid eligibility has been attained and premium payments will be made under the provisions of rule 441—75.21(249A).

(3) To inform the recipient that premium payments are being discontinued because the policy is no longer available.

(4) To inform the recipient that premium payments are being discontinued because funding for the program is exhausted.

(5) The person with AIDS or an HIV-related illness dies.

b. A timely and adequate notice as defined in rule 441—16.2(17A) will be provided to the recipient informing the recipient of a decision to discontinue payment of the health insurance premium when the recipient no longer meets the eligibility requirements of the program or fails to cooperate in providing information to establish eligibility.

75.22(10) *Confidentiality.* The department will protect the confidentiality of persons participating in the program in accordance with Iowa Code section 141A.9. When it is necessary for the department to contact a third party to obtain information in order to determine initial or ongoing eligibility, a Consent to Obtain and Release Information form shall be signed by the recipient authorizing the department to make the contact.

441—75.23(249A) Disposal of assets for less than fair market value after August 10, 1993. In determining Medicaid eligibility for persons described in 441—Chapters 75 and 83, a transfer of assets occurring after August 10, 1993, will affect Medicaid payment for medical services as provided in this rule.

75.23(1) *Ineligibility for services.* When an individual or spouse has transferred or disposed of assets for less than fair market value as defined in 75.23(11) on or after the look-back date specified in subrule 75.23(2), the individual shall be ineligible for medical assistance as provided in this subrule.

a. Institutionalized individual. When an institutionalized individual or the spouse of the individual disposed of assets for less than fair market value on or after the look-back date, the institutionalized individual is ineligible for medical assistance payment for nursing facility services, a level of care in any institution equivalent to that of nursing facility services, and home- and community-based waiver services. The period of ineligibility is equal to the number of months specified in subrule 75.23(3). The department will determine the beginning of the period of ineligibility as follows:

(1) Transfer before February 8, 2006. When assets were transferred before February 8, 2006, the period of ineligibility begins on the first day of the first month during which the assets were transferred, except as provided in subparagraph 75.23(1)*"a"*(3).

(2) Transfer on or after February 8, 2006. Within the limits of subparagraph 75.23(1)*"a"*(3), when the assets were transferred on or after February 8, 2006, the period of ineligibility begins on the later of:

1. The first day of the first month during which the assets were transferred; or

2. The date on which the individual is eligible for medical assistance under this chapter and would be receiving nursing facility services, a level of care in any institution equivalent to that of nursing facility services, or home- and community-based waiver services, based on an approved application for such care, but for the application of this rule.

(3) Exclusive period. The period of ineligibility due to the transfer will not begin during any other period of ineligibility under this rule.

b. Noninstitutionalized individual. When a noninstitutionalized individual or the spouse of the individual disposed of assets for less than fair market value on or after the look-back date, the individual is ineligible for medical assistance payment for home health care services, home and community care for functionally disabled elderly individuals, personal care services, and other long-term care services. The period of ineligibility is equal to the number of months specified in subrule 75.23(3). The department will determine the beginning of the period of ineligibility as follows:

(1) Transfer before February 8, 2006. When the assets were transferred before February 8, 2006, the period of ineligibility begins on the first day of the first month during which the assets were transferred, except as provided in subparagraph 75.23(1)*"b"*(3).

(2) Transfer on or after February 8, 2006. Within the limits of subparagraph 75.23(1)*"b"*(3), when the assets were transferred on or after February 8, 2006, the period of ineligibility begins on the later of:

1. The first day of the first month during which the assets were transferred; or

2. The date on which the individual is eligible for medical assistance under this chapter and would be receiving home health care services, home and community care for functionally disabled elderly individuals, personal care services, or other long-term care services, based on an approved application for such care, but for the application of this rule.

(3) Exclusive period. The period of ineligibility due to the transfer will not begin during any other period of ineligibility under this rule.

c. Client participation after period of ineligibility. Expenses incurred for long-term care services during a transfer of assets penalty period will not be deducted as medical expenses in determining client participation pursuant to subrule 75.83(2).

75.23(2) *Look-back date.*

a. Transfer before February 8, 2006. When assets were transferred before February 8, 2006, the look-back date is the date that is 36 months (or, in the case of payments from a trust or portion of a trust that are treated as assets disposed of by the individual, 60 months) before:

(1) The date an institutionalized individual is both an institutionalized individual and has applied for medical assistance; or

(2) The date a noninstitutionalized individual applies for medical assistance.

b. Transfer on or after February 8, 2006. When assets were transferred on or after February 8, 2006, the look-back date is the date that is 60 months before:

(1) The date an institutionalized individual is both an institutionalized individual and has applied for medical assistance; or

(2) The date a noninstitutionalized individual applies for medical assistance.

75.23(3) *Period of ineligibility.* The number of months of ineligibility will be equal to the total cumulative uncompensated value of all assets transferred by the individual (or the individual's spouse) on or after the look-back date specified in subrule 75.23(2), divided by the statewide average private-pay rate for nursing facility services at the time of application. The department will determine the average statewide cost to a private-pay resident for nursing facilities and update the cost annually. Current average statewide costs will be published on the department's website.

75.23(4) *Reduction of period of ineligibility.* The number of months of ineligibility otherwise determined with respect to the disposal of an asset will be reduced by the months of ineligibility applicable to the individual prior to a change in institutional status.

75.23(5) *Exceptions.* An individual will not be ineligible for medical assistance under this rule to the extent that:

a. The assets transferred were a home and title to the home was transferred to either:

(1) A spouse of the individual.

(2) A child of the individual who is under the age of 21 or is blind or permanently and totally disabled as defined in 42 U.S.C. Section 1382c.

(3) A sibling of the individual who has an equity interest in the home and who was residing in the individual's home for a period of at least one year immediately before the individual became institutionalized.

(4) A child of the individual who was residing in the individual's home for a period of at least two years immediately before the date of institutionalization and who provided care to the individual that permitted the individual to reside at home rather than in an institution or facility.

b. The assets were transferred:

(1) To the individual's spouse or to another for the sole benefit of the individual's spouse.

(2) From the individual's spouse to another for the sole benefit of the individual's spouse.

(3) To a child of the individual who is blind or permanently and totally disabled as defined in 42 U.S.C. Section 1382c or to a trust established solely for the benefit of such a child.

(4) To a trust established solely for the benefit of an individual under 65 years of age who is disabled as defined in 42 U.S.C. Section 1382c.

c. A satisfactory showing is made that one of the following is true:

(1) The individual intended to dispose of the assets either at fair market value or for other valuable consideration.

(2) The assets were transferred exclusively for a purpose other than to qualify for medical assistance.

(3) All assets transferred for less than fair market value have been returned to the individual.

d. The denial of eligibility would work an undue hardship. Undue hardship exists only when all of the following conditions are met:

(1) Applying the transfer of asset penalty would deprive the individual of medical care such that the individual's health or life would be endangered or of food, clothing, shelter, or other necessities of life.

(2) The person who transferred the resource or the person's spouse has exhausted all means including legal remedies and consultation with an attorney to recover the resource.

(3) The person's remaining available resources (after the attribution for the community spouse) are less than the monthly statewide average cost of nursing facility services to a private pay resident, counting the value of all resources, except for:

1. The home if occupied by a dependent relative or if a licensed physician verifies that the person is expected to return home.
2. Household goods.
3. A vehicle required by the client for transportation.
4. Funds for burial of $4,000 or less.

Hardship will not be found if the resource was transferred to a person who was handling the financial affairs of the client or to the spouse or children of a person handling the financial affairs of the client unless the client demonstrates that payments cannot be obtained from the funds of the person who handled the financial affairs to pay for long-term care services.

75.23(6) *Assets held in common.* In the case of an asset held by an individual in common with another person or persons in a joint tenancy, tenancy in common, or similar arrangement, the asset, or the affected portion of the asset, will be considered to be transferred by the individual when any action is taken, either by the individual or by any other person, that reduces or eliminates the individual's ownership or control of the asset.

75.23(7) *Transfer by spouse.* In the case of a transfer by a spouse of an individual that results in a period of ineligibility for medical assistance under the state plan for the individual, the period of ineligibility will be apportioned between the individual and the individual's spouse if the spouse otherwise becomes eligible for medical assistance under the state plan. The remaining penalty period will be evenly divided on a monthly basis, with any remaining month of penalty (prorated as a half month to each spouse) applied to the spouse who initiated the transfer action.

If a spouse subsequently dies prior to the end of the penalty period, the remaining penalty period will be applied to the surviving spouse's period of ineligibility.

75.23(8) *Definitions.* For the purposes of this rule the following definitions apply:

"Assets" includes all income and resources of the individual and the individual's spouse, including any income or resources that the individual or the individual's spouse is entitled to but does not receive because of action by:

1. The individual or the individual's spouse.
2. A person, including a court or administrative body, with legal authority to act in place of or on behalf of the individual or the individual's spouse.
3. Any person, including any court or administrative body, acting at the direction or upon the request of the individual or the individual's spouse.

"Income" means the same as defined in 42 U.S.C. Section 1382a.

"Institutionalized individual" means an individual who is an inpatient in a nursing facility, who is an inpatient in a medical institution and with respect to whom payment is made based on a level of care provided in a nursing facility, or who is eligible for home- and community-based waiver services.

"Resources" means the same as defined in 42 U.S.C. Section 1382b without regard (in the case of an institutionalized individual) to the exclusion of the home and land appertaining thereto.

"Transfer or disposal of assets" means any transfer or assignment of any legal or equitable interest in any asset as defined above, including:

1. Giving away or selling an interest in an asset;
2. Placing an interest in an asset in a trust that is not available to the grantor (subparagraph 75.24(2) *"b"*(2));
3. Removing or eliminating an interest in a jointly owned asset in favor of other owners;
4. Disclaiming an inheritance of any property, interest, or right pursuant to Iowa Code section 633E.5 on or after July 1, 2000 (Iowa Code section 249A.3(11)*"c"*);

75.23(9) *Purchase of annuities.* Funds used to purchase an annuity for more than its fair market value will be treated as assets transferred for less than fair market value regardless of when the annuity was purchased or whether the conditions described in this subrule were met.

a. The entire amount used to purchase an annuity on or after February 8, 2006, with a Medicaid applicant or member as the annuitant will be treated as assets transferred for less than fair market value unless the annuity meets one of the conditions described in paragraph 75.23(9)*"b"* and also meets the condition described in paragraph 75.23(9)*"c."*

b. To be exempted from treatment as an asset transferred at less than fair market value, an annuity described in paragraph 75.23(9)*"a"* must meet one of the following conditions:

(1) The annuity is an annuity described in Subsection (b) or (q) of Section 408 of the United States Internal Revenue Code of 1986 as amended to August 1, 2025 (U.S. IRC).

(2) The annuity is purchased with proceeds from:

1. An account or trust described in Subsection (a), (c), or (p) of Section 408 of the U.S. IRC;
2. A simplified employee pension (within the meaning of Section 408(k) of the U.S. IRC); or
3. A Roth IRA described in Section 408A of the U.S. IRC.

(3) The annuity:

1. Is irrevocable and nonassignable;
2. Is actuarially sound (as determined in accordance with actuarial publications of the Office of the Chief Actuary of the SSA); and
3. Provides for payments in equal amounts during the term of the annuity, with no deferral and no balloon payments made.

c. To be exempted from treatment as an asset transferred at less than fair market value, an annuity described in paragraph 75.23(9)*"a"* must have Iowa named as the remainder beneficiary for at least the total amount of medical assistance paid on behalf of the annuitant or the annuitant's spouse if either is institutionalized. Iowa may be named either:

(1) In the first position; or

(2) In the second position after the spouse or minor or disabled child and in the first position if the spouse or a representative of the child disposes of any of the remainder for less than fair market value.

d. The entire amount used to purchase an annuity on or after February 8, 2006, with the spouse of a Medicaid applicant or member as the annuitant will be treated as assets transferred for less than fair market value unless Iowa is named as the remainder beneficiary for at least the total amount of medical assistance paid on behalf of the annuitant or the annuitant's spouse if either is institutionalized. Iowa may be named either:

(1) In the first position; or

(2) In the second position after the spouse or minor or disabled child and in the first position if the spouse or a representative of the child disposes of any of the remainder for less than fair market value.

75.23(10) *Purchase of promissory notes, loans, or mortgages.*

a. Funds used to purchase a promissory note, loan, or mortgage after February 8, 2006, will be treated as assets transferred for less than fair market value in the amount of the outstanding balance due on the note, loan, or mortgage as of the date of the individual's application for medical assistance for services described in subrule 75.23(1) unless the note, loan, or mortgage meets all of the following conditions:

(1) Has a repayment term that is actuarially sound (as determined in accordance with actuarial publications of the Office of the Chief Actuary of the SSA).

(2) Provides for payments to be made in equal amounts during the term of the loan, with no deferral and no balloon payments made.

(3) Prohibits the cancellation of the balance upon the death of the lender.

b. Funds used to purchase a promissory note, loan, or mortgage for less than its fair market value will be treated as assets transferred for less than fair market value regardless of whether the note, loan, or mortgage was:

(1) Purchased before February 8, 2006; or

(2) Purchased on or after February 8, 2006, and the conditions described in paragraph 75.23(9)*"a"* were met.

75.23(11) *Purchase of life estates.*

a. The entire amount used to purchase a life estate in another individual's home after February 8, 2006, will be treated as assets transferred for less than fair market value unless the purchaser resides in the home for at least one year after the date of the purchase.

b. Funds used to purchase a life estate in another individual's home for more than its fair market value will be treated as assets transferred for less than fair market value regardless of whether the life estate was:

(1) Purchased before February 8, 2006; or

(2) Purchased on or after February 8, 2006, and the purchaser resided in the home for one year after the date of purchase.

441—75.24(249A) Treatment of trusts established after August 10, 1993. For purposes of determining an individual's eligibility for, or the amount of, medical assistance benefits, trusts (except for trusts specified in subrule 75.24(3)) established after August 10, 1993, will be treated in accordance with subrule 75.24(2).

75.24(1) *Establishment of trust.*

a. For the purposes of this rule, an individual is considered to have established a trust if assets of the individual were used to form all or part of the principal of the trust and if any of the following individuals established the trust other than by will:

(1) The individual,

(2) The individual's spouse, or

(3) A person, including a court or administrative body:

1. With legal authority to act in place of or on behalf of the individual or the individual's spouse, or

2. Acting at the direction or upon the request of the individual or the individual's spouse.

b. The term "assets," with respect to an individual, includes all income and resources of the individual and of the individual's spouse, including any income or resources that the individual or the individual's spouse is entitled to but does not receive because of action by:

(1) The individual,

(2) The individual's spouse, or

(3) A person, including a court or administrative body:

1. With legal authority to act in place of or on behalf of the individual or the individual's spouse, or

2. Acting at the direction or upon the request of the individual or the individual's spouse.

c. In the case of a trust, the principal of which includes assets of an individual and assets of any other person or persons, the provisions of this rule apply to the portion of the trust attributable to the individual.

d. This rule applies without regard to:

(1) The purposes for which a trust is established.

(2) Whether the trustees have or exercise any discretion under the trust.

(3) Any restrictions on when or whether distribution may be made for the trust.

(4) Any restriction on the use of distributions from the trust.

e. The term "trust" includes any legal instrument or device that is similar to a trust, including a conservatorship.

75.24(2) *Treatment of revocable and irrevocable trusts.*

a. In the case of a revocable trust:

(1) The principal of the trust will be considered an available resource.

(2) Payments from the trust to or for the benefit of the individual will be considered income of the individual.

(3) Any other payments from the trust will be considered assets disposed of by the individual subject to the penalties described in rule 441—75.23(249A) and 441—Chapter 89.

b. In the case of an irrevocable trust:

(1) If there are any circumstances under which payment from the trust could be made to or for the benefit of the individual, the portion of or income on the principal from which payment to the individual could be made will be considered an available resource to the individual and payments from that principal or income to or for the benefit of the individual will be considered income to the individual. Payments for any other purpose will be considered a transfer of assets by the individual subject to the penalties described in rule 441—75.23(249A) and 441—Chapter 89.

(2) Any portion of the trust from which, or any income on the principal from which no payment could under any circumstances be made to the individual will be considered as of the date of establishment of the trust (or, if later, the date on which payment to the individual was foreclosed) to be assets disposed of by the individual subject to the penalties specified in subrule 75.23(3) and 441—Chapter 89. The value of the trust will be determined for this purpose by including the amount of any payments made from this portion of the trust after this date.

75.24(3) *Exceptions.* This rule does not apply to any of the following:

a. A trust that contains the assets of an individual under the age of 65 who is disabled (as defined in Section 1614(a)(3) of the Act) and that is established for the benefit of the individual by a parent, grandparent, legal guardian of the individual, or court if the state will receive all amounts remaining in the trust upon the death of the individual up to an amount equal to the total medical assistance paid on behalf of the individual.

b. A trust established for the benefit of an individual if the trust is composed only of pension, social security, and other income to the individual (and accumulated income of the trust); the state will receive all amounts remaining in the trust upon the death of the individual up to the amount equal to the total medical assistance paid on behalf of the individual. For disposition of trust amounts pursuant to Iowa Code chapter 633C, the average statewide charges and Medicaid rates are updated annually and will be published on the department's website.

c. A trust containing the assets of an individual who is disabled (as defined in Section 1614(a)(3) of the Act) that meets the following conditions:

(1) The trust is established and managed by a nonprofit association.

(2) A separate account is maintained for each beneficiary of the trust, but for purposes of investment and management of funds, the trust pools these accounts.

(3) Accounts in the trust are established solely for the benefit of individuals who are disabled (as defined in Section 1614(a)(3) of the Act) by the parent, grandparent, or legal guardian of the individuals; by the individuals; or by a court.

(4) To the extent that amounts remaining in the beneficiary's account upon death of the beneficiary are not retained by the trust, the trust pays to the state from the remaining amounts in the account an amount equal to the total amount of medical assistance paid on behalf of the beneficiary.

441—75.25(249A) Treatment of Medicaid qualifying trusts.

75.25(1) A Medicaid qualifying trust is a trust or similar legal device established on or before August 10, 1993, other than by will by a person or that person's spouse under which the person may be the beneficiary of payments from the trust and the distribution of these payments is determined by one or more trustees who are permitted to exercise any discretion with respect to the distribution to the person. Trusts or initial trust decrees established prior to April 7, 1986, solely for the benefit of an intellectually disabled person who resides in an ICF-ID are exempt.

75.25(2) The amount of income and principal from a Medicaid qualifying trust that will be considered available will be the maximum amount permitted under the terms of the trust assuming the full exercise of discretion by the trustee or trustees for the distribution of the funds.

a. Trust income considered available will be counted as income.

b. Trust principal (including accumulated income) considered available will be counted as a resource, except where the trust explicitly limits the amount of principal that can be made available on an annual or less frequent basis. Where the trust limits the amount, the principal considered available over any particular period of time will be counted as income for that period of time.

c. To the extent that the trust principal and income are available only for medical care, the principal or income will not be used to determine eligibility. To the extent that the trust is restricted to medical expenses, it will be used as a third-party resource.

441—75.26(249A) Conservatorships.

75.26(1) *Conservatorships established prior to February 9, 1994.* The department will determine whether assets from a conservatorship established prior to February 9, 1994, except one established solely for the payment of medical expenses, are available by examining the language of the order establishing the conservatorship.

a. Funds clearly conserved and available for care, support, or maintenance will be considered toward income limitations and resource limitations when applicable for the coverage group.

b. When assets in the conservatorship are not clearly available, the department may contact the conservator and request that the funds in the conservatorship be made available for current support and maintenance. When the conservator chooses not to make the funds available, the department may petition the court to have the funds released either partially or in their entirety or as periodic income payments.

c. Funds in a conservatorship that are not clearly available will be considered unavailable until the conservator or court actually makes the funds available.

d. Payments received from the conservatorship for basic or special needs are considered income.

75.26(2) *Conservatorships established on or after February 9, 1994.* Conservatorships established on or after February 9, 1994, will be treated according to the provisions of paragraphs 75.24(1)*"e"* and 75.24(2)*"b."*

441—75.27(249A) AIDS/HIV settlement payments. The following payments are exempt as income and resources when determining eligibility for or the amount of Medicaid benefits under any coverage group if the payments are kept in a separate, identifiable account:

75.27(1) *Class settlement payments.* Payments made from any fund established pursuant to a class settlement in the case of Susan Walker v. Bayer Corporation, et al., 96-C-5024 (N.D. Ill.) are exempt.

75.27(2) *Other settlement payments.* Payments made pursuant to a release of all claims in a case that is entered into in lieu of the class settlement referred to in subrule 75.27(1) and that is signed by all affected parties in the cases on or before the later of December 31, 1997, or the date that is 270 days after the date on which the release is first sent to the person (or the legal representative of the person) to whom payment is to be made are exempt.

441—75.28(249A) Recovery.

75.28(1) *Definitions.* For the purposes of this rule, the following definitions apply:

"Administrative overpayment" means medical assistance incorrectly paid to or for the client because of continuing assistance during the appeal process or allowing a deduction for the Medicare Part B premium in determining client participation while the department arranges to pay the Medicare premium directly.

"Agency error" means medical assistance incorrectly paid to or for the client because of action attributed to the department as the result of one or more of the following circumstances:

1. Misfiling or loss of forms or documents.
2. Errors in typing or copying.
3. Computer input errors.
4. Mathematical errors.
5. Failure to determine eligibility correctly or to certify assistance in the correct amount when all essential information was available to the department.
6. Failure to make prompt revisions in medical payment following changes in policies requiring the changes as of a specific date.

"Client" means a current or former Medicaid member.

"Client error" means medical assistance incorrectly paid to or for the client because the client or client's representative failed to disclose information or gave false or misleading statements, oral or

written, regarding the client's income, resources, or other eligibility and benefit factors. "Client error" also means assistance incorrectly paid to or for the client because of failure by the client or client's representative to timely report as defined in rule 441—76.15(249A).

"Premiums paid for medical assistance" means monthly premiums assessed to a member or household for Medicaid or IHAWP coverage.

75.28(2) *Amount subject to recovery.* The department will recover from a client all Medicaid funds incorrectly expended to or on behalf of the client and all unpaid premiums assessed by the department for medical assistance. The incorrect expenditures or unpaid premiums may result from client or agency error or administrative overpayment.

75.28(3) *Notification.* All clients will be promptly notified when it is determined that assistance was incorrectly expended or when assessed premiums are unpaid.

a. Notification of incorrect expenditures will include:

(1) The person for whom assistance was paid;

(2) The period during which assistance was incorrectly paid;

(3) The amount of assistance subject to recovery; and

(4) The reason for the incorrect expenditure.

b. Notification of unpaid premiums will include:

(1) The amount of the premium; and

(2) The month covered by the medical assistance premium.

75.28(4) *Source of recovery.* Recovery will be made from the client or from parents of children under the age of 21 when the parents completed the application and had responsibility for reporting changes. Recovery may come from income, resources, the estate, income tax refunds, and lottery winnings of the client.

75.28(5) *Repayment.* The repayment of incorrectly expended Medicaid funds shall be made to the department. However, repayment of funds incorrectly paid to a nursing facility, a Medicare-certified skilled nursing facility, a psychiatric medical institution for children, an ICF-ID, or a mental health institute enrolled as an inpatient psychiatric facility may be made by the client to the facility. The department will then recover the funds from the facility through a vendor adjustment.

75.28(6) *Appeals.* The client shall have the right to appeal the amount of funds subject to recovery under the provisions of 441—Chapter 7.

75.28(7) *Estate recovery.* Medical assistance, including the amount the state paid to a managed care organization (MCO) for provision of medical services, also called capitation fees, is subject to recovery from the estate of a Medicaid member, of the member's surviving spouse, or of the member's surviving child as provided in this subrule. Effective January 1, 2010, medical assistance that has been paid for Medicare cost sharing or for benefits described in Section 1902(a)(10)(E) of the Act is not subject to recovery. All assets included in the estate of the member, the surviving spouse, or the surviving child are subject to probate for the purposes of medical assistance estate recovery pursuant to Iowa Code section 249A.53(2)*"d."* The classification of the debt is defined in Iowa Code section 633.425(7).

a. Definitions. In addition to the definitions in subrule 75.28(1), the following definitions apply:

"Capitated payment/rate" means a monthly payment to the contractor on behalf of each member for the provision of health services under the contract. Payment is made regardless of whether the member receives services during the month.

"Estate." For the purpose of this subrule, the "estate" of a Medicaid member, a surviving spouse, or a surviving child shall include all real property, personal property, or any other asset in which the member, spouse, or surviving child had any legal title or interest at the time of death, or at the time a child reaches the age of 21, to the extent of that interest. An estate includes but is not limited to interest in jointly held property, retained life estates, and interests in trusts.

"Managed care organization" or *"MCO"* means an entity that:

1. Is under contract with the department to provide services to Medicaid recipients, and

2. Meets the definition of "health maintenance organization" in Iowa Code section 514B.1.

b. Debt due for member 55 years of age or older. Receipt of medical assistance when a member is 55 years of age or older creates a debt due to the department from the member's estate upon the member's death for all medical assistance provided on the member's behalf on or after July 1, 1994.

c. Debt due for member under the age of 55 in a medical institution.

(1) Receipt of medical assistance creates a debt due to the department from the member's estate upon the member's death for all medical assistance provided on the member's behalf on or after July 1, 1994, when the member:

1. Is under the age of 55;
2. Is a resident of a nursing facility, an ICF-ID, or a mental health institute; and
3. Cannot reasonably be expected to be discharged and return home.

(2) If the member is discharged from the facility and returns home before staying six consecutive months, no debt will be assessed for medical assistance payments made on the member's behalf for the time in the institution.

(3) If the member remains in the facility for six consecutive months or longer or dies before staying six consecutive months, the department will presume that the member cannot or could not reasonably be expected to be discharged and return home and a debt due will be established. The department will notify the member of the presumption and the establishment of a debt due.

d. Request for a determination of ability to return home. Upon receipt of a notice of the establishment of a debt due based on the presumption that the member cannot return home, the member or someone acting on the member's behalf may request that the department determine whether the member can or could reasonably have been expected to return home.

(1) When a written request is made within 30 days of the notice that a debt due will be established, no debt due will be established until the department has made a decision on the member's ability to return home. If the determination is that there is or was no ability to return home, a debt due will be established for all medical assistance as of the date of entry into the institution.

(2) When a written request is made more than 30 days after the notice that a debt due will be established, a debt due will be established for medical assistance provided before the request even if the determination is that the member can or could have returned home.

e. Determination of ability to return home. When the member or someone acting on the member's behalf requests a determination, the department will determine if the member can or could have returned home.

(1) The department cannot make a determination until the member has been in an institution at least six months or after the death of the member, whichever is earlier. The department will notify the member or the member's representative and the department of the determination.

(2) If the determination is that the member can or could return home, Iowa Medicaid will establish the date the return is expected or could have been expected to occur.

(3) If the determination is that the member cannot or could not return home, a debt due will be established unless the member or the member's representative asks for a reconsideration of the decision. The department will notify the member or the member's representative of the reconsideration decision.

(4) If the reconsideration decision is that the member cannot or could not return home, a debt due will be established against the member unless the decision is appealed pursuant to 441—Chapter 7. The appeal decision will determine the final outcome for the establishment of a debt due and the period when the debt is established.

f. Debt collection.

(1) A nursing facility participating in the medical assistance program shall notify the department upon the death of a member residing in the facility by submitting a form prescribed by the department.

(2) Upon receipt of the form or a report of a member's death through other means, the department will request a statement of the member's assets from the member's personal representative. The representative shall sign and return a form prescribed by the department indicating whether assets remain and, if so, what the assets are and what higher priority expenses exist.

EXCEPTION: The procedures in this subparagraph are not necessary when a probate estate has been opened because those procedures provide for an inventory, an accounting, and a final report of the estate.

g. Waiving the collection of debt.

(1) The department will waive the collection of the debt created under this subrule from the estate of the member to the extent that collection of the debt would result in either of the following:

1. Reduction in the amount received from the member's estate by a surviving spouse or by a surviving child who is under the age of 21, blind, or permanently and totally disabled at the time of the member's death.

2. Creation of an undue hardship for the person seeking a waiver of estate recovery. Undue hardship exists when total household income is less than 200 percent of the FPL for a household of the same size; total household resources do not exceed $10,000; and application of estate recovery would result in deprivation of food, clothing, shelter, or medical care such that life or health would be endangered. For this purpose, "income" and "resources" will be defined as being under FIP.

(2) To apply for a waiver of estate recovery due to undue hardship, the person shall provide a written statement and supporting verification to the department within 30 days of the notice of estate recovery pursuant to Iowa Code section 249A.53(2).

(3) The department will determine whether undue hardship exists on a case-by-case basis. Appeals of adverse decisions regarding an undue hardship determination may be filed in accordance with 441—Chapter 7.

h. Amount waived. If collection of all or part of a debt is waived pursuant to paragraph 75.28(7)*"g,"* to the extent that the person received the member's estate, the amount waived will be a debt due from the following:

(1) The estate of the member's surviving spouse, upon the death of the spouse.

(2) The estate of the member's surviving child who is blind or has a disability, upon the death of the child.

(3) A surviving child who was under 21 years of age at the time of the member's death, when the child reaches the age of 21.

(4) The estate of a surviving child who was under 21 years of age at the time of the member's death, if the child dies before reaching the age of 21.

(5) The hardship waiver recipient, when the hardship no longer exists.

(6) The estate of the recipient of the undue hardship waiver, at the time of death of the hardship waiver recipient.

i. Impact of asset disregard on debt due. The estate of a member who is eligible for Medicaid under subrule 75.82(5) will not be subject to a claim for Medicaid paid on the member's behalf up to the amount of the assets disregarded by asset disregard. Medicaid paid on behalf of the member before these conditions will be recovered from the estate, regardless of the member's having purchased precertified or approved insurance.

j. Interest on debt. Interest will accrue on a debt due under this subrule in accordance with Iowa Code section 249A.53(2)*"e."*

k. Reimbursement to a county. If a county reimburses the department for medical assistance provided under this subrule and the amount of medical assistance is subsequently repaid through a medical assistance income trust or a medical assistance special needs trust as defined in Iowa Code chapter 633C, the department will reimburse the county on a proportionate basis.

441—75.29(249A) Investigation of eligibility. An applicant or member shall cooperate when the applicant's or member's case is selected by the department or the department of inspections, appeals, and licensing for verification of eligibility unless the investigation revolves solely around the circumstances of a person whose income and resources do not affect Medicaid eligibility. (More information is contained in 481—Chapter 72.) Failure to cooperate will serve as a basis for denial of an application or discontinuance of Medicaid unless the Medicaid eligibility is determined by SSA. Once a person's eligibility is denied or discontinued for failure to cooperate, the person may reapply but will not be determined eligible until cooperation occurs.

441—75.30 to **75.49** Reserved.

DIVISION II
ELIGIBILITY FACTORS SPECIFIC TO FAMILY-RELATED COVERAGE GROUPS

441—75.50(249A) Eligibility factors specific to child. A child must meet the requirements of this rule to be eligible for FMAP or the coverage groups specified in subrules 75.3(6), 75.3(7), and 75.3(14).

75.50(1) *Age and school attendance.* Medicaid will be available to a child under the age of 18 without regard to school attendance.

a. The effect of age on the child's eligibility will be determined pursuant to rule 441—75.52(249A).

b. Medicaid will also be available to a child aged 18 years who is a full-time student in a secondary school, or in the equivalent level of vocational or technical training, and who is reasonably expected to complete the program before reaching the age of 19 if the following criteria are met:

(1) A child will be considered attending school full-time when enrolled or accepted in a full-time (as certified by the school or institute attended) elementary, secondary or the equivalent level of vocational or technical school or training leading to a certificate or diploma. Correspondence school is not an allowable program of study.

(2) A child will also be considered to be in regular attendance in months when the child is not attending because of an official school or training program vacation, illness, convalescence, or family emergency. A child meets the definition of regular school attendance until the child has been officially dropped from the school rolls.

(3) When a child's education is temporarily interrupted pending adjustment of an education or training program, exemption will be continued for a reasonable period of time to complete the adjustment.

75.50(2) *Residing with a parent or other caretaker.* The child shall be living in the home of a parent or other caretaker as defined in rule 441—75.1(249A). The parent or other caretaker must meet the requirements of rule 441—75.51(249A).

a. When the mother intends to place her child for adoption shortly after birth, the child will be considered as living with the mother until the time custody is actually relinquished.

b. Living with a parent or other caretaker implies the existence of a relationship involving an accepted responsibility on the part of the caretaker for the primary care of the child. A non-parental caretaker must attest to having primary responsibility for the child's care pursuant to paragraph 75.51(2) *"b."*

c. A child can receive Medicaid in one household only. In a joint custody situation, when a child lives in the home of one parent or other caretaker some of the time and also lives in the separate home of the other parent or another caretaker, who the child will be considered to be living with is determined as follows:

(1) As specified in a court order or binding separation, divorce or custody agreement, or,

(2) If there is no such order, the parent or other caretaker with whom the child spends most nights will be considered the custodial parent or other caretaker. When a child spends equal amounts of time in the home of each parent and both parents apply for Medicaid for the child, the parents must decide which parent will continue with the application. Likewise, when a child spends equal amounts of time in the home of a parent and the home of another caretaker, the parent or other caretaker must decide which caretaker will continue with the application. If the parents, or the parent and other caretaker, cannot reach a decision, the department will make the determination based on the totality of the available information.

d. Upon the determination that a child is living with a parent or other caretaker, the Medicaid household size for each applicant or member is determined according to rule 441—75.72(249A) for the purpose of determining eligibility.

441—75.51(249A) Eligibility factors specific to parents and caretakers.

75.51(1) *FMAP and other requirements.* To be eligible for FMAP or the coverage groups specified in subrules 75.3(6), 75.3(7), and 75.3(14), a parent or other caretaker must:

a. Meet the definition of "parent" or "caretaker" in rule 441—75.1(249A);

b. Live with an eligible child as defined in rule 441—75.50(249A); and

c. Satisfy the FMAP requirements specified in subrule 75.3(1) and the general conditions of eligibility specified in this chapter.

75.51(2) *Assumes primary responsibility for care of child.* To be eligible for FMAP, the parent or other caretaker living in the home with the child must assume primary responsibility for the care of the child.

a. A parent who is living with their child is presumed to have primary responsibility for the child's care.

b. For a child and a non-parental caretaker to meet the requirements of this subrule, the non-parental caretaker who is living with the child must attest to having primary responsibility for the child's care on an application or other document submitted to the department.

441—75.52(249A) The effect of age on eligibility. When age is an eligibility factor and a person has reached the age limit, the birth date impacts eligibility for the birth month.

75.52(1) A person is eligible for the entire month in which the person's birth date occurs, unless the birthday falls on the first day of the month. Ineligibility based on age will be effective the first of the month following the birth month.

75.52(2) A person whose birth date is on the first day of the month is not eligible for the age-limited coverage group for the birth month. Ineligibility based on age will be effective on the person's birth date.

75.52(3) This rule applies to the following coverage groups:

a. FMAP;

b. MAC;

c. Child medical assistance program (CMAP);

d. Subsidized guardianship medically needy program;

e. Children eligible under Title IV-E;

f. State-only funded medical assistance for children in foster care or subsidized adoption;

g. State-only funded medical assistance for children in subsidized guardianship; and

h. Medicaid for former foster care youth (EMIYA).

441—75.53(249A) Absence from the home.

75.53(1) A person who is absent from the home will not be included in the household, except when temporarily absent as described in subrule 75.53(2).

a. A parent who is permitted to live at home while serving a court-imposed sentence by performing unpaid public work or unpaid community service during the workday is considered absent from the home.

b. A parent whose absence from the home is due solely to a pattern of employment is not considered to be absent.

c. A parent whose absence is occasioned solely by reason of the performance of active duty in the uniformed services of the United States is considered absent from the home. "Uniformed service" means the Army, Navy, Air Force, Marine Corps, Coast Guard, National Oceanographic and Atmospheric Administration, or Public Health Service of the United States.

75.53(2) The needs of a person who is temporarily absent from the home are included in a household if otherwise eligible. A temporary absence exists in any of the following circumstances:

a. A person is anticipated to be in a medical institution for less than a year, as verified by a physician's statement. Failure to return within one year from the date of entry into the medical institution will result in the person no longer being included in the household;

b. A child is out of the home to secure education or training as defined in paragraph 75.50(1)*"b"* as long as the child remains a dependent;

c. A parent or other caretaker is temporarily out of the home to secure education or training and was in the household before leaving the home to secure education or training. For this purpose,

"education or training" means any academic or vocational training program that prepares a person for a specific professional or vocational area of employment; or

d. A person is out of the home for reasons other than reasons in paragraphs 75.53(2)*"a"* through *"c"* and intends to return to the home within three months. Failure to return within three months from the date the person left the home will result in the person no longer being included in the household.

441—75.54(249A) Pending SSI approval. When a person who would ordinarily be in the family-related Medicaid household has applied for SSI benefits, the person's needs will be included in the family-related Medicaid household pending approval of SSI.

441—75.55(249A) Resources not considered. There is no resource test to determine eligibility for family-related Medicaid coverage groups.

441—75.56(249A) Income eligibility. Unless otherwise stated within this chapter, income eligibility under family-related coverage groups will be determined using MAGI methodologies pursuant to Division III of this chapter.

441—75.57 to **75.69** Reserved.

DIVISION III
FINANCIAL ELIGIBILITY BASED ON MODIFIED ADJUSTED GROSS INCOME (MAGI)

441—75.70(249A) Financial eligibility based on MAGI. Notwithstanding any other provision of this chapter, financial eligibility for Medicaid is determined using MAGI and household income pursuant to 42 U.S.C. §1396a(e)(14) to the extent required by that section as a condition of federal funding under Title XIX of the Act. For this purpose, financial eligibility for Medicaid includes any applicable purpose for which a determination of income is required for a coverage group that is subject to MAGI methodology as specified in rule 441—75.71(249A) and defined in rule 441—75.1(249A), including the imposition of any premiums or cost sharing.

441—75.71(249A) Coverage groups subject to MAGI methodology. Financial eligibility will be determined under MAGI methodology for the following coverage groups:

1. FMAP as described in subrule 75.3(1).
2. MAC program as described in subrule 75.3(2).
3. Hawki as described in 441—Chapter 86.
4. IHAWP as described in 441—Chapter 74.
5. RMA as described in subrule 75.5(3).

441—75.72(249A) MAGI household composition. For the purpose of determining financial eligibility, each applicant's or member's household is determined based on federal tax policy and with regard to the applicant's or member's federal tax status as described below.

75.72(1) *Applicant or member is a tax-filer.* An applicant or member who expects to file a federal tax return for the year in which the applicant or member requests Medicaid and does not expect to be claimed as a tax dependent by another taxpayer is considered a tax-filer. A tax-filer's Medicaid household includes:

a. The tax-filer,

b. The tax-filer's spouse, under either of the following circumstances:

(1) The tax-filer and spouse are living together, or

(2) The expected tax status is married filing jointly, regardless of whether the spouse is present in the home, and

c. Each dependent that the tax-filer expects to claim.

75.72(2) *Applicant or member is a tax dependent.* An applicant or member who expects to be claimed as a tax dependent on a federal tax return for the year in which the applicant or member requests

Medicaid is a tax dependent. A tax dependent's Medicaid household is the same as the tax-filer who claims the dependent, except the dependent's household is determined pursuant to subrule 75.72(3) when the dependent:

a. Expects to be claimed by someone other than a spouse or parent.

b. Is a child under the age of 19 who expects to be claimed by one parent while living with two parents who do not expect to file a joint return.

c. Is a child under the age of 19 who expects to be claimed by a noncustodial parent in accordance with a court order or binding separation, divorce, or custody agreement establishing physical custody controls. If there is no such order or agreement, the custodial parent is the parent with whom the child spends most nights pursuant to subparagraph 75.50(2)*"c"*(2).

75.72(3) *Applicant or member is a non-filer (does not file taxes) and is not claimed as a tax dependent.*

a. This subrule applies to an applicant or member who:

(1) Does not expect to file a federal tax return for the year in which Medicaid is requested,

(2) Does not expect to be claimed as a tax dependent for the year in which Medicaid is requested, or

(3) Meets an exception described in paragraph 75.72(2)*"a," "b,"* or *"c."*

b. The household consists of the applicant or member and each of the following who is living with and in relation to the applicant:

(1) Parent, when the applicant or member is a child under the age of 19.

(2) Spouse.

(3) Child under the age of 19.

(4) Sibling under the age of 19, when the applicant or member is a child under the age of 19.

c. For the purpose of paragraph 75.72(3)*"b,"* "living with" must be in accordance with subrule 75.50(2).

75.72(4) *Married couples.* In the case of a married couple living together, each spouse will be included in the household of the other spouse, regardless of federal tax status.

75.72(5) *Pregnancy.*

a. Household size. In establishing eligibility for a pregnant woman or any person whose household includes a pregnant woman, the unborn child (or children if more than one fetus exists) will be considered when determining the number of persons in the household.

b. Verification of pregnancy. The applicant's or member's attestation of the pregnancy, date of conception, due date, and number of children expected to deliver will serve as verification unless questionable as determined by the department.

75.72(6) *Applicant or member attestation of federal tax status.* The department will accept the applicant's or member's statement of the applicant's or member's federal tax status and claimed dependents or such statement from an adult who is living with and in the Medicaid household of an applicant or member who is a child.

441—75.73(249A) Income under MAGI methodology. The total countable earned and unearned income of the applicant or member included in the household as defined in rule 441—75.72(249A) will be considered when determining initial and ongoing Medicaid eligibility for coverage groups that are subject to MAGI methodology as specified in rule 441—75.71(249A). For eligibility to exist, the total countable monthly income of the applicant's or member's household must be at or below the income limit for the applicable coverage group pursuant to rule 441—75.74(249A).

75.73(1) *Household member income exclusions under MAGI.* The income of a household member that meets the requirements of paragraph 75.73(1)*"a"* or *"b"* is excluded from the household's total countable income.

a. Income of children under age 19.

(1) The income of a child under the age of 19 who is:

1. Included in the household of the child's parent, and

2. Not expected to be required to file a federal tax return under 26 U.S.C. Section 6012(a)(1) for the taxable year in which Medicaid is being determined, regardless of whether a tax return is filed by the child for the tax year.

(2) A child with income of less than the threshold determined annually by the IRS is considered not expected to be required to file a tax return for the taxable year in which Medicaid is being determined.

b. Income of tax dependent other than spouse or child.

(1) The income of a tax dependent other than a spouse or a child who is not expected to be required to file a federal tax return under 26 U.S.C. Section 6012(a)(1) for the taxable year in which Medicaid is being determined is not included, regardless of whether a tax return is filed by the tax dependent for the tax year.

(2) A dependent with income of less than the threshold determined annually by the IRS is considered not expected to be required to file a tax return for the taxable year in which Medicaid is being determined.

(3) Any cash support provided to the claimed dependent by the tax-filer.

75.73(2) *Countable income under MAGI.* For the purpose of determining initial and ongoing MAGI Medicaid eligibility, countable income is the amount that remains after allowable expenses and deductions have been subtracted from gross countable income as defined in paragraph 75.73(2)*"a."* Income described in paragraph 75.73(2)*"b"* is excluded as countable income. Allowable expenses and deductions are limited to those allowed in accordance with paragraphs 75.73(2)*"c"* and *"d."*

a. Gross countable income. Gross countable income under MAGI includes income types that are considered as gross income for federal tax purposes pursuant to 26 U.S.C. Sections 61 and 71 through 91 and calculated pursuant to 26 U.S.C. Section 36B(d)(2)(B), except as specified in paragraph 75.73(2)*"b."* Gross countable income for the purpose of Medicaid eligibility under MAGI includes but is not limited to the following income types:

(1) Earned income, including salaries, wages, tips and other compensation for services that include fees, commissions, fringe benefits such as sick pay, vacation pay, severance pay, and similar items, and including foreign earned income and housing expenses of a U.S. citizen or resident who lives abroad even though these types of income may not be taxable.

(2) Gross profit derived from a self-employment trade or business as defined in paragraph 75.73(2)*"e"* and 26 U.S.C. Section 1402;

(3) Capital gains derived from dealings in assets or property;

(4) Interest (taxable and non-taxable);

(5) Rental income, including room and board;

(6) Royalties;

(7) Taxable dividends;

(8) Alimony and separate maintenance payments;

(9) Taxable annuities;

(10) Income from life insurance and endowment contracts;

(11) Pensions;

(12) Income from discharge of indebtedness;

(13) Distributive share of partnership or S-corporation gross income;

(14) Income in respect of a deceased person;

(15) Income from an interest in an estate or trust;

(16) Deemed sponsor income;

(17) Social security benefits (taxable and nontaxable);

(18) Disability payments, including government, private, temporary and permanent payments;

(19) Unemployment Insurance Benefits (UIB);

(20) Gambling winnings;

(21) Survivor's benefits; and

(22) Strike pay.

b. Income types excluded from gross income. Income that meets the following criteria is not considered when determining countable gross income under MAGI despite the fact that the income may

be considered for federal tax purposes. The exclusion of these income types is in accordance with 42 CFR Section 435.603(e).

(1) An amount received as a nonrecurring lump sum from a source that is considered in determining adjusted gross income for federal tax purposes pursuant to paragraph 75.73(2)*"a"* is counted only in the month received for determining Medicaid eligibility under MAGI. A nonrecurring lump sum received from a source that is not considered in determining adjusted gross income for federal tax purposes is entirely excluded.

(2) Scholarships, awards, or fellowship grants used for education purposes and not for living expenses are excluded from income.

(3) Certain American Indian and Alaska Native income derived from distributions, payments, ownership interests, real property usage rights, and student financial assistance pursuant to 42 CFR Section 435.603(e)(3) is excluded from income.

(4) Student financial assistance provided under the Bureau of Indian Affairs education programs is excluded from income.

(5) Any other type of income that is not identified as countable in paragraph 75.73(2)*"a"* and is not otherwise included in "adjusted gross income" for federal tax purposes pursuant to 26 U.S.C. Section 62 is excluded from income.

c. Allowable expenses. Expenses that are allowed as deductions from gross income when determining a person's adjusted gross income for federal tax purposes pursuant to 26 U.S.C. Section 62 are subtracted from gross income as defined in paragraphs 75.73(2)*"a"* and *"b"* when determining countable income under MAGI. Allowable expenses include:

(1) Educator expenses.

(2) Certain business expenses of reservists, performing artists, and fee-based government officials.

(3) Health savings account contributions.

(4) Moving expenses for members of the Armed Forces.

(5) Deductible part of self-employment tax.

(6) Contributions to self-employed Simplified Employee Pension (SEP), Savings Incentive Match Plan for Employees of Small Employers (SIMPLE) and Qualified Plans.

(7) Self-employed health insurance contributions.

(8) Amount of penalty for early withdrawal of savings.

(9) Alimony payments made under a divorce or separation agreement executed before January 1, 2019.

(10) Certain individual retirement account (IRA) contributions.

(11) Student loan interest expense.

(12) Expenses directly related with the conduct of a self-employment trade or business, including but not limited to depreciation and capital losses.

d. MAGI Income Deduction. An amount equal to 5 percent of the FPL for the applicable household size will be subtracted from the total monthly countable MAGI income amount when:

(1) An applicant's monthly MAGI income exceeds the highest income limit of all of the coverage groups for which the applicant meets the categorical requirements, and

(2) Deducting 5 percent results in the applicant's income being within the income limit of the coverage group with the highest income limit for which the applicant meets categorical requirements.

e. Self-employment defined for MAGI purposes. A person is considered self-employed if the person:

(1) Carries on a trade or business with the goal of making a profit and is the sole proprietor of the trade or business, or

(2) Is an independent contractor and the person paying for the work has the right to control or to direct only the result of the work and not how the work will be done.

75.73(3) *Income verification.* The department will accept an applicant's or member's attestation of income and use the attested income to determine eligibility when the attested amount is reasonably compatible with electronic data sources as defined in rule 441—75.1(249A).

a. Verification not required. The department will not require the applicant or member to provide verification when attested income is reasonably compatible with EDS or verification is available to the department from other sources.

b. Verification required. When attested income is not reasonably compatible with EDS or verification is not available to the department from other sources, the applicant or member must provide verification of the income in accordance with 441—subrule 76.8(2) or provide a statement that reasonably explains the discrepancy between the attested income and electronic data sources.

75.73(4) *Budgeting procedures for determining financial eligibility under MAGI.* Initial and ongoing financial eligibility under MAGI is based on current monthly household composition and income with consideration given to any anticipated changes or fluctuation in income or expenses pursuant to 42 CFR Section 435.603(h). Total countable earned and unearned income of all persons in the applicant or member household after applicable expenses and deductions is considered in determining financial eligibility under MAGI in accordance with subrules 75.73(1) and 75.73(2).

a. Current monthly household income. Both initial and ongoing eligibility will be based on current monthly income when current income and any applicable expenses are a good indicator of future income except when the income is unemployment insurance benefits as described in paragraph 75.73(4)*"c."*

b. Change in current month's income. If the household indicates that current countable income is not indicative of future income due to a change that is reasonably expected to occur in the current or next month, the amount of monthly income used for initial and ongoing eligibility will be calculated based on the change. When the anticipated change is with unemployment insurance benefits, income will be budgeted as described in paragraph 75.73(4)*"c."*

c. Unemployment insurance benefits (UIB). When current income includes UIB, the monthly amount of UIB income used for initial and ongoing eligibility will be determined by annualizing the remaining balance according to the applicable item below:

(1) For applicants, the monthly amount is determined by using the remaining balance as of the first day of the month in which the application was filed and dividing the balance by 12. If the UIB will end in the application month, the annualized amount will be used for the application month only and no UIB income will be used for months thereafter.

(2) For members in the review process described in rule 441—76.14(249A), the monthly amount is determined by using the remaining balance as of the first day of the month of the new certification period and dividing the balance by 12. If the UIB will end in the first month of the new certification period, the annualized amount will be used for the first month and no UIB income will be used for months thereafter.

(3) For members reporting a change and not due for review as described in rule 441—76.14(249A), the monthly amount is determined by using the remaining balance as of the first day of the month in which the change can be acted upon in accordance with rule 441—76.16(249A).

d. Recurring lump-sum income. Recurring lump-sum earned and unearned income, except for the income of the self-employed, will be prorated over the number of months for which the income was received and applied to the eligibility determination for the same number of months.

(1) Income received by an individual employed under a contract will be prorated over the period of the contract.

(2) Income received at periodic intervals or intermittently will be prorated over the period covered by the income and applied to the eligibility determination for the same number of months.

EXCEPTION: Periodic or intermittent income from self-employment will be treated as described in paragraph 75.73(4)*"h."*

(3) Applicable expenses and deductions will be applied to the monthly prorated income.

e. Conversion of weekly or biweekly income to a monthly amount. When income received weekly or biweekly (once every two weeks) is projected for future months, it will be projected by adding all income received in the time period being used and dividing the result by the number of instances of income received in that time period. The result will be multiplied by four if the income is received weekly, or by two if the income is received biweekly, regardless of the number of weekly or biweekly payments to be made in future months.

f. Self-employment income. Countable income from self-employment not received on a regular weekly, biweekly, semimonthly or monthly basis will be annualized (annual income averaged over a 12-month period of time) to arrive at the monthly amount to be used to determine eligibility, even if the income is received within a short period of time during that 12-month period. Countable self-employment income is gross countable income as defined in paragraph 75.73(2)*"a"* less allowable expenses pursuant to subrule 75.73(2)*"c."* Any change in self-employment will be handled in accordance with subparagraph 75.73(4)*"f"*(3).

(1) When a self-employment enterprise that does not produce a regular weekly, biweekly, semimonthly or monthly income has been in existence for less than a year, income will be averaged over the period of time the enterprise has been in existence to arrive at a projected monthly amount to be used to determine eligibility. If the enterprise has been in existence for such a short time that there is very little income information or income in the period of time is not a good indicator of future income, the department will establish, with the cooperation of the applicant or member, a reasonable estimate of the projected monthly income to be used for eligibility.

(2) The policies outlined in this paragraph apply when self-employment income is received before the month of decision and the income is expected to continue, in the month of decision, after assistance is approved.

(3) A change in the cost of producing self-employment income is defined as an established, permanent, ongoing change in the operating expenses of a self-employment enterprise that will result in a significant change in the person's annual net income. Change in self-employment income is defined as a change that will result in a significant change in the person's annual income.

1. When an applicant or member reports that change in operating expenses has occurred and the person's self-employment income has been annualized, the department will recalculate the expenses on the basis of the change.

2. When a change in self-employment income occurs and the person's self-employment income has been annualized, the department will recalculate income and expenses on the basis of the change.

3. A change in the cost of producing self-employment income or income received from self-employment that occurs as a result of seasonal business fluctuations is not considered a change for the purpose of this subparagraph.

g. Rounding procedures. The following rounding procedures apply when determining countable MAGI income.

(1) The third digit to the right of the decimal point in any calculation of income will be dropped.

(2) When the monthly countable income is converted to a percentage of the FPL and the resulting percentage is not a whole number, the FPL percentage is rounded up to the next whole percentage.

75.73(5) *Shared living arrangements.* When an applicant or member shares living arrangements with another family or person, funds combined to meet mutual obligations for shelter and other basic needs are not income. Funds made available to the applicant or member exclusively for the applicant's or member's needs are considered income, except as described at 75.73(1)*"b"*(3).

441—75.74(249A) Income limits. The following income limits apply to the MAGI-related coverage groups specified below, as identified by the legal references provided:

Coverage Group	Legal Reference	Household Size (persons)	Income Limit (per month)
FMAP	441—subrule 75.3(1); 42 CFR Part 435.110 and 435.118; Title XIX of the Act, Section 1931	1	$447
		2	$716
		3	$872
		4	$1,033
		5	$1,177
		6	$1,330

Coverage Group	Legal Reference	Household Size (persons)	Income Limit (per month)
		7	$1,481
		8	$1,633
		9	$1,784
		10	$1,950
		over 10	$1,950 plus $178 for each additional person
Mothers and Children, for pregnant women	441—subrule 75.3(2); 42 CFR Part 435.116 and 435.118; Title XIX of the Act, Section 1902	215% of the FPL for the household	
Mothers and Children, for infants under one year of age		300% of the FPL for the household	
Mothers and Children, for children aged 1 through 18 years	441—subrule 75.3(2); 42 CFR Part 435.118; Title XIX of the Act, Section 1902	167% of the FPL for the household	

441—75.75 to **75.79** Reserved.

DIVISION IV
ELIGIBILITY FACTORS SPECIFIC TO NON-MAGI-RELATED COVERAGE GROUPS, PERSONS IN MEDICAL INSTITUTIONS AND PERSONS RECEIVING LONG-TERM CARE SERVICES

441—75.80(249A) Categorical relatedness to supplemental security income (SSI). Except as otherwise provided in 441—Chapters 75 and 76, persons who are 65 years of age or older, blind, or disabled are eligible for Medicaid only if eligible for the SSI program administered by the SSA.

75.80(1) *SSI policy reference.* The statutes, regulations, and policy governing eligibility for SSI (collectively, "SSI policies") are found in Title XVI of the Act (42 U.S.C. Sections 1381 through 1383f), in the federal regulations promulgated pursuant to Title XVI of the Act (20 CFR 416.101 to 416.2227), and in Part 5 of the program operations manual system published by the SSA. The program operations manual system is available online; at SSA offices in Ames, Burlington, Carroll, Cedar Rapids, Coralville, Council Bluffs, Creston, Davenport, Des Moines, Dubuque, Fort Dodge, Marshalltown, Mason City, Ottumwa, Sioux City, Spencer, and Waterloo; and through the department.

75.80(2) *Income considered.* For non-MAGI-related Medicaid eligibility purposes, income will be considered prospectively.

75.80(3) *Trust contributions.* Income that a person contributes to a trust as specified in paragraph 75.24(3)*"b"* will not be considered for purposes of determining eligibility for non-MAGI-related Medicaid.

75.80(4) *Conditional eligibility.* For purposes of determining eligibility for non-MAGI-related Medicaid, the SSI conditional eligibility process, by which a client may receive SSI benefits while attempting to sell excess resources found at 20 CFR Sections 416.1240 through 416.1245, is not considered an eligibility methodology.

75.80(5) *Valuation of life estates and remainder interests.* In the absence of other evidence, the value of a life estate or remainder interest in property will be determined using the following table by multiplying the fair market value of the entire underlying property (including all life estates and all remainder interests) by the life estate or remainder interest decimal corresponding to the age of the life estate holder or other person whose life controls the life estate. If a Medicaid applicant or member disputes the value determined using the following table, the applicant or member may submit

other evidence and the value of the life estate or remainder interest will be determined based on the preponderance of all the evidence submitted to or obtained by the department, including the value given by the following table.

Age	Life Estate	Remainder	Age	Life Estate	Remainder	Age	Life Estate	Remainder
0	.97188	.02812	37	.93026	.06974	74	.53862	.46138
1	.98988	.01012	38	.92567	.07433	75	.52149	.47851
2	.99017	.00983	39	.92083	.07917	76	.51441	.49559
3	.99008	.00992	40	.91571	.08429	77	.48742	.51258
4	.98981	.01019	41	.91030	.08970	78	.47049	.52951
5	.98938	.01062	42	.90457	.09543	79	.45357	.54643
6	.98884	.01116	43	.89855	.10145	80	.43569	.56341
7	.98822	.01178	44	.89221	.10779	81	.41967	.58033
8	.98748	.01252	45	.88558	.11442	82	.40295	.59705
9	.98663	.01337	46	.87863	.12137	83	.38642	.61358
10	.98565	.01435	47	.87137	.12863	84	.36998	.63002
11	.98453	.01547	48	.86374	.13626	85	.35359	.64641
12	.98329	.01671	49	.85578	.14422	86	.33764	.66236
13	.98198	.01802	50	.84743	.15257	87	.32262	.67738
14	.98066	.01934	51	.83674	.16126	88	.30859	.69141
15	.97937	.02063	52	.82969	.17031	89	.29526	.70474
16	.97815	.02185	53	.82028	.17972	90	.28221	.71779
17	.97700	.02300	54	.81054	.18946	91	.26955	.73045
18	.97590	.02410	55	.80046	.19954	92	.25771	.74229
19	.97480	.02520	56	.79006	.20994	93	.24692	.75308
20	.97365	.02635	57	.77931	.22069	94	.23728	.76272
21	.97245	.02755	58	.76822	.23178	95	.22887	.77113
22	.97120	.02880	59	.75675	.24325	96	.22181	.77819
23	.96986	.03014	60	.74491	.25509	97	.21550	.78450
24	.96841	.03159	61	.73267	.26733	98	.21000	.79000
25	.96678	.03322	62	.72002	.27998	99	.20486	.79514
26	.96495	.03505	63	.70696	.29304	100	.19975	.80025
27	.96290	.03710	64	.69352	.30648	101	.19532	.80468
28	.96062	.03938	65	.67970	.32030	102	.19054	.80946
29	.95813	.04187	66	.66551	.33449	103	.18437	.81563
30	.95543	.04457	67	.65098	.343902	104	.17856	.82144
31	.95254	.04746	68	.63610	.363690	105	.16962	.83038
32	.94942	.05058	69	.62086	.37914	106	.15488	.84512
33	.94608	.05392	70	.60522	.39478	107	.13409	.86591
34	.94250	.05750	71	.58914	.41086	108	.10068	.89932
35	.93868	.06132	72	.57261	.42739	109	.04545	.95455
36	.93460	.06540	73	.55571	.44429			

75.80(6) *Resource eligibility for non-MAGI-related Medicaid for children.* Resources of all household members will be disregarded when determining eligibility for children under any non-MAGI-related coverage group except for those groups in paragraphs 75.6(1)*"a"* and *"b"*; 75.6(2)*"a,""b,""c,""d,""e,"* and *"g"*; 75.6(4)*"a"*; and 75.6(5)*"a,""b,""c,"* and *"d."*

441—75.81(249A) Disability requirements for non-MAGI-related Medicaid.

75.81(1) *Applicants receiving federal benefits.* An applicant receiving SSI on the basis of disability, social security disability benefits under Title II of the Act, or railroad retirement benefits based on the Social Security Act's definition of disability by the Railroad Retirement Board, will be deemed disabled without further determination of disability.

75.81(2) *Applicants not receiving federal benefits.* When disability has not been established based on the receipt of social security disability or railroad retirement benefits based on the same disability

criteria as used by the SSA, the department will determine eligibility for non-MAGI-related Medicaid based on disability as follows:

a. An SSA disability determination under either a social security disability (Title II) application or an SSI application is binding on the department until changed by SSA unless the applicant meets one of the following criteria:

(1) The applicant alleges a disabling condition different from, or in addition to, that considered by SSA in making its determination.

(2) The applicant alleges more than 12 months after the most recent SSA determination denying disability that the applicant's condition has changed or deteriorated since that SSA determination and alleges a new period of disability that meets the durational requirements, and has not applied to SSA for a determination with respect to these allegations.

(3) The applicant alleges less than 12 months after the most recent SSA determination denying disability that the applicant's condition has changed or deteriorated since that SSA determination, alleges a new period of disability that meets the durational requirements, and:

1. The applicant has applied to SSA for reconsideration or reopening of its disability decision and SSA refused to consider the new allegations, or

2. The applicant no longer meets the nondisability requirements for SSI but may meet the department's nondisability requirements for Medicaid eligibility.

b. When there is no binding SSA decision and the department is required to establish eligibility for non-MAGI-related Medicaid based on disability, initial determinations will be made by the department of workforce development's disability determination services division. The applicant or the applicant's authorized representative shall complete and submit forms as prescribed by the department.

c. When an SSA decision on disability is pending when the person applies for Medicaid or when the person applies for either Title II benefits or SSI within ten working days of the Medicaid application, the department will stay a decision on disability pending the SSA decision on disability.

75.81(3) *Time frames for decisions.* Determination of eligibility based on disability will be completed within 90 days unless the applicant or an examining physician delays or fails to take a required action or there is an administrative or other emergency beyond the department's or applicant's control.

75.81(4) *Reviews of disability.* In connection with any independent determination of disability, the department will determine whether reexamination of the member's disability will be required for periodic eligibility reviews. When a disability review is required, the member or the member's authorized representative shall complete and submit forms as prescribed by the department.

75.81(5) *Members whose disability was determined by the department.* When a Medicaid member has been approved for Medicaid based on disability determined by the department and later is determined by SSA not to be disabled for SSI, the member will continue to be considered disabled for Medicaid eligibility purposes for 65 days from the date of the SSA denial. If at the end of the 65 days there is no appeal to the SSA, Medicaid will be canceled with timely notice in accordance with 441—Chapter 16. If there is an appeal to SSA within 65 days, the member will continue to be considered disabled for Medicaid eligibility purposes until a final SSA decision.

75.81(6) *Disability redeterminations for members who attain age 18.* If a member is eligible based on an independent determination of disability made under the standards applicable to persons under 18 years of age, the department will redetermine the member's disability after the member attains the age of 18 years. The member's disability will be redetermined:

a. Using the standards applicable to persons who are 18 years of age or older, and

b. Regardless of whether a review of the member's disability would otherwise be due.

441—75.82(249A) Determination of countable income and resources for persons in a medical institution. In determining eligibility for any coverage group under rules 441—75.3(249A) through 441—75.8(249A), certain factors must be considered differently for persons who reside in a medical institution, as follows.

75.82(1) *Determining income from property.*

a. Nontrust property. Where there is nontrust property, unless the document providing income specifies differently, income paid in the name of one person shall be available only to that person. If payment of income is in the name of two persons, one-half is attributed to each. If payment is in the name of several persons, including a Medicaid client, a client's spouse, or both, the income will be considered in proportion to the Medicaid client's or spouse's interest. If payment is made jointly to both spouses and no interest is specified, one-half of the couple's joint interest will be considered available for each spouse. If the client or the client's spouse can establish different ownership by a preponderance of evidence, the income will be divided in proportion to the ownership.

b. Trust property. Where there is trust property, the payment of income will be considered available as provided in the trust. In the absence of specific provisions in the trust, the income will be considered as stated above for nontrust property.

75.82(2) *Division of income between married people for non-MAGI coverage groups.*

a. Institutionalized spouse and community spouse. If there is a community spouse, only the institutionalized spouse's income will be considered in determining eligibility for the institutionalized spouse.

b. Spouses institutionalized and living together. Partners in a marriage who are residing in the same room in a medical institution will be treated as a couple until the first day of the seventh calendar month that they continuously reside in the facility. The couple may continue to be considered as a couple for Medicaid effective the first day of the seventh calendar month of continuous residency if one partner would be ineligible for Medicaid or receive reduced benefits by considering them separate individuals or if they choose to be considered together. When spouses are treated as a couple, the combined income of the couple shall not exceed twice the amount of the income limit established in subrule 75.6(4). Persons treated together as a couple for income must be treated together for resources, and persons treated individually for income must be treated individually for resources. Spouses residing in the same room in a medical institution may be treated as individuals effective the first day of the seventh calendar month. The income of each spouse shall not exceed the income limit established in subrule 75.6(4).

c. Spouses institutionalized and living apart. Partners in a marriage who are both institutionalized, although not residing in the same room of the institution, will be treated as individuals effective the month after the month the partners cease living together. Their income will be treated separately for eligibility. If they live in the same facility after six months of continuous residence, they may be considered as a couple for Medicaid effective the first day of the seventh calendar month of continuous residency if one partner would be ineligible for Medicaid or receive reduced benefits by considering them separate individuals or if they choose to be considered together.

In the month of entry into a medical institution, income shall not exceed the amount of the income limit established in subrule 75.6(4).

75.82(3) *Attribution of resources to institutionalized spouse and community spouse.* The department will determine the attribution of a couple's resources to the institutionalized spouse and to the community spouse when the institutionalized spouse is expected to remain in a medical institution at least 30 consecutive days on or after September 30, 1989, at the beginning of the first continuous period of institutionalization.

a. When determined. The department will determine the attribution of resources between spouses at the earlier of the following:

(1) When either spouse requests that the department determine the attribution of resources at the beginning of the person's continuous stay in a medical facility prior to an application for Medicaid benefits. This request must be accompanied by a form prescribed by the department and necessary documentation.

(2) When the institutionalized spouse or someone acting on that person's behalf applies for Medicaid benefits. If the application is not made in the month of entry, the applicant shall also complete a form prescribed by the department and provide necessary documentation.

b. Information required. The couple must provide the social security number of the community spouse. The attribution process will include a match of the IRS data for both the institutionalized and community spouses.

c. Resources considered. The resources attributed shall include resources owned by both the community spouse and institutionalized spouse, except for the following resources:

(1) The home in which the spouse or relatives as defined in 441—paragraph 41.22(3)*"a"* live (including the land that appertains to the home).

(2) Household goods, personal effects, and one automobile.

(3) The value of any burial spaces held for the purpose of providing a place for the burial of either spouse or any other member of the immediate family.

(4) Other property essential to the means of self-support of either spouse as to warrant its exclusion under the SSI program.

(5) Resources of a blind or disabled person who has a plan for achieving self-support as determined by division of vocational rehabilitation or by the department.

(6) For natives of Alaska, shares of stock held in a regional or village corporation, during the period of 20 years in which the stock is inalienable, as provided in Sections 7(h) and 8(c) of the Alaska Native Claims Settlement Act as amended to August 1, 2025.

(7) Assistance under the Disaster Relief Act and Emergency Assistance Act as amended to August 1, 2025, or other assistance provided pursuant to federal statute on account of a presidentially declared major disaster and interest earned on these funds for the nine-month period beginning on the date these funds are received or for a longer period where good cause is shown.

(8) Any amount of underpayment of SSI or social security benefits due either spouse for one or more months prior to the month of receipt. This exclusion is limited to the first six months following receipt.

(9) A life insurance policy (or policies) whose total face value is $1,500 or less per spouse.

(10) An amount, not more than $1,500 for each spouse, that is separately identifiable and has been set aside to meet the burial and related expenses of that spouse. The amount of $1,500 will be reduced by an amount equal to the total face value of all insurance policies that are owned by the person or spouse and the total of any amounts in an irrevocable trust or other irrevocable arrangement available to meet the burial and related expenses of that spouse.

(11) Federal assistance paid for housing occupied by the spouse.

(12) Assistance from a fund established by a state to aid victims of crime for nine months from receipt when the client demonstrates that the amount was paid as compensation for expenses incurred or losses suffered as a result of a crime.

(13) Relocation assistance provided by a state or local government to a client comparable to assistance provided under Title II of the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970 as amended to August 1, 2025, which is subject to the treatment required by Section 216 of that Act.

d. Method of attribution. The resources attributed to the institutionalized spouse shall be one-half of the documented resources of both the institutionalized spouse and the community spouse as of the first moment of the first day of the month of the spouse's first entry to a medical facility. However, if one-half of the resources is less than the minimum set by the federal spousal impoverishment provisions, then the greater of $24,000 or the federally established minimum will be protected for the community spouse. Also, when one-half of the resources attributed to the community spouse exceeds the maximum amount allowed as a community spouse resource allowance under the federal spousal impoverishment provisions, the amount over the maximum will be attributed to the institutionalized spouse. (The minimum and maximum limits are indexed annually according to the consumer price index.) The federal spousal impoverishment provisions are defined in Section 1924(f)(2)(A)(i) of the Act (42 U.S.C. §1396r-5(f)(2)(A)(i)). If the institutionalized spouse has transferred resources to the community spouse under a court order for the support of the community spouse, the amount transferred will be the amount attributed to the community spouse if it exceeds the specified limits above.

e. Notice and appeal rights. The department will provide each spouse a notice of the attribution results. The notice will state that either spouse has a right to appeal the attribution if the spouse believes:

(1) That the attribution is incorrect, or

(2) That the amount of income generated by the resources attributed to the community spouse is inadequate to raise the community spouse's income to the minimum monthly maintenance allowance. If an attribution has not previously been appealed, either spouse may appeal the attribution upon the denial of an application for Medicaid benefits based on the attribution.

f. Appeals. Hearings on attribution decisions are governed by procedures in 441—Chapter 7. If the hearing establishes that the community spouse's resource allowance is inadequate to raise the community spouse's income to the minimum monthly maintenance allowance, there will be substituted an amount adequate to provide the minimum monthly maintenance needs allowance.

(1) To establish that the resource allowance is inadequate and receive a substituted allowance, the applicant must provide verification of all the income of the community spouse. For an applicant who became an institutionalized spouse on or after February 8, 2006, all income of the institutionalized spouse that could be made available to the community spouse pursuant to paragraph 75.83(2)*"d"* will be treated as countable income of the community spouse when the attribution decision was made on or after February 8, 2006.

(2) The amount of resources adequate to provide the community spouse minimum maintenance needs allowance will be based on the cost of a single premium lifetime annuity with monthly payments equal to the difference between the monthly maintenance needs allowance and other countable income not generated by either spouse's countable resources.

(3) The resources necessary to provide the minimum maintenance needs allowance will be based on the maintenance needs allowance as provided by these rules at the time the appeal is filed.

(4) To receive the substituted allowance, the applicant will be required to obtain one estimate of the cost of the annuity.

(5) The estimated cost of an annuity will be substituted for the amount of resources attributed to the community spouse when the amount of resources previously determined is less than the estimated cost of an annuity. If the amount of resources previously attributed for the community spouse is greater than the estimated cost of an annuity, there will be no substitution for the cost of the annuity and the attribution will remain as previously determined.

(6) The applicant will not be required to purchase this annuity as a condition of Medicaid eligibility.

(7) If the appellant provides a statement from an insurance company that it will not provide an estimate due to the potential annuitant's age, the amount to be set aside will be determined using the following calculation: the difference between the community spouse's gross monthly income not generated by countable resources (multiplied by 12) and the minimum monthly maintenance needs allowance (multiplied by 12) will be multiplied by the annuity factor for the age of the community spouse. This amount will be substituted for the amount of resources attributed to the community spouse pursuant to subparagraph 75.82(3)*"f"*(5).

75.82(4) *Consideration of resources of married people.*

a. One spouse in a medical facility who entered the facility on or after September 30, 1989.

(1) Initial month. When the institutionalized spouse is expected to stay in a medical facility less than 30 consecutive days, the resources of both spouses will be considered in determining initial Medicaid eligibility. When the institutionalized spouse is expected to be in a medical facility 30 consecutive days or more, only the resources not attributed to the community spouse according to subrule 75.82(3) will be considered in determining initial eligibility for the institutionalized spouse. The amount of resources counted for eligibility for the institutionalized spouse shall be the difference between the couple's total resources at the time of application and the amount attributed to the community spouse under this rule.

(2) Ongoing eligibility. After the month in which the institutionalized spouse is determined eligible, no resources of the community spouse will be deemed available to the institutionalized spouse during the continuous period in which the spouse is in an institution. Resources that are owned wholly or in part by the institutionalized spouse and that are not transferred to the community spouse will be counted in determining ongoing eligibility. The resources of the institutionalized spouse will not count for ongoing eligibility to the extent that the institutionalized spouse intends to transfer and does transfer the resources to the community spouse within 90 days unless unable to effect the transfer.

(3) Exception based on estrangement. When it is established by a disinterested third-party source that the institutionalized spouse is estranged from the community spouse, Medicaid eligibility will not be denied on the basis of resources when the applicant can demonstrate hardship. The applicant can demonstrate hardship when the applicant is unable to obtain information about the community spouse's resources after exploring all legal means. The applicant can also demonstrate hardship when resources attributed from the community spouse cause the applicant to be ineligible but the applicant is unable to access these resources after exhausting legal means.

(4) Exception based on assignment of support rights. The institutionalized spouse will not be ineligible by attribution of resources that are not actually available when:

1. The institutionalized spouse has assigned to the state any rights to support from the community spouse, or

2. The institutionalized spouse lacks the ability to execute an assignment due to physical or mental impairment but the state has the right to bring a support proceeding against a community spouse without an assignment.

b. One spouse in a medical institution prior to September 30, 1989. When one spouse is in the medical institution prior to September 30, 1989, only the resources of the institutionalized spouse will count for eligibility according to SSI policies the month after the month of entry. In the month of entry, the resources of both spouses are countable toward the couple resource limit.

c. Spouses institutionalized and living together. The combined resources of both partners in a marriage who are residing in the same room in a medical institution will be subject to the resource limit for a married couple until the first of the seventh calendar month that they continuously reside in the facility. The couple may continue to be considered as a couple for Medicaid effective with the seventh month if one partner would be ineligible for Medicaid or would receive reduced benefits by considering them separately or if they choose to be considered together. Persons treated together as a couple for resources must be treated together for income, and persons treated individually for resources must be treated individually for income. Effective the first of the seventh calendar month of continuous residence, they may be treated as individuals, with the resource limit for each spouse the limit for a single person.

d. Spouses institutionalized and living apart. Partners in a marriage who are both institutionalized, although not residing in the same room of the institution, will be treated as individuals effective the month after the month the partners cease living together. If they live in the same facility after six months of continuous residence, they may be considered as a couple for Medicaid effective the first day of the seventh calendar month of continuous residency if one partner would be ineligible for Medicaid or would receive reduced benefits by considering them separately or if they choose to be considered together. In the month of entry into a medical institution, all resources of both spouses will be combined and will be subject to the resource limit for a married couple.

75.82(5) *Consideration of resources for persons in a medical institution who have purchased and used a qualified or approved long-term care insurance policy pursuant to 191—Chapter 39 or 72.*

a. Eligibility. A person may be eligible for Medicaid under this subrule if:

(1) The person is the beneficiary of a qualified long-term care insurance policy or is enrolled in a prepaid health care delivery plan that provides long-term care services pursuant to 191—Chapter 39 or 72; and

(2) The person is eligible for Medicaid under subrule 75.3(14), 75.3(15), 75.6(4), or 75.6(8), except for excess resources; and

(3) The excess resources causing ineligibility under the listed coverage groups do not exceed the "asset adjustment" provided in this subrule.

b. Definition.

"Asset adjustment" means a $1 disregard of resources for each $1 that has been paid out under the person's qualified or approved long-term care insurance policy.

c. Estate recovery. An amount equal to the benefits paid out under a member's qualified or approved long-term care insurance policy will be exempt from recovery from the estate of the member or the member's spouse for payments made by the Medicaid program on behalf of the member.

This rule is intended to implement Iowa Code sections 249A.3, 249A.4, and 249A.35 and chapter 514H.

441—75.83(249A) Client participation in payment for medical institution care. Medicaid clients are required to participate in the cost of medical institution care. However, no client participation is charged when the combination of Medicare payments and the Medicaid benefits available to qualified Medicare beneficiaries covers the cost of institutional care.

75.83(1) *Income considered in determining client participation.* The department determines the amount of client participation based on the client's total monthly income. Income is determined pursuant to the SSI program under Title XVI of the Act (42 U.S.C. §1396r-5(f)(2)(A)(i)), with the following exceptions.

a. MAGI-related clients. The income of a client and family whose eligibility is MAGI-related is not available for client participation when both of the following conditions exist:

(1) The client has a parent or child at home.

(2) The family's income is considered together in determining eligibility.

b. Non-MAGI-related clients who are employed. If a client receives SSI and is substantially gainfully employed, as determined by SSA, the client shall have the SSI and any mandatory state supplementary assistance payment exempt from client participation for the two full months after entry to a medical institution.

c. Non-MAGI-related clients returning home within three months. If SSA continues a client's SSI or federally administered state supplementary assistance payments for three months because it is expected that the client will return home within three months, these payments will be exempt from client participation.

d. Married couples.

(1) Institutionalized spouse and community spouse. If there is a community spouse, only the institutionalized person's income will be considered in determining client participation.

(2) Both spouses institutionalized. Client participation for each partner in a marriage will be based on one-half of the couple's combined income when the partners are considered together for eligibility. Client participation for each partner who is considered individually for eligibility will be determined individually from each person's income.

e. State supplementary assistance recipients. The amount of client participation that a client paid under the state supplementary assistance program is not available for Medicaid client participation in the month of the client's entry to a medical institution.

f. Foster care recipients. The amount of income paid for foster care for the days that a child is in foster care in the same month as entry to a medical institution is not available for client participation.

g. Clients receiving a VA pension. The amount of $90 of veteran's pension income will be exempt from client participation if the client is a veteran or a surviving spouse of a veteran who:

(1) Receives a reduced pension pursuant to 38 U.S.C. Section 5503(d)(2); or

(2) Resides at the Iowa Veterans Home and does not have a spouse or minor child.

75.83(2) *Allowable deductions from income.* In determining the amount of client participation, the department allows the following deductions from the client's income, taken in the order they appear.

a. Ongoing personal needs allowance. All clients shall retain $55 of their monthly income for a personal needs allowance. Iowa Code section 249A.30A contains information regarding potential state-funded personal needs supplements.

(1) If the client has a trust described in Section 1917(d)(4) of the Act (including Medicaid income trusts and special needs trusts), a reasonable amount paid or set aside for necessary expenses of the trust is added to the personal needs allowance. This amount will not exceed $10 per month except with court approval.

(2) If the client has earned income, an additional $65 is added to the ongoing personal needs allowance from the earned income only.

b. Personal needs in the month of entry.

(1) Single person. A single person will be given an allowance for stated home living expenses during the month of entry, up to the amount of the SSI benefit for a single person.

(2) Spouses entering institutions together and living together. Partners in a marriage who enter a medical institution in the same month and live in the same room will be given an allowance for stated home living expenses during the month of entry, up to the amount of the SSI benefit for a couple.

(3) Spouses entering an institution together but living apart. Partners in a marriage who enter a medical institution during the same month and who are considered separately for eligibility will each be given an allowance for stated home living expenses during the month of entry, up to one-half of the amount of the SSI benefit for a married couple. However, if the income of one spouse is less than one-half of the SSI benefit for a couple, the remainder of the allowance will be given to the other spouse. If the couple's eligibility is determined together, an allowance for stated home living expenses will be given to them during the month of entry up to the SSI benefit for a married couple.

(4) Community spouse enters a medical institution. When the second member of a married couple enters a medical institution in a later month, that spouse will be given an allowance for stated expenses during the month of entry, up to the amount of the SSI benefit for one person.

c. Personal needs in the month of discharge. The client will be allowed a deduction for home living expenses in the month of discharge. The amount of the deduction will be the SSI benefit for one person (or for a couple if both members are discharged in the same month). This deduction does not apply when a spouse is at home.

d. Maintenance needs of spouse and other dependents.

(1) Persons covered. An ongoing allowance will be given for the maintenance needs of a community spouse. The allowance is limited to the extent that income of the institutionalized spouse is made available to or for the benefit of the community spouse. If there are minor or dependent children, dependent parents, or dependent siblings of either spouse who live with the community spouse, an ongoing allowance will also be given to meet their needs.

(2) Income considered. The verified gross income of the spouse and dependents will be considered in determining maintenance needs. The gross income of the spouse and dependent will include all monthly earned and unearned income and assistance from FIP, SSI, and state supplementary assistance. It will also include the proceeds of any annuity or contract for sale of real property. Otherwise, the income will be considered as the SSI program considers income.

(3) Needs of spouse. The maintenance needs of the spouse will be determined by subtracting the spouse's gross income from the maximum amount allowed as a minimum monthly maintenance needs allowance for the community spouse by Section 1924(d)(3)(C) of the Act (42 U.S.C. §1396r-5(d)(3)(C)). (This amount is indexed for inflation annually according to the consumer price index.)

However, if either spouse has established through the appeal process that the community spouse needs income above the minimum monthly maintenance needs allowance, due to exceptional circumstances resulting in significant financial duress, an amount adequate to provide additional income as is necessary will be substituted.

Also, if a court has entered an order against an institutionalized spouse for monthly income to support the community spouse, then the community spouse income allowance will not be less than this amount.

(4) Needs of other dependents. The maintenance needs of the other dependents will be established by subtracting each person's gross income from 150 percent of the monthly FPL for a family of two and dividing the result by three.

e. Maintenance needs of children (without spouse). When the client has children under the age of 21 at home, an ongoing allowance will be given to meet the children's maintenance needs.

The income of the children is considered in determining maintenance needs. The children's countable income will be their gross income less the disregards allowed in FIP.

The children's maintenance needs will be determined by subtracting the children's countable income from the FIP payment standard for that number of children. However, if the children receive FIP, no deduction is allowed for their maintenance needs.

f. *Client's medical expenses.* A deduction will be allowed for the client's incurred expenses for medical or remedial care that are not subject to payment by a third party and were not incurred for long-term care services during the imposition of a transfer of assets penalty period pursuant to rule 441—75.23(249A). This includes Medicare premiums and other health insurance premiums, deductibles, or coinsurance, and necessary medical or remedial care recognized under state law but not covered under the state Medicaid plan.

441—75.84(249A) Entrance fee for continuing care retirement community or life care community. When an individual resides in a continuing care retirement community or life care community that collects an entrance fee on admission, the entrance fee paid will be considered a resource available to the individual for purposes of determining the individual's Medicaid eligibility and the amount of benefits to the extent that:

75.84(1) The individual has the ability to use the entrance fee, or the contract between the individual and the community provides that the entrance fee may be used to pay for care should the individual's other resources or income be insufficient to pay for such care;

75.84(2) The individual is eligible for a refund of any remaining entrance fee when the individual dies or when the individual terminates the community contract and leaves the community; and

75.84(3) The entrance fee does not confer an ownership interest in the community.

441—75.85(249A) Disqualification for long-term care assistance due to substantial home equity. Notwithstanding any other provision of this chapter, if an individual's equity interest in the individual's home exceeds the limit set annually according to subrule 75.85(1), the individual will not be eligible for Medicaid with respect to nursing facility services or other long-term care services, except as provided in subrule 75.85(2).

75.85(1) *Equity interest limit.* The limit on the equity interest in the individual's home for purposes of this rule will be increased from year to year based on the percentage increase in the consumer price index for all urban consumers (all items; United States city average), rounded to the nearest $1,000.

75.85(2) *Exception to disqualification.* Disqualification based on equity interest in the individual's home will not apply when one of the following persons is lawfully residing in the home:

a. The individual's spouse; or

b. The individual's child who is under the age of 21 or is blind or disabled as defined in Section 1614 of the Act.

These rules are intended to implement Iowa Code sections 249A.3 and 249A.4.

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[Published 11/26/25]
EDITOR'S NOTE: For replacement pages for IAC, see IAC Supplement 11/26/25.

ARC 9764C

HUMAN SERVICES DEPARTMENT[441]

Adopted and Filed

Rulemaking related to changes to child support rules to conform to Iowa supreme court guidelines

The Department of Health and Human Services hereby amends Chapter 98, "Support Enforcement Services," Chapter 99, "Child Support Guidelines," Chapter 101, "Adjustment and Modification of Support," and Chapter 102, "Suspension and Reinstatement of Support," Iowa Administrative Code.

Legal Authority for Rulemaking

This rulemaking is adopted under the authority provided in Iowa Code chapters 252D, 252E, 252I and 252J and sections 96.3, 234.39, 252B.3 through 252B.5, 252B.7A, 252B.9, 252B.21, 421.65 and 598.21 and 15 U.S.C. Section 1673(b).

State or Federal Law Implemented

This rulemaking implements, in whole or in part, Iowa Court Rules Chapter 9 and 15 U.S.C. Section 1673(b).

Purpose and Summary

This rulemaking implements changes to conform to anticipated updates to the Iowa Supreme Court Guidelines based on the quadrennial review required by 45 CFR §302.56(e) and Chapter 9 of the Iowa Court Rules. One of the changes to the Iowa Supreme Court Guidelines is, when appropriate, to include a child care add-on when calculating the amount of child support.

Public Comment and Changes to Rulemaking

Notice of Intended Action for this rulemaking was published in the Iowa Administrative Bulletin on October 1, 2025, as **ARC 9582C**. Public hearings were held on the following date:

- October 21, 2025

No one attended the public hearings. No public comments were received. One change from the Notice has been made to update an erroneous citation in Item 14.

Adoption of Rulemaking

This rulemaking was adopted by the Department on November 5, 2025.

Fiscal Impact

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

Jobs Impact

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

Waivers

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 January 1, 2026.

The following rulemaking action is adopted:

ITEM 1. Adopt the following **new** definition of "Current support" in rule **441—98.1(252B,252E)**:

"Current support" means an amount for the ongoing support of a child and means the same as "support" as defined in Iowa Code section 252D.16.

ITEM 2. Amend paragraph **98.42(1)"a"** as follows:

a. A claim or offset is contested as provided in subrule ~~98.29(2), 98.30(3), or~~ 98.30(8) by a person's alleging a mistake of fact.

ITEM 3. Amend paragraph **99.1(1)"b"** as follows:

b. Income or other benefits derived from public assistance programs funded by a federal, state, or local governmental agency or entity that are listed in ~~441—41.8(239B)~~ 441—41.27(239B) as exempt from consideration in determining eligibility under FIP.

ITEM 4. Rescind subrule **99.2(3)**.

ITEM 5. Renumber subrules **99.2(4)** and **99.2(5)** as **99.2(3)** and **99.2(4)**.

ITEM 6. Adopt the following **new** paragraph **99.4(2)"c"**:

c. Child care expense add-on. When requested by a parent and if applicable, child support services will calculate the amount of the child care add-on as prescribed by the Iowa Supreme Court guidelines.

(1) Actual child care expenses will be verified by a copy of the custodial parent's federal or state income tax return or by a signed statement from the persons or agencies providing the child care showing the total expenses and the time period the expenses represent. The child care expenses must be reasonably expected to continue.

(2) If the child care expense verification submitted represents a period that is less than 12 months, child support services will convert the expenses provided to an annual expense amount for the calculation.

(3) If the child care expense verification submitted shows varying levels of care during the year, such as full-time summer care and part-time care before and after school during the school year, child support services will average the applicable expenses to determine an annual expense amount for the calculation.

(4) Child support services will round the calculated amount of the child care add-on to the nearest whole dollar.

(5) Any child care add-on recommended by child support services will end on the first date that the next periodic support payment becomes due after the youngest child's thirteenth birthday. Child support services may recommend an earlier end date if the custodial parent provides a date that child care expenses are reasonably expected to end prior to the youngest child's thirteenth birthday.

ITEM 7. Amend subrule 99.4(3) as follows:

99.4(3) *Establishing accrued support debt amount.*

a. No change.

b. Calculating accrued support debt. Child support services will calculate the accrued support debt as follows:

(1) to (4) No change.

(5) Child support services will calculate the total amount of the FIP support debt by multiplying the number of months for which assistance was paid times the determined guidelines amount, excluding any applicable child care add-on amount.

(6) Child support services may calculate the total amount of the foster care support debt by multiplying the number of months for which assistance was paid times the determined guidelines amount, excluding any applicable child care add-on amount, and will adjust this amount for weeks in which no foster care benefits were paid.

c. Establishing the accrued support repayment amount.

(1) In cases other than foster care, child support services will establish the repayment amount as follows:

1. When there is an ongoing obligation, the monthly repayment amount will be 10 percent of the ongoing amount, including any child support, child care add-on and cash medical support ordered, unless the noncustodial parent agrees to a higher amount.

2. When the order does not include ongoing support, the monthly repayment amount will be the same as the amount for ongoing child support that would have been due if such an obligation had been

established. However, when all of the children for whom accrued support debt is sought are residing with the noncustodial parent, the monthly repayment amount will be set at 10 percent of this amount.

(2) In foster care cases, child support services will establish the repayment amount in the same manner as subparagraph 99.4(3)*"c"*(1), but may establish weekly amounts and if the order does not include ongoing support, the repayment amount will be set at 10 percent of the amount for ongoing child support that would have been due if such an obligation had been established.

ITEM 8. Amend subrule 101.7(1) as follows:

101.7(1) *Conducting the review.* Child support services ~~or its attorney~~ will review the case for administrative adjustment of a child support obligation unless it is determined that any of the following exist:

a. The location of one or both of the parents is unknown.

b. The variation from the Iowa Supreme Court mandatory child support guidelines is based on any material misrepresentation of fact concerning any financial information submitted to child support services.

c. The criteria of rule 441—101.4(252B,252H) are not met.

d. The end date of the order is less than 12 months in the future or the youngest child is 17½ years of age.

ITEM 9. Amend rule 441—101.8(252B,252H) as follows:

441—101.8(252B,252H) Medical support—review and adjustment. Child support services~~, or its attorney,~~ will review the medical support provisions contained in any permanent child support order that is subject to review under rule 441—101.7(252B,252H) and will include in any adjustment order a provision for medical support as defined in Iowa Code chapter 252E, and as set forth in 441—Chapter 98, or other appropriate provisions pertaining to medical support for all children affected directly by the child support order under review.

ITEM 10. Renumber rule **441—101.21(17A)** as **441—101.22(17A)**.

ITEM 11. Adopt the following **new** rule 441—101.21(252B,252H):

441—101.21(252B,252H) Child care add-on. Child support services will review a child care add-on or expense agreement contained in any permanent child support order that is subject to review under rule 441—101.7(252B,252H) or 441—101.13(252H) as follows:

101.21(1) *Order with child care add-on.*

a. If the custodial parent provides the necessary information to determine the amount of child care expenses as described in 441—paragraph 99.4(2)*"c,"* child support services will review the information and apply the child care add-on based on the guidelines, if appropriate. Any resulting child care add-on will replace the existing child care add-on.

b. If the custodial parent does not provide the necessary information to determine the amount of child care expenses as described in 441—paragraph 99.4(2)*"c,"* the resulting modified child support amount will no longer include an added amount for child care expenses.

101.21(2) *Order with child care expense agreement.* Child support services will review an order with an existing child care expense agreement entered in lieu of a child care add-on as follows:

a. If the custodial parent provides the necessary information to determine the amount of child care expenses as described in 441—paragraph 99.4(2)*"c,"* child support services will review the information and apply the child care add-on based on the guidelines, if appropriate. Any resulting child care add-on will replace the existing child care expense agreement.

b. If the custodial parent does not provide the necessary information to determine the amount of child care expenses as described in 441—paragraph 99.4(2)*"c,"* child support services will recommend that any existing child care expense agreement remain unchanged.

101.21(3) *Order without a child care add-on or expense agreement.* If the custodial parent provides the necessary information to determine the amount of child care expenses as described in 441—paragraph 99.4(2)*"c"* and there is no current child care expense agreement or child care add-on,

child support services will review the information and apply the appropriate child care add-on based on the guidelines.

ITEM 12. Amend rule **441—102.1(252B)**, definition of "Support for a child," as follows:

"Support for a child" means either a set amount of monetary support (child support and any applicable child care add-on), or medical support as defined in Iowa Code section 252E.1, for the benefit of a child. This term does not include spousal support as defined in this rule.

ITEM 13. Adopt the following **new** paragraph **102.3(3)"c"**:

c. If the basis for suspension applies to at least one but not all of the children and if the support order includes a child care add-on, child support services will assist in suspending the child care add-on if child support is being suspended for all of the children who are then subject to the child care add-on. If child support is not being suspended for all of the children who are then subject to the child care add-on and the support order does not apportion the child care add-on between those children, child support services will not assist in suspending the child care add-on. If the support order does not state whether a specific child care add-on amount is included in the step change amounts, child support services will assist in suspending support as set forth in paragraph 102.3(3)*"b."*

ITEM 14. Adopt the following **new** paragraph **102.8(5)"c"**:

c. If the basis for suspension applies to at least one but not all of the children and if the support order includes a child care add-on, child support services will assist in suspending the child care add-on if child support is being suspended for all of the children who are then subject to the child care add-on. If child support is not being suspended for all of the children who are then subject to the child care add-on and the support order does not apportion the child care add-on between those children, child support services will not assist in suspending the child care add-on. If the support order does not state whether a specific child care add-on amount is included in the step change amounts, child support services will assist in suspending support as set forth in paragraph 102.8(5)*"b."*

ITEM 15. Adopt the following **new** subrule 102.14(3):

102.14(3) Child support services will seek to have a previously suspended child care add-on reinstated when seeking to reinstate child support for one or more children who are subject to the child care add-on.

[Filed 11/5/25, effective 1/1/26]
[Published 11/26/25]
EDITOR'S NOTE: For replacement pages for IAC, see IAC Supplement 11/26/25.

ARC 9720C

INSPECTIONS AND APPEALS DEPARTMENT[481]

Adopted and Filed

Rulemaking related to license reactivation

The Department of Inspections, Appeals, and Licensing hereby amends Chapter 961, "Licensure of Sign Language Interpreters and Transliterators," Iowa Administrative Code.

Legal Authority for Rulemaking

This rulemaking is adopted under the authority provided in Iowa Code sections 147.36, 154E.3, 272C.3, 272C.4 and 272C.10.

State or Federal Law Implemented

This rulemaking implements, in whole or in part, Iowa Code chapter 154E and section 272C.10.

Purpose and Summary

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

Public Comment and Changes to Rulemaking

Notice of Intended Action for this rulemaking was published in the Iowa Administrative Bulletin on September 3, 2025, as **ARC 9535C**. A public hearing was held on the following date(s):

- September 23, 2025

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

Adoption of Rulemaking

This rulemaking was adopted by the Board of Sign Language Interpreters and Transliterators on October 27, 2025.

Fiscal Impact

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

Jobs Impact

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

Waivers

Any person who believes that the application of the discretionary provisions of this rulemaking would result in hardship or injustice to that person may petition the Board for a waiver of the discretionary provisions, if any, pursuant to 481—Chapter 6.

Review by Administrative Rules Review Committee

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

Effective Date

This rulemaking will become effective on December 31, 2025.

The following rulemaking action is adopted:

ITEM 1. Rescind rule 481—961.6(17A,147,272C) and adopt the following **new** rule in lieu thereof:

481—961.6(17A,147,272C) License reactivation. To apply for reactivation of an inactive license, a licensee needs to:

961.6(1) Submit a completed online reactivation application and pay the nonrefundable fee.

961.6(2) If licensed in another jurisdiction, submit a license verification from the jurisdiction in which the applicant has been most recently licensed and has been practicing during the time period in which the Iowa license was inactive sent directly from the jurisdiction to the board office. Web-based

verification may be substituted for verification from a jurisdiction's board office if the verification includes:

a. The licensee's name;

b. The date of initial licensure;

c. Current licensure status; and

d. Any disciplinary action taken against the license.

961.6(3) Provide verification of current competence to practice sign language interpreting or transliterating by satisfying one of the following criteria:

a. If the license has been on inactive status for five years or less, or the licensee is actively practicing in another jurisdiction:

(1) Verification of a current certification as identified in subrule 961.2(1) or of passing an examination identified in subrule 961.2(1) after the license became inactive; or

(2) Verification of active practice, consisting of a minimum of 2,080 hours, in another state or jurisdiction during the two years preceding an application for reactivation; and

(3) Verification of completing 40 hours of continuing education within two years of the application for reactivation.

b. If the license has been on inactive status for more than five years and the licensee is not currently practicing in another jurisdiction:

(1) Verification of completing 40 hours of continuing education within two years of the application for reactivation; and

(2) Verification of passing an examination identified in subrule 961.2(1) after the license became inactive.

[Filed 10/28/25, effective 12/31/25]
[Published 11/26/25]

EDITOR'S NOTE: For replacement pages for IAC, see IAC Supplement 11/26/25.

ARC 9765C

PUBLIC HEALTH DEPARTMENT[641]

Adopted and Filed

Rulemaking related to prescription drug donation repository program

The Department of Health and Human Services hereby rescinds Chapter 109, "Prescription Drug Donation Repository Program," Iowa Administrative Code, and adopts a new Chapter 109 with the same title.

Legal Authority for Rulemaking

This rulemaking is adopted under the authority provided in Iowa Code chapter 135M.

State or Federal Law Implemented

This rulemaking implements, in whole or in part, Iowa Code chapter 135M and Executive Order 10.

Purpose and Summary

The overall purpose of this chapter is to establish administrative rules related to the requirements for medical facilities and pharmacies to accept and dispense donated prescription drugs and supplies, as well as to establish eligibility criteria for individuals to receive donated prescription drugs and supplies. This chapter underwent a Red Tape Review pursuant to Executive Order 10. As a result, the Department referred duplicative definitions back to the Iowa Code and eliminated restrictive terms.

Public Comment and Changes to Rulemaking

Notice of Intended Action for this rulemaking was published in the Iowa Administrative Bulletin on October 1, 2025, as **ARC 9580C**. Public hearings were held on the following date:

- October 21, 2025

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

Adoption of Rulemaking

This rulemaking was adopted by the Department on November 5, 2025.

Fiscal Impact

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

Jobs Impact

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

Waivers

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 January 1, 2026.

The following rulemaking action is adopted:

ITEM 1. Rescind 641—Chapter 109 and adopt the following **new** chapter in lieu thereof:

CHAPTER 109
PRESCRIPTION DRUG DONATION REPOSITORY PROGRAM

641—109.1(135M) Definitions. For purposes of this chapter, the following definitions apply:

"Centralized repository" means an entity approved by the contractor and licensed pursuant to applicable regulations of the board of pharmacy that accepts donated drugs, conducts a safety inspection of the drugs, and ships the donated drugs to a local repository to be dispensed in compliance with this chapter and federal and state laws, rules and regulations.

"Contractor" means the third party approved by the department to implement and administer the prescription drug donation repository program.

"Controlled substance" means the same as defined in Iowa Code section 124.101.

"Indigent" means the same as defined in Iowa Code section 135M.2.

"Local repository" means a pharmacy or medical facility that elects to accept and dispense donated drugs and that meets the eligibility requirements of rule 641—109.2(135M).

"Medical facility" means the same as defined in Iowa Code section 135M.2.

"NDC #" means the unique national drug code number that identifies a specific approved drug.

"Nurse practitioner" means an advanced registered nurse practitioner as defined in 481—Chapter 621.

"Pharmacist" means the same as defined in Iowa Code section 155A.3.

"Pharmacy" means the same as defined in Iowa Code section 155A.3.

"Physician" means an individual licensed under Iowa Code chapter 148.

"Physician assistant" means an individual licensed under Iowa Code chapter 148C.

"Prescription drug" means the same as defined in Iowa Code section 155A.3 and includes cancer drugs and antirejection drugs but does not include controlled substances.

"Supplies" means the same as defined in Iowa Code section 135M.2.

"USP" means United States Pharmacopoeia.

641—109.2(135M) Eligibility criteria for program participation by medical facilities and pharmacies.

109.2(1) To be eligible for participation in the prescription drug donation repository program, a medical facility or pharmacy shall be in compliance with all applicable federal and state laws, including laws applicable to the storage and distribution of drugs and the appropriate licensure standards, and shall hold active, nonrestricted, state-issued licenses or registrations in good standing.

109.2(2) Participation in the prescription drug donation repository program is voluntary.

109.2(3) A pharmacy or medical facility may elect to participate in the prescription drug donation repository program by providing, on a form prescribed by the department and available on the department's website, written notification to the centralized repository of all of the following:

a. The name, street address, and telephone number of the pharmacy or medical facility and any state-issued license or registration number issued to the pharmacy or medical facility, including the name of the issuing agency.

b. The name and telephone number of the responsible pharmacist, physician, physician assistant or nurse practitioner who is employed by or under contract with the pharmacy or medical facility.

c. A statement, signed and dated by the responsible pharmacist, physician, physician assistant or nurse practitioner, indicating that the pharmacy or medical facility meets the eligibility requirements under this rule and shall comply with the requirements of this chapter.

109.2(4) A pharmacy or medical facility may withdraw from participation in the prescription drug donation repository program at any time by providing written notice to the centralized repository on a form prescribed by the department and available on the department's website.

641—109.3(135M) Standards and procedures for accepting donated prescription drugs and supplies.

109.3(1) Any individual who is 18 years of age or older may donate legally obtained prescription drugs or supplies to the centralized repository or a local repository if the drugs or supplies meet the requirements of this rule as determined by a pharmacist who is employed by or under contract with a drug repository.

109.3(2) No drugs that need storage temperatures other than normal room temperature as specified by the manufacturer or USP shall be donated or accepted as part of the prescription drug donation repository program. Drugs that need storage temperatures other than normal room temperature as specified by the manufacturer or USP shall not be donated or accepted because of the increased potential for these drugs to become adulterated. Excluded from this restriction are drugs donated directly from a drug manufacturer.

109.3(3) Controlled substances shall not be donated or accepted. Pursuant to federal and state laws, a controlled substance cannot be returned or reused once the drug has been dispensed to a patient.

109.3(4) The centralized repository or a local repository may accept a prescription drug only if all of the following requirements are met:

a. The drug is in its original sealed and tamper-evident packaging. However, a drug in a single-unit dose or blister pack with the outside packaging opened may be accepted if the single-unit-dose packaging is undisturbed;

b. The drug has been stored according to manufacturer or USP storage requirements;

c. The packaging contains the lot number and expiration date of the drug. If the lot number is not retrievable, all specified medications will be destroyed in the event of a recall, pursuant to board of pharmacy rules;

d. The drug has an expiration date that is more than six months after the date that the drug was donated. However, a donated prescription drug bearing an expiration date that is six months or less after the date the prescription drug was donated may be accepted and distributed if the drug is in high demand and can be dispensed for use prior to the drug's expiration date;

e. The drug does not have any physical signs of tampering or adulteration, and there is no reason to believe that the drug is adulterated;

f. The packaging does not have any physical signs of tampering, misbranding, deterioration, compromised integrity or adulteration; and

g. All drugs shall be inventoried at the centralized repository or a local repository. The inventory shall include the name of the drug, strength of the drug, quantity of the drug, and the date of donation if the drug has been continually under the control of a health care professional. If the drug has not been continually under the control of a health care professional, the repository shall collect a donation form provided by the prescription drug donation repository program that is signed by the person making the donation or that person's authorized representative.

109.3(5) A repository may accept supplies necessary to administer the prescription drugs donated only if all of the following requirements are met:

a. The supplies are in their original, unopened, sealed packaging;

b. The supplies are not adulterated or misbranded; and

c. The supplies are inventoried at the centralized repository or a local repository. The inventory shall include a description of the supplies and the date donated. Such inventory shall be recorded on a form provided by the department.

109.3(6) Drugs and supplies may be donated on the premises of a participating centralized repository or a local repository to a person designated by the repository. A drop box will not be used to deliver or accept donations.

641—109.4(135M) Standards and procedures for inspecting and storing donated prescription drugs and supplies.

109.4(1) A licensed pharmacist employed by or under contract with the centralized repository or a local repository shall inspect donated prescription drugs and supplies to determine, to the extent reasonably possible in the judgment of the pharmacist, that the drugs and supplies are not adulterated or misbranded, are safe and suitable for dispensing, and are not ineligible drugs or supplies. The pharmacist who inspects the drugs shall sign an inspection record stating the above and attach it to the copy of the inventory or donor record provided with the drugs. If a local repository receives drugs and supplies from the centralized repository, the local repository does not need to reinspect the drugs and supplies.

109.4(2) The centralized repository and local repositories shall store donated drugs and supplies in a secure storage area under environmental conditions appropriate for the drugs or supplies being stored. Donated drugs and supplies will not be stored with nondonated inventory. When donated drugs are not inspected immediately upon receipt, a repository shall quarantine the donated drugs separately from all dispensing stock until the donated drugs have been inspected and approved for dispensing under the program.

109.4(3) Repositories shall destroy donated noncontrolled substances that are not suitable for dispensing and make a record of such destruction according to rules of the board of pharmacy. The destruction record shall be made in the same manner as prescribed for the record of return or destruction of a controlled substance in subrule 109.4(4).

109.4(4) Controlled substances shall not be accepted for donation.

a. Controlled substances submitted for donation shall be documented and returned immediately to the donor or the donor's representative that provided the drugs.

b. In the event controlled substances enter the centralized repository or a local repository and it is not possible or practicable to return the controlled substances to the donor or the donor's representative due to inability to identify the donor or the donor's representative or due to refusal by the donor or the donor's representative to receive them, abandoned controlled substances shall be documented and destroyed beyond reclamation pursuant to rules of the board of pharmacy. Such destruction shall be performed by a pharmacist or other person who has authority to dispense controlled substances and shall be witnessed by another responsible adult employee of the repository.

109.4(5) If a repository receives a recall notification, the repository shall perform a uniform destruction of all of the recalled prescription drugs in the repository and complete the destruction information form for all donated drugs destroyed. If a recalled drug has been dispensed, the repository shall immediately notify the recipient of the recalled drug pursuant to established drug recall procedures.

641—109.5(135M) Standards and procedures for dispensing donated prescription drugs and supplies.

109.5(1) Donated drugs and supplies may be dispensed only if the drugs or supplies are prescribed by a health care practitioner for use by an eligible individual and are dispensed by a licensed pharmacist, physician, physician assistant or nurse practitioner.

109.5(2) A repository shall prioritize dispensing to an individual requesting drugs through the program as follows:

a. First, to an indigent individual;

b. Second, to an individual who has no active third-party prescription drug reimbursement coverage for the drug prescribed; and

c. Third, to any other individual if an indigent or uninsured individual is unavailable.

109.5(3) A repository shall dispense donated prescription drugs in compliance with applicable federal and state laws and regulations for dispensing prescription drugs, including all requirements relating to packaging, labeling, recordkeeping, drug utilization review, and patient counseling.

109.5(4) The centralized repository and a local repository shall remove the original donor's identification and the name of the dispensing pharmacy from the package prior to dispensing the drugs or supplies.

109.5(5) The centralized repository and a local repository shall be responsible for drug recalls and shall have an established mechanism to notify recipients in the event of a drug recall.

109.5(6) Prescription drugs or supplies donated under this program shall not be resold.

109.5(7) The participating centralized repository and local repositories may distribute drugs and supplies donated under this program to other participating repositories for use pursuant to the program. The repository distributing the drugs or supplies shall complete a transfer form.

641—109.6(135M) Eligibility criteria for individuals to receive donated prescription drugs and supplies.

109.6(1) An individual who requests drugs from the prescription drug donation repository program shall certify to the repository that the individual is a resident of Iowa and meets one or both of the following criteria:

a. Is indigent; and

b. Has no active third-party prescription drug reimbursement coverage for the drug prescribed.

109.6(2) The local repository shall collect from each individual recipient a signed intake collection form provided by the department or its contractor.

a. The intake collection form shall attest that:

(1) The individual is a resident of the state of Iowa;

(2) The individual's income does not exceed 200 percent of the federal poverty level (FPL);

(3) The individual is uninsured and has no prescription coverage or is underinsured and has no prescription coverage;

(4) The individual acknowledges that the drugs may have been donated; and

(5) The individual consents to a waiver of the requirement for child resistant packaging of the Poison Prevention Packaging Act (as amended to August 1, 2025).

b. The intake collection form will include an identification card to be given to the recipient for continued use for one year.

109.6(3) The identification card is valid for one year or until the new federal poverty guidelines have been published for all prescriptions and supplies.

109.6(4) A summary of data taken from the intake collection form is to be sent via regular mail, email or facsimile to the centralized repository for data collection.

641—109.7(135M) Forms and recordkeeping.

109.7(1) The following forms developed for the administration of this program shall be utilized by participants of the program and are available on the department's website:

a. Prescription drug donation repository program notice of participation or withdrawal.

b. Prescription drug donation repository program donation, transfer, inventory or destruction record.

c. A record of medications dispensed.

109.7(2) The prescription drug donation repository program recipient data collection form and identification card are given to the recipient by the local repository, and the completed data collection form is collected from the recipient by the local repository.

109.7(3) Recordkeeping requirements.

a. All records required to be maintained as a part of the prescription drug donation repository program shall be maintained for a minimum of five years by participating pharmacies and medical facilities.

b. Records required as part of this program shall be maintained pursuant to all current applicable practice acts.

c. Data collected by the prescription drug donation repository program from all participating repositories shall be submitted quarterly or upon request to the centralized repository.

d. The centralized repository and the contractor shall submit reports to the department as required by the contract or upon request of the department.

641—109.8(135M) Handling fee. A repository may charge the recipient of a donated drug a handling fee, not to exceed a maximum of 200 percent of the Medicaid professional dispensing fee as established by rule. A prescription drug dispensed through the prescription drug donation repository program shall not be eligible for reimbursement under the medical assistance program.

641—109.9(135M) List of drugs and supplies program will accept. All prescription drugs, excluding controlled substances, that have been approved for medical use in the United States, that are listed in the USP or National Formulary (USP/NF), and that meet the criteria for donation established by these rules may be accepted for donation under the prescription drug donation repository program.

641—109.10(135M) Prescription drug donation repository in disaster emergencies. The following are the requirements for the department to receive and distribute prescription drugs and supplies in preparation for a disaster emergency proclaimed by the governor or in preparation for a public health disaster.

109.10(1) The department may receive prescription drugs and supplies directly from the prescription drug donation repository contractor and dispense prescription drugs and supplies through licensed personnel during or in preparation for a disaster emergency proclaimed by the governor pursuant to Iowa Code section 29C.6 or during or in preparation for a public health disaster as defined in Iowa Code section 135.140(5).

109.10(2) The department may receive and distribute prescription drugs and supplies as outlined in Iowa Code section 135.142 to any Iowan who has been a victim of a disaster emergency proclaimed by the governor.

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

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[Published 11/26/25]
EDITOR'S NOTE: For replacement pages for IAC, see IAC Supplement 11/26/25.

ARC 9774C

TREASURER OF STATE[781]

Adopted and Filed

Rulemaking related to qualified withdrawals

The Treasurer of State hereby amends Chapter 16, "Iowa Educational Savings Plan Trust," Iowa Administrative Code.

Legal Authority for Rulemaking

This rulemaking is adopted under the authority provided in Iowa Code chapter 12D.

State or Federal Law Implemented

This rulemaking implements, in whole or in part, Public Law No. 119-21.

Purpose and Summary

This rulemaking is necessary to conform Iowa's 529 programs with changes made to the federal 529 law. Beginning January 1, 2026, the annual federal withdrawal limit for kindergarten through twelfth grade expenses will increase from $10,000 to $20,000, and the ability to roll over funds from a 529 account to an ABLE account, such as IAble, will be made permanent.

Public Comment and Changes to Rulemaking

Notice of Intended Action for this rulemaking was published in the Iowa Administrative Bulletin on October 1, 2025, as **ARC 9574C**. No public comments were received. No changes from the Notice have been made.

Adoption of Rulemaking

This rulemaking was adopted by the Treasurer of State on November 5, 2025.

Fiscal Impact

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

Jobs Impact

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

Waivers

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 Office of the Treasurer of State for a waiver of the discretionary provisions, if any, pursuant to 781—Chapter 19.

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 31, 2025.

The following rulemaking action is adopted:

ITEM 1. Amend subrule 16.11(3) as follows:

16.11(3) Withdrawals for the payment of tuition in connection with enrollment or attendance at a K-12 institution may not exceed a maximum of ~~$10,000~~ $20,000 per taxable year per beneficiary from all 529 plans.

ITEM 2. Amend subrule 16.13(2) as follows:

16.13(2) Qualified rollovers will be paid in one of the following ways once the form has been received by the contractor:

a. Directly to the account owner, provided that within 60 days of such distribution, the funds are recontributed from the account owner as described in paragraph 16.13(2)*"b," "c"* or *"d."*

b. Directly to another qualified tuition program for the benefit of the designated beneficiary.

c. Directly to another account designated beneficiary under a qualified tuition program who is a member of the family of the designated beneficiary with respect to which the distribution as made.

d. ~~Before January 1, 2026, directly~~ Directly to an ABLE account of the designated beneficiary or a member of the family of the designated beneficiary.

e. Notwithstanding any of the foregoing, any qualified rollover to a Roth IRA under Section 529 must be paid in a direct trustee-to-trustee transfer to a Roth IRA maintained for the benefit of such designated beneficiary.

[Filed 11/6/25, effective 12/31/25]
[Published 11/26/25]

EDITOR'S NOTE: For replacement pages for IAC, see IAC Supplement 11/26/25.

State of Iowa

Executive Department

IN THE NAME AND BY THE AUTHORITY OF THE STATE OF IOWA

EXECUTIVE ORDER NUMBER FIFTEEN

WHEREAS, an alien is not eligible for any state or local public benefit except as provided to 8 U.S.C. §1621;

WHEREAS, such benefits include, but are not limited to, a professional license pursuant to 8 U.S.C. §1621(c)(1)(A);

WHEREAS, a state is authorized to require an applicant for State and local public benefits to provide proof of eligibility pursuant to 8 U.S.C. §1625;

WHEREAS, the Personal Responsibility and Work Opportunity Reconciliation Act of 1996 ("PRWORA") also provides that aliens who are not qualified aliens are ineligible for certain federal benefits pursuant to 8 U.S.C. §§1611, 1613(a);

WHEREAS, PRWORA requires the U. S. Attorney General to create verification requirements to ensure that only qualified aliens are eligible to receive benefits pursuant to 8 U.S.C. §1642(a)(3);

WHEREAS, on February 19, 2025, President Trump issued Executive Order 14218 directing agencies to comply with PRWORA to the maximum extent permitted by law so that no taxpayer-funded benefits would go to unqualified aliens.

WHEREAS, in discharging her responsibilities under Executive Order 14218, the U. S. Attorney General, on July 11, 2025 issued an A.G. Order that precluded any exception for benefits under PRWORA unless stated in the statute itself;

WHEREAS, certain state agencies (as defined in Iowa Code §669.2(5) have codified the requirement that an applicant for public benefits from the State of Iowa provide proof of eligibility, while other state agencies have not done so;

WHEREAS, the federal government has certain resources to verify citizenship and immigration status, including the Systematic Alien Verification for Entitlements ("SAVE") Program;

WHEREAS, the SAVE Program is operated by the United States Department of Homeland Security ("USDHS"), U.S. Citizenship and Immigration Services ("USCIS") and uses the Verification Information System ("VIS");

WHEREAS, President Trump has enhanced the SAVE Program as provided in Executive Order 14218, Section 2(ii) and Executive Order 14159, Section 18;

WHEREAS, any state agency can seek to enter into a Memorandum of Agreement ("MOA") with USCIS to access the SAVE Program to verify U.S. citizenship and immigration status;

WHEREAS, an agency seeking access to the SAVE Program must, among other things, provide legal authority under state or federal law that authorizes the agency to use the SAVE Program to verify U.S. citizenship or immigration status to determine eligibility for the benefits they administer.

WHEREAS, it is necessary for all state agencies within the executive branch to have access to the SAVE Program to determine eligibility for benefits from the State of Iowa, including licensing;

WHEREAS, access to the SAVE Program will enhance the State of Iowa's ability to comply with federal law;

WHEREAS, this Executive Order is specifically intended to constitute the necessary l egal authority for state agencies within the executive branch to verify each applicant for a professional license is a U.S. citizen or an eligible alien;

WHEREAS, a clearinghouse would be the most efficient and cost-effective manner for state agencies within the executive branch to access the SAVE Program;

WHEREAS, the immigration policy of the United States plays an important role in the ability of employers, including the State of Iowa, to ensure a legal workforce;

WHEREAS, USCIS has an internet-based system known as E-Verify which uses government records to assist in confirming employment eligibility for newly hired employees; and

WHEREAS, E-Verify is considered a "best practice" among public and private employers to ensure their compliance with immigration laws.

NOW, THEREFORE, I, KIMBERLY K. REYNOLDS, Governor of the State of Iowa, by virtue of the power and authority vested in me by the Constitution and statutes of the State of Iowa do hereby **ORDER** and **DIRECT** the following:

I. Except as provided in section III or where exempted by federal law, every state agency within the executive branch shall verify the U.S. citizenship and immigration status of any natural person who has applied for a professional license from the state, as defined in 8 U.S.C. §1621, that is administered by any state agency.

II. The provisions of this Executive Order shall be enforced without discrimination regarding race, religion, gender, ethnicity, or national origin.

III. Verification of U.S. citizenship and immigration status under the provisions of this section shall not be required:

a. For any purpose for which lawful presence in the United States is not restricted by law, ordinance, or regulation;

b. For any other purpose required by 8 U.S.C. §1611 *et seq.* or Order by the U.S. Attorney General pursuant thereto.

IV. No state agency within the executive branch shall provide any professional license, as defined in 8 U.S.C. §1621, in violation of the provisions of this Executive Order.

V. A SAVE Program Clearinghouse ("SAVE Clearinghouse") shall be established within the executive branch which will access the SAVE Program for each such state agency relying on this Executive Order as the basis for legal authority to verify U.S. citizenship and immigration status. All state agencies within the executive branch shall cooperate fully with requests made by the SAVE Clearinghouse.

VI. All work by the SAVE Clearinghouse shall be done in a manner consistent with laws and regulations of the State of Iowa, and of the laws and regulations of the United States.

VII. Each state agency with the executive branch along with the Board of Regents shall use E-Verify to confirm the employment eligibility of newly hired employees.

VIII. This Executive Order shall be interpreted in accordance with all applicable laws and regulations and shall not supersede any laws or regulations in place as of its effective date. If any provision of this Executive Order is found to be invalid, unenforceable, or otherwise contrary to applicable law, then the remaining provisions of this Executive Order, as applied to any person or circumstance, shall continue in full force and effect, and shall not be affected by such finding of invalidity or unenforceability.

IX. This Executive Order does not create any right or benefit, substantive or procedural enforceable at law or in equity, by any party against the State of Iowa, its state agencies, or its officers, employees, agents, or any other persons.

X. This Executive Order shall apply prospectively only as of its effective date.



IN TESTIMONY WHEREOF, I HAVE HEREUNTO SUBSCRIBED MY NAME AND CAUSED THE GREAT SEAL OF THE STATE OF IOWA TO BE AFFIXED AT DES MOINES, IOWA THIS EIGHTH DAY OF OCTBER IN THE YEAR OF OUR LORD TWO THOUSAND TWENTY-FIVE.

Kim Reynolds

KIMBERLY K. REYNOLDS
GOVERNOR

ATTEST:

Paul D. Pate

PAUL D. PATE
SECRETARY OF STATE