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

Regulatory Analysis

Notice of Intended Action to be published: 261—Chapter 80
"Sustainable Aviation Fuel Production Tax Credit Program"

Iowa Code section(s) or chapter(s) authorizing rulemaking: 15.530 through 15.535 as enacted by 2025 Iowa Acts, Senate File 657

State or federal law(s) implemented by the rulemaking: Iowa Code sections 15.530 through 15.535 as enacted by 2025 Iowa Acts, Senate File 657

Public Hearing

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

December 30, 2025 9 to 9:15 a.m.	Via Microsoft Teams Information about Teams participation can be found at opportunityiowa.gov/about/iowa-economic-development-authority/ieda-red-tape-review

Public Comment

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

Tyler W. Barnard
Iowa Economic Development Authority
1963 Bell Avenue, Suite 200
Des Moines, Iowa 50315
Email: tyler.barnard@iowafinance.com

Purpose and Summary

The Authority proposes to adopt a new Chapter 80 to describe the policies and procedures applicable to the sustainable aviation fuel tax credit program created pursuant to Iowa Code sections 15.530 through 15.535, all as enacted by 2025 Iowa Acts, Senate File 657. The program provides incentives to businesses that produce high-value sustainable aviation fuel from feedstock in Iowa.

All references to Iowa Code sections 15.530 through 15.535 are to those sections as enacted by 2025 Iowa Acts, Senate File 657. The reference to Iowa Code section 15.119(2)"b" is to that section as amended by 2025 Iowa Acts, Senate File 657.

Analysis of Impact

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

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

Businesses that produce sustainable aviation fuel and are interested in applying for tax credits through the program will bear the costs of this proposed rulemaking.

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

Businesses that produce sustainable aviation fuel and are interested in applying for tax credits through the program 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:**

Businesses interested in applying for tax credits may require staff time to complete an application. Such businesses may similarly incur costs to comply with reporting and monitoring requirements of the program as well as to apply for tax credits annually. Businesses may incur the costs of engaging a laboratory to provide testing services and documentation sufficient to show, among other requirements, the amount of fuel produced, life cycle emissions reduction, and sources of feedstock. The amount of the costs will vary depending on the compensation of staff or service providers involved.

Additionally, a business that has entered into an agreement with the Authority pursuant to this program will incur a one-time compliance fee in the amount of $500, due before the business is issued a tax certificate. Thereafter, for as long as a business claims tax credits, the business incurs an ongoing annual compliance fee equal to 0.5 percent of the value of tax incentives claimed pursuant to the agreement.

- **Qualitative description of impact:**

The program provides an incentive for businesses to produce high-value sustainable aviation fuel in the State.

3. **Costs to the State:**

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

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

- **Anticipated effect on State revenues:**

These proposed rules have no anticipated impact on State revenues. Up to $10 million in tax credits in each fiscal year may be authorized by the Authority for this program and for the Authority's renewable chemical production tax credit program, collectively. The Authority Board determines the tax credit amount allocated to each program in each fiscal year.

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

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

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

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

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

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

The Authority did not consider any other methods.

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

The Authority did not consider any other methods.

Small Business Impact

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

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

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

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

This proposed rulemaking impacts only small businesses seeking tax credits for the production of sustainable aviation fuel. The rules regarding compliance and reporting requirements are no more stringent than necessary to implement the purposes of the program. These proposed rules do not establish schedules or deadlines. These proposed rules do not establish design or operational standards.

Text of Proposed Rulemaking

ITEM 1. Adopt the following **new** 261—Chapter 80:

CHAPTER 80
SUSTAINABLE AVIATION FUEL PRODUCTION TAX CREDIT PROGRAM

261—80.1(15) Purpose. The purpose of this chapter is to encourage development of the sustainable aviation fuel industry using the SAF program to incentivize new and existing businesses to produce high-value sustainable aviation fuel in Iowa from feedstock.

261—80.2(15) Definitions. As used in this chapter, unless the context otherwise requires:

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

"Director" means the director of the authority.

"Eligible business" means the same as the definition of "eligible taxpayer" in Iowa Code section 15.531(2).

"Feedstock" means the same as defined in Iowa Code section 15.531(3) and includes carbon dioxide that is processed or refined in the state of Iowa and suitable for sustainable aviation fuel production without further enhancement.

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

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

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

"Renewable chemical program" means the renewable chemical production tax credit program administered pursuant to Iowa Code sections 15.315 through 15.322 and 261—Chapter 81.

"SAF program" means the sustainable aviation fuel production tax credit program administered pursuant to Iowa Code sections 15.530 through 15.535 and this chapter.

"Sustainable aviation fuel" means the same as defined in Iowa Code section 15.531(5).

"Tax incentives" means the tax credits the authority awards to an eligible business as detailed in the agreement entered into pursuant to Iowa Code section 15.532(2).

261—80.3(15) Eligibility requirements. To be eligible to receive the sustainable aviation fuel production tax credit pursuant to the SAF program, a business shall meet all of the eligibility

requirements in Iowa Code section 15.532. Additionally, a foreign business shall demonstrate that it is not associated with a foreign adversary or foreign adversary entity.

261—80.4(15) Application process and review.

80.4(1) Applications for tax credits may be submitted to the authority electronically by an eligible business from February 15 to March 15 of each calendar year, beginning February 15, 2027. The authority may adjust the annual application period under extenuating circumstances.

80.4(2) The application shall include the following information, including all information required by Iowa Code section 15.532(1)*"e"*:

a. The amount of sustainable aviation fuel produced in the state of Iowa from feedstock by the eligible business during the immediately previous calendar year, measured in gallons.

b. Documentation that sustainable aviation fuel achieves at least a 50 percent life cycle greenhouse gas emissions reduction as determined by either of the following:

(1) The method described in Iowa Code section 15.531(5)*"a"*; or

(2) The method described in Iowa Code section 15.531(5)*"b."*

Acceptable documentation includes but is not limited to fuel testing conducted by the Iowa Central Fuel Testing Laboratory in Fort Dodge, Iowa.

c. The types and sources of feedstock used to produce sustainable aviation fuel, documented in sufficient detail to allow the authority to verify that such feedstock was processed or refined in the state of Iowa.

d. The city or county where the plant producing sustainable aviation fuel is located.

e. The date on which the eligible business organized, expanded or located in the state of Iowa.

f. Any other information reasonably required by the authority in order to establish and verify that the applicant is an eligible business and the amount of the tax credit under the SAF program.

80.4(3) Applications will be reviewed and scored on a competitive basis by a review committee established by the authority. If the authority deems that additional information is needed before reviewing and scoring can be completed, and the authority makes a written request for additional information from the applicant, the applicant must provide the requested information within 30 days of the date that the written request from the authority was made. If an applicant does not provide the requested information within 30 days, the application may be denied by the authority.

80.4(4) Applications determined by the authority to be complete and eligible will be reviewed and scored using criteria established by the authority to evaluate the economic impact of an eligible business's production of sustainable aviation fuel.

80.4(5) The authority will notify an applicant when the applicant has been approved or denied by the director to receive a tax credit.

261—80.5(15) Agreement and fees. An eligible business approved to receive a tax credit shall enter into an agreement pursuant to Iowa Code section 15.532(2). The eligible business must sign the agreement within 60 days of being notified of approval for the tax credit. Upon request by the eligible business, the authority may extend the time period for signing the agreement by an additional 30 days.

80.5(1) Upon execution of the agreement and prior to issuance of a tax credit certificate, the eligible business shall remit to the authority a one-time compliance cost fee in the amount of $500.

80.5(2) For the duration of the agreement and for as long as an eligible business claims tax incentives pursuant to the agreement, the eligible business shall remit to the authority an ongoing compliance cost fee equal to one-half of one percent of the value of the tax incentives claimed pursuant to the agreement. This ongoing compliance fee shall be due and payable upon filing of the eligible business's tax return for each tax year in which the eligible business claims such tax incentives.

261—80.6(15) Sustainable aviation fuel production tax credit.

80.6(1) *Calculation of tax credit amount.*

a. An eligible business that has entered into an agreement pursuant to rule 261—80.5(15) may be issued a tax credit certificate in an amount calculated as described in Iowa Code section 15.533(1). The tax credit certificate shall contain the information required by Iowa Code section 15.533(6)*"b"* and any other information required by the department of revenue.

b. If a business has facilities located in more than one state, only the sustainable aviation fuel produced at facilities physically located in the state of Iowa may be counted for the purpose of calculating the tax credit.

c. If the same eligible business has an ownership or equity interest in multiple facilities at which sustainable aviation fuel is produced, the facilities under common ownership will be considered a single eligible business for purposes of calculating the maximum tax credit amount. In calculating the maximum tax credit amount, only the pro rata share of each eligible business's ownership in a facility will be attributed to that eligible business.

d. The maximum amount of tax credit that may be issued under the SAF program to an eligible business for the production of sustainable aviation fuel in a calendar year shall not exceed the amount authorized by Iowa Code section 15.533(7)*"b"*(1).

80.6(2) *Eligible production years only.* An eligible business shall not receive a tax credit for sustainable aviation fuel produced before the 2026 calendar year or after the 2035 calendar year.

80.6(3) *Maximum number of credits.* An eligible business shall not receive more tax credit certificates under the SAF program than the number specified in Iowa Code section 15.533(7)*"b"*(2). Each tax credit must be applied for separately, and each application will be reviewed independently of past tax credits. Receipt of a tax credit in one year does not guarantee receipt of a tax credit in a subsequent year.

80.6(4) *Nontransferable.* The tax credit certificates are not transferable.

80.6(5) *Termination and repayment.* Tax credits may be reduced, terminated, or rescinded pursuant to Iowa Code section 15.532(3).

261—80.7(15) Claiming the tax credit.

80.7(1) *Maximum tax credit claimed.* An eligible business that has entered into an agreement pursuant to rule 261—80.5(15) and been issued a tax credit certificate pursuant to subrule 80.6(1) may claim a tax credit as described in Iowa Code section 15.533.

80.7(2) *Claiming the credit.* To claim the tax credit, a taxpayer is to include one or more tax credit certificates with the taxpayer's tax return and otherwise act in accordance with any applicable administrative rules adopted by the department of revenue.

80.7(3) *Refundable.* Any tax credit in excess of the tax liability is refundable. In lieu of claiming a refund, a taxpayer may elect to have the overpayment shown on the taxpayer's final, completed return credited to the tax liability for the following tax year.

261—80.8(15) Additional information. The authority may at any time request additional information and documentation from an eligible business, including but not limited to the operations and economic impact of the eligible business, and the authority may use the information in preparing and publishing any reports to be provided to the general assembly to the extent consistent with Iowa Code sections 15.534 and 15.107B. The authority shall keep confidential any information or record in its possession with respect to the SAF program in accordance with Iowa Code section 15.532(4)*"a"* except that the identity of a tax credit recipient and the amount of the tax credit shall be considered public information.

261—80.9(15) Relationship to renewable chemical program. Pursuant to Iowa Code section 15.119(2)*"b,"* the authority may allocate up to $10 million collectively each fiscal year for purposes of the SAF program and the renewable chemical program. The authority board shall determine the amount of such $10 million allocated to each program in a given fiscal year. The authority shall determine whether a business may apply for and receive both a tax credit certificate pursuant to the

renewable chemical program and a tax credit certificate pursuant to the SAF program in the same fiscal year. In making this determination, and among other factors, the authority may consider whether a business operates distinct facilities in the state such that a given production of chemicals does not and will not receive the benefits of both a tax credit pursuant to the renewable chemical program and a tax credit pursuant to the SAF program.

These rules are intended to implement Iowa Code sections 15.530 through 15.535.

Regulatory Analysis

Notice of Intended Action to be published: 481—653.4(147,148), 481—653.6(147,148,148J), and 656.3(1)"c"(2)
"Resident, Special and Temporary Physician Licensure; Licensure of Acupuncturists"

Iowa Code section(s) or chapter(s) authorizing rulemaking: 147, 148, 148E and 272C
State or federal law(s) implemented by the rulemaking: Iowa Code chapters 147, 148 and 148E

Public Hearing

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

December 30, 2025 8 a.m.	6200 Park Avenue Des Moines, Iowa Virtual participation information will be available on the public calendar on the Department of Inspections, Appeals, and Licensing's website prior to the hearing.

Public Comment

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

Emily DeRonde
6200 Park Avenue
Des Moines, Iowa 50321
Email: emily.deronde@dia.iowa.gov

Purpose and Summary

Chapters 653 and 656 set the minimum requirements for special licensure and foreign-trained provisional licensure. These rules were reviewed and revised during the 2024 Red Tape Review process. The proposed amendments allow for an additional testing option for applicants to provide proof of English language proficiency.

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 direct cost to the general public, but there is a cost to the applicant to comply with the minimum requirements to enter into the profession. The applicant would also have costs related to educational requirements and examination requirements. The Board of Medicine has not identified an exact cost of education for this field because it varies depending on the school attended.

Board staff review applications for initial and renewal licenses, answer inquiries on licensing, and field phone calls. Staff salaries to support the work of the Board are covered by the Licensing and Regulation Fund established in 2023 Iowa Acts, Senate File 557. Licensing fees go to the fund to cover the operations of the regulated professional licensing boards.

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

Applicants will benefit from the proposed changes because they provide more testing options to meet the requirements of English language proficiency.

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

- **Quantitative description of impact:**

The proposed amendments provide for an additional option for English language proficiency testing, which is a requirement for applicants who are foreign-educated, foreign-trained, or both. By providing more options, the applicant will have more flexibility in testing options.

- **Qualitative description of impact:**

The OET Medicine test meets the same requirements of the other English language proficiency tests already approved by the Board.

3. **Costs to the State:**

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

There are no anticipated costs to implement or enforce the proposed amendments other than those costs already associated with licensure review. Staff salaries to support the work of the Board are covered by the fund. Licensing fees go to the fund to cover the operations of the regulated professional licensing boards.

- **Anticipated effect on State revenues:**

There are no anticipated effects on State revenues. Costs associated with implementing this rulemaking are paid by the individual licensee, not the State. Staff salaries to support the work of the Board are covered by the fund. Licensing fees go to the fund to cover the operations of the regulated professional licensing boards.

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

The Board believes that current requirements ensure public safety and a minimum competency of care for Iowans. Licensure requirements could be reduced or eliminated for the purpose of lowering the bar of entry into the profession, but the Board would be concerned about public safety.

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

The Board has not identified a more cost-effective alternative to licensure. The Board believes that all current requirements ensure public safety and ensure a minimum competency of care is provided to Iowans.

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

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

The Board has not identified a more cost-effective alternative to the licensure of special-licensed physicians and foreign-trained provisionally licensed physicians. The Board believes that all current requirements ensure public safety and ensure a minimum competency of care is provided to Iowans. Licensure requirements could be reduced or eliminated for the purpose of lowering the bar of entry into the profession, but the Board would be concerned about the public safety of Iowans in that scenario.

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

The Board has not identified a more cost-effective alternative. The proposed rulemaking provides for greater flexibility for applicants by establishing another route to proving English language proficiency for foreign-trained physicians.

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 relates to high-stakes public safety concerns that are present whether the business is a small business or a large organization. The rulemaking is meant to ensure public safety in terms of licensing requirements for physicians. While some physicians likely are running a small business of their own, some also work for large corporations and hospitals. To exempt small businesses from adhering to this rulemaking would jeopardize any member of the public who sought services from that small business. The risk to the public is greater than the potential harm or cost to the small business. If the individual licensee finds a rule to be overly burdensome and the goals of which could be achieved in a manner that results in less impact on the small business, the licensee may utilize the Department's established waiver process.

Text of Proposed Rulemaking

ITEM 1. Amend paragraph **653.4(2)"g"** as follows:

g. Demonstrate proficiency in English by providing a valid ECFMG certificate or verification of a passing score on the Test of Spoken English (TSE) or the Test of English as a Foreign Language (TOEFL) examination administered by the Educational Testing Service or verification of a passing score on the OET medicine test;

ITEM 2. Amend subparagraph **653.4(3)"a"(4)** as follows:

(4) Provide a valid ECFMG certificate or verification of a passing score on the TSE or TOEFL examination administered by the Educational Testing Service or verification of a passing score on the OET medicine test;

ITEM 3. Amend paragraph **653.6(2)"f"** as follows:

f. Demonstrate proficiency in English by providing a valid ECFMG certificate or verification of a passing score on the TSE or TOEFL examination administered by the Educational Testing Service or verification of a passing score on the OET medicine test;

ITEM 4. Amend subparagraph **653.6(3)"a"(6)** as follows:

(6) Provide a valid ECFMG certificate or verification of a passing score on the TSE or TOEFL examination administered by the Educational Testing Service or verification of a passing score on the OET medicine test; and

ITEM 5. Amend subparagraph **656.3(1)"c"(2)** as follows:

(2) An applicant who passed NCCAOM written or practical examination components in a language other than English shall pass the Test of Spoken English (TSE) or the Test of English as a Foreign Language (TOEFL) examinations administered by the Educational Testing Service or shall pass the OET medicine test.

Regulatory Analysis

Notice of Intended Action to be published: 761—Chapter 511
"Special Permits for Operation and Movement of Vehicles and Loads of Excess Size and Weight"

Iowa Code section(s) or chapter(s) authorizing rulemaking: 321E.3 and 321E.15
State or federal law(s) implemented by the rulemaking: Iowa Code sections 321E.3 and 321E.12

Public Hearing

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

December 30, 2025 9 to 9:30 a.m.	Microsoft Teams Dial: 515.817.6093 Conference ID: 362 988 514#

Public Comment

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

Ryan Pell
800 Lincoln Way
Ames, Iowa 50010
Email: ryan.pell@iowadot.us

Purpose and Summary

The purpose of the proposed amendments is to comply with 2025 Iowa Acts, House File 979 (HF 979), sections 1 and 4.

HF 979 amends Iowa Code section 321E.3, including an alteration in the routes for which the Department may issue all-systems permits under Iowa Code section 321E.8, a requirement for secondary roads and designated truck routes to be valid unless the local authority communicates the non-valid designation to the Department in writing, and a requirement for a local authority to work with the Department to find an alternate route for a permitted vehicle if all roads to the loading or unloading destination are not valid. The Iowa Code now states that all not-valid designations are subject to Department review and requires the Department to adopt rules to resolve exemption determination disputes and establish a process for alternate route requests.

HF 979 also amends Iowa Code section 321E.12 to allow a vehicle traveling under a single-trip permit to meet the statutory requirement to be registered for the gross weight of the vehicle and load by collecting the required tonnage fees along with the permit application.

Analysis of Impact

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

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

There are no costs or fees associated with this chapter beyond what is required by the underlying statute. The statutory fee set forth in Iowa Code section 321E.12(1)"b" is $4 per ton exceeding 40 tons.

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

Local authorities will benefit by having a defined process for exemption disputes.

Motor carriers seeking to utilize the all-systems overweight permit will benefit by having a defined process for alternate route requests. Motor carriers seeking to utilize the new tonnage fee registration process will benefit by having the rule conform to the statutory provisions.

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

- **Quantitative description of impact:**

There are no additional quantitative impacts that were not already anticipated as a result of the underlying statute.

- **Qualitative description of impact:**

There are no additional qualitative impacts that were not already anticipated as a result of the underlying statute.

3. **Costs to the State:**

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

There are no additional implementation or enforcement costs in the proposed amendments that were not already required as a result of the underlying statute.

- **Anticipated effect on State revenues:**

There are no anticipated effects on State revenues beyond the underlying statute.

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

There is no benefit of inaction. The amendments to this chapter are required to conform with 2025 Iowa Acts, House File 979.

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

Regarding HF 979, section 1, inclusion of the content in the rules is required by statute.

Regarding HF 979, section 4, there are no less costly or less intrusive methods to achieve the purpose of the proposed amendments.

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

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

Regarding HF 979, section 1, the Department balanced content between instructional memorandums and the proposed amendments as appropriate.

Regarding HF 979, section 4, the Department did not consider alternatives for the proposed amendments.

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

Regarding HF 979, section 1, statute requires content to be included in the administrative rule.

Regarding HF 979, section 4, this is 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 small business impact beyond what was already anticipated under the statute.

Text of Proposed Rulemaking

ITEM 1. Amend rule **761—511.1(321E)**, definitions of "Emergency interstate permit" and "Permit-issuing authority," as follows:

"Emergency interstate permit" means a permit issued under Iowa Code section ~~321E.29B~~ 321E.27.

"Permit-issuing authority" means the:

1. Department's motor vehicle division for permits for movement on the primary road system.
2. Authority responsible for the maintenance of a nonprimary system of highways or streets for permits for movement on that system. However, the motor vehicle division may issue single-trip permits on primary road extensions in cities in conjunction with movement on the rural primary road system. The department may also issue all-systems permits on the secondary road and municipal systems.

ITEM 2. Adopt the following **new** definition of "Designated truck route" in rule **761—511.1(321E)**:

"Designated truck route" when used in relation to the all-systems overweight permit in Iowa Code section 321E.8(2) means one or more of the following:

1. A route designated in a city's code of ordinances as a truck route.
2. A route physically signed as a truck route.
3. A route designated by a city as valid for this permit, whether for a single occurrence or on a short-term or long-term basis.

ITEM 3. Amend subrule 511.2(1) as follows:

511.2(1) Permits may be obtained electronically upon making application to the motor vehicle division at ~~www.iowadot.gov/mvd/motorcarriers/oversize-overweight-trip-permits~~ iowadot.gov/motor-carriers. Applications, forms, instructions and restrictions are also available by mail from the Motor Vehicle Division, Iowa Department of Transportation, P.O. Box 10382, Des Moines, Iowa 50306-0382; in person at 6310 SE Convenience Boulevard, Ankeny, Iowa; by telephone at 515.237.3264; or by facsimile at 515.237.3257.

ITEM 4. Amend paragraph **511.4(3)"d"** as follows:

d. Emergency interstate permits issued under Iowa Code section ~~321E.29B~~ 321E.27 are effective for 30 calendar days. However, the permit will not be valid past the expiration of the applicable governor's proclamation of disaster emergency issued under Iowa Code section 29C.6 in conjunction with the presidential declaration allowing interstate travel under the Stafford Act or the expiration of the declaration of major disaster under the Stafford Act, whichever expires first.

ITEM 5. Amend rule 761—511.5(321,321E) as follows:

761—511.5(321,321E) Fees and costs.

511.5(1) No change.

511.5(2) *Special or emergency oversize permit for certain divisible loads.* The fee for each single-trip permit issued pursuant to Iowa Code section ~~321E.27~~ 321E.9 is $35.

511.5(3) and **511.5(4)** No change.

511.5(5) *Registration fee for single-trip permits.* A vehicle traveling under a single-trip permit may register with the department for the combined gross weight of the vehicle and load on a single-trip basis, upon payment of the applicable statutory fees, pursuant to Iowa Code section 321E.12 as amended by 2025 Iowa Acts, House File 979, section 4. The department may access Iowa registration

records to determine the weight the vehicle is currently registered for prior to assessing the statutory fee under this subrule. The fee for single-trip registration is $4 per ton exceeding 40 tons.

~~511.5(5)~~ 511.5(6) *Registration fee for vehicles transporting buildings other than mobile homes or factory-built structures.* A registration fee will be charged for vehicles transporting buildings, except mobile homes and factory-built structures, on a single-trip basis. The vehicle shall be registered for the combined gross weight of the vehicle and load, and the fee is 5 cents per ton exceeding the weight registered under Iowa Code section 321.122 per mile of travel. Fees will not be prorated for fractions of miles.

~~511.5(6)~~ 511.5(7) *Fair and reasonable costs.* Permit-issuing authorities may charge any permit applicant:

a. A fair and reasonable cost for the removal and replacement of natural obstructions or official signs and signals.

b. A fair and reasonable cost for measures necessary to avoid damage to public property including structures and bridges.

This rule is intended to implement Iowa Code sections 321.12, 321.122, 321E.8, 321E.9, 321E.12 as amended by 2025 Iowa Acts, House File 979, section 4, 321E.14, 321E.15, 321E.29, 321E.29A and 321E.30.

ITEM 6. Amend rule 761—511.7(321,321E), introductory paragraph, as follows:

761—511.7(321,321E) Annual oversize permits. Annual oversize permits are issued for indivisible vehicles or indivisible loads for travel when the dimensions of the vehicle or load exceed statutory limits but the weight is within statutory limits. Routing is subject to embargoed bridges and roads and posted speed limits. The owner or operator shall select a route using the vertical clearance map and road construction and travel restrictions map provided by the department for state roads. If the owner or operator is operating under an all-systems permit, the owner or operator shall also review the road construction and travel restrictions map provided by the Iowa county engineers service bureau. Route, detour and road embargo information may be found online at www.511ia.org or the department's website for the embargo bridge maps at www.iowadot.gov/mvd/motorcarriers/bridgemap.pdf. County restriction information may be found online at www.iceasb.org/roads. Annual oversize permits are issued for the following:

ITEM 7. Amend rule 761—511.9(321,321E), introductory paragraph, as follows:

761—511.9(321,321E) Annual all-systems oversize permits. Annual all-systems oversize permits are issued by the motor vehicle division for indivisible vehicles or indivisible loads for travel on the primary road system and specified city streets and county roads when the dimensions of the vehicle or load exceed statutory limits but the weight is within statutory limits. Routing is subject to embargoed bridges and roads and posted speed limits. The department will provide a map of the authorized city streets and county roads. Permit holders shall check the county 511 map available online at www.iceasb.org/roads and consult with local officials when traveling on county roads or city streets for bridge embargo, vertical clearance, detour, and road construction information. These permits are issued for the following:

ITEM 8. Amend rule 761—511.10(312,321,321E) as follows:

761—511.10(312,321,321E) Annual all-systems overweight permits.

511.10(1) *Issuance.* Annual all-systems overweight permits are issued by the department for indivisible vehicles or indivisible or divisible loads for travel on the primary road system and specified city streets and county roads when the weight of the vehicle or load exceeds statutory limits but the dimensions are within statutory limits. Routing is subject to embargoed bridges and roads, including highways restricted by a local authority pursuant to Iowa Code section 321.473, and posted speed limits. The department will provide a map of the authorized city streets and county roads. Permit

holders shall review route, detour and road embargo information online at www.511ia.org, check the county 511 map available online at www.iceasb.org/roads, and consult with local officials when traveling on county roads or city streets for bridge embargo, vertical clearance, detour, and road construction information. These permits are issued for vehicles with divisible or indivisible loads provided the following are not exceeded.

a. to *e.* No change.

511.10(2) *Distribution of monthly credit.* In accordance with Iowa Code section 312.2(18), the department will ~~allocate the monthly credit as follows:~~ divide the monthly credit among the counties as determined by the department after consultation with county officials through their representative organizations.

~~*a.* The department will maintain a list of participating counties. The list will be updated on a monthly basis as determined by the department after consultation with county officials through their representative organizations.~~

~~*b.* The monthly credit will be divided among the participating counties as determined by the department after consultation with county officials through their representative organizations.~~

~~*c.* The funds from the monthly credit will be distributed to each participating county based on the list of participating counties for the applicable month.~~

511.10(3) *Route exemption justification determinations, submittals, reviews, and appeals.* If a local authority determines a road segment needs to be designated as not valid for a permit issued under this rule, a written exemption justification must be provided to the department explaining the local authority's determination. The department will accept the submittal of exemption justifications in the form and manner prescribed by the department, including via communications between electronic systems. Criteria for exemption justifications and processes for disputes and appeals regarding the department's approval of submitted exemption justifications are determined by the department after consultation with county and city officials through their representative organizations. Additional guidance is published on the department's website.

a. For paved farm-to-market (FM) routes, designated truck routes, non-paved FM routes, and non-FM routes, the exemption justification submittal, review, and appeal process is as follows:

(1) The local authority provides the justification and any necessary explanation for exempting the road segment.

(2) The department will either approve or deny the local authority's exemption request.

(3) If the department denies the exemption request, the local authority may appeal the department's decision. If the local authority appeals the department's decision or requests further consideration, the department will gather additional information, if possible, and may consult with additional stakeholders, including but not limited to the representative organizations for county and city officials, before making a final decision.

b. Exemption approvals are reviewed periodically at a frequency determined by the department. The local authority is to submit exemption justification renewals and updates in the form and manner described by the department.

511.10(4) *Alternate route requests.* When a permit holder is unable to reach a loading or unloading destination because all routes leading to said destination have been designated as not valid, the permit holder may request establishment of an alternate route to provide access to the loading or unloading destination via the permit. The department, after consultation with county and city officials through their representative organizations, establishes a procedure for alternate route requests. The alternate route procedure is as follows:

a. The permit holder will contact the local authority to request an alternate route. Contact information for each local public agency is obtained by clicking on the desired route in the all-systems overweight permit map found on the department's website for motor carriers.

(1) If, upon further evaluation, the local authority chooses to designate the requested route as valid, the local authority must contact the department to remove the non-valid designation. The local authority notifies the permit holder of the removal of the non-valid designation.

(2) If the local authority establishes an alternate route, the local authority must provide written notice to the permit holder of the approved alternate route and the dates for which the route is valid. The written notice is given in the form and manner prescribed by the department or in an alternate form and manner approved by the department.

b. If the local authority does not respond to the request to establish an alternate route after five business days, or if the local authority does not make the existing route valid, provide an acceptable alternate route, or resolve the situation within seven business days, the permit holder may contact the department to request the department establish an alternate route.

(1) In establishing the alternate route, the department will consult with the local authority, if responsive, and may consult with stakeholders, including but not limited to the permit holder, and county and city officials through their representative organizations.

(2) Once the department has established an alternate route, the department will provide written notice to the permit holder and the local authority of the established alternate route and the dates for which the alternate route is valid.

Additional guidance is published on the department's website.

This rule is intended to implement Iowa Code sections 312.2, 321.454, 321.456, 321.457, 321.463, 321E.2, 321E.3 as amended by 2025 Iowa Acts, House File 979, section 1, 321E.8, 321E.10 and 321E.15.

Regulatory Analysis

Notice of Intended Action to be published: 199—Chapters 11 and 25
"Review of 199—Chapters 11 and 25"

Iowa Code section(s) or chapter(s) authorizing rulemaking: 478
State or federal law(s) implemented by the rulemaking: Iowa Code chapter 478

Public Hearing

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

January 12, 2026 2 p.m.	Commission Hearing Room 1375 East Court Avenue Des Moines, Iowa

Persons who wish to make oral comments at the 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 hearing and have special requirements, such as those related to hearing or mobility impairments, should contact the Utilities Commission and advise of specific needs.

Public Comment

Any interested person may submit written comments concerning this Regulatory Analysis, which must be received by the 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

In December 2024, the Midcontinent Independent System Operator (MISO) approved long-range transmission planning projects referred to as Tranche 2.1. To serve as the backbone to the project and to better address anticipated generation and electric demand, MISO selected 765 kV transmission lines.

In anticipation of the new projects, the Commission has evaluated potential impacts of this scale of transmission and seeks to minimize impacts to agricultural producers, landowners, and communities. The Commission is proposing rules governing the electric transmission franchise process (Chapter 11) and the Iowa Electric Safety Code (Chapter 25), which will establish new requirements for the electric franchise process and set safety standards governing the projects.

Analysis of Impact

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

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

Primarily, these proposed amendments apply to all persons requesting a Commission-issued electric transmission line franchise for lines with a maximum operating voltage of 170,000 volts or more and to all persons constructing such lines. While such persons may incur costs in the course

of those franchise proceedings, the significant majority of the costs are primarily caused by the underlying nature and course of the franchise proceeding rather than the proposed amendments.

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

The proposed amendments benefit electric transmission line companies by setting forth the requirements and procedures for requesting a Commission-issued franchise. Persons applying for an electric transmission franchise will benefit from a more predictable set of expectations established via rule for these lines. Agricultural producers will benefit from the proposed rulemaking with a reduced footprint needed for the lines due to taking less land out of production than otherwise may be taken through certain types of structures. There will be safety benefits from reduced risks with the electric field or induced current, which otherwise could adversely impact individuals operating large farm equipment. Residents and communities near future high-voltage transmission lines will benefit from reduced noise. These proposed rules further benefit all Iowans and landowners through setting appropriate transmission line safety standards. When implemented through project designs and proposed siting in the franchise process, these proposed amendments are expected to increase voluntary participation and reduce the likelihood of eminent domain.

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:**

These proposed rules are intended to assist persons seeking a Commission-issued electric transmission line franchise and to improve the safety and service of such lines. Additionally, these proposed rules are intended to lessen the negative impacts such lines, particularly the 765 kV lines, may have on affected agricultural producers, landowners, and communities. While there may be additional costs incurred by persons seeking an electric transmission franchise and by persons constructing, operating, and maintaining such transmission lines, those costs are more directly caused by the nature of owning and operating such transmission lines.

- **Qualitative description of impact:**

These proposed rules ensure that all persons are aware of the requirements associated with the construction, operation, and maintenance of electric transmission lines, especially the newer 765 kV lines. Further, the additional safety standards ensure adequate service of electricity throughout Iowa, while attempting to minimize adverse impacts that such lines may cause on affected agricultural producers, landowners, and communities.

3. **Costs to the State:**

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

The Commission incurs costs in conducting electric transmission line franchise contested cases and in enforcing the Iowa Electric Safety Code. However, the requirements that the Commission conduct franchise proceedings and enforce the safety standards are not imposed by these amendments but instead are required by Iowa Code chapter 478.

- **Anticipated effect on State revenues:**

There is no anticipated effect on State revenues.

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

Because the proposed amendments in Chapter 11 should not impose a meaningful increase in electric transmission line franchise proceeding costs and because the public would benefit from the Chapter 11 amendments as described above, the benefits appear to outweigh the costs.

Similarly, the proposed amendments to Chapter 25 are intended to minimize the adverse impacts of high-voltage transmission lines on landowners and tenants. For agricultural producers and transmission owners, inaction would result in land taken out of production and additional compensation needed for landowners to account for the loss of income. Consequently, inaction would appear inappropriate.

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

The Commission does not believe there are any less costly methods of securing the public benefits associated with this proposed rulemaking.

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

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

The Commission considered inaction and considered whole-scale adoption of nationally recognized safety standards.

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

Inaction was rejected because of the anticipated benefits achieved, including mitigation of adverse impacts, through the proposed amendments. Whole-scale adoption of nationally recognized safety standards was rejected because there is value in the adoption of more specific rules to properly protect Iowans and property within this State.

Small Business Impact

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

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

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

There is no anticipated impact on small business.

Text of Proposed Rulemaking

ITEM 1. Reletter paragraph **11.5(1)"i"** as **11.5(1)"k"**.

ITEM 2. Adopt the following **new** paragraph **11.5(1)"i"**:

i. Exhibit I. This exhibit is required only for electric transmission lines with a maximum operating voltage of 170,000 volts or more. This exhibit shall contain an explanation for the electric company's plan to comply with the noise limit set by 199—subrule 25.6(1).

ITEM 3. Adopt the following **new** paragraph **11.5(1)"j"**:

j. Exhibit J. This exhibit is required only for electric transmission lines with a maximum operating voltage of 170,000 volts or more. This exhibit shall contain an explanation for the electric company's plan to comply with the maximum electric field strength limit set by 199—subrule 25.6(2).

ITEM 4. Adopt the following **new** subrule 25.1(4):

25.1(4) *Definition of agricultural land.* For the purpose of this chapter, "agricultural land" means any land devoted to agricultural use, including but not limited to land used for crop production, cleared land capable of being cultivated, hay land, pasture land, managed woodlands and woodlands of commercial value, truck gardens, farmsteads, commercial agricultural-related facilities, feedlots, rangeland, livestock confinement systems, land on which farm buildings are located, and land used to implement management practices and structures for the improvement or conservation of soil, water, air, and related plant and animal resources.

ITEM 5. Adopt the following **new** paragraph **25.2(5)"c"**:

c. "ANSI S12.9-2013/Part 1" as published February 27, 2013; "ANSI S12.9-2013/Part 3" as published February 13, 2015; "ANSI S1.4-2014/Part 1" as published July 21, 2014; and "Institute of Electrical and Electronics Engineers Standard 656-2018" as published February 15, 2018, are adopted as standards for determining noise from electric transmission lines.

ITEM 6. Adopt the following **new** paragraph **25.2(5)"d"**:

d. The "Institute of Electrical and Electronics Engineers Standard 644-2019" as published November 7, 2019, is adopted as the standard for measuring the electric field strength from electric transmission lines.

ITEM 7. Adopt the following **new** rule 199—25.6(476,478):

199—25.6(476,478) Additional requirements for higher voltage transmission lines. This rule applies to overhead electric transmission lines with a maximum operation voltage of 170,000 volts or greater, constructed or reconstructed after July 1, 2027.

25.6(1) *Noise restriction.* The audible noise from an overhead electric transmission line during a measurement period shall not exceed 55 dBA for more than 50 percent of the measured time. The measurement should be one hour in length, adjusted for ambient noise, A-weighted, fast-time averaged, and be taken at the edge of the right-of-way.

25.6(2) *Electric field strength restriction.* The electric field strength from an overhead electric transmission line shall not be greater than 6,000 volts per meter when measured one meter above the ground anywhere within the transmission line right-of-way.

25.6(3) *Guy restriction.* Overhead electric transmission line structures primarily reliant on guys for support shall not be constructed on agricultural land.

ARC 9804C

EDUCATION DEPARTMENT[281]

Notice of Intended Action

Proposing rulemaking related to general accreditation standards and providing an opportunity for public comment

The State Board of Education hereby proposes to amend Chapter 12, "General Accreditation Standards," Iowa Administrative Code.

Legal Authority for Rulemaking

This rulemaking is proposed under the authority provided in Iowa Code section 279.50.

State or Federal Law Implemented

This rulemaking implements, in whole or in part, 2025 Iowa Acts, Senate File 175.

Purpose and Summary

This proposed rulemaking implements 2025 Iowa Acts, Senate File 175, which adds additional content to human growth and development instruction in grades 5 through 12 and defines the permissible sources of the materials used in such instruction.

Regulatory Analysis

A Regulatory Analysis for this rulemaking was published in the Iowa Administrative Bulletin on October 29, 2025. A public hearing was held on the following date(s):

- November 18, 2025

Fiscal Impact

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

Jobs Impact

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

Waivers

Any person who believes that the application of the discretionary provisions of this rulemaking would result in hardship or injustice to that person may petition the State Board for a waiver of the discretionary provisions, if any, pursuant to 281—Chapter 4.

Public Comment

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

Thomas Mayes
Iowa Department of Education
Grimes State Office Building
400 East 14th Street
Des Moines, Iowa 50319
Phone: 515.281.8661
Email: thomas.mayes@iowa.gov

Public Hearing

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

December 30, 2025	Room B50
8 to 9 a.m.	Grimes State Office Building
	Des Moines, Iowa
	Via videoconference: meet.google.com/nzv-eaed-ttz

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 State Board and advise of specific needs.

Review by Administrative Rules Review Committee

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

The following rulemaking action is proposed:

ITEM 1. Amend rule **281—12.2(256)**, definition of "Age-appropriate," as follows:

"Age-appropriate," with the exception of the human growth and development, means topics, messages, and teaching methods suitable to particular ages or age groups of children and adolescents, based on developing cognitive, emotional, and behavioral capacity typical for the age or age group. ~~"Age-appropriate" does not include any material with descriptions or visual depictions of a sex act. A reference or mention of a sex act in a way that does not describe or visually depict a sex act as defined in these rules is not included in the previous sentence. For purposes of human growth and development instruction required by Iowa Code section 279.50, "age-appropriate" means topics, messages, and teaching methods suitable to particular ages or age groups of children and adolescents, based on developing cognitive, emotional, and behavioral capacity typical for the age or age group.~~

1. "Age-appropriate" does not include any material with descriptions or visual depictions of a sex act. A reference to or mention of a sex act in a way that does not describe or visually depict a sex act as defined in these rules is not included in the previous sentence.

2. For purposes of human growth and development instruction required by Iowa Code section 279.50, "age-appropriate" means topics, messages, and teaching methods suitable to particular ages or age groups of children and adolescents, based on developing cognitive, emotional, and behavioral capacity typical for the age or age group.

3. For purposes of human growth and development instruction required by Iowa Code section 279.50, in grades 5 through 12, "age-appropriate" also includes the video required by Iowa Code section 279.50(2)*"b"*(1) and 279.50(3)*"b"*(1) as amended by 2025 Iowa Acts, Senate File 175.

4. For purposes of human growth and development instruction required by Iowa Code section 279.50, "age-appropriate" does not include any book, article, outline, handout, video, or other educational material described in Iowa Code section 279.50(2)*"b"*(2) and 279.50(3)*"b"*(2) as amended by 2025 Iowa Acts, Senate File 175.

ITEM 2. Amend paragraph **12.5(3)"e"** as follows:

e. Health. Health instruction is as referenced in Iowa Code sections 256.7(26)*"a"*(3) and 279.50. At least once during either fifth or sixth grade, health instruction will include the video described in Iowa Code section 279.50(2) as amended by 2025 Iowa Acts, Senate File 175.

ITEM 3. Amend paragraph **12.5(4)"e"** as follows:

e. Health. Health instruction is as referenced in Iowa Code sections 256.7(26)*"a"*(3) and 279.50. At least once during either seventh or eighth grade, health instruction will include the video described in Iowa Code section 279.50(3) as amended by 2025 Iowa Acts, Senate File 175.

ARC 9805C

EDUCATION DEPARTMENT[281]

Notice of Intended Action

Proposing rulemaking related to community colleges and providing an opportunity for public comment

The State Board of Education hereby proposes to amend Chapter 21, "Community Colleges," Iowa Administrative Code.

Legal Authority for Rulemaking

This rulemaking is proposed under the authority provided in Iowa Code section 260C.48.

State or Federal Law Implemented

This rulemaking implements, in whole or in part, 2025 Iowa Acts, House File 295.

Purpose and Summary

This proposed rulemaking implements 2025 Iowa Acts, House File 295, which eliminates the requirement that community colleges be accredited by the Higher Learning Commission and broadens the accreditation requirement to "any federally recognized accreditor of postsecondary educational institutions selected" by the State Board.

Regulatory Analysis

A Regulatory Analysis for this rulemaking was published in the Iowa Administrative Bulletin on October 29, 2025. A public hearing was held on the following date(s):

- November 18, 2025

Fiscal Impact

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

Jobs Impact

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

Waivers

Any person who believes that the application of the discretionary provisions of this rulemaking would result in hardship or injustice to that person may petition the State Board for a waiver of the discretionary provisions, if any, pursuant to 281—Chapter 4.

Public Comment

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

Thomas Mayes
Iowa Department of Education
Grimes State Office Building
400 East 14th Street

Des Moines, Iowa 50319
Phone: 515.281.8661
Email: thomas.mayes@iowa.gov

Public Hearing

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

December 30, 2025 8 to 9 a.m.	Room B50 Grimes State Office Building Des Moines, Iowa Via videoconference: meet.google.com/nzv-eaed-ttz

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 State Board and advise of specific needs.

Review by Administrative Rules Review Committee

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

The following rulemaking action is proposed:

ITEM 1. Adopt the following **new** definition of "Federally recognized accreditor of postsecondary educational institutions," in rule **281—21.1(260C)**:

"Federally recognized accreditor of postsecondary educational institutions" or *"federally recognized accreditor"* means an accrediting agency recognized by the United States Department of Education to perform accreditation functions and selected by the state board of education to perform such functions in Iowa. The state board may select more than one federally recognized accreditor. Iowa Code sections 260C.47 and 260C.48 require that the state accreditation process be integrated with the processes established by a federally recognized accreditor.

ITEM 2. Rescind the definition of "Higher Learning Commission" in rule **281—21.1(260C)**.

ITEM 3. Rescind rule 281—21.61(260C) and adopt the following **new** rule in lieu thereof:

281—21.61(260C) Accreditation components and criteria—federally recognized accreditor. To be accredited by the state board of education and maintain accreditation status, a community college must meet the accreditation criteria of a federally recognized accreditor of postsecondary institutions and additional state standards. Documents and materials provided in accordance with the accreditation requirements of the federally recognized accreditor will also be provided to the department for the state accreditation process as amended by 2025 Iowa Acts, Senate File 175.

ARC 9796C

HUMAN SERVICES DEPARTMENT[441]

Notice of Intended Action

Proposing rulemaking related to certificate of need and providing an opportunity for public comment

The Department of Health and Human Services (Department) hereby proposes to adopt new Chapter 123, "Certificate of Need Program," and Chapter 124, "Standards for Certificate of Need Review," Iowa Administrative Code.

Legal Authority for Rulemaking

This rulemaking is proposed under the authority provided in Iowa Code sections 135.61, 135.66, 135.69, 135.71 and 135.72 as transferred by 2025 Iowa Acts, House File 972, division VIII.

State or Federal Law Implemented

This rulemaking implements, in whole or in part, Iowa Code sections 135.61 through 135.78 as transferred by 2025 Iowa Acts, House File 972, division VIII.

Purpose and Summary

This proposed rulemaking implements, in part, 2025 Iowa Acts, House File 972, division VIII, which eliminates the Health Facilities Council and transfers the responsibility for approving Certificate of Need applications to the Department. It also transfers the existing Iowa Code sections governing the Certificate of Need process from Iowa Code chapter 10A to Iowa Code chapter 135 within Title IV, Public Health.

All references to Iowa Code sections 135.61 through 135.78 herein are to those sections as transferred by 2025 Iowa Acts, House File 972, division VIII.

Regulatory Analysis

A Regulatory Analysis for this rulemaking was published in the Iowa Administrative Bulletin on October 29, 2025. A public hearing was held on the following date(s):

- November 18, 2025

Fiscal Impact

This rulemaking has no fiscal impact beyond that outlined in the Notes on Bills and Amendments for the underlying legislation, 2025 Iowa Acts, House File 972. That is, the Department of Inspections, Appeals, and Licensing (DIAL) received $131,757 in FY 2025 from the General Fund Professional Licensing appropriation made to DIAL in 2024 Iowa Acts, Senate File 2433 (FY 2025 Administration and Regulation Appropriations Act), for the duties of the Council. 2025 Iowa Acts, House File 972, eliminates the Council. DIAL also received $75,984 in application fees for certificate of need applications in FY 2024. Application fee funds are anticipated to move to the Department as it takes over administration of the Certificate of Need program.

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 30, 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 30, 2025 10 to 10:30 a.m.	Microsoft Teams Meeting ID: 230 118 999 376 24 Passcode: nD9X6cR6
December 30, 2025 2 to 2:30 p.m.	Microsoft Teams Meeting ID: 217 070 109 721 5 Passcode: MT744n9N

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

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

Review by Administrative Rules Review Committee

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

The following rulemaking action is proposed:

ITEM 1. Adopt the following **new** 441—Chapter 123:

CERTIFICATE OF NEED PROGRAM

CHAPTER 123
CERTIFICATE OF NEED PROGRAM

441—123.1(135) Definitions. For purposes of this chapter, the following definitions apply:

"Long-term (acute) care hospital" means a hospital that has been approved to participate in the Title XVIII (Medicare) program as a long-term care hospital-prospective payment system (LTCH-PPS) hospital in accordance with 42 CFR Part 412 as amended to August 1, 2025.

"Radiation therapy service applying ionizing radiation for the treatment of malignant disease using megavoltage external beam equipment," as the term applies to new or changed institutional health service in Iowa Code section 135.61(17)*"m"*(4), means the initiation or expansion of this service.

441—123.2(135) Letter of intent.

123.2(1) Before applying for a certificate of need, the sponsor of a proposed new institutional health service or changed institutional health service will electronically submit a letter of intent meeting the criteria noted in Iowa Code section 135.64(1).

123.2(2) The department will make available on the certificate of need website all criteria and standards pertinent to an application.

123.2(3) A letter of intent received by the department is valid for a period of one year from the date of receipt by the department. The sponsor may renew the validity of a letter of intent by providing written notification to the department prior to the one-year expiration date.

441—123.3(135) Determination of reviewability. A sponsor of a proposed project may submit a written request for a determination of reviewability as to whether the project requires a certificate of need.

123.3(1) If it is determined that a certificate of need is required, the department will notify the sponsor and the request for nonreviewability will be considered the letter of intent for purposes of subrule 123.2(2).

123.3(2) If it is determined that a certificate of need is not required, the department will notify the sponsor of the determination of nonreviewability.

441—123.4(135) Submission of application.

123.4(1) Application form.

a. A sponsor of a proposed project for a new or changed institutional health service will submit to the department an application for certificate of need using the appropriate application form found on the certificate of need website. All information requested in the application form is required in the absence of a waiver by the department.

b. An original application and all attachments shall be submitted electronically.

c. The department will establish and maintain electronic files on each application.

123.4(2) The application fee specified in Iowa Code section 135.62(1) is based on the total cost of the project, including site costs, land improvements, facility costs, movable equipment, and financing costs.

a. The fee for leased or donated new institutional health services is calculated in the same manner as if the new institutional health services were purchased.

(1) The leased equipment fee is based on total value of the lease, plus sales tax, delivery and installation.

(2) The lease of space includes the cost of a one-year lease payment for the space, in addition to other costs associated with the project.

(3) Financing costs are not applicable on leases or cash purchases.

b. The application fee will be refunded by the department for any application that is voluntarily withdrawn from the review process in the amounts specified in Iowa Code section 135.62(1).

c. For purposes of this subrule and Iowa Code section 135.62(1), "submission" means the day the application is received by the department.

123.4(3) The notice of an accepted application issued pursuant to Iowa Code section 135.65(2) will inform the applicant and affected persons of the deadlines for the electronic submission to the department of written statements or other materials.

441—123.5(135) Organizational procedures.

123.5(1) The department will evaluate the application against the criteria specified in Iowa Code section 135.63.

123.5(2) Public comments on an application.

a. The department will receive written public comments on an application during a time frame prescribed by the department for each application. Oral comments will be received at a public hearing set by the department.

b. Public hearings conducted pursuant to Iowa Code section 135.65(3)*"b"* are not contested cases.

441—123.6(135) Summary review. Summary review may be utilized at the discretion of the department pursuant to Iowa Code section 135.66. An applicant requesting a summary review will abide by the following procedures:

123.6(1) An applicant will electronically submit a written request for summary review and a copy of the application and all attachments. An applicant is not required to submit a letter of intent pursuant to Iowa Code section 135.64 prior to submitting a written request for a summary review.

123.6(2) The eligibility of an application for summary review pursuant to Iowa Code section 135.66 does not mandate or require such review. The department will make the decision as to whether an application will be reviewed in the summary review process.

123.6(3) Upon receipt of a written request for summary review, an application, and the fee required by Iowa Code section 135.62(1), the department will notify the applicant in writing within 15 calendar days if the application is complete and if a summary review will be granted.

123.6(4) If an application is deemed incomplete, the department will state specifically in writing what information is needed to make the application complete.

123.6(5) If the department notifies an applicant that a summary review will not be performed, this decision is binding on the applicant and the application will be entered into the formal review process on the date of written notice that such application will not be reviewed summarily.

123.6(6) A summary review of an application for a certificate of need will be completed within 60 calendar days of the acceptance of an application by the department. Summary review will follow the process outlined on the department's website.

123.6(7) At any time during the summary review process, an application may be withdrawn without prejudice from the process. An applicant may then submit the application for a formal 90-day review.

441—123.7(135) Extension of review time.

123.7(1) A formal review of an application for a certificate of need pursuant to Iowa Code section 135.65 may be extended by the department on the basis of any of the following criteria:

a. In order to review competing applications simultaneously;

b. In the case of technologically innovative equipment, to obtain additional information necessary to evaluate the proposal. The department will specify in writing such additional information as necessary;

c. At the request of an applicant;

d. At the request of the department in order to allow additional time for deliberation on all evidence present. The department will specify the time of the delay and the date on which the final decision will be rendered.

123.7(2) An extension by the department made pursuant to subrule 123.7(1) will in no case be more than 60 calendar days beyond the time a decision is required under Iowa Code section 135.68 unless the applicant and the department agree.

123.7(3) Where none of the provisions of subrule 123.7(1) are applicable and where an application will be automatically denied because of the expiration of time required by Iowa Code section 135.68 for the issuance of a written decision by the department, the department will notify the applicant of the likelihood of an automatic denial and will ask the applicant to request in writing an extension of the review time.

441—123.8(135) Rehearing of certificate of need decision.

123.8(1) An applicant or any affected person who has participated or sought unsuccessfully to participate in the formal review procedure prescribed in Iowa Code section 135.65 may, for good cause shown, file an application for rehearing in writing with the department stating the specific grounds therefor and the relief sought within 20 calendar days after the date of the issuance of the final decision on an application for certificate of need.

123.8(2) Grounds for rehearing include but are not limited to:

a. New significant, relevant information that was unavailable at the date of the hearing;

b. Significant changes in factors or circumstances relied upon by the department in reaching its decision;

c. Demonstration that the department has materially failed to follow its adopted procedures in reaching its decision; or

d. Such other bases as the department determines constitute good cause.

123.8(3) An application for rehearing is deemed to have been denied unless the department grants the application in writing within 20 calendar days after its filing.

123.8(4) If the application for rehearing is granted, the department may issue an order modifying the initial final order. At the department's discretion, public hearing may be granted on the application

for rehearing and notice will be provided ten calendar days prior to the rehearing to the person applying for rehearing, the applicant and other affected persons upon request.

123.8(5) The department will issue the final decision on rehearing, stating the basis for its decision, within 60 calendar days after the application for rehearing was granted or 60 calendar days after public hearing or rehearing, whichever is later.

123.8(6) If a rehearing is not requested or an affected party remains dissatisfied after the request for rehearing, an appeal may be taken in the manner provided by Iowa Code chapter 17A. A request for rehearing is not required prior to appeal under Iowa Code section 17A.19.

441—123.9(135) Finality. The certificate of need application process is continuous beginning with submission of a letter of intent or request for waiver of a letter of intent through issuance of a final decision by the department subject to judicial review under Iowa Code chapter 17A.

123.9(1) The following stages of the process are intermediate and subject to judicial review only to the extent the stages meet criteria for intermediate review under Iowa Code section 17A.19:

a. A decision by the department pursuant to rule 441—123.3(135) that a proposed project does not require a certificate of need;

b. A decision by the department to waive submission of the letter of intent and substitute summary review; and

c. The rejection of an application by the department that fails to provide all information required under Iowa Code section 135.62(1).

123.9(2) The following stages of the process are final decisions subject to judicial review as final agency action under Iowa Code section 17A.19:

a. A decision by the department to disallow summary review;

b. A decision by the department that a proposed project does not require a certificate of need;

c. A decision by the department to approve or deny an application.

d. The department's final decision on an application for rehearing; and

e. A decision by the department to revoke a certificate of need pursuant to rule 441—123.10(135).

441—123.10(135) Request for extension of certificate.

123.10(1) A request by an applicant for an extension of a certificate of need will be filed with the department using the form available on the certificate of need website no later than 30 days prior to the expiration of the certificate of need.

123.10(2) When an extension has been requested, the department will approve or deny the request prior to expiration of the certification. The certificate of need may be revoked by the department at the end of the certification period for insufficient progress in developing the project.

123.10(3) If an extension is denied, an applicant has the right to appeal under the provisions of Iowa Code section 135.69.

441—123.11(135) Application changes after approval.

123.11(1) Once a project has been approved by the department, no changes that vary from or alter the number of approved beds, the approved services or the approved cost by an amount indicated in subrule 123.11(2) may be made unless requested by the applicant and approved by the department. Requests should be made in writing and filed with the department electronically.

123.11(2) An increase in the actual cost of the project over and above that originally approved will automatically generate review by the department if the increase exceeds the originally approved amount by:

a. Fifteen percent for projects up to $999,999.99;

b. Twelve percent for projects from $1 million to $4,999,999.99;

c. Eight percent for projects $5 million and over.

An increase in the approved cost that falls below the above percentages will be reported to the department.

123.11(3) Failure to notify and receive permission of the department to change the project as originally approved may result in the imposition of sanctions as provided in Iowa Code section 135.72.

The department may make a recommendation regarding the imposition of a sanction and the amount of the fine to be imposed.

441—123.12(135) Sanctions. Hearings to determine class I or class II violations pursuant to Iowa Code section 135.72 will be conducted in accordance with 441—Chapter 7.

These rules are intended to implement Iowa Code sections 135.61 through 135.78.

ITEM 2. Adopt the following **new** 441—Chapter 124:

CHAPTER 124
STANDARDS FOR CERTIFICATE OF NEED REVIEW

441—124.1(135) Cardiac catheterization and cardiovascular surgery standards.

124.1(1) *Purpose and scope.*

a. These standards are measures of some of those criteria found in Iowa Code section 135.63(1)*"a"* through *"q"* and 135.63(3). Criteria that are measured by a standard are cited in parentheses following each standard.

b. Certificate of need applications that are to be evaluated against these cardiac catheterization and cardiovascular surgery standards include:

(1) Proposals to commence or expand capacity to perform cardiac catheterization.

(2) Proposals to add new or replace cardiovascular surgery services.

(3) Any other applications that relate to cardiac catheterization or cardiovascular surgery.

124.1(2) *Definitions.* The following definitions apply to the terms used in this rule:

"Adult cardiac catheterization laboratory" means a diagnostic facility exclusively for intracardiac or coronary artery catheterization on adults.

"Adult cardiovascular surgery" means cardiovascular surgery exclusively for adults.

"Angiocardiography" means the recording of moving X-ray images (fluoroscopic images) of the heart and great vessels. After injection of radiopaque chemicals, moving X-rays of the chemical's flow are projected on a screen called a fluoroscope. Moving pictures (cineangiocardiography) or still pictures in sequence (serialography) may be recorded of the X-ray image.

"Angiography" means the photographic recording of X-ray or radiologic images of blood vessels in any part of the body—the heart, the head, the great vessels, the kidney, etc. In the procedure, blood vessels are injected with a radiopaque chemical. Immediately following injection, X-rays are employed to image the path of the injected chemical. These X-ray images are then photographically recorded.

"Cardiovascular surgery" means the services associated with and surgery performed for congenital or acquired diseases of the heart, great vessels, or pericardium, including the placement of transvenous and epicardial pacemakers.

"Closed heart surgery" means cardiovascular surgery in which a small incision and repairs are made without direct vision of the area.

"Coronary artery catheterization" means a diagnostic study of the coronary arteries in which a small catheter passes through an artery in the leg, neck or arm into a coronary artery orifice. Intravascular pressure measurements are taken, and angiography of the coronary arteries is performed. Catheterization and cineangiocardiography of the left ventricle are an integral part of this procedure.

"Coronary artery surgery" means surgery to correct inadequate blood flow to the heart using revascularization techniques to bypass significantly obstructed coronary artery lesions.

"Intracardiac" means a diagnostic study of the heart, pulmonary arteries, or both in which a small catheter passes through a vein or artery in the neck, leg or arm and advances into the great vessels, the heart or the pulmonary arteries. Through this procedure, one can measure pressure within the heart and in adjacent veins and arteries, collect blood samples for blood gas analysis and inject radiopaque material, and visualize cardiac and vessel anatomy. The procedure permits detection of congenital and acquired heart abnormalities, the study of ventricular function, the estimation of the orifice size, the placement of pacemakers, etc. Cardiac catheterization is incomplete without cineangiography, intracardiac pressure measurements, blood gas analysis and the ability to diagnose intracardiac shunts.

"Open heart surgery" means cardiovascular surgery in which an incision of sufficient size is made to allow direct vision of the area. Open heart surgery requires temporary use of a heart-lung (cardiopulmonary bypass) machine since blood flow through the heart is greatly reduced or stopped altogether.

"Pediatric cardiac catheterization laboratory" means the same as adult cardiac catheterization laboratory, except exclusively for children and infants.

"Pediatric cardiovascular surgery" means cardiovascular surgery exclusively for infants and children.

124.1(3) *Availability of services.*

a. Minimum utilization—cardiovascular surgery (Iowa Code section 135.63(1)*"c," "g,"* and *"h"*).

(1) Adult cardiovascular surgical programs should project an annual minimum rate of over 200, or no approval will be granted. Higher case loads over 200 per annum are encouraged.

(2) Pediatric cardiovascular surgical units should project a minimum of 100 pediatric heart operations after the first year, at least 75 of which must be open heart procedures.

(3) Combined adult and pediatric cardiovascular surgery units should project the minimum projected annual rates for both adult and pediatric surgery.

(4) An applicant should project utilization of cardiovascular surgery, catheterization and cardiac care units based upon service area population demographics, current regional or national utilization rates of the service, disease incidence and prevalence rates, current cardiac care treatment modes, and in consideration of those adult cardiovascular surgery units currently operating in Iowa and bordering states within the project's service area.

b. Expansions—cardiovascular surgery (Iowa Code section 135.63(1)*"c," "d," "e," "g,"* and *"h"*).

(1) There should be no additional adult cardiovascular surgery units initiated unless each existing unit within the project's service area is operating at a minimum of 200 open heart surgery cases per year.

(2) There should be no additional pediatric cardiovascular surgery units initiated unless each existing unit within the project's service area is operating at 100 surgeries per year. If one team serves more than one institution, the numbers for those institutions should be combined.

(3) If the annual utilization of the other cardiovascular surgery units within the area is below the levels noted above, future utilization above that current level must be reasonably projected or reasons for permanently utilizing the equipment below the level must be demonstrated.

(4) An applicant will demonstrate that an attempt was made to determine with the cooperation of existing providers whether such a reduction would occur. Existing providers of consequence are generally within two hours' surface travel time for adult services and within three hours' surface travel time for pediatric services.

c. Minimum utilization—cardiac catheterization (Iowa Code section 135.63(1)*"c," "d," "g,"* and *"h"*).

(1) Adult cardiac catheterization laboratories should be projected to operate at a minimum of 300 catheterizations per annum.

(2) Pediatric catheterization laboratory units should project a minimum of 150 catheterizations per annum.

(3) Combined units should meet each of the adult and pediatric standards.

(4) An applicant should project utilization of cardiac catheterization units based upon service area population demographics, current regional or national utilization rates of the service, disease incidence and prevalence rates, current cardiac care treatment modes, and in consideration of those adult cardiovascular surgery units currently operating in Iowa and bordering states within the project's service area.

d. Expansions—cardiac catheterizations (Iowa Code section 135.63(1)*"c," "d," "e," "g,"* and *"h"*).

(1) There should be no additional adult cardiac catheterization unit opened unless the number of studies per year in each existing unit within the project's service area is greater than 300. No additional

pediatric unit should be opened unless the number of studies per year in each existing unit within the project's services area is greater than 150.

(2) If the annual utilization of the other cardiovascular surgery units within the area is below the levels noted above, future utilization above that current level must be reasonably projected or reasons for permanently utilizing the equipment below the level must be demonstrated.

(3) An applicant must demonstrate that an attempt was made to determine with the cooperation of existing providers whether such a reduction would occur. Existing providers of consequence are those within two hours' surface travel time for adults or three hours' surface travel time for pediatrics.

124.1(4) *Costs.*

a. Financial feasibility. (Iowa Code section 135.63(1)*"f," "i,"* and *"p"*) Cardiovascular surgery and catheterization equipment and associated remodeling or construction should be depreciated over a period consistent with generally accepted accounting standards.

b. Cost-effectiveness. Proposed new or replacement cardiac catheterization laboratories cost per catheterization and cardiovascular surgery services estimated costs per surgery should, when compared to their peers, demonstrate cost-effectiveness.

124.1(5) *Accessibility.* (Iowa Code section 135.63(1)*"c"* and *"d"*)

a. Cardiovascular surgery units and cardiac catheterization labs should meet the needs of the communities that the units and labs are meant to serve.

b. Cardiac catheterization and cardiovascular surgery service should be provided regardless of ability to pay in consideration of those programs available in the state that serve the medically indigent.

124.1(6) *Quality.* (Iowa Code section 135.63(1)*"i"* and *"k"*)

a. Each surgery unit and cardiac catheterization lab shall demonstrate a reasonable set of criteria that are used in selecting appropriate candidates for surgery and catheterization.

b. Staffing minimums.

(1) The open heart surgery team should minimally consist of:

1. At least two certified or board-eligible cardiovascular surgeons for the first 75 to 130 pediatric open heart surgeries. If pediatric surgery is performed, one surgeon must have special training and experience in surgery for congenital cardiac defects.
2. Board-certified or board-eligible adult or pediatric cardiologist(s). The latter only if pediatric surgery is performed, the former only if adult surgery is performed.
3. Board-certified or board-eligible anesthesiologist with special training in the management of cardiovascular cases' respiratory care.
4. Radiologist trained in the cardiovascular field.
5. Pathologist familiar with cardiac problems.
6. Surgical nursing staff specially trained in heart disease.
7. Cardiopulmonary bypass pump technicians.
8. Other ancillary staff as needed.

(2) Each applicant will document that the proposed surgery unit can be so staffed when completed and operational.

c. Equipment and facilities. An applicant seeking to provide cardiovascular surgery should demonstrate that the following support services will be available:

(1) General X-ray diagnostic facilities and facilities for emergency X-rays on a 24-hour basis.

(2) A cardiac catheterization laboratory or angiography lab available on a 24-hour basis.

(3) A cardiographics laboratory with facilities for recording the following tests: EKG, vector cardiogram, phonocardiogram, echocardiogram, and exercise stress testing.

(4) A supporting blood bank and hematology laboratory.

(5) A microbiology laboratory.

d. Cardiac catheterization labs serving infants and children should have biplane angiographic equipment, either cineangiocardiographic or cut film. Pediatric cardiac catheterization labs should be supervised by board-certified or board-eligible pediatric cardiologists; adult cardiac catheterization labs should be supervised by a board-certified or board-eligible adult cardiologist.

124.1(7) *Continuity.* (Iowa Code section 135.63(1)*"g," "h," "i,"* and *"k"*)

a. An applicant should demonstrate that an attempt was made to solicit letters of support from area hospitals and physicians to indicate a community need.

b. An applicant should provide documentation that emergency medical transport services will be available.

c. Institutions providing cardiovascular surgery services should include mechanisms for comprehensive medical followup, including adequate medical records exchange.

124.1(8) *Acceptability.* (Iowa Code section 135.63(1)) Facilities with cardiovascular surgery and cardiac catheterization indicate a willingness to observe and respect the rights of patients.

441—124.2(135) Radiation therapy standards.

124.2(1) *Purpose and scope.*

a. These standards provide guidelines to assist the department in applying those criteria in Iowa Code section 135.63(1)*"a"* through *"r"* and 135.63(3). Criteria that are measured by a standard are cited in parentheses following each standard.

b. Certificate of need applications that are to be evaluated against these radiation therapy standards include:

(1) Proposals to commence or expand the kind or capacity of megavoltage radiation therapy services.

(2) Proposals to replace a megavoltage radiation therapy unit.

(3) Any other applications that relate to megavoltage radiation therapy.

124.2(2) *Definitions.* The following definitions apply to the terms used in this rule:

"Computed tomography" or *"CT"* means an imaging method in which a cross-sectional image of the structures in a body plane is reconstructed by a computer program from the X-ray absorption of beams projected through the body in the image plane.

"Conjoint radiation oncology center" or *"cancer center"* means a multi-institution, multidisciplinary network to provide radiation therapy for cancer patients. Integration of patient care management, common utilization of personnel and equipment, and a single system of records between center institutions ensures optimal care regardless of entry portal.

"Dosimetrist" means a staff member who calculates, verifies, and develops treatment plans for the radiation dose distributions that will be delivered to patients. The dosimetrist is an essential member of the treatment planning team and works closely with radiation oncologists and radiation physicists.

"Megavoltage therapy" means the use of ionizing radiation in excess of 1 million electron volts. Energies above 1 million electron volts cause considerably less skin damage, increase depth dose markedly, and result in much less scatter from the therapeutic beam. Megavoltage machines are classified as follows:

1. Electron accelerator. A machine such as a linear accelerator that uses a supply of electrons, which are accelerated into high-energy beams. These electron beams are either caused to strike a target resulting in high-energy X-ray production or are used themselves as the treatment beam. Electron accelerators generate over 1 million electron volts.

2. Heavy particle accelerator. A machine such as a cyclotron that produces beams of high-energy particles such as protons, neutrons, pions, carbon ions, or other heavy ions with masses greater than that of an electron.

3. Isotope sources (gamma ray teletherapy units). Cobalt 60 units—emit gamma rays of approximately 1.2 million electron volts.

"Megavoltage therapy unit" means a piece of megavoltage therapeutic radiologic equipment that provides megavoltage therapy.

"New occurrence" means a course of treatment for a new occurrence on a given patient at a given radiation therapy facility. First-time radiation therapy at a new facility is based on each round of treatment.

"Radiation modality" means the method of applying ionizing radiation in the treatment of patients with malignant disease using megavoltage external beam equipment.

"Radiation oncologist" means a physician authorized user trained in accordance with rule 641—42.5(136C).

"Radiation therapy facility" or *"facility"* means the physical space that houses a megavoltage therapy unit and accompanying support equipment.

"Radiation therapy physicist" means an individual who works closely with radiation oncologists and is responsible for the safe and accurate delivery of radiation to patients. A radiation therapy physicist conducts quality control programs for the equipment and procedures and calibrates the equipment. A radiation therapy physicist shall practice in accordance with rule 641—42.6(136C).

"Radiation therapy technologist" means an individual who possesses an Iowa permit to practice as a radiation therapist in accordance with rule 641—38.4(136C).

"Service area" means the county in which the facility is located and any other counties from which an applicant expects to draw patients with a cancer diagnosis who need radiation therapy treatment.

"Simulation" means the precise mock-up of a patient treatment with an apparatus that uses planar X-rays, a magnetic resonance imaging device, or a computed tomography scanner, which is used in reproducing the two-dimensional or three-dimensional internal or external geometry to the patient, for use in treatment planning and delivery.

"Superficial X-ray therapy" means the use of a conventional X-ray machine, which generates X-rays of up to 150 kilovolts (kv), to treat superficial lesions, such as skin cancer.

"Treatment" means radiation fields applied in a single patient visit fraction or delivery session.

124.2(3) *Availability.*

a. Minimum utilization. (Iowa Code section 135.63(1)*"c," "g,"* and *"h"*)

(1) A megavoltage radiation therapy unit and cobalt units should treat at least 250 new occurrences annually within three years after initiation of the service.

(2) The expected number of new occurrences needing megavoltage radiation therapy annually in a service area should be calculated as follows:

1. Multiply the service area population by 0.00582 (5.82/1,000 population was the mean cancer incidence rate in 2017 in Iowa as filed by the Surveillance, Epidemiology, and End Results (SEER) Program).

2. Multiply this product by 0.5 (50 percent of all new occurrences receive radiation therapy).

(3) The expected volume of utilization sufficient to support the need for a new megavoltage therapy unit should be calculated as follows: Each unit shall provide a minimum of 5,000 treatments per annum. Megavoltage treatments should be projected by multiplying the number of projected new occurrences needing megavoltage therapy by 20, which will result in no fewer than 5,000 treatments per annum.

(4) An applicant shall account for other providers of radiation therapy in the service area, including but not limited to factors such as technological capability and quality. An applicant shall address in the applicant's application other providers and the impact on those providers in the service area and compare technological capability and quality.

(5) An applicant should provide a map of the expected service area.

(6) Institutions that form a conjoint oncology center should have at least 500 new occurrences annually.

b. Simulator availability. A simulator should be available within a radiation oncology department.

124.2(4) *Accessibility.* (Iowa Code section 135.63(1)*"c"* and *"d"*) Radiation therapy services should be provided regardless of ability to pay in consideration of those programs available in the state that serve the medically indigent.

124.2(5) *Quality.* (Iowa Code section 135.63(1)*"i"* and *"k"*)

a. Minimum staffing requirements for radiation therapy facilities. Each facility:

(1) Will have the services of at least one radiation oncologist.

(2) Will have the services of at least one radiation therapy physicist.

(3) Will have the services of radiation therapy technologists that should be staffed at a level of two technologists per megavoltage unit.

(4) Should have the services of nurses.

(5) Should have the services of at least one dosimetrist.

(6) Should have the services of one radiation therapist or radiation technologist competent to operate a CT simulator.

(7) Should offer psychosocial counseling services and nutritional counseling.

b. Minimum staffing requirements for conjoint centers. Each center:

(1) Will have at least two cancer biologists available.

(2) Will have one radiation technologist available for each simulator.

(3) Should have a source of continuing education to reach participating community referral hospitals and physicians.

(4) Should have a unified training program in radiation therapy for radiation oncologists.

c. The long-range plans for radiation therapy services shall be submitted to the department.

d. Multidisciplinary tumor boards should be established in all institutions housing megavoltage machines.

124.2(6) *Continuity.* (Iowa Code section 135.63(1)*"g," "h," "i,"* and *"k"*) An applicant should demonstrate that an attempt was made to solicit letters and establish referral agreements from area hospitals and physicians to indicate their willingness to participate in a cooperative endeavor to refer to the proposed service.

441—124.3(135) Computerized tomography standards.

124.3(1) *Purpose and scope.*

a. These standards are measures of some of those criteria in Iowa Code section 135.63(1)*"a"* through *"l."* Criteria that are measured by a standard are cited in parentheses following each standard.

b. Certificate of need applications that are to be evaluated against these computerized tomography standards include:

(1) Proposals to commence or expand the capacity of computerized tomography services.

(2) Any other applications that relate to computerized tomography services.

124.3(2) *Definitions.* The following definitions apply to the terms used in this rule:

"Active oncology service" means full, multidisciplinary cancer care, provided by a medical team that would include: surgery, gynecology, medical oncology, radiation oncology, pathology, diagnostic radiology and nuclear medicine. The surgery specialties that might be available would include: thoracic, abdominal, genitourinary and gynecological. The active oncology staff would include those specialists with training in oncology, hematology, and pathology and who spend at least half of their time at the institution.

"Applicant" means a facility or a consortium of facilities within an area or a physician or group of physicians.

"Chemotherapy service" means the treatment of cancer by chemical agents.

"Computerized tomographic (CT) scanner" means a diagnostic tool that rotates around the body and that sends X-ray beams through the body or brain. The X-ray beams that emerge from the body or brain are absorbed by a detector. Differences in the amount of X-rays absorbed by the detector indicate differences in tissue density. As the scanner rotates, it takes many images of a volume or cross-section. The images on the detector are transmitted to a computer that displays on a monitor a reconstructed cross-sectional slice or volume. Contrast media is often injected to alter absorption of the detector. If the scan is repeated, it is called enhancement. Studies of the heart, arteries and veins may be done with contrast only.

"CT consortia" means a cooperative venture in which two or more institutions form a separate entity that is created for the purpose of owning, leasing, planning for, and maintaining the use of the scanner. Each facility in the consortium maintains its autonomy for all other services.

"Emergency medical service (EMS) level II trauma service" means the level of various services and staffing that qualify a facility to be designated by the department, using the facilities categorization criteria of such services that is in effect on the date of the enactment of this standard.

"Enhanced scan" means a scan performed on a patient who has been administered a contrast medium so that specific organs or areas of the body will be displayed more distinctly on the scan image.

"General imaging procedures" means a radiological diagnostic procedure performed on an X-ray machine or similar radiological diagnostic instrument.

"Head scanner" means a scanner capable of imaging only the brain and structures adjacent to the head.

"Minimum shared-market area for a scanner" (hereafter referred to as "area") means the smallest geographic area within which any scanner installation is judged to affect the utilization rate of any other scanner in the community (as defined by the U.S. Bureau of the Census) or a standard metropolitan statistical area (where an area is so designated).

"Radiotherapy service" means the therapeutic application of megavoltage radiation, using a linear accelerator or cobalt unit. The availability of such service at a hospital would necessitate personnel trained in the therapeutic application of radiology.

"Shared service agreement" means a multi-institutional arrangement for coordination or consolidation of services or sharing of support services. Among the various types of arrangements are referred services, purchased or joint contract services, multisponsored services and regional services.

"Whole body scanner" means a scanner capable of imaging the entire body.

124.3(3) *Determination of need.*

a. An applicant who does not have a scanner or an applicant who has a scanner and seeks a certificate for one or more additional scanners.

(1) An applicant in areas with no other scanners.

1. An applicant must have performed at least 30,000 general imaging procedures during the past calendar year or 12 months, or

2. An applicant must demonstrate that during the past calendar year or 12 months, the applicant has performed diagnostic procedures equivalent to 1,500 head equivalent CTs (HECTs), using the following: 100 percent of the number of patients referred to other facilities for CT diagnosis × 1.75 (in the case of head scans) and 2.75 (in the case of body scans).

(2) An applicant in an area with one or more scanners.

1. An applicant must meet the requirement of need described in subparagraph 124.4(3)*"a"*(1), and

2. The average level of utilization for scanners within the area was at least 3,000 HECTs (plus or minus 10 percent) for the past calendar year or 12 months. The average level of utilization will be determined by adding the number of HECTs performed during the period at all area facilities divided by the number of facilities.

3. University of Iowa Health Care is specifically exempted from consideration under numbered paragraph 124.3(3)*"a"*(2)"2" because it has a service area that encompasses the entire state and adjoining states. The utilization statistics for scanners at the University of Nebraska Medical Center and Creighton University Medical Center – Bergan Mercy (both in Omaha) will not affect the need for scanners at hospitals in Council Bluffs.

b. Replacement scanners—applicant who currently has a scanner.

(1) An applicant seeking to replace a scanner with another scanner, head or body.

1. An applicant must demonstrate that the applicant's use of the applicant's current scanner was at least at the operating capacity level during the last calendar year or 12 months, or

2. An applicant must demonstrate that the applicant's use of the applicant's current scanner was at least below the operating capacity level, but above the 1,500 CT scan level, and the applicant must demonstrate reasons for permanently utilizing the applicant's scanner below operating capacity level and demonstrate that discontinuation of the applicant's scanner service would impair the applicant's ability to respond to the emergency needs of the area. Reasons for utilizing the scanner below the capacity should include a unique patient or procedure mix that would define the capacity level differently for the applicant.

(2) Reserved.

124.3(4) *Costs and financial feasibility.* (Iowa Code section 135.63(1)*"f," "i,"* and *"p"*)

a. CT scanners should be depreciated over a period of not less than seven years. Remodeling shall be depreciated as appropriate by generally accepted accounting principles.

b. Cost-effectiveness. An applicant should demonstrate for the applicant and the health care system that the most cost-effective method of providing CT services has been chosen. A proposed new and replacement CT scanner's cost per CT scan should, when compared to the applicant's peers, demonstrate cost-effectiveness.

124.3(5) *Accessibility.* (Iowa Code section 135.63(1)*"c"* and *"d"*)

a. All scanners must be available to meet the needs of the communities the scanners are meant to serve.

b. Services should be provided to all patients regardless of the patient's ability to pay, taking into consideration the availability of those programs available in the state that serve the medically indigent.

c. An applicant will demonstrate a willingness to accept referrals for CT services from all area physicians.

124.3(6) *Quality.* (Iowa Code section 135.63(1)*"i"* and *"k"*)

a. Data on use and costs of the CT scanners should be submitted to the Iowa department of health and human services as a condition of approval. (Iowa Code section 135.63(1)*"a"* and *"h"*)

b. All scanners.

(1) An applicant must demonstrate that the applicant has on its staff or will acquire on its staff a full-time diagnostic radiologist trained in the use of the CT scanner or other physicians with comparable training and expertise.

(2) An applicant must document that the applicant has on its medical staff individuals who are qualified to operate a scanner and interpret and act upon the diagnostic results. Such documentation may include reference to board certification, apprenticeship, academic credentials or such other qualifications that would prompt a medical staff to accept the responsibility for offering this new service. An applicant that intends to acquire staff with the desired expertise should provide signed letters of intent from the incoming medical personnel. An applicant that intends to upgrade the specialty skills of its staff should document a plan for training its current staff in the use of CT scanners.

(3) An applicant should have a complement of other diagnostic modalities available. An applicant seeking body scanners should also have available ultrasound and conventional X-ray services.

(4) An applicant should have the facilities for treating the conditions diagnosed by imaging with the scanner or should demonstrate referral agreements with treatment facilities in the event that the scanner will be used as a screening device.

(5) An applicant should have on its staff or available on a consultative basis the services of a biomedical engineer or medical physicist with special training in CT applications. These functions may also be provided by contract with the scanner manufacturer.

124.3(7) *Continuity.* (Iowa Code section 135.63(1)*"g," "h," "i,"* and *"k"*)

a. An applicant should demonstrate that an attempt was made to solicit letters of support from area hospitals and physicians to indicate a community need for the proposed service.

b. An applicant should provide documentation that emergency medical transport services will be available.

c. An applicant should demonstrate an emphasis on the availability of outpatient CT procedures and that an appropriate percentage of all CT procedures will be done on an outpatient basis.

124.3(8) *Acceptability.* (Iowa Code section 135.63(1)*"k"*) Providers of CT services should indicate a willingness to observe the rights of patients.

441—124.4(135) Long-term care.

124.4(1) *Purpose and scope.*

a. These standards are measures of criteria found in Iowa Code section 135.63(1)*"a"* through *"g."* Criteria that are measured by a standard are cited in parentheses following each standard.

b. Certificate of need applications that are to be evaluated against these standards include applications to:

(1) Construct, develop, offer new, modernize, replace, renovate, or relocate intermediate care or skilled nursing care beds in nursing homes or hospitals.

(2) Expand bed capacity in intermediate care or skilled nursing care facilities or designated units in hospitals.

124.4(2) *Definitions.* The following definitions apply to the terms used in this rule:

"Intermediate care facility" or *"ICF"* means any institution, place, building, or agency providing for a period exceeding 24 consecutive hours accommodation, board, and nursing services, the need for which is certified by a physician, to three or more individuals, not related to the administrator or owner thereof within the third degree of consanguinity, who by reason of illness, disease, or physical or mental infirmity require nursing services that can be provided only under the direction of a registered nurse or a licensed practical nurse.

"Rural counties" means all counties not designated by the U.S. Census as standard metropolitan area (SMA) counties.

"Skilled nursing facility" or *"SNF"* means any institution, place, building, or agency providing for a period exceeding 24 consecutive hours accommodation, board, and nursing services, the need for which is certified by a physician, to three or more individuals not related to the administrator or owner thereof within the third degree of consanguinity who by reason of illness, disease, or physical or mental infirmity require continuous nursing care services and related medical services but do not require hospital care. The nursing care services provided must be under the direction of a registered nurse on a 24-hour-per-day basis.

"Urban counties" means those counties designated by the U.S. Census as SMA counties.

124.4(3) *Availability and need.* (Iowa Code section 135.63(1)*"c," "d," "e," "g,"* and *"h"*)

a. The following formula shall be used as a means of projecting the approximate number of intermediate and skilled nursing care beds needed to serve the projected population five years into the future:

(1) Rural counties:

[.09(65 + population) + .0015 (64 – population)] × 110 percent equals total long-term care bed need

Combined SNF and ICF bed need equals 2/3 (total long-term care bed need)

Assumed RCF bed need equals 1/3 (total long-term care bed need).

(2) Urban counties:

[.07(65 + population) + .0015 (64 – population)] × 110 percent equals total long-term care bed need

Combined SNF and ICF bed need equals 2/3 (total long-term care bed need)

Assumed RCF bed need equals 1/3 (total long-term care bed need).

(3) Economic development authority population projections are adopted for use in the determination of long-term care bed need.

(4) The department of inspections, appeals, and licensing will calculate long-term care bed need figures annually, using population projections five years into the future.

b. For purposes of comparing "need" to "existing" beds in a given county, the following shall be considered in the calculation of "existing" beds:

(1) ICF and SNF beds licensed at freestanding facilities in the county.

(2) Additional ICF and SNF beds previously approved through certificate of need but not yet licensed.

(3) ICF and SNF beds in designated units in hospitals in the county.

c. The statistical calculation of bed need shall serve as a guideline for the department in reviewing need for the proposed long-term care beds. Other factors that may be considered by the department include but are not limited to:

(1) The availability and utilization of other ICF and SNF services in the county or within an applicant's service area.

(2) The availability and utilization of other long-term care services in nearby hospitals, such as skilled care available through the swing bed program.

(3) The availability of supportive living arrangements that may or may not be licensed as an RCF.

(4) The availability of home health and other in-home services.

(5) The availability of other services to the elderly.

(6) The availability of ICF and SNF services in neighboring counties.

(7) Utilization by out-of-state residents of facilities in counties bordering other states, where an applicant provides evidence that in-migration of long-term care patients exceeds out-migration to the bordering state.

(8) Programs and services directed at special populations whose needs cannot otherwise be met or whose needs cannot be met cost-effectively at other facilities.

d. In documenting need for a project, an applicant shall identify the service area and target population, including a description of the methodology used by the applicant in determining need for the requested beds and the expected sources of referrals. The applicant shall document that the number of beds requested is appropriate to address the identified need. The applicant shall also identify how the target population is currently being cared for and what hardship is being experienced by the absence of the proposed beds.

124.4(4) *Quality.* (Iowa Code section 135.63(1)*"i"* and *"k"*) An applicant shall document that the applicant has contacted the health and safety division of the department of inspections, appeals, and licensing to conform with physical standards, staffing requirements, and other licensing requirements to assess the potential for provision of quality care at the facility. When necessary, the applicant shall attempt to arrange an on-site visit to the facility to determine compliance with physical requirements and shall provide documentation of this site visit or attempts to arrange such a site visit.

124.4(5) *Continuity.* (Iowa Code section 135.63(1)*"g," "h,"* and *"k"*)

a. An applicant shall document the relationship of the facility's proposed services to other health and long-term care services in the community, such as physician and hospital services, habilitation, rehabilitation, transportation or other services. The facility should be capable of providing or arranging for the provision of a continuum of long-term care services.

b. A facility should be capable of providing or arranging for the provision of a comprehensive program of coordinated patient services. An applicant shall provide evidence of contracts for services, appropriate staffing patterns and ratios, and licensure of personnel as necessary.

124.4(6) *Accessibility and acceptability.* (Iowa Code section 135.63(1)*"c"* and *"d"*)

a. Population subgroups that have traditionally been underserved, such as adolescents, the elderly, women, racial minorities, mentally ill, intellectually disabled, and developmentally disabled, should be considered when planning for or reviewing long-term care facilities.

b. An applicant shall document to what extent Medicaid patients will be served by the proposed beds, using past Medicaid utilization as an indicator or, in the case of a new facility, projecting anticipated Medicaid utilization.

124.4(7) *Costs and financial feasibility.* (Iowa Code section 135.63(1)*"e," "f," "i,"* and *"p"*)

a. An applicant shall identify capital and operating costs associated with the project, identify sources of funding to cover those costs, and demonstrate that the project is financially feasible.

b. Construction costs shall be in line with construction costs of other similar projects.

c. An applicant shall provide budgets for the first three years of operation, including documentation of all assumptions used. The budget shall include anticipated sources of revenue, including the percentage of revenue from private pay, Medicaid, Medicare and other patient revenues.

d. Proposed charges per patient day should be justifiable when compared to current charges of other similarly licensed facilities in an applicant's service area or other similar facilities elsewhere in the state. If charges are significantly higher or lower, the applicant shall provide a description of proposed programs or services that explain the difference in charges.

These rules are intended to implement Iowa Code section 135.71.

441—124.5(135) MRI services standards.

124.5(1) *Purpose and scope.*

a. These standards are measures of some of those criteria in Iowa Code section 135.63(1)*"a"* through *"q."* Criteria that are measured by a standard are cited in parentheses following each standard.

b. Certificate of need applications that are to be evaluated against these standards include:

(1) Proposals to commence or expand the capacity of magnetic resonance imaging services.

(2) Proposals to replace a magnetic resonance imaging unit.

(3) Any other applications that relate to magnetic resonance imaging.

124.5(2) *Definitions.* The following definitions apply to the terms used in this rule:

"Area" means the community or a metropolitan statistical area (as defined by the U.S. Office of Management and Budget and used by the U.S. Census Bureau).

"Computed tomography" or *"CT"* means an imaging method in which a cross-sectional image of the structures in a body plane is reconstructed by a computer program from the X-ray absorption of beams projected through the body in the image plane.

"CT procedure" means a CT study of a single site of anatomic interest during an individual patient visit.

"Magnetic resonance imaging" or *"MRI"* means a diagnostic modality that employs a combination of magnetic and radio frequency fields and computers to produce images of body organs and tissues.

"MRI procedure" means each discrete MRI study of one patient.

"MRI unit" means the essential equipment and facility necessary to operate one MRI system.

124.5(3) *Availability and need.* (Iowa Code section 135.63(1)*"c," "d," "e," "g,"* and *"h"*)

a. An applicant in an area with no other MRI units. The applicant must document a future utilization of reasonably projected MRI procedure volume for the fiscal year period after projected installation.

b. An applicant in an area with one or more MRI units currently in operation or approved by certificate of need for operation.

(1) An applicant must meet the requirement of need described in paragraph 124.5(3)*"a,"* and

(2) The other MRI unit(s) within the area must have been operating at a minimum of 2,000 MRI procedures annually (or 500 in three months) or proportionately more if the MRI unit runs more than one ten-hour shift.

(3) If the annual utilization of the other MRI unit(s) within the area has been below 2,000 procedures, future utilization above that current level must be reasonably projected or reasons for permanently utilizing the equipment below the 2,000 procedure level must be demonstrated.

c. An applicant seeking to replace an MRI unit.

(1) An applicant must demonstrate that the existing MRI unit has been operating at the level of at least 3,000 procedures during the most recent annual period.

(2) If an applicant's annual utilization has been below 2,000 procedures, the applicant must reasonably project future utilization above that level or demonstrate reasons for permanently utilizing the equipment below that level.

d. An applicant seeking to add an additional MRI unit.

(1) An applicant must demonstrate that the existing MRI unit(s) has been operating at the level of at least 3,500 procedures during the most recent annual period.

(2) An applicant must demonstrate that the demand significantly exceeds the 2,000 procedures annually.

(3) If an applicant's annual utilization has been below 2,000 procedures, the applicant must reasonably project future utilization above that level or demonstrate reasons for permanently utilizing the equipment below that level.

124.5(4) *Quality and continuity.* (Iowa Code section 135.63(1)*"g," "h," "i,"* and *"k"*)

a. The proposed MRI unit should function as a component of a comprehensive inpatient or outpatient diagnostic service. The proposed MRI unit must have the following modalities on-site or through referral arrangements:

(1) Ultrasound.

(2) Computed tomography.

(3) Angiography.

(4) Nuclear medicine.

(5) Conventional radiography.

b. The proposed MRI unit must be located in a facility that has, either in-house or through referral arrangement, the resources necessary to treat most of the conditions diagnosed or confirmed by MRI.

The following medical specialties must be available during MRI service hours on-site or by referral arrangements: neurology or neurosurgery, oncology and cardiology.

c. A proposal to provide a new or an expanded MRI must include satisfactory assurances that the services will be offered in a physical environment that conforms to federal standards, manufacturer's specifications, and licensing agencies' requirements.

d. An applicant must provide evidence that the proposed MRI equipment has been certified for clinical use by the U.S. Food and Drug Administration or will be operated under the approval and authority of an institutional review board whose membership is consistent with U.S. Department of Health and Human Services regulations.

e. An applicant for MRI should document that the necessary qualified staff are available to operate the proposed unit. The following minimum staff will be available to the MRI unit:

(1) A board-eligible or board-certified radiologist or any other board-eligible or board-certified licensed physician whose exclusive responsibility for at least a two-year period prior to submission of a certificate of need request has been in the acquisition and interpretation of clinical images. This individual shall have a knowledge of MRI through training, experience, or documented postgraduate education. The individual shall also have training with a functional MRI facility.

(2) Qualified engineering personnel, available to the institution during MRI service hours, with training and experience in the operation and maintenance of the MRI equipment.

(3) Diagnostic radiologic technologists or other certified technologists with expertise in CT or other cross-sectional imaging methods at a staffing level consistent with the hospital's expected MRI service volume.

(4) Other appropriate physicians shall be available during MRI service hours in clinical specialties, such as neurology or neurosurgery, oncology and cardiology.

f. An applicant shall demonstrate how emergencies within the MRI unit will be managed in conformity with accepted medical practice.

124.5(5) *Accessibility and acceptability.* (Iowa Code section 135.63(1)*"c"* and *"d"*)

a. An MRI facility should have adequate scheduled hours to avoid an excessive backlog of cases and to meet the needs of the communities the scanners are meant to serve.

b. Selection of patients for clinical MRI studies must guarantee equal access to all persons regardless of insurance coverage or ability to pay.

124.5(6) *Costs and financial feasibility.* (Iowa Code section 135.63(1)*"e," "f," "i,"* and *"p"*)

a. An applicant shall identify capital and operating costs associated with the proposed MRI unit, identify sources of funding to cover those costs, and demonstrate that the project is financially feasible.

b. An applicant shall provide budgets for the first three years of operation, including documentation and justification of all assumptions used.

c. An applicant must document its projected average cost per procedure and charge per procedure for the first three years. Charges for an MRI should be reasonably related to service cost and comparable to MRI charges at other facilities in the state.

d. An applicant shall demonstrate that alternatives were considered and the proposed application is the most cost-effective and will accomplish the goals of the project.

441—124.6(135) PET services standards.

124.6(1) *Purpose and scope.*

a. These standards are measures of some of those criteria in Iowa Code section 135.63(1)*"a"* through *"q."* Criteria that are measured by a standard are cited in parentheses following each standard.

b. Certificate of need applications that are to be evaluated against these standards include:

(1) Proposals to commence or expand the capacity of positron emission tomography services.

(2) Proposals to replace a positron emission tomography unit.

(3) Any other applications that relate to positron emission tomography.

124.6(2) *Definitions.* The following definitions apply to the terms used in this rule:

"Area" means the community or a metropolitan statistical area (as defined by the U.S. Office of Management and Budget and used by the U.S. Census Bureau).

"Computed tomography" or *"CT"* means an imaging method in which a cross-sectional image of the structures in a body plane is reconstructed by a computer program from the X-ray absorption of beams projected through the body in the image plane.

"Cyclotron" means an apparatus for accelerating protons or neutrons to high energies by means of a constant magnet and an oscillating electric field.

"Magnetic resonance imaging" or *"MRI"* means a diagnostic modality that employs a combination of magnetic and radio frequency fields and computers to produce images of body organs and tissues.

"PET procedure" means an image-scanning sequence derived from a single administration of PET, equated with a single injection of the tracer.

"Positron emission tomography" or *"PET"* means an imaging method in which positron-emitting radionuclides, which are produced either by a cyclotron or generator, and a nuclear camera are used to create pictures of organ function rather than structure.

"Radiopharmaceutical" means a radioactive pharmaceutical used for diagnostic or therapeutic purposes.

"Single photon emission computed tomography" or *"SPECT"* means a camera-based imaging system using the radionuclides in the routine practice of nuclear medicine.

124.6(3) *Availability and need.* (Iowa Code section 135.63(1)*"c," "d," "e," "g,"* and *"h"*)

a. An applicant in an area with no other PET units.

(1) An applicant should demonstrate a reasonable potential utilization of a PET unit based on diversified inpatient and outpatient case mix thresholds, including:

1. Intracranial cases.

- Primary brain tumors: 50 per year.
- Metastasis: 100 per year.
- Cerebral vascular disease: 200 per year.
- Organic brain disease and dementia/psychiatric diagnoses (including epilepsy-seizure disorders): 500 per year.
- Spinal: 100 per year.

2. Cardiovascular cases.

- Ischemic heart disease (including acute and chronic infarction): 1,200 per year.

3. Neoplasms (head, neck, thorax (excluding heart), abdomen, pelvic, prostate and musculoskeletal): 1,300 per year.

(2) An applicant should have other diagnostic capabilities, on-site or through referral arrangements, with appropriate volumes including:

	Proposed Threshold
Nuclear medicine imaging services	5,600
Single photon emission computed tomography (including brain, bone, liver, gallium and thallium stress)	1,600
CT	8,000
MRI	2,400

(3) An applicant should demonstrate secondary and tertiary service capability, on-site or through referral arrangements, including cardiac surgery, cardiology, internal medicine, general surgery, hematology/oncology, neurology, pathology, thoracic surgery and psychiatry.

b. An applicant in an area with one or more PET units currently in operation or approved by the certificate of need program for operation.

Existing PET units within the area (whether basic or enhanced) should have been operating at a minimum of 1,000 PET procedures during the most recent annual period as reported to the certificate of need program according to paragraph 124.6(4)*"e."*

124.6(4) *Quality and continuity.* (Iowa Code section 135.63(1)*"g," "h," "i,"* and *"k"*)

a. A proposed PET unit should function as a component of a comprehensive inpatient or outpatient diagnostic service. The proposed PET unit should have the following modalities (and capabilities) on-site or through referral arrangements:

(1) CT.

(2) MRI.

(3) Nuclear medicine—cardiac, SPECT.

(4) Conventional radiography.

b. A proposed PET unit should be located in a facility that has, either in-house or through referral arrangement, the resources necessary to treat most of the conditions diagnosed or confirmed by PET. The following medical specialties should be available during PET service hours on-site or by referral arrangements: cardiology, neurology, neurosurgery, oncology, and psychiatry.

c. A proposal to provide new or expanded PET must include satisfactory assurances that services will be offered in a physical environment that conforms to federal standards, manufacturer's specifications, and licensing agencies' requirements. The following areas are to be addressed:

(1) Quality control and assurance of radiopharmaceutical production of generator- or cyclotron-produced agents;

(2) Quality control and assurance of PET tomograph and associated instrumentation;

(3) Radiation protection and shielding;

(4) Radioactive emissions to the environment.

d. An applicant will provide evidence that the proposed PET equipment has been certified for clinical use by the U.S. Food and Drug Administration or will be operated under the approval and authority of an institutional review board whose membership is consistent with U.S. Department of Health and Human Services regulations.

e. An applicant for PET will document that the necessary qualified staff are available to operate the proposed unit. The applicant will document the PET training and experience of the staff. The following minimum staff will be available to the PET unit:

(1) One or more nuclear medicine imaging physician(s) available to the PET unit who have been licensed by the state for the handling of medical radionuclides and whose primary responsibility for at least a one-year period prior to submission of the certificate of need application has been in acquisition and interpretation of tomographic images. This individual shall have knowledge of PET through training, experience, or documented postgraduate education. The individual shall also have training with a functional PET facility.

(2) Qualified PET radiochemist or radiopharmacist personnel available to the facility during PET service hours with at least one year of training. The individual(s) will demonstrate experience in the testing of chemical, radiochemical, and radionuclidic purity of PET radiopharmaceutical syntheses.

(3) Qualified engineering and physics personnel available to the facility during PET service hours with training and experience in the operation and maintenance of the PET equipment.

(4) Qualified radiation safety personnel available to the facility at all times with training and experience in the handling of short-lived positron-emitting nuclides.

(5) Certified nuclear medicine technologists with expertise in computed tomographic nuclear medicine imaging procedures at a staffing level consistent with the proposed center's expected PET service volume.

(6) Other appropriate personnel should be available during PET service hours, which may include certified nuclear medicine technologists, computer programmers, nurses, and radiochemistry technicians.

f. An applicant will demonstrate how emergencies within the PET unit will be managed in conformity with accepted medical practice.

124.6(5) *Accessibility and acceptability.* (Iowa Code section 135.63(1)*"c"* and *"d"*)

a. A PET facility should have adequate scheduled hours to avoid an excessive backlog of cases.

b. Selection of patients for clinical PET studies will guarantee equal access to all persons regardless of insurance coverage or ability to pay.

c. In addition to accepting patients from participating institutions, a facility performing clinical PET procedures should accept appropriate referrals from other local providers. These patients will be accommodated to the extent possible by extending the hours of service and by prioritizing patients according to standards of need and appropriateness rather than source of referral.

124.6(6) *Costs and financial feasibility.* (Iowa Code section 135.63(1)*"e," "f," "i,"* and *"p"*)

a. An applicant will identify capital and operating costs associated with a proposed PET unit, identify sources of funding to cover those costs, and demonstrate that the project is financially feasible.

b. An applicant will provide budgets for the first three years of operation, including documentation and justification of all assumptions used.

c. An applicant will document its projected average cost per procedure and charge per procedure for the first three years. Charges for PET should be reasonably related to service cost and comparable to PET charges at other facilities in the state.

d. An applicant should verify whether the service is eligible for reimbursement by public and private third-party payers.

e. An applicant should demonstrate that alternatives were considered and the proposed application is the most cost-effective and should accomplish the goals of the project.

These rules are intended to implement Iowa Code sections 135.61 through 135.78.

ARC 9776C

INSPECTIONS AND APPEALS DEPARTMENT[481]

Notice of Intended Action

Proposing rulemaking related to food and consumer safety and providing an opportunity for public comment

The Department of Inspections, Appeals, and Licensing hereby proposes to rescind Chapter 30, "Food and Consumer Safety," Iowa Administrative Code, and to adopt a new Chapter 30 with the same title.

Legal Authority for Rulemaking

This rulemaking is proposed under the authority provided in Iowa Code chapters 137C and 137F.

State or Federal Law Implemented

This rulemaking implements, in whole or in part, Iowa Code chapters 137C and 137F and Executive Order 10.

Purpose and Summary

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

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

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

No public comments were received.

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 31, 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 30, 2025 11:30 a.m. to 12 noon	Ledges Conference Room 6200 Park Avenue, Suite 100 Des Moines, Iowa
December 31, 2025 11:30 a.m. to 12 noon	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 30 and adopt the following **new** chapter in lieu thereof:

INSPECTIONS DIVISION

CHAPTER 30
FOOD AND CONSUMER SAFETY

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

1. A food processing plant.
2. An establishment that offers only prepackaged foods that are not time/temperature control for safety foods.
3. A produce stand or facility that sells only whole, uncut fresh fruits and vegetables.

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

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

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

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

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

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

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

11. Supply vehicles or vending machine locations.

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

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

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

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

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

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

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

18. A stand operated by a minor.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

"Unprocessed commodity" means a raw agricultural commodity.

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

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

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

"Wild-harvested mushroom" means a fresh mushroom that has been found or foraged in the natural environment and has not been processed (e.g., dried or frozen). "Wild-harvested mushroom" does not include cultivated mushrooms or mushrooms that have been packaged in an approved food processing plant.

481—30.3(137C,137F) Licensing and postings. Applications for a license shall be completed using the department's online application system at least 30 days prior to the anticipated opening of the hotel,

food establishment or food processing plant. If extenuating circumstances exist that prevent the applicant from completing the online application, paper applications are available from the department or its contractors. Temporary food establishment license applications shall be submitted a minimum of three business days prior to opening.

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

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

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

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

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

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

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

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

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

b. Quarterly sales tax data;

c. A letter from an independent tax preparer;

d. Other appropriate records.

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

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

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

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

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

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

481—30.7(137F) Double licenses.

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

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

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

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

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

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

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

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

30.8(3) *Food processing plants that store foods.* Food processing plants that store foods will be inspected at least once every 84 months. If the United States Food and Drug Administration completes an inspection in a facility, the inspection satisfies the state inspection frequency. Very low risk food processing plants that store food will not have a routine inspection frequency.

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

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

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

481—30.9(22) Examination of records.

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

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

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

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

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

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

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

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

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

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

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

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

481—30.13(10A,137F) Cottage food.

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

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

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

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

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

e. The food is produced in a private residence.

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

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

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

(2) The common name of the food.

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

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

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

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

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

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

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

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

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

30.13(2) Reserved.

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

ARC 9777C

INSPECTIONS AND APPEALS DEPARTMENT[481]

Notice of Intended Action

Proposing rulemaking related to food inspections and providing an opportunity for public comment

The Department of Inspections, Appeals, and Licensing hereby proposes to rescind Chapter 31, "Food Establishment and Food Processing Plant Inspections," Iowa Administrative Code, and to adopt a new Chapter 31 with the same title.

Legal Authority for Rulemaking

This rulemaking is proposed under the authority provided in Iowa Code section 137F.3.

State or Federal Law Implemented

This rulemaking implements, in whole or in part, Iowa Code chapter 137F and Executive Order 10.

Purpose and Summary

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

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

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

One public comment was received from Jacob Schrader representing the Iowa Automatic Merchandising Association regarding clarification on registered guests in paragraph 31.1(1)"a."

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 31, 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 30, 2025 11:30 a.m. to 12 noon	Ledges Conference Room 6200 Park Avenue, Suite 100 Des Moines, Iowa
December 31, 2025 11:30 a.m. to 12 noon	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 31 and adopt the following **new** chapter in lieu thereof:

CHAPTER 31
FOOD ESTABLISHMENT AND FOOD
PROCESSING PLANT INSPECTIONS

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

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

a. Unattended food establishment location. The unattended food establishment is located in the interior of a building, has controlled entry, and is not accessible by the general public. Access to the unattended food establishment will be limited to a defined population (e.g., employees, registered guests or occupants of the building where the establishment is located). For the purposes of this paragraph, registered guests are individuals whose names are officially recorded with a business by reservation or by appointment. The term ensures a secure and traceable record of who is occupying a space.

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

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

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

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

(4) No dispensing of bulk food is permitted.

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

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

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

d. Food service equipment limitations.

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

(2) Food-contact surfaces.

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

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

e. Security.

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

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

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

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

f. Routine maintenance at an unattended food establishment.

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

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

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

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

4. Cleaning food service equipment and food display areas.

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

6. Checking inventory for recalled foods.

(2) The permit holder will ensure that:

1. Food is from an approved source.

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

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

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

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

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

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

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

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

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

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

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

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

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

(1) Temporary or farmers market food establishments.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

"2. Date of purchase;

"3. Quantity by weight of each species received;

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

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

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

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

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

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

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

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

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

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

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

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

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

d. The food products are properly labeled.

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

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

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

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

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

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

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

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

"f. The outdoor area is maintained clean;

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

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

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

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

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

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

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

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

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

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

"a. The food establishment is maintained clean;

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

t. 21 CFR Part 114, acidified foods.

u. 21 CFR Part 115, shell eggs.

v. 21 CFR Part 117, current good manufacturing practice and hazard analysis and risk-based preventive controls for human food shall apply, with the exception that warehousing operations located on the premises of residences that store unexposed, packaged frozen food for sale directly to a consumer customer or at a farmers market shall comply with subpart B of 21 CFR 117.

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

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

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

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

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

ab. 21 CFR Part 131, milk and cream.

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

ad. 21 CFR Part 135, frozen desserts.

ae. 21 CFR Part 136, bakery products.

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

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

ah. 21 CFR Part 145, canned fruits.

ai. 21 CFR Part 146, canned fruit juices.

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

ak. 21 CFR Part 152, fruit pies.
al. 21 CFR Part 155, canned vegetables.
am. 21 CFR Part 156, vegetable juices.
an. 21 CFR Part 158, frozen vegetables.
ao. 21 CFR Part 160, egg and egg products.
ap. 21 CFR Part 161, fish and shellfish.
aq. 21 CFR Part 163, cacao products.
ar. 21 CFR Part 164, tree nut and peanut products.
as. 21 CFR Part 165, beverages.
at. 21 CFR Part 166, margarine.
au. 21 CFR Part 168, sweeteners and table syrups.
av. 21 CFR Part 169, food dressings and flavorings.
aw. 21 CFR Part 170, except Sections 170.6, 170.15, and 170.17, food additives.
ax. 21 CFR Part 172, food additives permitted for direct addition to food for human consumption.
ay. 21 CFR Part 173, secondary direct food additives permitted in food for human consumption.
az. 21 CFR Part 174, indirect food additives: general.
ba. 21 CFR Part 175, indirect food additives: adhesives and components of coatings.
bb. 21 CFR Part 176, indirect food additives: paper and paperboard components.
bc. 21 CFR Part 177, indirect food additives: polymers.
bd. 21 CFR Part 178, indirect food additives: adjuvants, production aids, and sanitizers.
be. 21 CFR Part 180, food additives permitted in food or in contact with food on an interim basis pending additional study.
bf. 21 CFR Part 181, prior-sanctioned food ingredients.
bg. 21 CFR Part 182, substances generally recognized as safe.
bh. 21 CFR Part 184, direct food substances affirmed as generally recognized as safe.
bi. 21 CFR Part 186, indirect food substances affirmed as generally recognized as safe.
bj. 21 CFR Part 189, substances prohibited from use in human food.
bk. 21 CFR Part 190, dietary supplements.

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

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

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

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

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

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

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

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

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

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

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

31.5(2) *Food handling and service.*

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

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

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

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

165°F	● Poultry and game animals that are not commercially raised ● Products stuffed or in a stuffing that contains fish, meat, pasta, poultry or ratite ● All products cooked in a microwave oven
155°F	● Rabbits, ratite and game meats that are commercially raised ● Ground or comminuted (such as hamburgers) meat/fish products ● Raw shell eggs not prepared for immediate consumption
145°F	● Pork and raw shell eggs prepared for immediate consumption ● Fish and other meat products not requiring a 155°F or 165°F cooking temperature as listed above

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

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

g. Food display. Foods on display will be covered. The public is not allowed to serve itself from opened containers of food or uncovered food items. Condiments such as ketchup, mustard, coffee creamer and sugar will be served in individual packets or from squeeze containers or pump bottles. Milk will be dispensed from the original container or from an approved dispenser. All fruits and vegetables will be washed before being used or sold. Food will be stored at least six inches off the ground. All

cooking and serving areas will be adequately protected from contamination. Barbeque areas will be roped off or otherwise protected from the public. All food will be protected from customer handling, coughing or sneezing by wrapping, sneeze guards or other effective means.

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

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

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

31.5(3) *Utensil storage and warewashing.*

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

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

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

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

31.5(4) *Water.*

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

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

31.5(5) *Premises.*

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

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

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

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

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

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

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

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

ARC 9778C

INSPECTIONS AND APPEALS DEPARTMENT[481]

Notice of Intended Action

Proposing rulemaking related to contractor requirements and providing an opportunity for public comment

The Department of Inspections, Appeals, and Licensing hereby proposes to rescind Chapter 35, "Contractor Requirements," Iowa Administrative Code, and to adopt a new Chapter 35 with the same title.

Legal Authority for Rulemaking

This rulemaking is proposed under the authority provided in Iowa Code sections 137C.7, 137D.2 and 137F.3 and Executive Order 10.

State or Federal Law Implemented

This rulemaking implements, in whole or in part, Iowa Code sections 137C.7, 137D.2 and 137F.3.

Purpose and Summary

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

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

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

No public comments were received.

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 no later than 4:30 p.m. on December 31, 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 30, 2025 11:30 a.m. to 12 noon	Ledges Conference Room 6200 Park Avenue, Suite 100 Des Moines, Iowa
December 31, 2025 11:30 a.m. to 12 noon	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 35 and adopt the following **new** chapter in lieu thereof:

CHAPTER 35
CONTRACTOR REQUIREMENTS

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

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

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

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

481—35.3(137C,137D,137F) Contractor.

35.3(1) The contractor will:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

ARC 9779C

INSPECTIONS AND APPEALS DEPARTMENT[481]

Notice of Intended Action

Proposing rulemaking related to hotel and motel inspections and providing an opportunity for public comment

The Department of Inspections, Appeals, and Licensing hereby proposes to rescind Chapter 37, "Hotel and Motel Inspections," Iowa Administrative Code, and to adopt a new Chapter 37 with the same title.

Legal Authority for Rulemaking

This rulemaking is proposed under the authority provided in Iowa Code section 137C.6.

State or Federal Law Implemented

This rulemaking implements, in whole or in part, Iowa Code section 137C.6 and Executive Order 10.

Purpose and Summary

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

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

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

No public comments were received.

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 31, 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 30, 2025 11:30 a.m. to 12 noon	Ledges Conference Room 6200 Park Avenue, Suite 100 Des Moines, Iowa
December 31, 2025 11:30 a.m. to 12 noon	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 37 and adopt the following **new** chapter in lieu thereof:

CHAPTER 37
HOTEL AND MOTEL INSPECTIONS

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

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

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

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

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

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

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

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

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

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

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

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

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

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

481—37.5(137C) Glasses and ice.

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

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

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

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

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

481—37.6 Reserved.

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

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

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

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

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

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

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

ARC 9780C

INSPECTIONS AND APPEALS DEPARTMENT[481]

Notice of Intended Action

Proposing rulemaking related to boarding homes and providing an opportunity for public comment

The Department of Inspections, Appeals, and Licensing (Department) hereby proposes to rescind Chapter 66, "Boarding Homes," Iowa Administrative Code, and to adopt a new Chapter 66 with the same title.

Legal Authority for Rulemaking

This rulemaking is proposed under the authority provided in Iowa Code section 135O.2.

State or Federal Law Implemented

This rulemaking implements, in whole or in part, Iowa Code section 135O.2.

Purpose and Summary

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

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

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

No public comments were received.

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 31, 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 30, 2025 2:30 to 3 p.m.	Ledges Conference Room 6200 Park Avenue, Suite 100 Des Moines, Iowa
December 31, 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 481—Chapter 66 and adopt the following **new** chapter in lieu thereof:

CHAPTER 66
BOARDING HOMES

481—66.1(135O) Definitions.

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

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

"Assistance" means aid or help.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

66.2(3) The registrant shall include the following:

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

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

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

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

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

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

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

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

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

481—66.3(135O) Occupancy reports.

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

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

a. Current number of rooms occupied;

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

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

d. The number of tenants receiving Medicaid;

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

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

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

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

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

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

481—66.4(135O) Complaints and investigations.

66.4(1) *Complaints.*

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

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

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

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

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

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

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

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

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

481—66.5 Reserved.

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

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

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

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

a. Registration forms and accompanying materials;

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

c. Official notices of penalties.

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

a. Information that does not comprise a final finding;

b. Names and identifying information of all complainants;

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

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

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

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

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

ARC 9781C

INSPECTIONS AND APPEALS DEPARTMENT[481]

Notice of Intended Action

Proposing rulemaking related to elder group homes, assisted living programs, and adult day services and providing an opportunity for public comment

The Department of Inspections, Appeals, and Licensing hereby proposes to rescind Chapter 67, "General Provisions for Elder Group Homes, Assisted Living Programs, and Adult Day Services," Iowa Administrative Code, and to adopt a new Chapter 67 with the same title.

Legal Authority for Rulemaking

This rulemaking is proposed under the authority provided in Iowa Code sections 231B.2, 231C.3 and 231D.2.

State or Federal Law Implemented

This rulemaking implements, in whole or in part, Iowa Code sections 231B.2, 231C.3 and 231D.2.

Purpose and Summary

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

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

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

No public comments were received.

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 31, 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 30, 2025 2:30 to 3 p.m.	Ledges Conference Room 6200 Park Avenue, Suite 100 Des Moines, Iowa
December 31, 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 481—Chapter 67 and adopt the following **new** chapter in lieu thereof:

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

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

"Accredited" means that the program has received accreditation from an accreditation entity.

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

"Ambulatory" or *"ambulation"* means physically and cognitively able to walk without aid of another person.

"Applicable requirements" means the requirements in Iowa Code chapters 135C, 231B, 231C, 231D, 235B, 235E, and 562A, this chapter, and 481—Chapters 68, 69, and 70, as applicable, and includes any other applicable administrative rules and provisions of the Iowa Code.

"Assistance" means aid to a tenant who self-directs or participates in a task or activity or who retains the mental or physical ability, or both, to participate in a task or activity. Cueing of the tenant regarding a particular task or activity means the tenant has participated in the task or activity.

"Certified staff" means certified nursing assistants (CNAs) and certified medication assistants (CMAs) employed by the program.

"Change of ownership" means the purchase, transfer, assignment or lease of a program and includes a change in the management company responsible for the day-to-day operation of the program, if the management company is ultimately responsible for any enforcement action taken by the department.

"Dementia" means an illness characterized by multiple cognitive deficits that represent a decline from previous levels of functioning and includes memory impairment and one or more of the following cognitive disturbances: aphasia, apraxia, agnosia and disturbance in executive functioning.

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

"Director" means the director of the department.

"Direct supervision" means the provision of guidance and oversight of a delegated nursing task through the physical presence of the licensed nurse to observe and direct certified and noncertified staff.

"Elope" means that a tenant who has impaired decision-making ability leaves the program without the knowledge or authorization of staff.

"Global Deterioration Scale" or *"GDS"* means the seven-stage scale for assessment of primary degenerative dementia developed by Dr. Barry Reisberg.

"Health care professional" means a physician, physician assistant, registered nurse, licensed practical nurse via RN delegation or advanced registered nurse practitioner licensed in Iowa by the respective licensing board or eligible to practice in Iowa through compact licensure agreements.

"Health-related care" means the same as defined in Iowa Code section 231B.1(5) and includes nurse-delegated assistance.

"Human service professional" means an individual with a bachelor's degree in a human service field, including but not limited to human services, gerontology, social work, sociology, psychology, or family science. Two years of experience in a human service field may be substituted for up to two years of the required education.

"Impaired decision-making ability" means a lack of capacity to make safe and prudent decisions regarding one's own routine safety as determined by the program manager or nurse or means having a GDS score of five or above.

"Independent reviewer" means an attorney licensed in the state of Iowa who is not currently and has not been employed by the department in the past eight years, or has not appeared in front of the

department on behalf of a health care facility in the past eight years. Preference shall be given to an attorney with background knowledge, experience or training in long-term care.

"Indirect supervision" means the provision of guidance and oversight of a delegated nursing task through means other than direct supervision, including written and verbal communication.

"Instrumental activities of daily living" means those activities that reflect the tenant's ability to perform household and other tasks necessary to meet the tenant's needs within the community, which may include but are not limited to shopping, housekeeping, chores, and traveling within the community.

"In the proximate area" means an area located within a five-minute or less response time.

"Medication setup" means the same as defined in Iowa Code section 231B.1(6).

"Modification" means any addition to or change in physical dimensions or structure, except as incidental to the customary maintenance of the physical structure of the program's facility.

"Monitoring" means an on-site evaluation of a program, a complaint investigation, or a program-reported incident investigation performed by the department to determine compliance with applicable requirements. A monitor who performs a monitoring for the department shall be a registered nurse, human service professional, or another person with program-related expertise.

"Nonaccredited" means that the program has been certified but has not received accreditation from an accreditation entity.

"Noncertified staff" means unlicensed and uncertified personnel employed by the program.

"Nurse delegation" means the action of a registered nurse, advanced registered nurse practitioner, or licensed practical nurse to direct competent certified and noncertified staff to perform selected nursing tasks in selected situations. The decision of a nurse to delegate is based on the delegation process, including assessment, planning, implementation, supervision, and evaluation of the tenant, nursing tasks, personnel, and the situation. The nurse, as a licensed professional, retains accountability for the delegation process and the decision to delegate. Licensed practical nurses may delegate within the scope of their license with the supervision of a registered nurse.

"Occupancy agreement" or *"contractual agreement"* means the same as defined in Iowa Code sections 231B.1(7) and 231C.2(9).

"Part-time or intermittent care" means licensed nursing services and professional therapies that are provided in combination with nurse-delegated assistance with medications or activities of daily living and do not exceed 28 hours per week or, for adult day services, 4 hours per day.

"Personal care" means the same as defined in Iowa Code section 231B.1(8).

"Preponderance of the evidence" means that the evidence, considered and compared with the evidence opposed to it, produces the belief in a reasonable mind that the allegations are more likely true than not true.

"Program" means one or more of the following, as applicable: an elder group home as defined in Iowa Code section 231B.1 and 481—Chapter 68, an assisted living program as defined in Iowa Code section 231C.1 and 481—Chapter 69, or adult day services as defined in Iowa Code section 231D.1 and 481—Chapter 70.

"Program staff" means all employees of the program, regardless of certification or licensure status.

"Qualified professional" means a facility plant engineer familiar with the type of program being provided, or a licensed plumbing, heating, cooling, or electrical contractor who furnishes regular service to such equipment.

"Recognized accrediting entity" means the same as defined in Iowa Code sections 231C.2(11) and 231D.1(11).

"Regulatory insufficiency" means a violation of an applicable requirement.

"Restraints" means any chemical or manual method that restricts freedom of movement or normal access to one's body or any physical or mechanical device, material or equipment that is attached or adjacent to the tenant's body that the tenant cannot remove easily and that restricts freedom of movement or normal access to one's body.

"Routine" means more often than not or on a regular customary basis.

"Self-administration" means a tenant's taking personal responsibility for all phases of medication except for any component assigned to the program under medication setup, and may include the tenant's use of an automatic pill dispenser.

"Service plan" means the document that defines all services necessary to meet the needs and preferences of a tenant, whether or not the services are provided by the program or other service providers.

"Significant change" means the same as defined in Iowa Code section 231C.2(12).

"Substantial compliance" means the same as defined in Iowa Code section 231C.2(13) regarding a level of compliance with applicable requirements.

"Tenant" means the same as defined in Iowa Code sections 231B.1(9) and 231C.2(14). In the context of adult day services, "tenant" means a "participant" as defined in 481—Chapter 70.

"Tenant advocate" means the same as defined in Iowa Code section 231B.1(10).

"Tenant's legal representative" means the same as defined in Iowa Code section 231B.1(11). In the context of adult day services, "tenant's legal representative" means a "participant's legal representative" as defined in 481—Chapter 70.

481—67.2(231B,231C,231D) Program policies and procedures.

67.2(1) A program's policies and procedures must meet the minimum standards set by applicable requirements. All programs shall have policies and procedures related to the following:

a. Reporting of incidents, including allegations of dependent adult abuse on incident report forms to provide a detailed incident report completed at the time of the incident and include statements from individuals, if any, who witnessed the incident. The program will identify in the program's policy who of the program staff is responsible for completion of the initial report. The report will remain accessible for a minimum of three years. All accidents or unusual occurrences within the program's building or on the premises that affect tenants will be reported as incidents.

b. Allegations of dependent adult abuse consistent with Iowa Code chapter 235E and rules adopted pursuant to that chapter and, at a minimum, reporting requirements for staff and employees, and requirements that the victim and alleged abuser be separated.

c. Evaluation of each tenant or participant. A copy of the evaluation tool or tools to be used to identify the functional, cognitive and health status of each tenant or participant will be included.

d. Service plans.

e. Medical needs of tenants or participants.

f. Food service, including policies and procedures related to staffing, nutrition, menu planning, therapeutic diets, and food preparation, service and storage.

g. Transportation.

h. Staffing and training.

i. Emergencies, including policies and procedures related to natural disasters, with an evacuation plan and procedures for notifying legal representatives in emergency situations as applicable.

j. Managing risk and upholding tenant or participant autonomy when decision-making results in poor outcomes for the tenant or participant or others.

k. Accidents and emergency response.

l. Addressing sexual relationships between tenants and staff and between tenants with dementia greater than Stage 5 on the Global Deterioration Scale.

m. Extraordinary lifesaving measures, including policies and procedures related to cardiopulmonary resuscitation (CPR).

n. Narcotics protocol, including policies and procedures related to reconciliation and destruction.

67.2(2) The program shall follow the policies and procedures established by the program.

481—67.3(231B,231C,231D) Tenant rights. All tenants have the following rights:

67.3(1) To be treated with consideration, respect, and full recognition of personal dignity and autonomy.

67.3(2) To receive care, treatment and services that are adequate and appropriate.

67.3(3) To receive respect and privacy in the tenant's medical care program. Personal and medical records shall be confidential, and the written consent of the tenant obtained for the records' release to any individual, including family members, except as needed in case of the tenant's transfer to a health care facility or as required by law or a third-party payment contract.

67.3(4) To be free from mental and physical abuse.

67.3(5) To receive from the manager and staff of the program a reasonable response to all requests.

67.3(6) To associate and communicate privately and without restriction with persons and groups of the tenant's choice, including the tenant advocate, on the tenant's initiative or on the initiative of the persons or groups at any reasonable hour.

67.3(7) To manage the tenant's own financial affairs unless a tenant's legal representative has been appointed for the purpose of managing the tenant's financial affairs.

67.3(8) To present grievances and recommend changes in program policies and services, personally or through other persons or in combination with others, to the program's staff or person in charge without fear of reprisal, restraint, interference, coercion, or discrimination.

67.3(9) To be free from restraints.

481—67.4(231B,231C,231D) Program notification to the department. The director or the director's designee shall be notified within 24 hours, or the next business day, by the most expeditious means available:

67.4(1) Of any accident causing major injury, including a substantial injury.

a. "Major injury" is defined as any injury that:

(1) Results in death; or

(2) Requires admission to a higher level of care for treatment, other than for observation; or

(3) Requires consultation with the attending physician, designee of the physician, or physician extender who determines, in writing on a form designated by the department, that an injury is a "major injury" based upon the circumstances of the accident, the previous functional ability of the tenant, and the tenant's prognosis.

b. The following are not reportable accidents:

(1) An ambulatory tenant who falls when neither the program nor its employees have culpability related to the fall, even if the tenant sustains a major injury;

(2) Spontaneous fractures;

(3) Hairline fractures.

67.4(2) When damage to the program is caused by a natural or other disaster, including physical impairments affecting operating (e.g., failure of a heating or cooling system or water heater failure).

67.4(3) When there is an act that causes major injury to a tenant or when a program has knowledge of a pattern of acts committed by the same tenant on another tenant that results in any physical injury. "Pattern" means two or more times within a 30-day period.

67.4(4) When a tenant elopes from a program.

67.4(5) When a tenant attempts suicide, regardless of injury.

67.4(6) When a fire occurs in a program and the fire requires the notification of emergency services, requires full or partial evacuation of the program, or causes physical injury to a tenant.

67.4(7) When a defect or failure occurs in the fire sprinkler or fire alarm system for more than 4 hours in a 24-hour period.

NOTE: Additional reporting requirements are created by other rules and statutes, including but not limited to Iowa Code chapters 235B and 235E, which require reporting of dependent adult abuse.

481—67.5(231B,231C,231D) Medications.

67.5(1) If a program handles, stores, or administers controlled substances, the program shall be registered with the Iowa board of pharmacy as a care facility in accordance with 481—Chapter 551.

67.5(2) Each program shall follow its own written medication policy, including the following:

a. The program will not prohibit a tenant from self-administering medications.

b. A tenant will self-administer medications unless:

(1) The tenant or the tenant's legal representative delegates in the occupancy agreement or signed service plan any portion of medication setup to the program.

(2) The tenant delegates medication setup to someone other than the program.

(3) The program assumes partial control of medication setup at the direction of the tenant. The medication plan will not be implemented by the program unless the program deems it appropriate under applicable requirements, including those in Iowa Code section 231C.16A and subrule 67.9(4).

c. A tenant will keep medications in the tenant's possession unless the tenant or the tenant's legal representative, if applicable, delegates in the occupancy agreement or signed service plan partial or complete control of medications to the program, including the tenant's choice related to storage.

d. When a tenant has delegated medication administration to the program, the program will maintain a list of the tenant's medications. If the tenant self-administers medications, the tenant may choose to maintain a list of medications in the tenant's apartment or to disclose a current list of medications to the program for the purpose of emergency response, but the tenant remains responsible for the accuracy of the list.

e. When medications are administered traditionally by the program:

(1) The administration of medications will be provided by a registered nurse, licensed practical nurse or advanced registered nurse practitioner registered in Iowa, by an individual who has successfully completed a department-approved medication aide or medication manager course and passed the respective department-approved medication aide or manager examination, or by a physician assistant (PA) in accordance with 481—Chapter 781. Injectable medications will be administered as permitted by Iowa law by a registered nurse, licensed practical nurse, advanced registered nurse practitioner, physician, pharmacist, or PA.

(2) The program will maintain a list of each tenant's medications and document the medications administered.

(3) Medications and treatments will be administered as prescribed by the tenant's physician, advanced registered nurse practitioner or PA.

481—67.6(231B,231C,231D) Another business or activity located in a program.

67.6(1) A business or activity serving persons other than tenants of a program is allowed in a designated part of the physical structure in which the program is located if the other business or activity meets the requirements of applicable state and federal codes, administrative rules, and federal regulations.

67.6(2) A business or activity conducted in the designated part of the physical structure in which the program is located shall not interfere with the use of the program by tenants or with services provided to tenants or disturb tenants or reduce access, space, services, or staff available to tenants or necessary to meet the needs of tenants.

481—67.7(231B,231C,231D) Waiver of criteria for retention of a tenant in the program.

67.7(1) *Time-limited waiver.* Upon receipt of a program's request for waiver of the criteria for retention of a tenant, the department may grant a waiver of the criteria under applicable requirements for a time-limited basis. Absent extenuating circumstances, a waiver of the criteria for retention of a tenant is limited to a period of six months or less.

67.7(2) *Waiver petition procedures.* The following procedures shall be used to request and to receive approval of a waiver from criteria for the retention of a tenant:

a. A program will submit the waiver request on a form and in a manner designated by the department as soon as it becomes apparent that a tenant exceeds retention criteria pursuant to an evaluation by a health care or human service professional.

b. The department will respond in writing to a waiver request within 15 working days of receipt of all required documentation. In consultation with the program, the department may take an additional 15 working days to report its determination regarding the waiver request.

c. The program will provide to the department within five working days written notification of any changes in the condition of the tenant as described in the approved waiver request.

67.7(3) *Factors for consideration for waiver of criteria for retention of a tenant.* In addition to the criteria established in Iowa Code section 17A.9A(2), the following factors may be demonstrative in determining whether the criteria for issuance of a waiver have been met:

a. It is the informed choice of the tenant or the tenant's legal representative, if applicable, to remain in the program;

b. The program is able to provide the staff necessary to meet the tenant's service needs in addition to the service needs of the other tenants;

c. The waiver will not jeopardize the health, safety, security or welfare of the tenant, program staff, or other tenants;

d. The tenant has been diagnosed with a terminal illness and has been admitted to hospice, and the tenant exceeds the criteria for retention and admission for a temporary period of less than six months. A terminal diagnosis means the tenant is within six months of the end of life.

67.7(4) *Conditional waiver.* A conditional waiver may be granted contingent upon the department's receipt of additional information or performance of monitoring.

a. If a waiver has been in effect for six months, a monitoring may be conducted to determine whether the tenant meets the criteria to continue on a waiver.

b. The department may seek additional information during the period to determine if a waiver should be granted.

67.7(5) *Appeals.* The denial of a waiver request may be appealed by the program pursuant to Iowa Code chapter 17A.

481—67.8(231B,231C,231D) All other waiver requests. Waiver requests relating to topics other than retention of a tenant in a program shall be filed in accordance with 481—Chapter 6.

481—67.9(231B,231C,231D) Staffing.

67.9(1) *Number of staff.* A sufficient number of trained staff shall be available at all times to fully meet tenants' identified needs.

67.9(2) *Emergency procedures.* All program staff shall be able to implement the accident, fire safety, and emergency procedures.

67.9(3) *Documentation.* The program shall have training records and staffing schedules on file and maintain documentation of training received by program staff, including training of certified and noncertified staff on nurse-delegated procedures.

67.9(4) *Nurse delegation procedures.* The program's registered nurse shall ensure certified and noncertified staff are competent to meet the individual needs of tenants. Nurse delegation shall include the following:

a. The program's newly hired nurse will within 60 days of beginning employment as the program's registered nurse document a review to ensure that staff are sufficiently trained and competent in all tasks that are assigned or delegated.

b. Within 30 days of beginning employment, all program staff will receive training by the program's nurse(s).

c. Training for noncertified staff will include the provision of activities of daily living and instrumental activities of daily living.

d. Direct care staff will receive training regarding service plan tasks in accordance with medical or nursing directives and the acuity of the tenants' health, cognitive or functional status.

e. The program's nurse(s) will provide direct or indirect supervision of all direct care staff as necessary in the professional judgment of the program's nurse(s) and in accordance with the needs of the tenants and staff.

f. Services will be provided to tenants in accordance with the training provided.

g. The program will have in place a system by which direct care staff communicate in writing occurrences that differ from the tenant's normal health and functional and cognitive status. The program's nurse or designee will train staff on reporting to the program's nurse(s) or designee(s) and documenting occurrences that differ from the tenant's normal health and functional and cognitive status.

The written communication required by this paragraph will be retained by the program for a period of not less than three years and be accessible to the department upon request.

h. In the absence of the program's nurse(s) due to vacation or other temporary circumstances, the nurse(s) assuming the duties of the program's nurse(s) will have access to staff training in relation to tenant needs.

67.9(5) *Prohibited services.* A program staff member shall not be designated as attorney-in-fact, guardian, conservator, or representative payee for a tenant unless the program staff member is related to the tenant by blood, marriage, or adoption.

67.9(6) *Dependent adult abuse training.* Program staff shall receive training relating to the identification and reporting of dependent adult abuse as required by Iowa Code section 235B.16.

481—67.10(17A,231B,231C,231D) Monitoring.

67.10(1) *Frequency of monitoring.* The department will monitor a certified program at least once during a 24-month period.

67.10(2) *Standard for determining whether a regulatory insufficiency exists.* The department will use a preponderance-of-the-evidence standard when determining whether a regulatory insufficiency exists. A preponderance-of-the-evidence standard does not require that the monitor shall have personally witnessed the alleged violation.

481—67.11(231B,231C,231D) Complaint and program-reported incident report investigation procedure.

67.11(1) *Complaints.* The process for filing a complaint is as follows:

a. Any person with concerns regarding the operation or service delivery of a program may file a complaint with the Department of Inspections, Appeals, and Licensing, Complaints Unit, 6200 Park Avenue, Des Moines, Iowa 50321; by use of the complaint hotline, 1.877.686.0027; by facsimile sent to 515.281.7106; or through the website address: dial.iowa.gov.

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

c. The complainant will include as much of the following information as possible in the complaint: the complainant's name, address and telephone number; the complainant's relationship to the program or tenant; and the reason for the complaint. The complainant's name shall be confidential information and shall not be released by the department. The department will act on anonymous complaints unless the department determines that the complaint is intended to harass the program. If the department, upon preliminary review, determines that the complaint is intended as harassment or is without reasonable basis, the department may dismiss the complaint.

67.11(2) *Program-reported incident reports.* When the program is required pursuant to applicable requirements to report an incident, the program will make the report to the department via:

a. The web-based reporting tool accessible from the following website, dia-hfd.iowa.gov;

b. Mail by sending the complaint to the Department of Inspections, Appeals, and Licensing, Complaints Unit, 6200 Park Avenue, Des Moines, Iowa 50321;

c. The complaint hotline, 1.877.686.0027; or

d. Facsimile sent to 515.281.7106.

67.11(3) *Time frames for investigation of complaints or program-reported incident reports.* Upon receipt of a complaint or program-reported incident report made in accordance with this rule, the department will conduct a preliminary review of the complaint or report to determine if a potential regulatory insufficiency has occurred. If a potential regulatory insufficiency exists, the department will institute a monitoring of the program within the following time frames: within 2 working days of receipt of the complaint or incident report if there is the possibility of immediate danger, including that the potential regulatory insufficiency has caused or is likely to cause serious injury, harm, impairment, or death to a resident; or within 20 working days of receipt of the complaint or incident report if the potential regulatory insufficiency has caused or may cause harm that negatively impacts a tenant's mental, physical, or psychosocial status or function and is of such consequence to the tenant's well-being

that a rapid response is warranted; or within 45 working days of receipt of the complaint or incident report for any other complaint or incident investigation, including a potential regulatory insufficiency that may have caused harm of limited consequence and does not significantly impair the tenant's mental, physical, or psychosocial status or function.

67.11(4) *Standard for determining whether a complaint is substantiated.* The department will apply a preponderance-of-the-evidence standard in determining whether or not a complaint or program-reported incident report is substantiated.

67.11(5) *Notification of program and complainant.* The department will notify the program and, if known, the complainant of the final report regarding the complaint investigation.

67.11(6) *Notification of accrediting entity.* For any credible report of alleged improper or inappropriate conduct or conditions within an accredited program, the department will notify the accrediting entity by the most expeditious means possible of any actions taken by the department with respect to certification enforcement.

67.11(7) *Notification of complainant when complaint not investigated.* The department will notify the complainant if the department does not investigate a complaint, including the reasons for not investigating the complaint.

481—67.12(17A,231B,231C,231D,85GA,HF2365) Exit interview, final report, plan of correction.

67.12(1) *Exit interview.* The department will provide an exit interview pursuant to Iowa Code sections 231B.8 and 231C.8.

67.12(2) *Final report.* The department will issue the final report pursuant to Iowa Code sections 231B.8(2) and 231C.8(2).

67.12(3) *Plan of correction.* Within ten working days following receipt of the final report, the program shall submit a plan of correction to the department, which shall include:

a. Elements detailing how the program will correct each regulatory insufficiency, including at the system level;

b. The date by which the regulatory insufficiency will be corrected not to exceed 30 days from receipt of the final report without approval of the department;

c. What measures will be taken to ensure the problem does not recur;

d. How the program plans to monitor performance to ensure compliance; and

e. Any other required information.

The department will review the plan of correction and may request additional information or suggest revisions to the plan.

67.12(4) *Monitoring revisit.* The department may conduct a monitoring revisit to ensure that the plan of correction has been implemented and the regulatory insufficiency has been corrected.

481—67.13(17A,231B,231C,231D,85GA,HF2365) Response to final report. The program shall respond pursuant to Iowa Code sections 231B.9A, 231C.9A, and 231D.9A in the following manner.

67.13(1) *If not contesting.* If the program does not seek an informal conference or contest the final report and civil penalty, if assessed, the program shall remit to the department the amount of the civil penalty, if assessed. If a program has been assessed a civil penalty, the civil penalty will be reduced by 35 percent if the requirements of subrule 67.16(5) are met.

67.13(2) *Informal conference.*

a. Request for informal conference. The request for an informal conference must be in writing and include the following:

(1) Identification of the regulatory insufficiency(ies) being disputed;

(2) The type of informal conference requested: virtual or telephone conference;

(3) A request for monitor's notes for the regulatory insufficiency(ies) being disputed, if desired.

b. Submission of documentation. The program will submit the following within ten working days from the date of the program's written request for an informal conference:

(1) The names of those who will be attending the informal conference, including legal counsel;

(2) Documentation supporting the program's position. The program will highlight or use some other means to identify written information pertinent to the disputed regulatory insufficiency(ies). Supporting documentation that is not submitted with the request for an informal conference will not be considered, except as otherwise permitted by the independent reviewer upon good cause shown. "Good cause" means substantial or adequate grounds for failing to submit documentation in a timely manner. In determining whether the program has shown good cause, the independent reviewer shall consider what circumstances kept the program from submitting the supporting documentation within the required time frame.

c. Virtual or telephone conference. A virtual or telephone conference, if requested, will be scheduled to occur within ten working days of the receipt of the written request, all supporting documentation and the plan of correction required by subrule 67.12(3).

(1) Failure to submit supporting documentation will not delay scheduling.

(2) The conference will be scheduled for one hour. The program will informally present information and explanation concerning the contested regulatory insufficiency(ies). The department will have time to respond to the program's presentation. Due to the confidential nature of the conference, attendance may be limited.

(3) If additional information is requested by the independent reviewer during the informal conference, the program will have two working days to deliver the additional materials to the independent reviewer.

(4) When extenuating circumstances exist, the program may be given one opportunity to reschedule.

d. Results. The results of the informal conference will generally be sent within ten working days after the date of the informal conference or within ten working days after the receipt of additional information, if requested.

(1) The department will issue an amended (changes in factual content) or corrected (changes in typographical/data errors) final report if changes result from the informal conference.

(2) The program must submit to the department a new plan of correction for the amended or corrected report within ten calendar days from the date of the letter conveying the results of the conference.

(3) If the informal conference results in dismissal of a regulatory insufficiency for which a civil penalty was assessed, the corresponding civil penalty will be rescinded.

67.13(3) *Procedure after informal conference.* After the conclusion of an informal conference:

a. If the program does not desire to further contest an affirmed or modified final report, the program shall, within five working days after receipt of the written decision of the independent reviewer, remit to the department the civil penalty, if assessed.

b. If the program does desire to further contest an affirmed or modified final report, the program shall, within five working days after receipt of the written decision of the independent reviewer, notify the department in writing that it desires to formally contest the final report.

67.13(4) *Contested case hearings.* Contested case hearings shall be conducted by the department's administrative hearings division pursuant to Iowa Code chapter 17A and 481—Chapter 9.

481—67.14(17A,231B,231C,231D) Denial, suspension or revocation of a certificate.

67.14(1) *Notice and request for hearing.* The denial, suspension or revocation of a certificate shall be effected by delivering to the applicant or certificate holder by restricted certified mail or by personal service a notice setting forth the particular reasons for such actions. A denial, suspension or revocation shall be effective 30 days after certified mailing or personal service of the notice, unless the applicant or certificate holder gives the department written notice requesting a hearing within the 30-day period. If a timely request for hearing is made, the notice shall be deemed suspended pending the outcome of the hearing unless subrule 67.14(3) or 67.14(4) applies. If an enforcement action has been implemented immediately in accordance with subrule 67.14(3) or 67.14(4), the enforcement action remains in effect regardless of a request for hearing.

67.14(2) *Hearings.* Hearings shall be conducted by the administrative hearings division of the department pursuant to Iowa Code chapter 17A and 481—Chapter 9.

67.14(3) *Immediate suspension of a certificate.* When the department finds that an imminent danger to the health or safety of tenants of a program exists that requires action on an emergency basis, the department may direct removal of all tenants from the program and suspend the certificate or require additional remedies to ensure the ongoing safety of the program's tenants prior to a hearing.

67.14(4) *Immediate imposition of enforcement action.* When the department finds that an imminent danger to the health or safety of tenants exists that requires action on an emergency basis, the department may immediately impose a conditional certificate and accompanying conditions upon the program in lieu of immediate suspension of the certificate and removal of the tenants from the program if the department finds that tenants' health and safety would still be protected. The program may request a hearing, but the immediate enforcement action remains in effect regardless of the request for hearing.

481—67.15(17A,231B,231C,231D) Conditional certification.

67.15(1) *Conditional certification.* In lieu of denial, suspension or revocation of a certificate, the department may issue a conditional certificate for a period of up to one year. Notwithstanding subrule 67.14(4), a conditional certificate shall be issued only when regulatory insufficiencies pose no greater risk to tenant health or safety than the potential for causing minimal harm.

a. The department will specify the reasons for the conditional certificate in the notice issuing the conditional certificate.

b. The department may place conditions upon a certificate, such as requiring additional training; restriction of the program from accepting additional tenants for a period of time; or any other action or combination of actions deemed appropriate by the department.

c. Failure by the program to adhere to the plan of correction or conditions placed on the certificate may result in suspension or revocation of the conditional certification and further enforcement action as available under applicable requirements.

d. A program must be in substantial compliance with applicable requirements before the removal of a conditional certificate by the department. Prior to lifting a conditional certificate, the department may conduct a monitoring to verify substantial compliance.

67.15(2) *Appeal of conditional certificate.* A written request for hearing must be received by the department within 30 days after the mailing or service of notice. The conditional certificate will not be suspended pending the hearing. Hearings will be conducted by the administrative hearings division of the department pursuant to Iowa Code chapter 17A and 481—Chapter 9.

481—67.16(17A,231B,231C,231D) Civil penalties.

67.16(1) *When civil penalties may be issued.* Civil penalties may be issued when the director finds that any of the following has occurred:

a. A program that does not comply with applicable requirements and the noncompliance results in imminent danger or a substantial probability of resultant death or physical harm to a tenant may be assessed a civil penalty of not more than $10,000.

b. A program that continues to fail or refuses to comply with applicable requirements within prescribed time frames established by the department or approved by the department in the program's plan of correction and the noncompliance has a direct relationship to the health, safety, or security of tenants may be assessed a civil penalty of not more than $5,000.

c. A program that prevents, interferes with or attempts to impede in any way any duly authorized representative of the department in the lawful enforcement of applicable requirements may be assessed a civil penalty of not more than $1,000.

d. A program that discriminates or retaliates in any way against a tenant, tenant's family, or an employee of the program who has initiated or participated in any proceeding authorized by Iowa Code chapter 231B, 231C or 231D and the corresponding administrative rules may be assessed a civil penalty of not more than $5,000.

67.16(2) *Duplicate civil penalties prohibited.* The department shall not impose duplicate civil penalties on a program for the same set of facts and circumstances.

67.16(3) *Factors in determining the amount of a civil penalty.* The department will consider the following factors when determining the amount of a civil penalty:

a. The frequency and length of time the regulatory insufficiency occurred (i.e., whether the regulatory insufficiency was an isolated or a widespread occurrence, practice, or condition);

b. The past history of the program as it relates to the nature of the regulatory insufficiency (the department will not consider more than the current certification period and the immediately previous certification period);

c. The culpability of the program as it relates to the reasons the regulatory insufficiency occurred;

d. The extent of any harm to the tenants or the effect on the health, safety, or security of the tenants that resulted from the regulatory insufficiency;

e. The relationship of the regulatory insufficiency to any other types of regulatory insufficiencies that have occurred in the program;

f. The actions of the program after the occurrence of the regulatory insufficiency, including when corrective measures, if any, were implemented and whether the program notified the director as required;

g. The accuracy and extent of records kept by the program that relate to the regulatory insufficiency, and the availability of such records to the department;

h. The rights of tenants to make informed decisions;

i. Whether the program made a good-faith effort to address a high-risk tenant's specific needs and whether the evidence substantiates this effort.

67.16(4) *Civil penalties due.* The civil penalty shall be paid to the department within 30 days following the program's receipt of the final report and demand letter. The program may appeal in accordance with rule 481—67.13(17A,231B,231C,231D,85GA,HF2365). If the program appeals, the civil penalty will be deemed suspended until the appeal is resolved.

67.16(5) *Reduction of civil penalty.* If a program has been assessed a civil penalty, the civil penalty will be reduced by 35 percent if both of the following requirements are met:

a. The program does not request a formal hearing pursuant to rule 481—67.13(17A,231B,231C,231D,85GA,HF2365) or withdraws its request for formal hearing within 30 calendar days of the date that the civil penalty was assessed; and

b. The civil penalty is paid and payment is received by the department within 30 calendar days of receipt of the final report.

481—67.17(17A,231B,231C,231D) Judicial review. Judicial review shall be conducted pursuant to Iowa Code chapter 17A and 481—Chapter 9.

481—67.18(135C,231B,231C,231D) Criminal, dependent adult abuse, and child abuse record checks.

67.18(1) *Definitions.* The following definitions apply for the purposes of this rule.

"Background check" or *"record check"* means criminal history, child abuse and dependent adult abuse record checks.

"Comprehensive preliminary background check" means a criminal history check of all states in which the applicant has worked or resided over the seven-year period immediately prior to applying for employment that is conducted by an approved third-party vendor.

"Direct services" means services provided through person-to-person contact. "Direct services" excludes services provided by individuals such as building contractors, repair workers, or others who are in a program for a very limited purpose, who are not in the program on a regular basis, and who do not provide any treatment or services for residents, patients, tenants, or participants of the provider.

"Employed in a program" or *"employment within a program"* means all of the following, if the provider is regulated by the state or receives any federal or state funding:

1. An employee of an assisted living program certified under Iowa Code chapter 231C, if the employee provides direct services to consumers;

2. An employee of an elder group home certified under Iowa Code chapter 231B, if the employee provides direct services to consumers;

3. An employee of an adult day services program certified under Iowa Code chapter 231D, if the employee provides direct services to consumers.

"Employee" means any individual who is paid, either by the program or any other entity (i.e., temporary agency, private duty, Medicare/Medicaid or independent contractors).

"Evaluation" means review by the department of health and human services (HHS) to determine whether a founded child abuse, dependent adult abuse or criminal conviction warrants the person's being prohibited from employment in a program.

"Indirect services" means services provided without person-to-person contact such as those provided by administration, dietary, laundry, and maintenance.

"Program," for purposes of this rule, means the following, if the provider is regulated by the state or receives any federal or state funding:

1. An assisted living program certified under Iowa Code chapter 231C;
2. An elder group home certified under Iowa Code chapter 231B;
3. An adult day services program certified under Iowa Code chapter 231D.

67.18(2) *Explanation of "crime."* For purposes of this rule, the term "crime" does not include offenses under Iowa Code chapter 321 classified as simple misdemeanor or equivalent simple misdemeanor offenses from another jurisdiction.

67.18(3) *Requirements for employer prior to employing an individual.* Prior to employment of a person in a program, the program shall complete the background check requirements set forth below.

a. Informing the prospective employee. A program will ask each person seeking employment by the program, "Do you have a record of founded child or dependent adult abuse or have you ever been convicted of a crime other than a simple misdemeanor offense relating to motor vehicles and laws of the road under Iowa Code chapter 321 or equivalent provisions in this state or any other state?" The person will be informed that a background check will be conducted and sign an acknowledgment.

b. Conducting a background check. The program will either request that the department of public safety perform a criminal history check and that HHS perform child and dependent adult abuse record checks of the person in this state or access the single contact repository (SING) to perform the required background check. If SING is used, the program will submit the person's maiden name, if applicable, with the background check request.

c. If a person considered for employment has been convicted of a crime under the law of any state. The program will request that HHS perform an evaluation to determine whether the crime warrants prohibition of the person's employment in the program.

d. If a person considered for employment has a record of founded child abuse or dependent adult abuse under the laws of any state. The program will request that HHS perform an evaluation to determine whether the founded child or dependent adult abuse warrants prohibition of employment in the program.

e. Employment pending evaluation. The program may provisionally employ a person prior to completion of the required record check and evaluation by HHS, as applicable, subject to all of the following:

(1) The program shall have accessed SING to perform the required record check and be awaiting results from SING or awaiting evaluation by HHS, as applicable;

(2) If applicable, the program shall request an evaluation by HHS in accordance with paragraph 67.18(3)*"c"* or *"d"* within 30 days of receipt of SING record check results;

(3) The program shall have utilized an approved third-party vendor to perform a comprehensive preliminary background check;

(4) If the comprehensive preliminary background check determines that the person being considered for employment has been convicted of a crime, the crime does not constitute a felony as defined in Iowa Code section 701.7 and is not a crime specified pursuant to Iowa Code chapter 708, 708A, 709, 709A, 710, 710A, 711, or 712 or pursuant to Iowa Code section 726.3, 726.7, or 726.8;

(5) The comprehensive preliminary background check shall have determined that the person being considered for employment does not have a record of founded child abuse or dependent adult abuse, or if the comprehensive preliminary background check determines the person being considered for employment does have a record of founded child abuse or dependent adult abuse, subrule 67.18(8) is applicable;

(6) The provisional employment may continue until such time as the required record check through SING and evaluation by HHS, as applicable, are completed.

67.18(4) *Validity of background check results.* The results of a background check conducted pursuant to this rule shall be valid for a period of 30 calendar days from the date the results of the background check are received by the program.

67.18(5) *Employment prohibition.* Except as provided in paragraph 67.18(3)*"e,"* a person who has committed a crime or has a record of founded child or dependent adult abuse shall not be employed in a program unless an evaluation has been performed by HHS.

67.18(6) *Transfer of an employee to another program owned or operated by the same person without a lapse in employment.* The program is not required to request additional criminal and child and dependent adult abuse record checks of that employee.

67.18(7) *Transfer of ownership of a program.* At the time of transfer of ownership of a program, the background check required by this rule will be performed for each employee for whom there is no documentation that such background check has been performed. The program may continue to employ such employee pending the performance of the background check and any related evaluation.

67.18(8) *Change of employment—person with criminal or abuse record—exception to record check evaluation requirements.* A person with a criminal or abuse record who is or was employed by a certified program and is hired by another certified program shall be subject to the background check.

a. A reevaluation of the latest record check is not required, and the person may commence employment with the other certified program if the following requirements are met:

(1) HHS previously performed an evaluation concerning the person's criminal or abuse record and concluded the record did not warrant prohibition of the person's employment;

(2) The latest background check does not indicate a crime was committed or founded abuse record was entered subsequent to the prior evaluation;

(3) The position with the subsequent employer is substantially the same or has the same job responsibilities as the position for which the previous evaluation was performed;

(4) Any restrictions placed on the person's employment in the previous evaluation by HHS and still applicable remain applicable in the person's subsequent employment;

(5) The person subject to the background check has maintained a copy of the previous evaluation and provided it to the subsequent employer, or the previous employer provides the previous evaluation from the person's personnel file pursuant to the person's authorization. If a physical copy of the previous evaluation is not provided to the subsequent employer, a current record check evaluation will be performed.

b. For purposes of this subrule, a position is "substantially the same or has the same job responsibilities" if the position requires the same certification, licensure, or advanced training. For example, a licensed nurse has substantially the same or the same job responsibilities as a director of nursing; a certified nurse aide does not have substantially the same or the same job responsibilities as a licensed nurse.

c. The subsequent employer must maintain the previous evaluation in the employee's personnel file for verification of the exception to the requirement for a record check evaluation.

d. The subsequent employer may request a reevaluation of the background check and may employ the person while the reevaluation is being performed, even though an exemption under paragraph 67.18(8)*"a"* may be authorized.

67.18(9) *Employee notification of criminal convictions or founded abuse after employment.* If a person employed by an employer that is subject to this rule is convicted of a crime or has a record of founded child or dependent adult abuse entered in the abuse registry after the person's employment

application date, the person shall inform the employer of such information within 48 hours of the criminal conviction or entry of the record of founded child or dependent adult abuse.

a. The employer shall act to verify the information within seven calendar days of notification. "Verify," for purposes of this subrule, means to access SING to perform a background check, to request a criminal background check from the department of public safety, to request an abuse record check from HHS, to conduct an online search through the Iowa Courts Online website, or to contact the county clerk of court office and obtain a copy of relevant court documents.

b. If the information is verified, the program shall follow the requirements of paragraphs 67.18(3)*"c"* and *"d."*

c. The employer may continue to employ the person pending the performance of an evaluation by HHS.

d. A person who is required by this subrule to inform the person's employer of a conviction or entry of an abuse record and fails to do so within the required period commits a serious misdemeanor under Iowa Code section 135C.33.

e. The employer may notify the county attorney for the county where the employer is located of any violation or failure by an employee to notify the employer of a criminal conviction or entry of an abuse record within the period required under this subrule.

67.18(10) *Program receipt of credible information that an employee has been convicted of a crime or founded for abuse.* If the program receives credible information, as determined by the program, from someone other than the employee, that the employee has been convicted of a crime or a record of founded child or dependent adult abuse has been entered in the abuse registry after employment, and the employee has not informed the employer of the information within the time required by subrule 67.18(9), the program shall take the following actions:

a. The program will act to verify credible information within seven calendar days of receipt. "Verify," for purposes of this subrule, means to access SING to perform a background check, to request a criminal background check from the department of public safety, to request an abuse record check from HHS, to conduct an online search through the Iowa Courts Online website, or to contact the county clerk of court office and obtain a copy of relevant court documents.

b. If the information is verified, the program shall follow the requirements of paragraphs 67.18(3)*"c"* and *"d."*

67.18(11) *Proof of background checks for temporary employment agencies and contractors.* Proof of background checks may be kept in the files maintained by temporary employment agencies and contractors. Facilities may require temporary employment agencies and contractors to provide a copy of the result of the background checks. Copies of such results shall be made available to the department upon request.

481—67.19(17A,231C,231D) Emergency removal of tenants. If the department determines that the health or safety of tenants is in jeopardy and the tenants need to be removed from the program, the department will use the following procedures to ensure a safe and orderly transfer.

67.19(1) The department will notify HHS, the tenant advocate, the appropriate area agency on aging, and other agencies as necessary and appropriate:

a. To alert them to the need to transfer tenants from a program;

b. To request assistance in identifying alternative programs or other appropriate settings;

c. To contact the tenants and their legal representatives or family members, if applicable, and others as appropriate, including health care professionals.

67.19(2) The department will notify the program of the immediate need to transfer tenants and of any assistance available, in coordination with the appropriate parties under subrule 67.19(1).

481—67.20(231C) Nursing assistant work credit.

67.20(1) A program may add an employee to the direct care worker registry by calling 515.281.4077 or by registering through the website at dia-hfd.iowa.gov.

67.20(2) A program shall complete and submit to the department a direct care worker registry application for each certified nursing assistant who works in the program. A registered nurse employed by the program shall supervise the nursing assistant. The application may be obtained by telephone at 515.281.4077 or via the website at dia-hfd.iowa.gov.

67.20(3) A program shall complete and submit to the department a direct care worker registry quarterly employment report whenever a change in the employment of a certified nursing assistant occurs. The report form may be obtained by telephone at 515.281.4077 or via the website at dia-hfd.iowa.gov.

481—67.21(231B,231C,231D) Public or confidential information.

67.21(1) *Public information.*

a. Public disclosure of findings. The program shall provide copies of the final report resulting from a monitoring in a prominent public place. Copies are available upon request from the Department of Inspections, Appeals, and Licensing, Adult Services Bureau, 6200 Park Avenue, Des Moines, Iowa 50323; by telephone at 515.281.6325; or via the website at dia-hfd.iowa.gov.

b. Open records. The following records are open records available for inspection:

(1) Certification applications, certification status, and accompanying materials;

(2) Final findings of state monitorings, including a monitoring that results from a complaint or program-reported incident;

(3) Reports from the fire safety bureau;

(4) Plans of correction submitted by a program;

(5) Official notices of certification sanctions, including enforcement actions;

(6) Findings of fact, conclusions of law, decisions and orders issued pursuant to rules 481—67.10(17A,231B,231C,231D) and 481—67.12(17A,231B,231C,231D,85GA,HF2365);

(7) Waivers, including the department's approval and denial letter and any letter requesting the waiver.

67.21(2) *Confidential information.* Confidential information includes the following:

a. Information that does not comprise a final report resulting from a monitoring, complaint investigation, or program-reported incident investigation. Information that does not comprise a final report may be made public in a legal proceeding concerning a denial, suspension or revocation of certification;

b. Names of all complainants;

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

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

67.21(3) *Redaction of confidential information.* If a record normally open for inspection contains confidential information, the confidential information shall be redacted before the records are provided for inspection.

These rules are intended to implement Iowa Code chapters 231B, 231C, and 231D.

ARC 9782C

INSPECTIONS AND APPEALS DEPARTMENT[481]

Notice of Intended Action

Proposing rulemaking related to elder group homes and providing an opportunity for public comment

The Department of Inspections, Appeals, and Licensing hereby proposes to rescind Chapter 68, "Elder Group Homes," Iowa Administrative Code, and to adopt a new Chapter 68 with the same title.

Legal Authority for Rulemaking

This rulemaking is proposed under the authority provided in Iowa Code section 231B.2.

State or Federal Law Implemented

This rulemaking implements, in whole or in part, Iowa Code section 231B.2 and Executive Order 10.

Purpose and Summary

The proposed rulemaking repromulgates Chapter 68 and implements Iowa Code section 231B.2 in accordance with the goals and directives of Executive Order 10. Iowa Code section 231B.2 requires the Department to establish minimum standards for certification and monitoring of elder group homes.

The rulemaking implements the above Iowa Code section by setting forth the certification and recertification process. The rulemaking describes the evaluation needed for tenants and lists the occupancy agreement terms, as well as the criteria for admission and retention of tenants and necessary tenant documents. The rules list how to involuntarily transfer a tenant from the program. The rulemaking sets staffing requirements, structural standards, and life safety protocols.

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

No public comments were received.

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 31, 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 30, 2025 2:30 to 3 p.m.	Ledges Conference Room 6200 Park Avenue, Suite 100 Des Moines, Iowa

December 31, 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 481—Chapter 68 and adopt the following **new** chapter in lieu thereof:

CHAPTER 68
ELDER GROUP HOMES

481—68.1(231B) Definitions. In addition to the definitions in 481—Chapter 67 and Iowa Code chapter 231B, the following definitions apply:

"Applicable requirements" means the requirements in Iowa Code chapter 231B, this chapter and 481—Chapter 67 and any other applicable administrative rules and provisions of the Iowa Code.

"Household occupant" means a tenant and all others who reside in an elder group home (EGH).

"Maximal assistance with activities of daily living" means routine total dependence on staff for the performance of a minimum of four activities of daily living for a period that exceeds 21 days.

"Medically unstable" means that a tenant has a condition or conditions:

1. Indicating physiological frailty as determined by the program's staff in consultation with a physician or physician extender;
2. Resulting in two or more significant hospitalizations within a consecutive three-month period for more than observation; and
3. Requiring supervision by a registered nurse more than once a week of the tenant for more than 21 days.

"On-site manager" means the person on duty responsible for direct supervision or provision of tenant care. The on-site manager may be any household occupant over 18 years of age, except a tenant, who is qualified to perform the necessary duties.

"Personal care provider" means an individual who, in return for remuneration, assists with the essential activities of daily living that the tenant can perform personally only with difficulty.

"Program" means an elder group home.

"Unmanageable incontinence" means a condition that requires staff provision of total care for an incontinent tenant who lacks the ability to assist in bladder or bowel continence care.

"Usable floor space" means open floor space that is not under fixtures, furniture or other barriers and is available for walking or wheelchair use.

481—68.2(231B) Program certification and posting requirements.

68.2(1) *Certification.* A program may obtain certification by meeting all applicable requirements.

68.2(2) *Posting requirements.* A program's current certificate shall be visibly displayed within the designated operation area of the program. The latest monitoring report, fire safety bureau report, and food establishment inspections report issued pursuant to Iowa Code chapter 137F shall be made available to the public by the program upon request.

481—68.3(231B) Certification—application process.

68.3(1) The applicant shall complete an application packet obtained from the department health facilities division website at dia-hfd.iowa.gov; by mail from the Department of Inspections, Appeals, and Licensing, Adult Services Bureau, 6200 Park Avenue, Des Moines, Iowa 50321; or by telephone at 515.281.7272.

68.3(2) The applicant shall submit one copy of the completed application and all supporting documentation to the department at least 30 calendar days prior to the expected date of beginning operation.

481—68.4(231B) Certification—application content. An application for certification or recertification of an EGH shall include the following:

68.4(1) The names, addresses, and percentage of stock, shares, partnership or other equity interest of all officers, members of the board of directors and trustees, as well as stockholders, partners or any individuals who have greater than a 10 percent equity interest in each of the following, as applicable:

a. The real estate owner or lessor;

b. The lessee;

c. The management company responsible for the day-to-day operation of the program.

The program will notify the department of any changes in the list no later than ten working days after the effective date of the change.

68.4(2) A statement disclosing whether the individuals listed in subrule 68.4(1) have been convicted of a felony or an aggravated or serious misdemeanor or found to be in violation of the child abuse or dependent adult abuse laws of any state.

68.4(3) A statement disclosing whether any of the individuals listed in subrule 68.4(1) meet the criteria set out in Iowa Code section 231B.10(1)*"g,"* including for a licensed health care facility as defined in Iowa Code section 135C.1 or licensed hospital as defined in Iowa Code section 135B.1.

68.4(4) Reserved.

68.4(5) The tenant occupancy agreement and all attachments.

68.4(6) If the program contracts for personal care or health-related care services from a certified home health agency, a mental health center or a licensed health care facility, a copy of that entity's current license or certification.

68.4(7) A copy of the state license for the entity that provides food service, whether the entity is the program or an outside entity or a combination of both.

68.4(8) The fee set forth in Iowa Code section 231B.17.

481—68.5(231B) Initial certification process.

68.5(1) Upon receipt of all completed documentation, including fire safety bureau approval and structural and evacuation review approval, the department will determine whether or not the proposed program meets applicable requirements.

68.5(2) If the department determines the proposed program meets the requirements for certification, a provisional certification will be issued to the program to begin operation and accept tenants.

68.5(3) Within 180 calendar days following issuance of provisional certification, the department will conduct a monitoring to determine the program's compliance with applicable requirements.

68.5(4) If a regulatory insufficiency is identified as a result of the monitoring, the process in rule 481—67.10(17A,231B,231C,231D) will be followed.

68.5(5) The department will make a final certification decision based on the results of the monitoring and review of an acceptable plan of correction.

68.5(6) The department will notify the program of a final certification decision within ten working days following the finalization of the monitoring report or receipt of an acceptable plan of correction, whichever is applicable.

68.5(7) If the decision is to continue certification, the department will issue a full two-year certification effective from the date of the original provisional certification.

481—68.6(231B) Expiration of program certification. Unless conditionally issued, suspended or revoked, certification of a program will expire at the end of the time period specified on the certificate.

481—68.7(231B) Recertification process. To obtain recertification, a program shall:

68.7(1) Submit one copy of the completed application, including the information from rule 481—68.4(231B), associated documentation, and the recertification fee as listed in Iowa Code section 231B.17 to the department at the address stated in subrule 68.3(1) at least 90 calendar days prior to the expiration of the program's certification.

68.7(2) Submit additional documentation that each of the following has been inspected and found to be maintained in conformance with the manufacturer's recommendations and nationally recognized standards: heating system, cooling system, water heater, electrical system, plumbing, sewage system, artificial lighting, and ventilation system; and, if located on site, garbage disposal, kitchen appliances, washing machines and dryers, and elevators.

481—68.8(231B) Notification of recertification.

68.8(1) The department will review the application and associated documentation and fees. If the application is incomplete, the department will contact the program to request the additional information. After all finalized documentation is received, including fire safety bureau approval, the department will determine the program's compliance with applicable requirements.

68.8(2) If the facility is in good standing, the department will issue the program a two-year certification effective from the date of the expiration of the previous certification.

68.8(3) If the decision is to deny recertification, the department shall issue a notice of denial and provide the program the opportunity for a hearing pursuant to rule 481—67.14(17A,231B,231C,231D).

481—68.9(231B) Listing of all certified programs. The department will maintain a list of all certified programs, which is available online at dia-hfd.iowa.gov.

481—68.10(231B) Change of ownership—notification to the department.

68.10(1) Certification, unless conditionally issued, suspended or revoked, may be transferable. If the program's certification has been conditionally issued, the department must approve a change of ownership prior to the transfer of the certification.

68.10(2) In order to transfer certification, the applicant must:

a. Meet the requirements of the rules, regulations and standards contained in Iowa Code chapter 231B and 481—Chapter 67 and this chapter;

b. At least 30 days prior to the change of ownership of the program, provide application and supporting documents to the department.

68.10(3) The department may conduct a monitoring within 90 days following a change in the program's ownership to ensure that the program complies with applicable requirements. If a regulatory insufficiency is found, the department will take any necessary enforcement action authorized by applicable requirements.

481—68.11(231B) Cessation of program operation that includes seeking decertification.

68.11(1) The program shall provide, at least 90 days in advance of cessation, unless there is some type of emergency, written notification to the department and the tenant advocate of the date on which the program will cease operation.

68.11(2) At the time a program decides to cease operation, the program shall submit a plan to the department and make arrangements for the safe and orderly transfer or transition of all tenants within the 90-day period specified by subrule 68.11(1).

68.11(3) The department may conduct a monitoring during the 90-day period to ensure the safety of tenants during the transfer process or transition process.

68.11(4) When a program ceases operation, tenant advocates shall be allowed by the program to privately meet with tenants to provide education and service options.

481—68.12(231B) Occupancy agreement.

68.12(1) The occupancy agreement shall be in 12-point type or larger and written in plain language using commonly understood terms that are easy for the tenant or the tenant's legal representative to understand.

68.12(2) In addition to the requirements of Iowa Code section 231B.5, the written occupancy agreement shall include the following information in the body of the agreement or in the supporting documents and attachments:

a. The telephone number for filing a complaint with the department.

b. The telephone number for the office of the tenant advocate.

c. The telephone number for reporting dependent adult abuse.

d. A copy of the program's statement on tenants' rights.

e. A statement that the program will notify the tenant at least 90 days in advance of any planned program cessation, except in cases of emergency.

f. A copy of the program's admission and transfer criteria.

68.12(3) The occupancy agreement shall be reviewed and updated as necessary to reflect any change in services or financial arrangements.

68.12(4) A copy of the occupancy agreement shall be provided to the tenant or the tenant's legal representative, if any, and a copy kept by the program.

68.12(5) A copy of the most current occupancy agreement shall be made available to the general public upon request.

481—68.13(231B) Evaluation of tenant.

68.13(1) *Evaluation prior to occupancy.* A program shall evaluate each prospective tenant's functional, cognitive and health status prior to the tenant's signing the occupancy agreement and becoming a household occupant to determine the tenant's eligibility for the program, including whether the services needed are available. The cognitive evaluation shall utilize a scored, objective tool. When the score from the cognitive evaluation indicates moderate cognitive decline and risk, the Global Deterioration Scale shall be used at all subsequent intervals, if applicable. If the tenant subsequently returns to the tenant's mildly cognitively impaired state, the program may discontinue the GDS and revert to a scored cognitive screening tool. The evaluation shall be conducted by a health care professional, human service professional, or a licensed practical nurse via nurse delegation.

68.13(2) *Evaluation within 30 days of occupancy and with significant change.* A program shall evaluate each tenant's functional, cognitive and health status within 30 days of occupancy. A program shall evaluate each tenant's functional, cognitive and health status as needed with significant change, but not less than annually, to determine the tenant's continued eligibility for the program and to determine any changes to services needed. The evaluation shall be conducted by a health care professional, human service professional, or a licensed practical nurse via nurse delegation.

481—68.14(231B) Criteria for admission and retention of tenants.

68.14(1) *Persons who may not be admitted or retained.* A program shall not knowingly admit or retain a tenant who:

a. Is bed-bound; or

b. Requires routine, one-person assistance with standing, transfer or evacuation; or

c. Is dangerous to self or other tenants or staff, including but not limited to a tenant who:

(1) Despite intervention chronically elopes, is sexually, verbally or physically aggressive or abusive; or

(2) Displays behavior that places another tenant at risk; or

d. Is in an acute stage of alcoholism, drug addiction, or uncontrolled mental illness; or

e. Is under the age of 18; or

f. Requires more than part-time or intermittent health-related care; or

g. Has unmanageable incontinence on a routine basis despite an individualized toileting program; or

h. Is medically unstable; or

i. Requires maximal assistance with activities of daily living; or

j. Is physically or mentally unable to immediately and without aid of another travel a normal path to safety, including the ascent and descent of stairs from the tenant's bedroom or bathroom.

68.14(2) *Disclosure of additional occupancy and transfer criteria.* A program may have additional occupancy or transfer criteria if the criteria are disclosed in the written occupancy agreement prior to the tenant's occupancy.

68.14(3) *Assistance with transfer from the program.* A program shall assist a tenant and the tenant's legal representative, if applicable, to ensure a safe and orderly transfer from the program when the tenant exceeds the program's criteria for admission and retention.

481—68.15(231B) Involuntary transfer from the program.

68.15(1) *Program initiation of transfer.* The program shall comply with Iowa Code section 231B.6 and provide notification to the tenant advocate by certified mail and the tenant's treating physician, if any.

68.15(2) *Transfer pursuant to results of monitoring or complaint or program-reported incident investigation by the department.* If one or more tenants are identified as exceeding the admission and retention criteria for tenants and transferred as a result of a monitoring or a complaint or program-reported incident investigation conducted by the department, the following procedures shall apply:

a. Notification of the program. Within 20 working days of the monitoring or complaint or program-reported incident investigation, the department will notify the program, in writing, of the identification of any tenant who exceeds admission and retention criteria.

b. Notification of others. Each identified tenant, the tenant's legal representative, if applicable, and other providers of services to the tenant will be notified of their opportunity to provide responses within ten days of receipt of the notice, including: specific input, written comment, information, and documentation directly addressing any agreement or disagreement with the identification.

c. Program agreement with the department's finding. If the program agrees with the department's finding and the program begins involuntary transfer proceedings, the program's internal appeal process in subrule 68.15(1) will be utilized for appeals.

d. Program disagreement with the department's finding. If the program does not agree with the department's finding that the tenant exceeds admission and retention criteria, the program may collect and submit all responses to the department, within ten working days of the receipt of the notice, including those from other interested parties. In the program's response, the program will identify the tenant, list the known responses from others, and note the program's agreement or disagreement with the responses from others. Submission of a response does not eliminate the applicable requirements including submission of a plan of correction under 481—subrule 67.13(3). Other persons may also submit information directly to the department.

(1) Consideration of response. Within ten working days of receipt of the program's response for each identified tenant, the department will make a final finding regarding the continued retention of a tenant.

(2) Amending the regulatory insufficiency. If the department's determination is to amend the regulatory insufficiency based on the response, the department will modify the report of findings.

(3) Retaining regulatory insufficiency. If the department retains the regulatory insufficiency, the department will review the plan of correction in accordance with this chapter and 481—Chapter 67.

The department will notify the program of the opportunity to appeal the report findings as they relate to the admission and retention decision. The department will provide to the tenant or the tenant's legal representative the contact information for the tenant advocate. A copy of the final report will be sent to the tenant advocate.

(4) Effect of the filing of an appeal. If an appeal is filed, the tenant who exceeds admission and retention criteria will be allowed to continue living in the EGH until all administrative appeals have been exhausted. Appeals filed that relate to the tenant's exceeding admission and retention criteria will be heard within 30 days of receipt, and appropriate services to meet the tenant's needs will be provided during that period of time.

(5) Request for waiver of criteria for retention of a tenant in a program. To allow a tenant to remain in the program, the program may request a waiver of criteria for retention of a tenant pursuant to rule 481—67.7(231B,231C,231D) from the department within ten working days of the receipt of the report.

481—68.16(231B) Tenant documents.

68.16(1) Documentation for each tenant shall be maintained by the program and include:

a. An occupancy record including the tenant's name, birth date, and home address; identification numbers; date of beginning participation; name, address and telephone number of health professional(s); diagnosis; and names, addresses and telephone numbers of family members, friends or other designated people to contact in the event of illness or an emergency;

b. Application forms;

c. The initial evaluations and updates;

d. A nutritional assessment as necessary;

e. The initial individual service plan and updates;

f. Signed authorizations for permission to release medical information, photographs, or other media information as necessary;

g. A signed authorization for the tenant to receive emergency medical care as necessary;

h. A signed managed risk policy and signed managed risk consensus agreements, if any;

i. When any personal or health-related care is delegated to the program, the medical information sheet; documentation of health professionals' orders, such as those for treatment, therapy, and medication; and nurses' notes written by exception;

j. Medication lists, which will be maintained in conformance with 481—paragraph 67.5(2)*"d"*;

k. Advance health care directives as applicable;

l. A complete copy of the tenant's occupancy agreement, including any updates;

m. A written acknowledgment that the tenant or the tenant's legal representative, if applicable, has been fully informed of the tenant's rights;

n. A copy of guardianship, durable power of attorney for health care, power of attorney, or conservatorship or other documentation of a legal representative;

o. Incident reports involving the tenant, including but not limited to those related to medication errors, accidents, falls, and elopements (such reports need not be included in the tenant's medical record);

p. A copy of waivers of admission or retention criteria, if any;

q. When the tenant is unable to advocate on the tenant's own behalf or the tenant has multiple service providers, including hospice care providers, accurate documentation of the completion of routine personal or health-related care is required on task sheets. If tasks are doctor-ordered, the tasks will be part of the medication administration records (MARs);

r. Authorizations for the release of information, if any.

68.16(2) The program records relating to a tenant shall be retained for a minimum of three years after termination of service.

68.16(3) All records shall be protected from loss, damage and unauthorized use.

481—68.17(231B) Service plans.

68.17(1) A service plan shall be developed for each tenant based on the evaluations conducted in accordance with subrules 68.13(1) and 68.13(2) and be designed to meet the specific needs of the individual tenant.

68.17(2) Prior to the tenant's signing the occupancy agreement and becoming a household occupant, a preliminary service plan shall be developed by a health care professional or human service professional in consultation with the tenant and, at the tenant's request, with other individuals identified by the tenant, and, if applicable, with the tenant's legal representative. All persons who develop the plan and the tenant or the tenant's legal representative shall sign the plan.

68.17(3) When a tenant needs personal care or health-related care, the service plan shall be updated within 30 days of the tenant's occupancy and as needed with significant change, but not less than annually. The service plan will be signed by all parties.

a. If a significant change does not exist, the program may, after nurse review, add minor discretionary changes to the service plan without a comprehensive evaluation and without obtaining signatures on the service plan.

b. If a significant change relates to a recurring or chronic condition, a previous evaluation and service plan of the recurring condition may be utilized without new signatures being obtained. For example, with chronic exacerbation of a urinary tract infection, nurse review is adequate to institute the previously written evaluation and service plan.

68.17(4) The service plan shall be individualized and indicate:

a. The tenant's identified needs and preferences for assistance;

b. Any services and care to be provided pursuant to the occupancy agreement;

c. The service provider(s), if other than the program;

d. Preferences, if any, of the tenant or the tenant's legal representative for nursing facility care, if the need for nursing facility care presents itself during the elder group home occupancy.

481—68.18(231B) Nurse review. If a tenant does not receive personal or health-related care, but an observed significant change in the tenant's condition occurs, a nurse review shall be conducted. If a tenant receives personal or health-related care, the program shall provide for a registered nurse or a licensed practical nurse via nurse delegation:

68.18(1) To monitor, at least every 90 days, or after a significant change in the tenant's condition, any tenant who receives program-administered prescription medications for adverse reactions to the medications and to make appropriate interventions or referrals, and to ensure that the prescription medication orders are current and that the prescription medications are administered consistent with such orders;

68.18(2) To ensure that health care professionals' orders are current for tenants who receive professional-directed health care from the program;

68.18(3) To assess and document the health status of each tenant, to make recommendations and referrals as appropriate, and to monitor progress relating to previous recommendations at least every 90 days and whenever there are changes in the tenant's health status;

68.18(4) To provide the program with written documentation of the activities under the service plan, as set forth in rule 481—68.17(231B), showing the time, date and signature.

481—68.19(231B) Staffing. In addition to the general staffing requirements in rule 481—67.9(231B,231C,231D), the following requirements apply to staffing in programs:

68.19(1) The program will be staffed by an on-site manager 24 hours per day, seven days per week.

68.19(2) Personal care providers will have completed a home care aide training program that meets the requirements and criteria established in 441—Chapter 81.

68.19(3) The owner or management corporation of the program is responsible for ensuring that all personnel employed by or contracting with the program receive training appropriate to assigned tasks and target population.

68.19(4) Personal care providers and nursing staff may be employed by the program or obtained through a contract with a home health agency or other service provider. Regardless of the source, the staff must meet all applicable requirements.

68.19(5) The program will notify the department in writing within ten business days of a change in the program's manager.

481—68.20(231B) Managed risk policy and managed risk consensus agreements. The program shall have a managed risk policy that will be provided to the tenant along with the occupancy agreement and include:

68.20(1) An acknowledgment of the shared responsibility for identifying and meeting the needs of the tenant and the process for managing risk and for upholding tenant autonomy when tenant decision making results in poor outcomes for the tenant or others;

68.20(2) A consensus-based process to address specific risk situations. Program staff and the tenant will participate in the process. The result of the consensus-based process may be a managed risk consensus agreement that will include the signature of the tenant and all others who participated in the process and be included in the tenant's file.

481—68.21(231B) Transportation. When transportation services are provided directly or under contract with the program the following shall apply:

68.21(1) The vehicle will be accessible and appropriate to the tenants who use it, with consideration for any physical disabilities and impairments.

68.21(2) Every tenant transported will have a seat in the vehicle, except for a tenant who remains in a wheelchair during transport.

68.21(3) Vehicles will have adequate seat belts and securing devices for ambulatory and wheelchair-using passengers.

68.21(4) Wheelchairs will be secured when the vehicle is in motion.

68.21(5) During loading and unloading of a tenant, the driver will be in the proximate area of the tenants in a vehicle.

68.21(6) The driver will have a valid and appropriate Iowa driver's license or commercial driver's license as required by law for the vehicle being utilized for transport, or be so licensed in another state. The driver will meet any state or federal requirements for licensure or certification for the vehicle operated.

481—68.22(231B) Identification of veteran's benefit eligibility.

68.22(1) Within 30 days of a tenant's participation in an elder group home that receives reimbursement through the medical assistance program under Iowa Code chapter 249A, the program shall ask the tenant or the tenant's personal representative whether the tenant is a veteran or whether the tenant is the spouse, widow, or dependent of a veteran and document the response.

68.22(2) If the tenant may be a veteran or the spouse, widow, or dependent of a veteran, the program shall report the tenant's name along with the name of the veteran, if applicable, and the name of the contact person for this information, to the Iowa department of veterans affairs. The program may report such information to the Iowa department of health and human services.

68.22(3) If a tenant is eligible for benefits through the U.S. Department of Veterans Affairs or other third-party payor, the program first shall seek reimbursement from the identified payor source before seeking reimbursement from the medical assistance program established under Iowa Code chapter 249A.

481—68.23 Reserved.

481—68.24(231B) Life safety—emergency policies and procedures and structural safety requirements.

68.24(1) The program shall submit to the department and follow written emergency policies and procedures, including the following:

a. An emergency plan, with procedures for natural disasters that is located for easy reference;

b. Fire safety procedures;
c. Other general or personal emergency procedures, including head injury protocols;
d. Provisions for amending or revising the emergency plan;
e. Provisions for periodic training of all employees;
f. Procedures for fire drills;
g. Regulations regarding smoking;
h. Procedures for monitoring and testing of smoke-control systems;
i. Tenant evacuation procedures;
j. Procedures for reporting and documentation;
k. Procedures for extraordinary lifesaving measures, such as cardiopulmonary resuscitation (CPR).

68.24(2) The program's structure and procedures and the facility in which a program is located shall meet the requirements adopted for elder group homes in administrative rules promulgated by the building code bureau and fire safety bureau. Approval of the bureaus indicating that the building complies with these requirements is necessary for certification of a program.

68.24(3) The program shall have the means to control the maximum temperature of water at sources accessible by a tenant to prevent scalding and control the maximum water temperature for tenants with cognitive impairment or dementia or at a tenant's request.

481—68.25(231B) Structural standards.

68.25(1) The EGH shall be safe, sanitary, well-ventilated, and properly lighted, heated, and cooled; and comply with all applicable state and local housing ordinances for family residences and with fire safety rules promulgated by the fire safety bureau.

68.25(2) In addition to meeting the requirements in subrule 68.25(1), the EGH shall meet the following standards:

a. General.

(1) The home, furnishings and fixtures will be clean, in good repair and appropriate for the tenants.

(2) Stairways will have handrails of a circumference, length, texture, strength and stability that can reasonably be expected to provide tenant support.

(3) A functioning light will be provided in each room, stairway and exit; all light bulbs will be protected from breakage or removal with appropriate covers.

(4) The yard, fire exits and exterior steps will be kept free of obstructions and accessible and appropriate to the condition of the tenants.

(5) There will be at least 150 square feet of common living space and sufficient furniture in the home to accommodate the recreational and socialization needs of all the tenants at one time; common space will not be located in the basement or garage, unless such space was constructed for that purpose. Additional common living space may be required if wheelchairs, walkers or other durable medical equipment is to be accommodated. For an EGH constructed or remodeled after July 1, 2005, there will be 300 square feet of usable floor space.

(6) Interior and exterior doorways used by tenants will be wide enough to accommodate wheelchairs and walkers if tenants with impaired mobility are in residence.

(7) Hot and cold water at each tub, shower, and sink will be in sufficient supply to meet the needs of the tenants and staff.

(8) Grab bars will be present for each toilet, tub and shower. Access to toilet and bathing facilities will be barrier-free and provide individual privacy.

(9) A telephone will be available and accessible for tenants' use in a manner that allows for privacy.

b. Safety.

(1) All combustion appliances will be used and maintained properly and inspected annually by a qualified technician for carbon monoxide emissions and any other hazards to health and safety;

(2) Extension cord wiring will not be used in place of permanent electrical fixtures or outlets.

c. Sanitation requirements.

(1) A public water supply will be utilized if available. If a nonmunicipal water source is used, the owner or on-site manager will show documentation from the state laboratory that the water supply

is potable and is tested as required by the rules of the environmental protection commission of the department of natural resources.

(2) Septic tanks or other nonmunicipal wastewater disposal systems will be in good working order and comply with state and local regulations for wastewater treatment.

(3) Garbage and refuse will be suitably stored and disposed of by a sanitation company providing service in the area.

(4) If laundry service is provided, soiled linens and clothing will be stored in containers in an area separate from food storage, kitchen and dining areas.

(5) Sanitation for household pets and other domestic animals will be adequate to prevent health and safety hazards.

(6) There will be adequate control of insects and rodents.

(7) Reasonable and prudent precautions for infection control will be taken, including washing hands and exposed portions of arms with soap and hot water immediately before engaging in food preparation and meal service and before and after providing personal care.

(8) There will be at least one toilet and one sink for every four household occupants. A minimum of one sink and toilet is required on each floor occupied by tenants. A sink will be located near each toilet. For an EGH constructed or remodeled after July 1, 2005, there will be at least one toilet and one sink for every two household occupants, with a minimum of one toilet and one sink on each floor occupied by tenants.

(9) At least one tub or shower is required for each six household occupants. For an EGH constructed or remodeled after July 1, 2005, there will be at least one tub or one shower for every four household occupants.

d. Bedroom requirements.

(1) Each tenant bedroom will:

1. Have a door that opens directly to a hallway or common use area without passage through another bedroom or common bathroom;

2. Be adequately ventilated, heated, cooled and lighted;

3. Have at least 70 square feet of usable floor space, excluding any area where a sloped ceiling does not allow a person to stand upright. For an EGH constructed or remodeled after July 1, 2005, each tenant bedroom will have at least 100 square feet of usable floor space;

4. Provide individual privacy and be occupied by one tenant, unless an alternative arrangement is agreed to in the occupancy agreement by the tenant or the tenant's legal representative;

5. Be on ground level for tenants with impaired mobility;

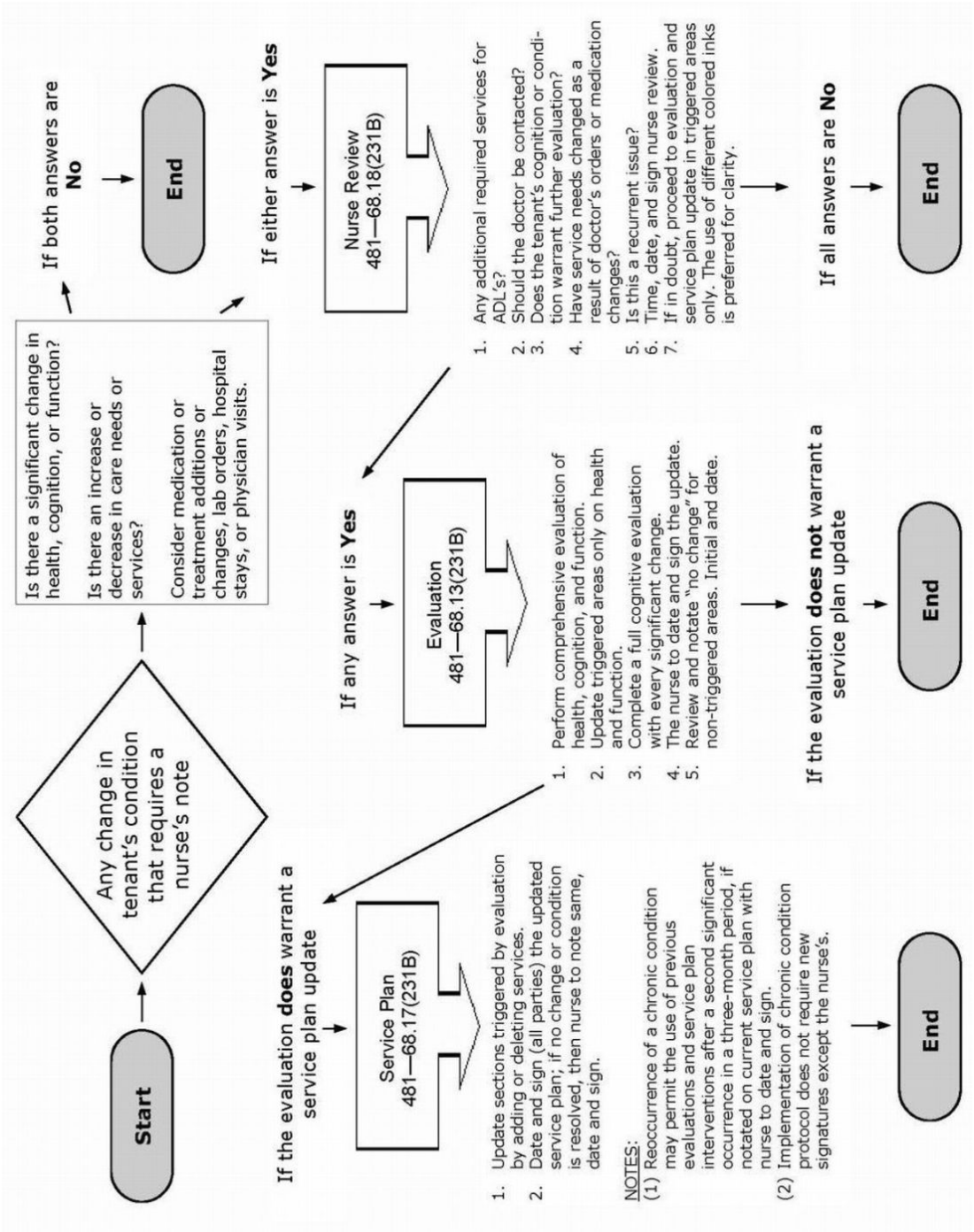
6. Be in sufficiently close proximity to the on-site manager to ensure that tenants are able to alert the on-site manager to nighttime needs or emergencies, or be equipped with a call system.

(2) Owners, operators, on-site managers, their family members, and personal care providers will not use as bedrooms areas that are designated as living areas or as tenant bedrooms;

(3) Common living space and tenant bedrooms will not be used for storage areas.

These rules are intended to implement Iowa Code chapter 231B.

Table A



ARC 9783C

INSPECTIONS AND APPEALS DEPARTMENT[481]

Notice of Intended Action

Proposing rulemaking related to assisted living programs and providing an opportunity for public comment

The Department of Inspections, Appeals, and Licensing hereby proposes to rescind Chapter 69, "Assisted Living Programs," Iowa Administrative Code, and to adopt a new Chapter 69 with the same title.

Legal Authority for Rulemaking

This rulemaking is proposed under the authority provided in Iowa Code section 231C.3.

State or Federal Law Implemented

This rulemaking implements, in whole or in part, Iowa Code section 231C.3 and Executive Order 10.

Purpose and Summary

The proposed rulemaking repromulgates Chapter 69 and implements Iowa Code section 231C.3 in accordance with the goals and directives of Executive Order 10. Iowa Code section 231C.3 states that the Department must establish minimum standards for certification and monitoring of assisted living programs.

The rulemaking implements the above Iowa Code section by setting forth the various certification and recertification processes. The rulemaking describes the evaluation needed for tenants and lists the occupancy agreement terms, as well as the criteria for admission and retention of tenants and necessary tenant documents. The rules list how to involuntarily transfer a tenant from the program. The rulemaking sets staffing requirements, along with structural standards and life safety protocols.

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

No public comments were received.

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 31, 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 30, 2025 2:30 to 3 p.m.	Ledges Conference Room 6200 Park Avenue, Suite 100 Des Moines, Iowa
December 31, 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 481—Chapter 69 and adopt the following **new** chapter in lieu thereof:

CHAPTER 69
ASSISTED LIVING PROGRAMS

481—69.1(231C) Definitions. In addition to the definitions in 481—Chapter 67 and Iowa Code chapter 231C, the following definitions apply:

"Applicable requirements" means the requirements in Iowa Code chapter 231C, this chapter, and 481—Chapter 67 and includes any other applicable administrative rules and provisions of the Iowa Code.

"CARF" means the Commission on Accreditation of Rehabilitation Facilities.

"Cognitive disorder" means a disorder characterized by cognitive dysfunction presumed to be the result of illness that does not meet the criteria for dementia, delirium, or amnestic disorder.

"Dementia-specific assisted living program" means an assisted living program certified under this chapter that:

1. Serves fewer than 55 tenants and has 5 or more tenants who have dementia between Stages 4 and 7 on the Global Deterioration Scale (GDS), or
2. Serves 55 or more tenants and 10 percent or more of the tenants have dementia between Stages 4 and 7 on the GDS, or
3. Holds itself out as providing specialized care for persons with dementia, such as Alzheimer's disease, in a dedicated setting.

"Dwelling unit" means a single unit that provides complete, independent living facilities for one or more persons, including permanent provisions for living, sleeping and sanitation, and that may include permanent provisions for eating and cooking. "Sanitation" for purposes of this definition means bathroom fixtures as required by this chapter.

"Maximal assistance with activities of daily living" means routine total dependence on staff for the performance of a minimum of four activities of daily living for a period that exceeds 21 days.

"Medically unstable" means that a tenant has a condition or conditions:

1. Indicating physiological frailty as determined by the program's staff in consultation with a physician or physician extender;

2. Resulting in three or more significant hospitalizations within a consecutive three-month period for more than observation; and

3. Requiring frequent supervision of the tenant for more than 21 days by a registered nurse. For example, a tenant who has a condition such as congestive heart failure that results in three or more significant hospitalizations during a quarter and that requires that the tenant receive frequent supervision may be considered medically unstable.

"Unmanageable incontinence" means a condition that requires staff provision of total care for an incontinent tenant who lacks the ability to assist in bladder or bowel continence care.

481—69.2(231C) Program certification. A program may obtain certification by meeting all applicable requirements or may be voluntarily accredited by a recognized accreditation entity.

69.2(1) *Posting requirements.* A program's current certificate shall be visibly displayed within the designated operation area of the program. The latest monitoring report, fire safety bureau report, and food establishment inspections report issued pursuant to Iowa Code chapter 137F shall be made available to the public by the program upon request.

69.2(2) *Dementia-specific programs.* If a program meets the definition of a dementia-specific assisted living program during two sequential certification monitorings, the program shall meet all requirements for a dementia-specific program, including the requirements set forth in rule 481—69.30(231C); subrules 69.29(2), 69.29(4), 69.32(2), and 69.32(3); and paragraph 69.35(1)*"d,"* within 90 days of receiving the final report from the second sequential certification monitoring. If the number of tenants served who have dementia between Stages 4 and 7 on the GDS goes below that which is required by the definition of dementia-specific program at any time after the program has been deemed dementia-specific by definition and the program is not holding itself out as providing dementia care in a specialized setting, the program will no longer be considered dementia-specific.

481—69.3(231C) Certification of a nonaccredited program—application process.

69.3(1) The applicant shall complete an application packet obtained from the department's health facilities division website at dia-hfd.iowa.gov; by mail from the Department of Inspections, Appeals, and Licensing, Adult Services Bureau, 6200 Park Avenue, Des Moines, Iowa 50321; or by telephone at 515.381.7272.

69.3(2) The applicant shall submit one copy of the completed application and all supporting documentation to the department at least 90 calendar days prior to the expected date of beginning operation.

481—69.4(231C) Nonaccredited program—application content. An application for certification or recertification of a nonaccredited program shall include the following:

69.4(1) The names, addresses, and percentage of stock, shares, partnership or other equity interest of all officers, members of the board of directors and trustees, as well as stockholders, partners or any individuals who have greater than a 10 percent equity interest in each of the following, as applicable:

a. The real estate owner or lessor;

b. The lessee;

c. The management company responsible for the day-to-day operation of the program.

The program will notify the department of any changes in the list no later than ten working days after the effective date of the change.

69.4(2) A statement disclosing whether the individuals listed in subrule 69.4(1) have been convicted of a felony or an aggravated or serious misdemeanor or found to be in violation of the child abuse or dependent adult abuse laws of any state.

69.4(3) A statement disclosing whether any of the individuals listed in subrule 69.4(1) meet the criteria set out in Iowa Code section 231C.10(1)*"g,"* including for licensed health care facility as defined in Iowa Code section 135C.1 or licensed hospital as defined in Iowa Code section 135B.1.

69.4(4) The tenant occupancy agreement and all attachments.

69.4(5) If the program contracts for personal care or health-related care services from a certified home health agency, a mental health center or a licensed health care facility, a copy of that entity's current license or certification.

69.4(6) A copy of the state license for the entity that provides food service, whether the entity is the program or an outside entity or a combination of both.

69.4(7) The fee set forth in Iowa Code section 231C.18.

481—69.5(231C) Initial certification process for a nonaccredited program.

69.5(1) Upon receipt of all completed documentation, including building code and fire safety bureau approval and structural and evacuation review approval, the department will determine whether the proposed program meets applicable requirements.

69.5(2) If the department determines the proposed program meets the requirements for certification, a provisional certification will be issued to the program to begin operation and accept tenants.

69.5(3) Within 180 calendar days following issuance of provisional certification, the department will conduct a monitoring to determine the program's compliance with applicable requirements.

69.5(4) If a regulatory insufficiency is identified as a result of the monitoring, the process in rule 481—67.10(17A,231B,231C,231D) will be followed.

69.5(5) The department will make a final certification decision based on the results of the monitoring and review of an acceptable plan of correction.

69.5(6) The department will notify the program of a final certification decision within ten working days following the finalization of the monitoring report or receipt of an acceptable plan of correction, whichever is applicable.

69.5(7) If the decision is to continue certification, the department will issue a full two-year certification effective from the date of the original provisional certification.

481—69.6(231C) Expiration of the certification of a nonaccredited program. Unless conditionally issued, suspended or revoked, certification of a program will expire at the end of the time period specified on the certificate.

481—69.7(231C) Recertification process for a nonaccredited program. To obtain recertification, a program shall:

69.7(1) Submit one copy of the completed application, associated documentation, and the recertification fee as listed in Iowa Code section 231C.18 to the department at least 30 calendar days prior to the expiration of the program's certification.

69.7(2) Submit additional documentation that each of the following has been inspected by a qualified professional and found to be maintained in conformance with the manufacturer's recommendations and nationally recognized standards: heating system, cooling system, water heater, electrical system, plumbing, sewage system, artificial lighting, and ventilation system and, if located on site, garbage disposal, kitchen appliances, washing machines and dryers, and elevators.

481—69.8(231C) Notification of recertification for a nonaccredited program.

69.8(1) The department will review the application and associated documentation and fees. After all finalized documentation is received, including building code and fire safety bureau approval, the department will determine the program's compliance with applicable requirements.

69.8(2) If the facility is in good standing, the department will issue the program a two-year certification effective from the date of the expiration of the previous certification.

481—69.9(231C) Certification or recertification of an accredited program—application process. An applicant for certification or recertification of a program accredited by a recognized accrediting entity shall:

69.9(1) Submit a completed application packet obtained from the department health facilities division website at dia-hfd.iowa.gov; by mail from the Department of Inspections, Appeals, and Licensing, Adult Services Bureau, 6200 Park Avenue, Des Moines, Iowa 50321; or by telephone at 515.281.7272.

69.9(2) Submit a copy of the current accreditation outcome from the recognized accrediting entity.

69.9(3) Maintain compliance with the building code and fire safety bureau's requirements.

69.9(4) Submit the appropriate fees as set forth in Iowa Code section 231C.18.

481—69.10(231C) Certification or recertification of an accredited program—application content. An application for certification or recertification of an accredited program shall comply with rule 481—69.3(231C) and include a copy of the current accreditation outcome from the recognized accrediting entity.

481—69.11(231C) Initial certification process for an accredited program.

69.11(1) Within 20 working days of receiving all finalized documentation, including building code and fire safety bureau approval, the department will notify the accredited program whether the program meets applicable requirements and whether certification will be issued.

69.11(2) If the decision is to certify, a certification will be issued for the term of the accreditation not to exceed three years unless the certification is conditionally issued, suspended or revoked by either the department or the recognized accrediting entity.

69.11(3) If the decision is to deny certification, the department will provide the applicant an opportunity for hearing in accordance with rule 481—67.13(17A,231B,231C,231D).

69.11(4) Unless conditionally issued, suspended or revoked, certification for a program will expire at the end of the time period specified on the certificate.

481—69.12(231C) Recertification process for an accredited program.

69.12(1) To obtain recertification, an accredited program shall comply with rule 481—69.9(231C) at least 30 calendar days prior to the expiration of the program's certification.

69.12(2) If the facility is in good standing, a full certification will be issued for the term of the accreditation not to exceed three years unless the certification is conditionally issued, suspended or revoked by either the department or the recognized accrediting entity.

69.12(3) If the decision is to deny recertification, the department will provide the applicant an opportunity for hearing in accordance with rule 481—67.14(17A,231B,231C,231D).

481—69.13(231C) Listing of all certified programs. The department will maintain a list of all certified programs, which is available online at dia-hfd.iowa.gov.

481—69.14(231C) Recognized accrediting entity.

69.14(1) The department designates CARF as a recognized accrediting entity for programs.

69.14(2) To apply for designation by the department as a recognized accrediting entity for programs, an entity shall submit a letter of request, and its standards shall meet the applicable requirements for programs.

69.14(3) The designation will remain in effect for as long as the accreditation standards meet the applicable requirements for programs.

69.14(4) An accrediting entity shall provide annually to the department, at no cost, a current edition of the applicable standards manual and survey preparation guide, and training thereon, within 120 working days after the publications are released.

481—69.15(231C) Requirements for an accredited program. Each accredited program that is certified by the department shall:

69.15(1) Provide the department a copy of all survey reports, including outcomes, quality improvement plans and annual conformance to quality reports generated or received, as applicable, within ten working days of receipt of the reports.

69.15(2) Notify the department by the most expeditious means possible of all credible reports of alleged improper or inappropriate conduct or conditions within the program and any actions taken by the accrediting entity with respect thereto.

69.15(3) Notify the department immediately of the expiration, suspension, revocation or other loss of the program's accreditation.

481—69.16(231C) Maintenance of program accreditation.

69.16(1) An accredited program will continue to be recognized for certification by the department if both of the following requirements are met:

a. The program complies with the requirements outlined in rule 481—69.15(231C).

b. The program maintains its voluntary accreditation status for the duration of the time-limited certification period.

69.16(2) A program that does not maintain its voluntary accreditation status must become certified by the department prior to any lapse in accreditation or cease operation as a program.

481—69.17(231C) Change of ownership—notification to the department.

69.17(1) Certification, unless conditionally issued, suspended or revoked, may be transferable. If the program's certification has been conditionally issued, the department must approve a change of ownership prior to the transfer of the certification.

69.17(2) In order to transfer certification, the applicant must:

a. Meet the requirements of the rules, regulations and standards contained in Iowa Code chapter 231C and 481—Chapter 67 and this chapter;

b. At least 30 days prior to the change of ownership of the program, provide application and supporting documentation to the department.

69.17(3) The department may conduct a monitoring within 90 days following a change in the program's ownership to ensure that the program complies with applicable requirements. If a regulatory insufficiency is found, the department will take any necessary enforcement action authorized by applicable requirements.

481—69.18(231C) Plan reviews of a building for a new program.

69.18(1) Before a building is constructed or remodeled for use in a new program, the state building code and fire safety bureau of the department shall review the construction documents and do fire inspections for compliance with requirements pursuant to this chapter. Construction or remodeling includes new construction, remodeling of any part of an existing building, addition of a new wing or floor to an existing building, or conversion of an existing building.

69.18(2) A program applicant shall submit construction documents to the building code bureau's online portal at dial.iowa.gov/licenses/building/plan-review.

69.18(3) The plan review fee must be paid before construction documents are uploaded to the project folder.

69.18(4) The building code bureau of the department will notify the Iowa-licensed architect or Iowa-licensed engineer in writing regarding the status of compliance with requirements.

69.18(5) The Iowa-licensed architect or Iowa-licensed engineer shall respond to the building code bureau regarding how any noncompliance will be resolved.

69.18(6) Upon final notification by the building code bureau that the construction documents meet the bureau's requirements, construction or remodeling of the building may commence.

69.18(7) The fire safety bureau will schedule an on-site visit of the building site with the contractor, or Iowa-licensed architect or Iowa-licensed engineer, during the construction or remodeling process to ensure compliance with the approved construction documents. Any noncompliance must be resolved prior to approval for certification.

481—69.19(231C) Plan review prior to the remodeling of a building for a certified program.

69.19(1) Before a building for a certified program is remodeled as defined in subrule 69.18(1), the building code bureau will review the construction documents for compliance with requirements set forth in rule 481—69.35(231C).

69.19(2) A certified program shall submit construction documents to the building code bureau's online portal at dial.iowa.gov/licenses/building/plan-review.

69.19(3) The plan review fee must be paid before construction documents are uploaded to the project folder.

69.19(4) Upon final notification by the building code bureau that the construction documents meet structural and life safety requirements, remodeling of the building may commence.

69.19(5) The building code and fire safety bureaus shall schedule an on-site visit of the building with the contractor, or Iowa-licensed architect or Iowa-licensed engineer, during the remodeling process to ensure compliance with the approved construction documents. Any noncompliance must be resolved prior to approval for continued certification or recertification of the program.

481—69.20(231C) Cessation of program operation that includes seeking decertification.

69.20(1) At least 90 days in advance of cessation, the program shall provide to the department and the office of long-term care ombudsman written notification of the date on which the program will cease operation or decertify.

69.20(2) At the time a program decides to cease operation, the program shall submit a plan to the department and make arrangements for the safe and orderly transfer or transition of all tenants within the 90-day period specified by subrule 69.20(1).

69.20(3) The department may conduct a monitoring during the 90-day period to ensure the safety of tenants during the transfer process or transition process.

69.20(4) When a program ceases operation, representatives from the office of long-term care ombudsman shall be allowed by the program to privately meet with tenants to provide education and service options.

481—69.21(231C) Occupancy agreement.

69.21(1) The occupancy agreement shall be in 12-point type or larger, written in plain language using commonly understood terms and be easy for the tenant or the tenant's legal representative to understand.

69.21(2) In addition to the requirements of Iowa Code section 231C.5, the written occupancy agreement shall include the following information in the body of the agreement or in the supporting documents and attachments:

a. The telephone number for filing a complaint with the department.

b. The telephone number for the office of long-term care ombudsman.

c. The telephone number for reporting dependent adult abuse.

d. A copy of the program's statement on tenants' rights.

e. A statement that the tenant landlord law applies to assisted living programs.

f. A statement that the program will notify the tenant at least 90 days in advance of any planned program cessation, except in cases of emergency.

69.21(3) The occupancy agreement shall be reviewed and updated as necessary to reflect any change in services or financial arrangements.

69.21(4) A copy of the occupancy agreement shall be provided to the tenant or the tenant's legal representative, if any, and a copy kept by the program.

69.21(5) A copy of the most current occupancy agreement shall be made available to the general public upon request.

481—69.22(231C) Evaluation of tenant.

69.22(1) *Evaluation prior to occupancy.* A program shall evaluate each prospective tenant's functional, cognitive and health status prior to the tenant's signing the occupancy agreement and taking occupancy of a dwelling unit in order to determine the tenant's eligibility for the program, including

whether the services needed are available. The cognitive evaluation shall utilize a scored, objective tool. When the score from the cognitive evaluation indicates moderate cognitive decline and risk, the GDS shall be used at all subsequent intervals, if applicable. If the tenant subsequently returns to the tenant's mildly cognitively impaired state, the program may discontinue the GDS and revert to a scored cognitive screening tool. The evaluation shall be conducted by a health care professional, a human service professional, or a licensed practical nurse via nurse delegation.

69.22(2) *Evaluation within 30 days of occupancy.* A program shall evaluate each tenant's functional, cognitive and health status within 30 days of occupancy. The evaluation shall be conducted by a health care professional, a human service professional, or a licensed practical nurse via nurse delegation.

69.22(3) *Evaluation annually and with significant change.* A program shall evaluate each tenant's functional, cognitive and health status as needed with significant change, but not less than annually, to determine the tenant's continued eligibility for the program and to determine any changes to services needed. The evaluation shall be conducted by a health care professional, a human service professional, or a licensed practical nurse via nurse delegation.

481—69.23(231C) Criteria for admission and retention of tenants.

69.23(1) *Persons who may not be admitted or retained.* A program shall not knowingly admit or retain a tenant who:

a. Is bed-bound; or

b. Requires routine, two-person assistance with standing, transfer or evacuation; or

c. Is dangerous to self or other tenants or staff, including but not limited to a tenant who:

(1) Despite intervention, chronically elopes or is sexually, verbally, or physically aggressive or abusive; or

(2) Displays behavior that places another tenant at risk; or

d. Is in an acute stage of alcoholism, drug addiction, or uncontrolled mental illness; or

e. Is under the age of 18; or

f. Requires more than part-time or intermittent health-related care; or

g. Has unmanageable incontinence on a routine basis despite an individualized toileting program; or

h. Is medically unstable; or

i. Requires maximal assistance with activities of daily living; or

j. Despite intervention, chronically urinates or defecates in places that are not considered acceptable according to societal norms.

69.23(2) *Disclosure of additional occupancy and transfer criteria.* A program may have additional occupancy or transfer criteria if the criteria are disclosed in the written occupancy agreement prior to the tenant's occupancy.

69.23(3) *Assistance with transfer from the program.* A program shall assist a tenant and the tenant's legal representative, if applicable, to ensure a safe and orderly transfer from the program when the tenant exceeds the program's criteria for admission and retention.

481—69.24(231C) Involuntary transfer from the program.

69.24(1) *Program initiation of transfer.* The program shall comply with Iowa Code section 231C.6 and the following:

a. The program will provide the tenant, or the tenant's legal representative, the contact information for the office of long-term care ombudsman.

b. The program will immediately provide to the office of long-term care ombudsman, by mail or email, a copy of the notification and notify the tenant's treating physician, if any.

c. Pursuant to statute, the office of long-term care ombudsman will offer the notified tenant or tenant's legal representative assistance with the program's internal appeal process.

69.24(2) *Transfer pursuant to results of monitoring or complaint or program-reported incident investigation by the department.* If one or more tenants are identified as exceeding the admission and

retention criteria for tenants and need to be transferred as a result of a monitoring or a complaint or program-reported incident investigation conducted by the department, the following procedures shall apply.

a. Program agreement with the department's finding. If the program agrees with the department's finding and the program begins involuntary transfer proceedings, the program's internal appeal process in subrule 69.24(1) will be utilized for appeals.

b. Program disagreement with the department's finding. If the program does not agree with the department's finding that the tenant exceeds admission and retention criteria, the program may appeal the department's final report as provided in rule 481—67.14(17A,231B,231C,231D,85GA,HF2365). If an appeal is filed, the tenant who exceeds admission and retention criteria will be allowed to continue living at the program until all administrative appeals have been exhausted. Appeals filed that relate to the tenant's exceeding admission and retention criteria will be heard within 30 days of receipt, and appropriate services to meet the tenant's needs will be provided during that period of time.

c. Request for waiver of criteria for retention of a tenant in a program. To allow a tenant to remain in the program, the program may request a waiver of criteria for retention of a tenant pursuant to rule 481—67.7(231B,231C,231D) from the department within ten working days of the receipt of the report.

481—69.25(231C) Tenant documents.

69.25(1) Documentation for each tenant shall be maintained by the program and include:

a. An occupancy record, including the tenant's name, birth date, and home address; identification numbers; date of occupancy; name, address and telephone number of health professional(s); diagnosis; and names, addresses and telephone numbers of family members, friends or other designated people to contact in the event of illness or an emergency;

b. Application forms;

c. The initial evaluations and updates;

d. A nutritional assessment as necessary;

e. The initial individual service plan and updates;

f. Signed authorizations for permission to release medical information, photographs, or other media information as necessary;

g. A signed authorization for the tenant to receive emergency medical care as necessary;

h. A signed managed risk policy and signed managed risk consensus agreements, if any;

i. When any personal or health-related care is delegated to the program, the medical information sheet; documentation of health professionals' orders, such as those for treatment, therapy, and medication; and nurses' notes written by exception;

j. Medication lists, which will be maintained in conformance with 481—paragraph 67.5(2)*"d"*;

k. Advance health care directives as applicable;

l. A complete copy of the tenant's occupancy agreement, including any updates;

m. A written acknowledgment that the tenant or the tenant's legal representative, if applicable, has been fully informed of the tenant's rights;

n. A copy of guardianship, durable power of attorney for health care, power of attorney, or conservatorship or other documentation of a legal representative;

o. Incident reports involving the tenant, including but not limited to those related to medication errors, accidents, falls, and elopements (such reports need not be included in the tenant's medical record);

p. A copy of waivers of admission or retention criteria, if any;

q. When the tenant is unable to advocate on the tenant's own behalf or the tenant has multiple service providers, including hospice care providers, accurate documentation of the completion of routine personal or health-related care is required on task sheets. If tasks are doctor-ordered, the tasks will be part of the medication administration records (MARs);

r. Authorizations for the release of information, if any.

69.25(2) The program records relating to a tenant shall be retained for a minimum of three years after termination of services.

69.25(3) All records shall be protected from loss, damage and unauthorized use.

481—69.26(231C) Service plans.

69.26(1) A service plan shall be developed for each tenant based on the evaluations conducted in accordance with rule 481—69.22(231C) and be designed to meet the specific needs of the individual tenant.

69.26(2) Prior to the tenant's signing the occupancy agreement and taking occupancy of a dwelling unit, a preliminary service plan shall be developed by a health care professional or human service professional in consultation with the tenant and, at the tenant's request, with other individuals identified by the tenant, and, if applicable, with the tenant's legal representative. All persons who develop the plan and the tenant or the tenant's legal representative shall sign the plan.

69.26(3) When a tenant needs personal care or health-related care, the service plan shall be updated within 30 days of the tenant's occupancy and as needed with significant change, but not less than annually. The service plan shall be signed by all parties, including the tenant or tenant's legal representative.

a. If a significant change does not exist, the program may, after nurse review, add minor discretionary changes to the service plan without a comprehensive evaluation and without obtaining signatures on the service plan.

b. If a significant change relates to a recurring or chronic condition, a previous evaluation and service plan of the recurring condition may be utilized without new signatures being obtained.

69.26(4) The service plan shall be individualized and indicate:

a. The tenant's identified needs and preferences for assistance;

b. Any services and care to be provided pursuant to the occupancy agreement;

c. The service provider(s), if other than the program;

d. For tenants who are unable to plan their own activities, including tenants with dementia, a list of person-centered planned and spontaneous activities based on the tenant's abilities and personal interests;

e. Preferences, if any, of the tenant or the tenant's legal representative for nursing facility care, if the need for nursing facility care presents itself during the assisted living program occupancy.

481—69.27(231C) Nurse review.

69.27(1) If a tenant does not receive personal or health-related care but an observed significant change in the tenant's condition occurs, a nurse review shall be conducted.

69.27(2) If a tenant receives personal or health-related care, the program shall provide for a registered nurse or a licensed practical nurse via nurse delegation:

a. To monitor, at least every 90 days, or after a significant change in the tenant's condition, any tenant who receives program-administered prescription medications for adverse reactions to the medications and to make appropriate interventions or referrals, and to ensure that the prescription medication orders are current and that the prescription medications are administered consistent with such orders;

b. To ensure that health care professionals' orders are current for tenants who receive professional-directed health care from the program;

c. To assess and document the health status of each tenant, to make recommendations and referrals as appropriate, and to monitor progress relating to previous recommendations at least every 90 days and whenever there are changes in the tenant's health status;

d. To provide the program with written documentation of the nurse review, showing the time, date and signature.

481—69.28(231C) Food service.

69.28(1) The program shall provide or coordinate with other community providers to provide a hot or other appropriate meal(s) at least once a day or arrange for the availability of meals.

69.28(2) Meals and snacks provided by the program but not prepared on site shall be obtained from or provided by an entity that meets the standards of state and local health laws and ordinances concerning the preparation and serving of food.

69.28(3) Menus shall be planned to provide the following percentage of the daily recommended dietary allowances as established by the Food and Nutrition Board of the National Research Council of the National Academy of Sciences based on the number of meals provided by the program:

a. A minimum of 33⅓ percent if the program provides one meal per day;

b. A minimum of 66⅔ percent if the program provides two meals per day; and

c. One hundred percent if the program provides three meals per day.

69.28(4) Therapeutic diets may be provided by a program. If therapeutic diets are provided, they shall be prescribed by a physician, physician assistant, or advanced registered nurse practitioner. The thirteenth edition of the Iowa Simplified Diet Manual published by the Iowa dietetic association shall be available and used in the planning and serving of therapeutic diets. A licensed dietitian shall be responsible for writing and approving the therapeutic menu and for reviewing procedures for food preparation and service for therapeutic diets.

69.28(5) Personnel who are employed by or contract with the program and who are responsible for food preparation or service, or both food preparation and service, shall have an orientation on sanitation and safe food handling prior to handling food and have annual in-service training on food protection.

a. In addition to the requirements above, a minimum of one person directly responsible for food preparation shall have successfully completed a state-approved food protection program by:

(1) Obtaining certification as a dietary manager; or

(2) Obtaining certification as a food protection professional; or

(3) Successfully completing an ANSI-accredited certified food protection manager program meeting the requirements for a food protection program included in the Food Code adopted pursuant to Iowa Code chapter 137F. Another program may be substituted if the program's curriculum includes substantially similar competencies to a program that meets the requirements of the Food Code and the provider of the program files with the department a statement indicating that the program provides substantially similar instruction as it relates to sanitation and safe food handling.

b. If the person is in the process of completing a course or certification listed in paragraph 69.28(5)*"a,"* the requirement relating to completion of a state-approved food protection program will be considered to have been met.

69.28(6) Programs engaged in the preparation and service of meals and snacks shall meet the standards of state and local health laws and ordinances pertaining to the preparation and service of food and be licensed pursuant to Iowa Code chapter 137F. The department will not require the program to be licensed as a food establishment if the program limits food activities to the following:

a. All main meals and planned menu items will be prepared offsite and transferred to the program kitchen for service to tenants.

b. Baked goods that do not require temperature control for safety and single-service juice or milk may be stored in the program's kitchen and provided as part of a continental breakfast.

c. Ingredients used for food-related activities with tenants may be stored in the program's kitchen. Tenant activities may include the preparation and cooking of food items in the program's kitchen if the activity occurs on an irregular or sporadic basis and the items prepared are not part of the program's menu.

d. Appropriately trained staff may prepare in the program's kitchen individual quantities of tenant-requested menu-substitution food items that require limited or no preparation, such as peanut butter or cheese sandwiches or a single-service can of soup. The food items necessary to prepare the menu substitution may be stored in the program's kitchen. These food items may not be cooked in the program's kitchen but may be reheated in a microwave. A two- or four-slice toaster may be used for tenant-requested menu-substitution items, but there will be no bare-hand contact.

e. Tenants may take food items left over from a meal back to their apartments, but no leftovers will be stored in the program's kitchen.

f. Warewashing may be done in the program's kitchen as long as the program utilizes a commercial dishwasher and documents daily testing of sanitizer chemical ppm and proper water temperatures. Verification by the department of these practices may be conducted during on-site visits.

69.28(7) All perishable or potentially hazardous food shall be cooked to recommended temperatures and held at safe temperatures of 41°F (5°C) or below, or 135°F (57°C) or above.

481—69.29(231C) Staffing. In addition to the general staffing requirements in rule 481—67.9(231B,231C,231D), the following requirements apply to staffing in programs.

69.29(1) Each tenant will have access to a 24-hour personal emergency response system that automatically identifies the tenant in distress and can be activated with one touch.

69.29(2) In lieu of providing access to a personal emergency response system, a program serving one or more tenants with cognitive disorder or dementia will follow a system, program, or written staff procedures that address how the program will respond to the emergency needs of the tenant(s).

69.29(3) The owner or management corporation of the program is responsible for ensuring that all personnel employed by or contracting with the program receive training appropriate to assigned tasks and the target population.

69.29(4) A dementia-specific assisted living program will have one or more staff persons who monitor tenants as indicated in each tenant's service plan. The staff will be awake and on duty 24 hours a day on site and in the proximate area.

A non-dementia-specific assisted living program will have one or more staff persons who monitor tenants as indicated in each tenant's service plan, be able to respond to a call light or other emergent tenant needs, and be in the proximate area 24 hours a day on site.

69.29(5) All programs employing a new program manager after January 1, 2010, will require the manager within six months of hire to complete an assisted living management class whose curriculum includes at least six hours of training specifically related to Iowa rules and laws on assisted living programs. Managers who have completed a similar training prior to January 1, 2010, will not be required to complete additional training to meet this requirement.

69.29(6) All programs employing a new delegating nurse after January 1, 2010, will require the delegating nurse within six months of hire to complete an assisted living manager class or assisted living nursing class whose curriculum includes at least six hours of training specifically related to Iowa rules and laws on assisted living. A minimum of one delegating nurse from each program will complete the training. If there are multiple delegating nurses and only one delegating nurse completes the training, the delegating nurse who completes the training will train the other delegating nurses in the Iowa rules and laws on assisted living. As of January 1, 2011, all programs shall have a minimum of one delegating nurse who has completed the training described in this subrule.

69.29(7) The program will notify the department in writing within ten business days of a change in the program's manager.

69.29(8) The program must develop and implement policy and procedure for addressing sexual relationships between tenants and staff and between tenants with dementia greater than Stage 5 on the GDS.

481—69.30(231C) Dementia-specific education for program personnel.

69.30(1) All personnel employed by or contracting with a dementia-specific program shall receive a minimum of eight hours of dementia-specific education and training within 30 days of either employment or the beginning date of the contract, as applicable.

69.30(2) The dementia-specific education or training shall include:

a. An explanation of dementia and related disorders;

b. The program's specialized dementia care philosophy and program;

c. Skills for communicating with persons with dementia;

d. Skills for communicating with family and friends of persons with dementia;

e. An explanation of family issues such as role reversal, grief and loss, guilt, relinquishing the care-giving role, and family dynamics;

f. The importance of planned and spontaneous activities;

g. Skills in assistance with instrumental activities of daily living;

h. The importance of the service plan and social history information;

i. Skills in working with challenging tenants;
j. Techniques for simplifying, cueing, and redirecting;
k. Staff support and stress reduction;
l. Medication management and nonpharmacological interventions.

69.30(3) Dementia-specific continuing education.

a. Except as otherwise provided in this subrule, all personnel employed by or contracting with a dementia-specific program shall receive a minimum of two hours of dementia-specific continuing education annually.

b. Direct-contact personnel employed by or contracting with a dementia-specific program or employed by a contracting agency providing staff to a dementia-specific program shall receive a minimum of eight hours of dementia-specific continuing education annually.

c. Contracted personnel who have no contact with tenants (e.g., persons providing lawn maintenance or snow removal) are not required to receive the two hours of training required in paragraph 69.30(3)*"a."*

d. The contracting agency may provide the program with documentation of dementia-specific continuing education that meets the requirements of this subrule.

69.30(4) An employee or contractor who provides documentation of completion of a dementia-specific education or training program within the past 12 months will be exempt from the education and training requirement of subrule 69.30(1).

69.30(5) Dementia-specific training will include hands-on training and any of the following: classroom instruction, web-based training, and case studies of tenants in the program.

481—69.31(231C) Managed risk policy and managed risk consensus agreements. The program shall have a managed risk policy that will be provided to the tenant along with the occupancy agreement and include:

69.31(1) An acknowledgment of the shared responsibility for identifying and meeting the needs of the tenant and the process for managing risk and for upholding tenant autonomy when tenant decision making could result in poor outcomes for the tenant or others;

69.31(2) A consensus-based process to address specific risk situations. Program staff and the tenant will participate in the process. The result of the consensus-based process may be a managed risk consensus agreement that will include the signature of the tenant and all others who participated in the process and be included in the tenant's file.

481—69.32(231C) Life safety—emergency policies and procedures and structural safety requirements.

69.32(1) The program shall submit to the department and follow written emergency policies and procedures, including:

a. An emergency plan with procedures for natural disasters that is located for easy reference;
b. Fire safety procedures;
c. Other general or personal emergency procedures, including head injury protocols;
d. Provisions for amending or revising the emergency plan;
e. Provisions for periodic training of all employees;
f. Procedures for fire drills;
g. Regulations regarding smoking;
h. Monitoring and testing of smoke-control systems;
i. Tenant evacuation procedures;
j. Procedures for reporting and documentation;
k. Extraordinary lifesaving measures, such as cardiopulmonary resuscitation (CPR).

69.32(2) An operating alarm system shall be connected to each exit door in a dementia-specific program.

69.32(3) The program shall obtain approval from the fire safety bureau of the department before the installation of any specialized door locking systems.

69.32(4) A program serving a person(s) with cognitive disorder or dementia shall have written procedures regarding:

a. Alarm systems, if an alarm system is in place.

b. Appropriate staff response when a tenant's service plan indicates a risk of elopement or when a tenant exhibits wandering behavior.

c. Appropriate staff response if a tenant with cognitive disorder or dementia is missing.

69.32(5) The program's structure and procedures and the facility in which a program is located shall meet the requirements adopted for assisted living programs in administrative rules promulgated by the building code and fire safety bureaus. Approval of both bureaus indicating that the building complies with these requirements is necessary for certification of a program.

69.32(6) The program shall have the means to control the maximum temperature of water at sources accessible by a tenant to prevent scalding and control the maximum water temperature for tenants with cognitive impairment or dementia or at a tenant's request.

481—69.33(231C) Transportation. When transportation services are provided directly or under contract with the program, the following shall apply:

69.33(1) The vehicle will be accessible and appropriate to the tenants who use it, with consideration for any physical disabilities and impairments.

69.33(2) Every tenant transported will have a seat in the vehicle, except for a tenant who remains in a wheelchair during transport.

69.33(3) Vehicles will have adequate seat belts and securing devices for ambulatory and wheelchair-using passengers.

69.33(4) Wheelchairs will be secured when the vehicle is in motion.

69.33(5) During loading and unloading of a tenant, the driver will be in the proximate area of the tenants in a vehicle.

69.33(6) The driver will have a valid and appropriate Iowa driver's license or commercial driver's license as required by law for the vehicle being utilized for transport, or be so licensed in another state. The driver will meet any state or federal requirements for licensure or certification for the vehicle operated.

69.33(7) Each vehicle will have a first-aid kit, fire extinguisher, safety triangles and a device for two-way communication.

481—69.34(231C) Activities. The program shall have a policy related to activities, including the following:

69.34(1) The program will provide appropriate activities for each tenant reflecting individual differences in age, health status, sensory deficits, lifestyle, ethnic and cultural beliefs, religious beliefs, values, experiences, needs, interests, abilities and skills by providing opportunities for a variety of types and levels of involvement.

69.34(2) Activities will be planned to support the tenant's service plan consistent with occupancy policies.

69.34(3) A written schedule of activities will be developed at least monthly and made available to tenants and their legal representatives.

69.34(4) Tenants will be given the opportunity to choose their levels of participation in all activities offered in the program.

481—69.35(231C) Structural requirements.

69.35(1) *General requirements.*

a. The structure of the program will be designed and operated to meet the needs of the tenants.

b. The buildings and grounds will be well-maintained, clean, safe and sanitary.

c. Programs will have private dwelling units with a single-action, lockable entrance door.

d. A program serving persons with cognitive impairment or dementia, whether in a general or dementia-specific setting, will have the means to disable or remove the lock on an entrance door and disable or remove the lock if its presence presents a danger to the health and safety of the tenant.

e. The structure in which a program is housed shall comply with the administrative rules promulgated by the building code and fire safety bureaus.

f. Programs may have individual cooking facilities within the private dwelling units. Any program serving persons with cognitive impairment or dementia, whether in a general or dementia-specific setting, will have the means to disable or easily remove appliances and disable or remove them if their presence presents a danger to the health and safety of the tenant or others.

69.35(2) *Programs certified prior to July 4, 2001.* Facilities for programs certified prior to July 4, 2001, shall meet the following requirements:

a. Each dwelling unit will have at least one room that will have not less than 120 square feet of floor area. Other habitable rooms will have an area of not less than 70 square feet.

b. Each dwelling unit will have not less than 190 square feet of floor area, excluding bathrooms.

c. A dwelling unit used for double occupancy will have not less than 290 square feet of floor area, excluding bathrooms.

d. The program will have a minimum of 15 square feet of common area per tenant.

69.35(3) *New construction built on or after July 4, 2001.* Programs operated in new construction built on or after July 4, 2001, shall meet the following requirements:

a. Each dwelling unit will have at least one room that will have not less than 120 square feet of floor area. Other habitable rooms will have an area of not less than 70 square feet.

b. Each dwelling unit used for single occupancy will have a total square footage of not less than 240 square feet of floor area, excluding bathrooms and door swing.

c. A dwelling unit used for double occupancy will have a total square footage of not less than 340 square feet of floor area, excluding bathrooms and door swing.

d. Each dwelling unit will contain a bathroom, including a toilet, sink and bathing facilities. A program serving persons with cognitive impairment or dementia, whether in a general or dementia-specific setting, will have the means to disable or remove the sink or bathing facility water control and will disable or remove the water control if its presence presents a danger to the health and safety of the tenant.

e. Self-closing doors are not required for individual dwelling units, whether in a general or dementia-specific setting, unless the authority with jurisdiction determines that the level of hazard has increased to require the installation of closure hardware (for example, presence of a stove, range or oven).

69.35(4) *Structure being converted to or remodeled for use by a program on or after July 4, 2001.* A program operating in a structure that was converted or remodeled for use for a program on or after July 4, 2001, shall meet the following requirements:

a. Each dwelling unit will have at least one room that has not less than 120 square feet of floor area. Other habitable rooms will have an area of not less than 70 square feet.

b. Each dwelling unit used for single occupancy will have a total square footage of not less than 190 square feet of floor area, excluding bathrooms and door swing.

c. A dwelling unit used for double occupancy will have a total square footage of not less than 290 square feet of floor area, excluding bathrooms and door swing.

d. Each dwelling unit will have a bathroom, including a toilet, sink and bathing facility.

481—69.36(231C) Dwelling units in dementia-specific programs. Dementia-specific programs are exempt from the requirements in subrules 69.35(2) through 69.35(4) as follows:

69.36(1) For a program built in a family or neighborhood design:

a. Each dwelling unit used for single occupancy will have a total square footage of not less than 150 square feet of floor area, excluding a bathroom; and

b. Each dwelling unit used for double occupancy will have a total square footage of not less than 250 square feet of floor area, excluding a bathroom.

69.36(2) Dementia-specific programs may choose not to provide bathing facilities in the dwelling units.

481—69.37 Reserved.

481—69.38(83GA,SF203) Identification of veteran's benefit eligibility.

69.38(1) Within 30 days of a tenant's admission to an assisted living program that receives reimbursement through the medical assistance program under Iowa Code chapter 249A, the program shall ask the tenant or the tenant's personal representative whether the tenant is a veteran or whether the tenant is the spouse, widow, or dependent of a veteran and document the response.

69.38(2) If the tenant may be a veteran or the spouse, widow, or dependent of a veteran, the program shall report the tenant's name along with the name of the veteran, if applicable, as well as the name of the contact person for this information, to the department of veterans affairs. The program may report such information to the department of health and human services.

69.38(3) If a tenant is eligible for benefits through the U.S. Department of Veterans Affairs or other third-party payor, the program first shall seek reimbursement from the identified payor source before seeking reimbursement from the medical assistance program established under Iowa Code chapter 249A.

481—69.39(231C) Respite care services. "Respite care services" means an organized program of temporary supportive care provided for 24 hours or more to a person in order to relieve the usual caregiver of the person from providing continual care to the person, or on request of the tenant as a trial of the program. An assisted living program that chooses to provide respite care services must meet the following requirements related to respite care services and be certified as an assisted living program.

69.39(1) *Length of stay.* Respite care services will be provided for no more than 30 consecutive days and for a total of no more than 60 days in a consecutive 12-month period beginning on the first day the individual stays in the program.

69.39(2) *No separate certificate.* An assisted living program that chooses to provide respite care services is not required to obtain a separate certificate or pay a certification fee.

69.39(3) *Assessment.* The program nurse will assess the individual prior to the individual's stay and will document:

a. Safety and supervision needs;

b. Medical needs;

c. Dietary needs;

d. Bowel and bladder function.

69.39(4) *Written direction to staff.* The program nurse will document the care needs of the individual based on the assessment conducted pursuant to subrule 69.39(3) and provide the documentation to staff.

69.39(5) *Involuntary termination of respite care services.* The program may terminate the respite care services for the individual. Rule 481—69.24(231C) will not apply. The program will make proper arrangements for the welfare of the individual prior to involuntary termination of respite care services, including notification of the individual's family or legal representative.

69.39(6) *Contract.* The program will have a contract with each individual, including:

a. The time period during which the individual will be considered to be receiving respite care services, not to exceed 30 consecutive days.

b. A description of all fees, charges, and rates for respite care services, and any additional and optional services and their related costs.

c. A statement that respite care services may be involuntarily terminated. Rule 481—69.24(231C) will not apply.

d. Identification of the party responsible for payment of fees and identification of the respite care individual's legal representative, if any.

e. Identification of emergency contacts, including but not limited to the individual's family member(s) and physician.

f. A statement that all individual information will be maintained in a confidential manner to the extent required under state and federal law.

g. The refund policy, if applicable.

h. A statement regarding billing and payment procedures.

69.39(7) *Admission to program.*

a. Individuals receiving respite care will not be considered an admission to the program.

b. Individuals receiving respite care will be included in the program's census.

c. The program will not enter into multiple 30-day contracts with an individual receiving respite care in order to lengthen the individual's stay in the program.

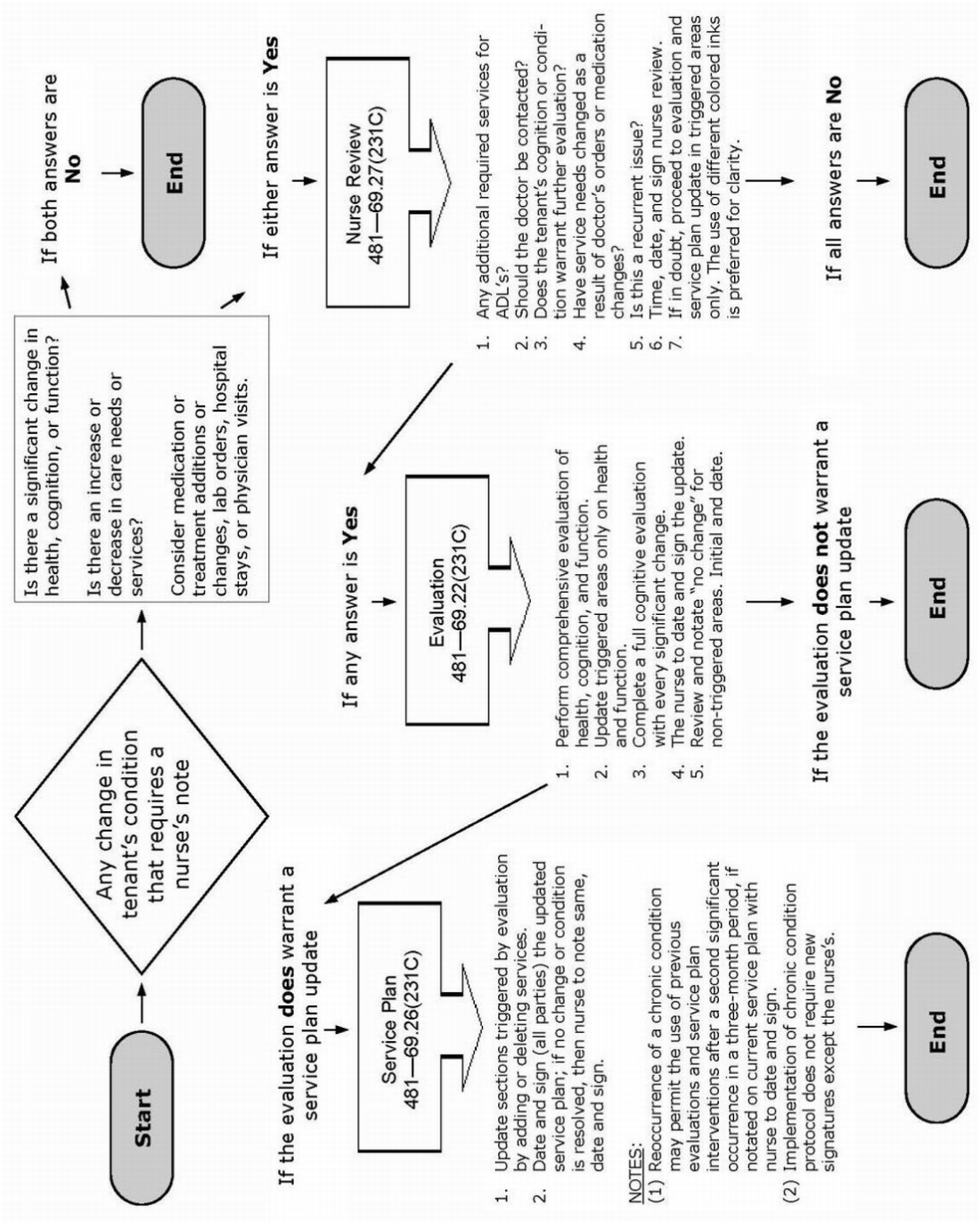
d. If an individual receiving respite care remains in the program beyond 30 consecutive days and is eligible for admission, the department will consider the individual a tenant in the program. The program will follow all requirements for admission to the program.

69.39(8) *Level of care criteria.* Individuals receiving respite care must meet the criteria found in subrule 69.23(1) for admission and retention of tenants. Respite care services will not be provided by an assisted living program to persons requiring a level of care that is higher than the level of care the program is certified to provide.

69.39(9) *Accessibility by the department.* The department shall have the same access to respite care services records as provided in 481—subrule 67.10(2).

These rules are intended to implement Iowa Code chapter 231C.

Table A



ARC 9784C

INSPECTIONS AND APPEALS DEPARTMENT[481]

Notice of Intended Action

Proposing rulemaking related to adult day services and providing an opportunity for public comment

The Department of Inspections, Appeals, and Licensing hereby proposes to rescind Chapter 70, "Adult Day Services," Iowa Administrative Code, and to adopt a new Chapter 70 with the same title.

Legal Authority for Rulemaking

This rulemaking is proposed under the authority provided in Iowa Code section 231D.2.

State or Federal Law Implemented

This rulemaking implements, in whole or in part, Iowa Code section 231D.2 and Executive Order 10.

Purpose and Summary

The proposed rulemaking repromulgates Chapter 70 and implements Iowa Code section 231D.2 in accordance with the goals and directives of Executive Order 10. Iowa Code section 231D.2 indicates that the Department is to establish a program for certification and monitoring of complaint investigations related to adult day services.

The rulemaking implements the above Iowa Code section by setting forth the various certification and recertification processes. The rulemaking describes the evaluation needed for participants and lists the occupancy agreement terms as well as the criteria for admission and retention of participants and necessary participant documents. The rules list how to involuntarily discharge a participant from the program. The rulemaking sets staffing requirements, along with structural standards and life safety protocols.

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

No public comments were received.

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 31, 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 30, 2025 2:30 to 3 p.m.	Ledges Conference Room 6200 Park Avenue, Suite 100 Des Moines, Iowa
December 31, 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 481—Chapter 70 and adopt the following **new** chapter in lieu thereof:

CHAPTER 70
ADULT DAY SERVICES

481—70.1(231D) Definitions. In addition to the definitions in 481—Chapter 67 and Iowa Code chapter 231D, the following definitions apply:

"Applicable requirements" means the requirements in Iowa Code chapter 231D, this chapter, 481—Chapter 67 and includes any other applicable administrative rules and provisions of the Iowa Code.

"CARF" means the Commission on Accreditation of Rehabilitation Facilities.

"Cognitive disorder" means a disorder characterized by cognitive dysfunction presumed to be the result of illness that does not meet criteria for dementia, delirium, or amnestic disorder.

"Dementia-specific adult day services program" means an adult day services program certified under this chapter that:

1. Serves fewer than 55 participants and has 5 or more participants who have dementia between Stages 4 and 7 on the Global Deterioration Scale, or
2. Serves 55 or more participants and 10 percent or more of the participants have dementia between Stages 4 and 7 on the Global Deterioration Scale, or
3. Holds itself out as providing specialized care for persons with dementia, such as Alzheimer's disease, in a dedicated setting.

"Maximal assistance with activities of daily living" means routine total dependence on staff for the performance of a minimum of four activities of daily living for a period that exceeds 21 days.

"Medically unstable" means that a participant has a condition or conditions:

1. Indicating physiological frailty as determined by the program's staff in consultation with a physician or physician extender;

2. Resulting in three or more significant hospitalizations within a consecutive three-month period for more than observation; and

3. Requiring frequent supervision of the participant for more than 21 days by a registered nurse.

For example, a participant who has a condition such as congestive heart failure that results in three or more significant hospitalizations during a quarter and that requires that the participant receive frequent supervision may be considered medically unstable.

"Unmanageable incontinence" means a condition that requires staff provision of total care for an incontinent participant who lacks the ability to assist in bladder or bowel continence care.

"Visiting day(s)" means up to 16 hours in a two-day period during which a person may visit a program prior to admission for the purpose of assessing eligibility for the program and personal satisfaction.

481—70.2(231D) Program certification. A program may obtain certification by meeting all applicable requirements or being voluntarily accredited by a recognized accreditation entity.

70.2(1) *Posting requirements.* A program's current certificate shall be visibly displayed within the designated operation area of the program. The latest monitoring report, fire safety bureau report, and food establishment inspections report issued pursuant to Iowa Code chapter 137F shall be made available to the public by the program upon request.

70.2(2) *Dementia-specific programs.* If a program meets the definition of a dementia-specific adult day services program during two sequential certification monitorings, the program shall meet all requirements for a dementia-specific program, including the requirements set forth in rule 481—70.30(231D) and in subrule 70.32(2).

481—70.3(231D) Certification of a nonaccredited program—application process.

70.3(1) The applicant shall complete an application packet obtained from the department health facilities division website at dia-hfd.iowa.gov; by mail from the Department of Inspections, Appeals, and Licensing, Adult Services Bureau, 6200 Park Avenue, Des Moines, Iowa 50321; or by telephone at 515.281.7272.

70.3(2) The applicant shall submit one copy of the completed application and all supporting documentation to the department at the above address at least 90 calendar days prior to the expected date of beginning operation.

481—70.4(231D) Nonaccredited program—application content. An application for certification or recertification of a nonaccredited program shall include the following:

70.4(1) The names, addresses, and percentage of stock, shares, partnership or other equity interest of all officers, members of the board of directors and trustees, as well as stockholders, partners or any individuals who have greater than a 10 percent equity interest in each of the following, as applicable:

a. The real estate owner or lessor;

b. The lessee;

c. The management company responsible for the day-to-day operation of the program.

The program will notify the department of any changes in the list no later than ten working days after the effective date of the change.

70.4(2) A statement disclosing whether the individuals listed in subrule 70.4(1) have been convicted of a felony or an aggravated or serious misdemeanor or found to be in violation of the child abuse or dependent adult abuse laws of any state.

70.4(3) A statement disclosing whether any of the individuals listed in subrule 70.4(1) fall under the provisions in Iowa Code section 231D.5, including for a licensed health care facility as defined in Iowa Code section 135C.1 or a licensed hospital as defined in Iowa Code section 135B.1.

70.4(4) The contractual agreement and all attachments.

70.4(5) If the program contracts for personal care or health-related care services from a certified home health agency, a mental health center or a licensed health care facility, a copy of that entity's current license or certification.

70.4(6) A copy of the state license for the entity that provides food service, whether the entity is the program or an outside entity or a combination of both.

70.4(7) The fee set forth in Iowa Code section 231D.4.

481—70.5(231D) Initial certification process for a nonaccredited program.

70.5(1) Upon receipt of all completed documentation, including building code and fire safety bureau approval and structural and evacuation review approval, the department will determine whether the proposed program meets applicable requirements.

70.5(2) If the department determines the proposed program meets the requirements for certification, a provisional certification will be issued to the program to begin operation and accept participants.

70.5(3) Within 180 calendar days following issuance of provisional certification, the department will conduct a monitoring to determine the program's compliance with applicable requirements.

70.5(4) If a regulatory insufficiency is identified as a result of the monitoring, the process in rule 481—67.10(17A,231B,231C,231D) will be followed.

70.5(5) The department will make a final certification decision based on the results of the monitoring and review of an acceptable plan of correction.

70.5(6) The department will notify the program of a final certification decision within ten working days following the finalization of the monitoring report or receipt of an acceptable plan of correction, whichever is applicable.

70.5(7) If the decision is to continue certification, the department will issue a full two-year certification effective from the date of the original provisional certification.

481—70.6(231D) Expiration of the certification of a nonaccredited program. Unless conditionally issued, suspended or revoked, certification of a program will expire at the end of the time period specified on the certificate.

481—70.7(231D) Recertification process for a nonaccredited program. To obtain recertification, a program shall:

70.7(1) Submit one copy of the completed application, associated documentation, and the recertification fee as listed in Iowa Code section 231D.4 to the department at the address stated in subrule 70.3(1) at least 30 calendar days prior to the expiration of the program's certification.

70.7(2) Submit additional documentation that each of the following has been inspected by a qualified professional and found to be maintained in conformance with the manufacturer's recommendations and nationally recognized standards: heating system, cooling system, water heater, electrical system, plumbing, sewage system, artificial lighting, and ventilation system; and, if located on site, garbage disposal, kitchen appliances, washing machines and dryers, and elevators.

481—70.8(231D) Notification of recertification for a nonaccredited program.

70.8(1) The department will review the application, associated documentation and fees. After all finalized documentation is received, including building code and fire safety bureau approval, the department will determine the program's compliance with applicable requirements.

70.8(2) If the facility is in good standing, the department will issue the program a two-year certification effective from the date of the expiration of the previous certification.

481—70.9(231D) Certification or recertification of an accredited program—application process. An applicant for certification or recertification of a program accredited by a recognized accrediting entity shall:

70.9(1) Submit a completed application packet obtained from the department health facilities division website at dia-hfd.iowa.gov; by mail from the Department of Inspections, Appeals, and Licensing, Adult Services Bureau, 6200 Park Avenue, Des Moines, Iowa 50321; or by telephone at 515.281.7272.

70.9(2) Submit a copy of the current accreditation outcome from the recognized accrediting entity.

70.9(3) Maintain compliance with the requirements of the building code and fire safety bureau of the department pursuant to this chapter.

70.9(4) Submit the appropriate fees as set forth in Iowa Code section 231D.4.

481—70.10(231D) Certification or recertification of an accredited program—application content. An application for certification or recertification of an accredited program shall comply with rule 481—70.4(231D) and include a copy of the current accreditation outcome from the recognized accrediting entity.

481—70.11(231D) Initial certification process for an accredited program.

70.11(1) Within 20 working days of receiving all finalized documentation, including building code and fire safety bureau approval, the department will notify the accredited program whether the accredited program meets applicable requirements and whether certification will be issued.

70.11(2) If the decision is to certify, a certification will be issued for the term of the accreditation not to exceed three years, unless the certification is conditionally issued, suspended or revoked by either the department or the recognized accrediting entity.

70.11(3) If the decision is to deny certification, the department will provide the applicant an opportunity for hearing in accordance with rule 481—67.13(17A,231B,231C,231D).

481—70.12(231D) Recertification process for an accredited program.

70.12(1) To obtain recertification, an accredited program shall comply with rule 481—70.9(231D) at least 30 calendar days prior to the expiration of the program's certification.

70.12(2) If the facility is in good standing, a full certification shall be issued for the term of the accreditation not to exceed three years, unless the certification is conditionally issued, suspended or revoked by either the department or the recognized accrediting entity. If the decision is to deny recertification, the department will provide the applicant an opportunity for hearing in accordance with rule 481—67.14(17A,231B,231C,231D).

481—70.13(231D) Listing of all certified programs. The department will maintain a list of all certified programs, which is available online at dia-hfd.iowa.gov/DIA_HFD/Home.do.

481—70.14(231D) Recognized accrediting entity.

70.14(1) The department designates CARF as a recognized accrediting entity for programs.

70.14(2) To apply for designation by the department as a recognized accrediting entity for programs, an accrediting entity shall submit a letter of request and its standards shall meet the applicable requirements for programs.

70.14(3) The designation will remain in effect for as long as the accreditation standards meet the applicable requirements for programs.

70.14(4) An accrediting entity shall provide annually to the department, at no cost, a current edition of the applicable standards manual and survey preparation guide, and training thereon, within 120 working days after the publications are released.

481—70.15(231D) Requirements for an accredited program. Each accredited program that is certified by the department shall:

70.15(1) Provide the department a copy of all survey reports including outcomes, quality improvement plans and annual conformance to quality reports generated or received, as applicable, within ten working days of receipt of the reports.

70.15(2) Notify the department by the most expeditious means possible of all credible reports of alleged improper or inappropriate conduct or conditions within the program and any actions taken by the accrediting entity with respect thereto.

70.15(3) Notify the department immediately of the expiration, suspension, revocation or other loss of the program's accreditation.

481—70.16(231D) Maintenance of program accreditation.

70.16(1) An accredited program will continue to be recognized for certification by the department if both of the following requirements are met:

a. The program complies with the requirements outlined in rule 481—70.15(231D).

b. The program maintains its voluntary accreditation status for the duration of the time-limited certification period.

70.16(2) A program that does not maintain its voluntary accreditation status must become certified by the department prior to any lapse in accreditation or cease operation as a program.

481—70.17(231D) Change of ownership—notification to the department.

70.17(1) Certification, unless conditionally issued, suspended or revoked, may be transferable. If the program's certification has been conditionally issued, the department must approve a change of ownership prior to the transfer of the certification.

70.17(2) In order to transfer certification, the applicant must:

a. Meet the requirements of the rules, regulations and standards contained in Iowa Code chapter 231D and 481—Chapter 67 and this chapter;

b. At least 30 days prior to the change of ownership of the program, provide application and supporting documentation to the department.

70.17(3) The department may conduct a monitoring within 90 days following a change in the program's ownership to ensure that the program complies with applicable requirements. If a regulatory insufficiency is found, the department will take any necessary enforcement action authorized by applicable requirements.

481—70.18(231D) Plan reviews of a building for a new program.

70.18(1) Before a building is constructed or remodeled for use in a new program, the state building code bureau shall review the blueprints for compliance with requirements pursuant to this chapter. Construction or remodeling includes new construction, remodeling of any part of an existing building, addition of a new wing or floor to an existing building, or conversion of an existing building.

70.18(2) A program applicant shall submit construction documents to the building code bureau's online portal at dial.iowa.gov/licenses/building/plan-review.

70.18(3) The plan review fee must be paid before construction documents are uploaded to the project folder.

70.18(4) The building code bureau will notify the Iowa-licensed architect or Iowa-licensed engineer in writing regarding the status of compliance with requirements.

70.18(5) The Iowa-licensed architect or Iowa-licensed engineer shall respond to the building code bureau regarding how any noncompliance will be resolved.

70.18(6) Upon final notification by the building code bureau that the construction documents meet requirements, construction or remodeling of the building may commence.

70.18(7) The building code and fire safety bureaus will schedule an on-site visit of the building site with the contractor, or Iowa-licensed architect or Iowa-licensed engineer, during the construction or remodeling process to ensure compliance with the approved construction documents. Any noncompliance must be resolved prior to approval for certification.

481—70.19(231D) Plan review prior to the remodeling of a building for a certified program.

70.19(1) Before a building for a certified program is remodeled as defined in subrule 70.18(1), the building code bureau shall review the construction documents for compliance with requirements set forth in rule 481—70.35(231D).

70.19(2) A certified program shall submit construction documents to the building code bureau's online portal at dial.iowa.gov/licenses/building/plan-review.

70.19(3) The documents won't be reviewed until the fee is received.

70.19(4) The building code bureau will review the documents within 35 working days of receipt and notify the Iowa-licensed architect or Iowa-licensed engineer in writing regarding the status of compliance with requirements.

70.19(5) The Iowa-licensed architect or Iowa-licensed engineer shall respond to the building code bureau in 20 working days to state how any noncompliance will be resolved.

70.19(6) Upon final notification by the building code bureau that the construction documents meet structural and life safety requirements, remodeling of the building may commence.

70.19(7) The building code and fire safety bureaus will schedule an on-site visit of the building with the contractor, or Iowa-licensed architect or Iowa-licensed engineer, during the remodeling process to ensure compliance with the approved construction documents. Any noncompliance must be resolved prior to approval for continued certification or recertification of the program.

481—70.20(231D) Cessation of program operation that includes seeking decertification.

70.20(1) The program shall provide, at least 90 days in advance of cessation, unless there is some type of emergency, written notification to the department of the date on which the program will cease operation.

70.20(2) At the time a program decides to cease operation, the program shall submit a plan to the department and make arrangements for the safe and orderly discharge or transition of all participants within the 90-day period specified by subrule 70.20(1).

70.20(3) The department may conduct a monitoring during the 90-day period to ensure the safety of participants during the discharge process or transition process.

481—70.21(231D) Contractual agreement.

70.21(1) The contractual agreement shall be in 12-point type or larger, written in plain language using commonly understood terms and easy for the participant or the participant's legal representative to understand.

70.21(2) In addition to the requirements of Iowa Code section 231D.17, the written contractual agreement shall include the following information in the body of the agreement or in the supporting documents and attachments:

a. The telephone number for filing a complaint with the department.

b. The telephone number for reporting dependent adult abuse.

c. A copy of the program's statement on participants' rights.

d. A statement that the program will notify the participant at least 90 days in advance of any planned program cessation, except in cases of emergency.

e. A copy of the program's admission criteria.

70.21(3) The contractual agreement shall be reviewed and updated as necessary to reflect any change in services or financial arrangements.

70.21(4) A copy of the contractual agreement shall be provided to the participant or the participant's legal representative, if any, and a copy shall be kept by the program.

70.21(5) A copy of the most current contractual agreement shall be made available to the general public upon request.

481—70.22(231D) Evaluation of participant.

70.22(1) *Evaluation prior to participation.* A program shall evaluate each prospective participant's functional, cognitive and health status prior to the participant's signing the contractual agreement and participating in the program, with the exception of visiting day(s), to determine the participant's eligibility for the program, including whether the services needed are available. The cognitive evaluation shall be appropriate to the population served. When the cognitive evaluation indicates moderate cognitive decline and risk, the Global Deterioration Scale shall be used at all subsequent intervals, if applicable. If the participant subsequently returns to the participant's mildly cognitively impaired state, the program may discontinue the GDS and revert to a scored cognitive screening tool. The evaluation shall be conducted by a health care professional, human service professional, or licensed practical nurse via nurse delegation.

70.22(2) *Evaluation within 30 days of participation and with significant change.* A program shall evaluate each participant's functional, cognitive and health status within 30 days of the participant's beginning participation in the program. A program shall evaluate each participant's functional, cognitive

and health status as needed with significant change, but not less than annually, to determine the participant's continued eligibility for the program and to determine any changes to services needed. The evaluation shall be conducted by a health care professional, human service professional, or licensed practical nurse via nurse delegation.

70.22(3) *Requirements for visiting day(s).* Evaluation of the participant is not required during visiting day(s), but the program shall provide the participant or the participant's legal representative with a written explanation of the expectations for the visiting day(s).

481—70.23(231D) Criteria for admission and retention of participants.

70.23(1) *Persons who may not be admitted or retained.* Criteria are set forth in Iowa Code section 231D.19.

70.23(2) *Disclosure of additional participation and discharge criteria.* A program may have additional participation or discharge criteria if the criteria are disclosed in the written contractual agreement prior to the participant's participation in the program.

70.23(3) *Assistance with discharge from the program.* A program shall assist a participant and the participant's legal representative, if applicable, to ensure a safe and orderly discharge from the program when the participant exceeds the program's criteria for admission and retention.

481—70.24(231D) Involuntary discharge from the program.

70.24(1) *Program initiation of discharge.* If a program initiates the involuntary discharge of a participant and the action is not the result of a monitoring, including a complaint investigation or program-reported incident investigation, by the department and if the participant or participant's legal representative contests the discharge, the procedures in Iowa Code section 231D.18 shall apply.

70.24(2) *Discharge pursuant to results of monitoring or complaint or program-reported incident investigation by the department.* If one or more participants are identified as exceeding the admission and retention criteria for participants and need to be discharged as a result of a monitoring or a complaint or program-reported incident investigation conducted by the department, the following procedures shall apply.

a. Notification of the program. Within 20 working days of the monitoring or complaint or program-reported incident investigation, the department will notify the program, in writing, of the identification of any participant who exceeds admission and retention criteria.

b. Notification of others. Each identified participant, the participant's legal representative, if applicable, and other providers of services to the participant will be notified of their opportunity to provide responses within ten days of receipt of the notice, including specific input, written comment, information, and documentation directly addressing any agreement or disagreement with the identification.

c. Program agreement with the department's finding. If the program agrees with the department's finding and the program begins involuntary discharge proceedings, the program's internal appeal process in subrule 70.24(1) shall be utilized for appeals.

d. Program disagreement with the department's finding. If the program does not agree with the department's finding that the participant exceeds admission and retention criteria, the program may collect and submit all responses to the department, including those from other interested parties, within ten working days of receipt of the notice. In the program's response, the program will identify the participant, list the known responses from others, and note the program's agreement or disagreement with the responses from others. Submission of a response does not eliminate the applicable requirements, including submission of a plan of correction under 481—subrule 67.13(3). Other persons may also submit information directly to the department.

(1) Consideration of response. Within ten working days of receipt of the program's response for each identified participant, the department will consider the response and make a final finding regarding the continued retention of a participant.

(2) Amending the regulatory insufficiency. If the department's determination is to amend the regulatory insufficiency based on the response, the department will modify the report of findings.

(3) Retaining regulatory insufficiency. If the department retains the regulatory insufficiency, the department will review the plan of correction in accordance with this chapter and 481—Chapter 67. The department will notify the program of the opportunity to appeal the report findings as they relate to the admission and retention decision.

(4) Effect of the filing of an appeal. If an appeal is filed, the participant who exceeds admission and retention criteria will be allowed to continue to participate in the program until all administrative appeals have been exhausted. Appeals filed that relate to the participant's exceeding admission and retention criteria will be heard within 30 days of receipt, and appropriate services to meet the participant's needs will be provided during that period of time.

(5) Request for waiver of criteria for retention of a participant in a program. To allow a participant to continue to participate in the program, the program may request a waiver of criteria for retention of a participant pursuant to rule 481—67.7(231B,231C,231D) from the department within ten working days of the receipt of the report.

481—70.25(231D) Participant documents.

70.25(1) Documentation for each participant shall be maintained by the program and include:

a. A participation record including the participant's name, birth date, and home address; identification numbers; date of beginning participation; name, address and telephone number of health professional(s); diagnosis; and names, addresses and telephone numbers of family members, friends or other designated people to contact in the event of illness or an emergency;

b. Application forms;

c. The initial evaluations and updates;

d. A nutritional assessment as necessary;

e. The initial individual service plan and updates;

f. Signed authorizations for permission to release medical information, photographs, or other media information as necessary;

g. A signed authorization for the participant to receive emergency medical care as necessary;

h. A signed managed risk policy and signed managed risk consensus agreements, if any;

i. When any personal or health-related care is delegated to the program, the medical information sheet; documentation of health professionals' orders, such as those for treatment, therapy, and medication; and nurses' notes written by exception;

j. Medication lists, which will be maintained in conformance with 481—paragraph 67.5(2)*"d"*;

k. Advance health care directives as applicable;

l. A complete copy of the participant's contractual agreement, including any updates;

m. A written acknowledgment that the participant or the participant's legal representative, if applicable, has been fully informed of the participant's rights;

n. A copy of guardianship, durable power of attorney for health care, power of attorney, or conservatorship or other documentation of a legal representative;

o. Incident reports involving the participant, including but not limited to those related to medication errors, accidents, falls, and elopements (such reports need not be included in the participant's medical record);

p. A copy of waivers of admission or retention criteria, if any;

q. When the participant is unable to advocate on the participant's own behalf or the participant has multiple service providers, including hospice care providers, accurate documentation of the completion of routine personal or health-related care is required on task sheets. If tasks are doctor-ordered, the tasks will be part of the medication administration records (MARs);

r. Authorizations for the release of information, if any.

70.25(2) The program records relating to a participant shall be retained for a minimum of three years after termination of service.

70.25(3) All records shall be protected from loss, damage and unauthorized use.

481—70.26(231D) Service plans.

70.26(1) A service plan shall be developed for each participant based on the evaluations conducted in accordance with rule 481—70.22(231D) and designed to meet the specific service needs of the individual participant.

70.26(2) Prior to the participant's signing the contractual agreement and participating in the program, a preliminary service plan shall be developed by a health care professional or human service professional in consultation with the participant and, at the participant's request, with other individuals identified by the participant, and, if applicable, with the participant's legal representative. All persons who develop the plan and the participant or the participant's legal representative shall sign the plan.

70.26(3) When a participant needs personal care or health-related care, the service plan shall be updated within 30 days of the participant's participation and as needed with significant change, but not less than annually. The updated service plan shall be signed and dated by all parties.

a. If a significant change does not exist, the program may, after nurse review, add minor discretionary changes to the service plan without a comprehensive evaluation and without obtaining signatures on the service plan.

b. If a significant change relates to a recurring or chronic condition, a previous evaluation and service plan of the recurring condition may be utilized without new signatures being obtained.

70.26(4) The service plan shall be individualized and indicate:

a. The participant's identified needs and preferences for assistance;

b. Any services and care to be provided pursuant to the contractual agreement;

c. The service provider(s), if other than the program;

d. For participants who are unable to plan their own activities, including participants with dementia, planned and spontaneous activities based on the participant's abilities and personal interests.

481—70.27(231D) Nurse review. If a participant does not receive personal or health-related care, but an observed significant change in the participant's condition occurs, a nurse review shall be conducted. If a participant receives personal or health-related care, the program shall provide for a registered nurse or a licensed practical nurse via nurse delegation:

70.27(1) To monitor, at least every 90 days, or after a significant change in the participant's condition, any participant who receives program-administered prescription medications for adverse reactions to the medications and to make appropriate interventions or referrals, and to ensure that the prescription medication orders are current and that the prescription medications are administered consistent with such orders;

70.27(2) To ensure that health care professionals' orders are current for participants who receive health care professional-directed care from the program;

70.27(3) To assess and document the health status of each participant, to make recommendations and referrals as appropriate, and to monitor progress relating to previous recommendations at least every 90 days and whenever there are changes in the participant's health status;

70.27(4) To provide the program with written documentation of the activities under the service plan, as set forth in rule 481—70.26(231D), showing the time, date and signature.

481—70.28(231D) Food service.

70.28(1) The program shall provide or coordinate with other community providers to provide a hot or other appropriate meal(s) at least once a day or arrange for the availability of meals, unless otherwise noted in the contractual agreement.

70.28(2) Meals and snacks provided by the program but not prepared on site shall be obtained from or provided by an entity that meets the standards of state and local health laws and ordinances concerning the preparation and serving of food.

70.28(3) Menus shall be planned to provide the following percentage of the daily recommended dietary allowances as established by the Food and Nutrition Board of the National Research Council of the National Academy of Sciences based on the number of meals provided by the program:

a. A minimum of 33⅓ percent if the program provides one meal per day;

b. A minimum of 66⅔ percent if the program provides two meals per day; and

c. One hundred percent if the program provides three meals per day.

70.28(4) Therapeutic diets may be provided by a program. If therapeutic diets are provided, they shall be prescribed by a physician, physician assistant, or advanced registered nurse practitioner. A copy of the Iowa Simplified Diet Manual, Thirteenth Edition, published by the Iowa Academy of Nutrition and Dietetics shall be available and used in the planning and serving of therapeutic diets. A licensed dietitian shall be responsible for writing and approving the therapeutic menu and for reviewing procedures for food preparation and service for therapeutic diets.

70.28(5) Personnel who are employed by or contract with the program and who are responsible for food preparation or service, or both food preparation and service, shall have an orientation on sanitation and safe food handling prior to handling food and shall have annual in-service training on food protection.

a. In addition to the requirements above, a minimum of one person directly responsible for food preparation shall have successfully completed a state-approved food protection program by:

(1) Obtaining certification as a dietary manager; or

(2) Obtaining certification as a food protection professional; or

(3) Successfully completing an ANSI-accredited certified food protection manager program meeting the requirements for a food protection program included in the Food Code adopted pursuant to Iowa Code chapter 137F. Another program may be substituted if the program's curriculum includes substantially similar competencies to a program that meets the requirements of the Food Code and the provider of the program files with the department a statement indicating that the program provides substantially similar instruction as it relates to sanitation and safe food handling.

b. If the person is in the process of completing a course or certification listed in paragraph 70.28(5)*"a,"* the requirement relating to completion of a state-approved food protection program will be considered to have been met.

70.28(6) Programs engaged in the preparation and service of meals and snacks shall meet the standards of state and local health laws and ordinances pertaining to the preparation and service of food and be licensed pursuant to Iowa Code chapter 137F. The department will not require the program to be licensed as a food establishment if the program limits food activities to the following:

a. All main meals and planned menu items will be prepared offsite and transferred to the program kitchen for service to participants.

b. Baked goods that do not require temperature control for safety and single-service juice or milk may be stored in the program's kitchen and provided as part of a continental breakfast.

c. Ingredients used for food-related activities with participants may be stored in the program's kitchen. Participant activities may include the preparation and cooking of food items in the program's kitchen if the activity occurs on an irregular or sporadic basis and the items prepared are not part of the program's menu.

d. Appropriately trained staff may prepare in the program's kitchen individual quantities of participant-requested menu-substitution food items that require limited or no preparation, such as peanut butter or cheese sandwiches or a single-service can of soup. The food items necessary to prepare the menu substitution may be stored in the program's kitchen. These food items may not be cooked in the program's kitchen but may be reheated in a microwave. A two- or four-slice toaster may be used for participant-requested menu-substitution items, but no bare-hand contact.

e. Warewashing may be done in the program's kitchen as long as the program utilizes a commercial dishwasher and documents daily testing of sanitizer chemical ppm and proper water temperatures. Verification by the department of these practices may be conducted during on-site visits.

481—70.29(231D) Staffing. In addition to the general staffing requirements in rule 481—67.9(231B,231C,231D), the following requirements apply to staffing in programs.

70.29(1) No fewer than two staff persons who monitor participants will be awake and on duty during all hours of operation when two or more participants are participating in the program.

70.29(2) The owner or management corporation of the program is responsible for ensuring that all personnel employed by or contracting with the program receive training appropriate to assigned tasks and target population.

70.29(3) A program that serves one or more participants with cognitive disorders or dementia will follow written procedures that address how the program will respond to the emergency needs of the participants.

70.29(4) The program will notify the department in writing within ten business days of a change in the program's manager.

481—70.30(231D) Dementia-specific education for program personnel.

70.30(1) All personnel employed by or contracting with a dementia-specific program shall receive a minimum of eight hours of dementia-specific education and training within 30 days of either employment or the beginning date of the contract, as applicable.

70.30(2) The dementia-specific education or training shall include the following:

a. An explanation of Alzheimer's disease and related disorders;

b. The program's specialized dementia care philosophy and program;

c. Skills for communicating with persons with dementia;

d. Skills for communicating with family and friends of persons with dementia;

e. An explanation of family issues such as role reversal, grief and loss, guilt, relinquishing the care-giving role, and family dynamics;

f. The importance of planned and spontaneous activities;

g. Skills in assistance with instrumental activities of daily living;

h. The importance of the service plan and social history information;

i. Skills in working with challenging participants;

j. Techniques for simplifying, cueing, and redirecting;

k. Staff support and stress reduction;

l. Medication management and nonpharmacological interventions.

70.30(3) All personnel employed by or contracting with a dementia-specific program shall receive a minimum of two hours of dementia-specific continuing education annually. Direct-contact personnel shall receive a minimum of eight hours of dementia-specific continuing education annually.

70.30(4) An employee or contractor who provides documentation of completion of a dementia-specific education or training program within the past 12 months will be exempt from the education and training requirement of subrule 70.30(1).

70.30(5) Dementia-specific training will include hands-on training and include: classroom instruction, web-based training, and case studies of participants in the program.

481—70.31(231D) Managed risk policy and managed risk consensus agreements. The program shall have a managed risk policy that will be provided to the participant along with the contractual agreement and include:

70.31(1) An acknowledgment of the shared responsibility for identifying and meeting the needs of the participant and the process for managing risk and for upholding participant autonomy when participant decision making results in poor outcomes for the participant or others;

70.31(2) A consensus-based process to address specific risk situations. Program staff and the participant will participate in the process. The result of the consensus-based process may be a managed risk consensus agreement that will include the signature of the participant and the signatures of all others who participated in the process and be included in the participant's file.

481—70.32(231D) Life safety—emergency policies and procedures and structural safety requirements.

70.32(1) The program shall submit to the department and follow written emergency policies and procedures, including:

a. An emergency plan, with procedures for natural disasters that is located for easy reference;

b. Fire safety procedures;

c. Other general or personal emergency procedures, including head injury protocols;
d. Provisions for amending or revising the emergency plan;
e. Provisions for periodic training of all employees;
f. Procedures for fire drills;
g. Regulations regarding smoking;
h. Monitoring and testing of smoke-control systems;
i. Participant evacuation procedures;
j. Procedures for reporting and documentation;
k. Extraordinary lifesaving measures, such as cardiopulmonary resuscitation (CPR).

70.32(2) An operating alarm system shall be connected to each exit door in a dementia-specific program. A program serving a person(s) with cognitive disorder or dementia, whether in a general or dementia-specific setting, shall have written procedures regarding:

a. Alarm systems and appropriate staff response when a participant's service plan indicates a risk of elopement or a participant exhibits wandering behavior.

b. Appropriate staff response if a participant with cognitive disorder or dementia is missing.

The program shall obtain approval from the fire safety bureau before the installation of any specialized door locking systems.

70.32(3) The program's structure and procedures and the facility in which a program is located shall meet the requirements adopted for adult day services programs in administrative rules promulgated by the building code and fire safety bureaus. Approval of both bureaus indicating that the building complies with these requirements is necessary for certification of a program.

70.32(4) The program shall have the means to control the maximum temperature of water at sources accessible by a participant to prevent scalding and control the maximum water temperature for participants with cognitive impairment or dementia or at a participant's request.

481—70.33(231D) Transportation. When transportation services are provided directly or under contract with the program the following shall apply:

70.33(1) The vehicle will be accessible and appropriate to the participants who use it, with consideration for any physical disabilities and impairments.

70.33(2) Every participant transported will have a seat in the vehicle, except for a participant who remains in a wheelchair during transport.

70.33(3) Vehicles will have adequate seat belts and securing devices for ambulatory and wheelchair-using passengers.

70.33(4) Wheelchairs will be secured when the vehicle is in motion.

70.33(5) During loading and unloading of a participant, the driver will be in the proximate area of the participants in a vehicle.

70.33(6) The driver will have a valid and appropriate Iowa driver's license or commercial driver's license as required by law for the vehicle being utilized for transport, or be so licensed in another state. The driver will meet any state or federal requirements for licensure or certification for the vehicle operated.

70.33(7) Each vehicle will have a first-aid kit, fire extinguisher, safety triangles and a device for two-way communication.

481—70.34(231D) Activities.

70.34(1) The program shall provide appropriate activities for each participant reflecting individual differences in age, health status, sensory deficits, lifestyle, ethnic and cultural beliefs, religious beliefs, values, experiences, needs, interests, abilities and skills by providing opportunities for a variety of types and levels of involvement.

70.34(2) Activities shall be planned to support the participant's service plan and be consistent with the program statement and participation policies.

70.34(3) A written schedule of activities shall be developed at least monthly and made available to participants and their legal representatives.

70.34(4) Participants shall be given the opportunity to choose their levels of participation in all activities offered in the program.

481—70.35(231D) Structural requirements.

70.35(1) The structure, equipment and physical environment of the program will be designed and operated to meet the needs of the participants. The building, grounds and equipment will be well-maintained, clean, safe and sanitary.

70.35(2) There will be at least one toilet for every ten participants and staff members.

70.35(3) Toilets and bathing and toileting appliances will be equipped for use by participants with multiple disabilities.

70.35(4) There will be a ratio of at least one hand-washing sink for every two toilets. The sink(s) will be proximate to the toilets. Hand-washing facilities will be readily accessible to participants and staff.

70.35(5) Shower and tub areas, if provided, will be equipped with grab bars and slip-resistant surfaces.

70.35(6) Signaling emergency call devices will be installed or placed in all bathroom areas, restroom stalls and showers.

70.35(7) A telephone will be available to participants to make and receive calls in a private manner and for emergency purposes.

70.35(8) A storage area(s) will be provided for storage of program supplies and participants' possessions, which will be stored in such a manner that, when not in use, will prevent personal injury to participants and staff.

70.35(9) The program will provide a separate area to permit privacy for evaluations and to isolate participants who become ill.

70.35(10) The program will meet other building and public safety codes, including rules pertaining to accessibility contained in the state building code and provisions of the state building code relating to persons with disabilities.

70.35(11) The program will meet the requirements in subrule 70.32(4).

481—70.36(231D) Identification of veteran's benefit eligibility.

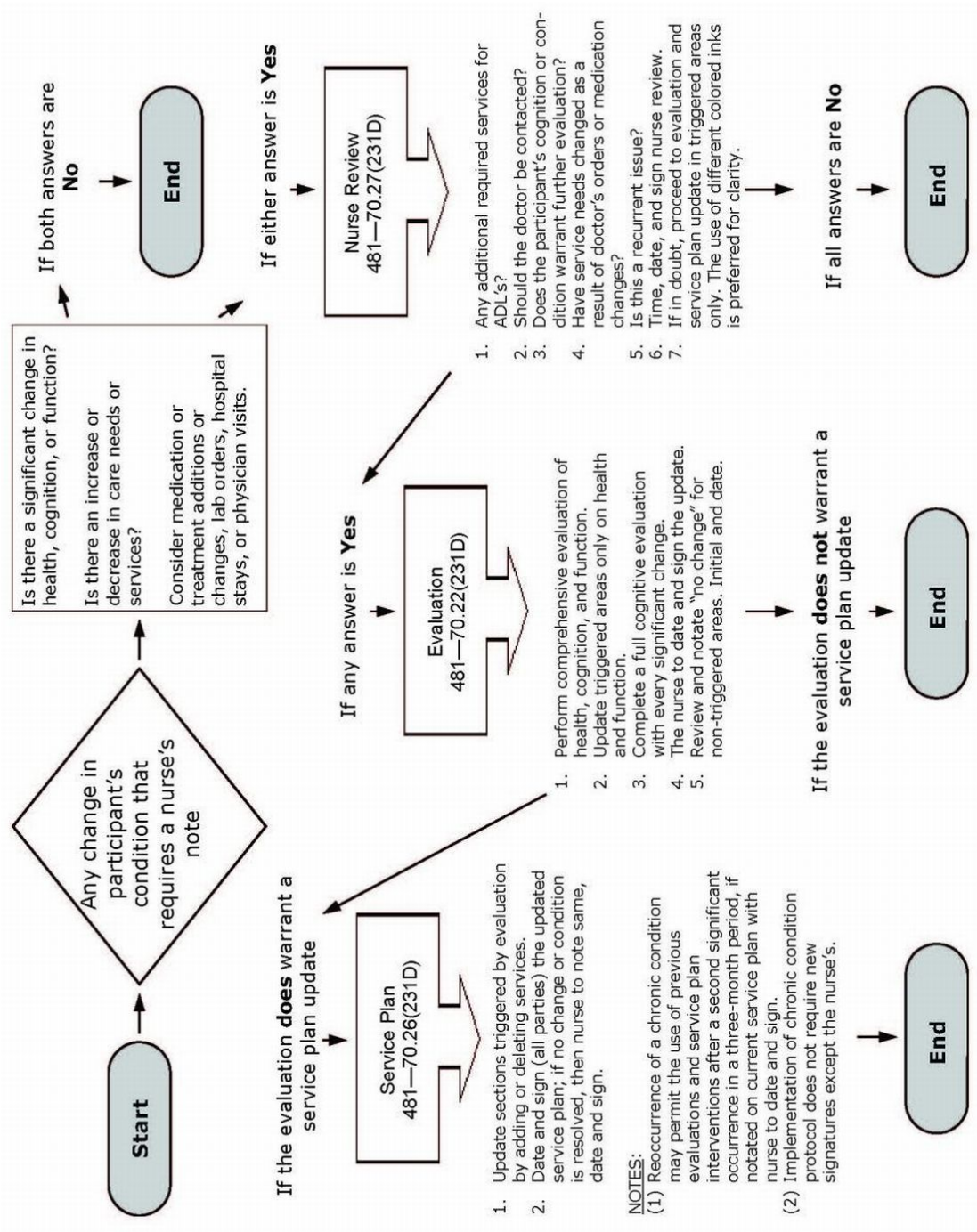
70.36(1) Within 30 days of a participant's participation in an adult day services program that receives reimbursement through the medical assistance program under Iowa Code chapter 249A, the program shall ask the participant or the participant's personal representative whether the participant is a veteran or whether the participant is the spouse, widow or dependent of a veteran and document the response.

70.36(2) If the participant may be a veteran or the spouse, widow, or dependent of a veteran, the program shall report the participant's name along with the name of the veteran, if applicable, as well as the name of the contact person for this information, to the Iowa department of veterans affairs. The program may also report such information to the Iowa department of health and human services.

70.36(3) If a participant is eligible for benefits through the U.S. Department of Veterans Affairs or other third-party payor, the program first shall seek reimbursement from the identified payor source before seeking reimbursement from the medical assistance program established under Iowa Code chapter 249A.

These rules are intended to implement Iowa Code chapter 231D.

Table A



ARC 9785C

INSPECTIONS AND APPEALS DEPARTMENT[481]

Notice of Intended Action

Proposing rulemaking related to dental assistants and providing an opportunity for public comment

The Department of Inspections, Appeals, and Licensing hereby proposes to amend Chapter 572, "Dental Licensure, Registration, Renewal, Reactivation and Reinstatement," Chapter 574, "General Requirements and Standards of Practice," Chapter 575, "Dental Assistants, Dental Radiography Qualifications, and Dental Laboratory Technicians," Chapter 577, "Expanded Functions," and Chapter 581, "Dental Board Discipline," Iowa Administrative Code.

Legal Authority for Rulemaking

This rulemaking is proposed under the authority provided in Iowa Code chapters 147, 153 and 272C.

State or Federal Law Implemented

This rulemaking implements, in whole or in part, Iowa Code chapters 147, 153 and 272C and 2025 Iowa Acts, House File 805.

Purpose and Summary

This proposed rulemaking amends the rules promulgated by the Dental Board to implement 2025 Iowa Acts, House File 805. This legislation allows for dental assistants to practice in Iowa without a requirement to be registered if they complete a term of practical training as set forth in rule and Iowa Code chapter 153. All references to Iowa Code chapters 147 and 153 and section 153.39 herein are to those chapters and that section as amended by 2025 Iowa Acts, House File 805.

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

Members of the public attended the public hearing, and comments were received. Most of the comments expressed concern with the three-month training period and recommended that the dentist be allowed to determine the period of training. The Iowa Dental Association expressed concern that the proposed amendments do not allow unregistered dental assistants to do radiography as the Iowa Code does. Contrary to these comments, a few comments expressed concern that the Board was diminishing the role of the dental assistant, allowing uneducated assistants and allowing the dentist not to reimburse them appropriately.

Fiscal Impact

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

Jobs Impact

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

Waivers

Any person who believes that the application of the discretionary provisions of this rulemaking would result in hardship or injustice to that person may petition the Board for a waiver of the discretionary provisions, if any, pursuant to 481—Chapter 6.

Public Comment

Any interested person may submit written or oral comments concerning this proposed rulemaking, which must be received by the Department no later than 4:30 p.m. on December 30, 2025. Comments should be directed to:

Emily DeRonde
Department of Inspections, Appeals, and Licensing
6200 Park Avenue

Des Moines, Iowa 50321
Phone: 515.249.7038
Email: emily.deronde@dia.iowa.gov

Public Hearing

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

Review by Administrative Rules Review Committee

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

The following rulemaking action is proposed:

ITEM 1. Amend subrule 572.6(1) as follows:

572.6(1) Applicants for a radiography qualification must also be ~~registered as~~ a dental assistant pursuant to Iowa Code chapter 153 or hold an active license issued by the board of nursing.

ITEM 2. Amend rule 481—574.1(153) as follows:

481—574.1(153) Licensed, ~~or~~ registered or trained personnel. In accordance with Iowa Code chapters 147 and 153, persons engaged in the practice of dentistry, dental hygiene or dental assisting in Iowa must be licensed by the board as a dentist or dental hygienist or registered or trained pursuant to Iowa Code chapter 153 as a dental assistant.

This rule is intended to implement Iowa Code chapters 147 and 153.

ITEM 3. Amend subrules 574.4(1) and 574.4(2) as follows:

574.4(1) *Child and dependent adult abuse training.* Licensees or ~~registrants~~ dental assistants who regularly examine, attend, counsel or treat children or adults in Iowa must obtain mandatory training in child and dependent adult abuse identification and reporting in accordance with Iowa Code sections 232.69 and 235B.16 and 481—Chapter 573.

574.4(2) *Cardiopulmonary resuscitation.* Licensees and ~~registrants~~ dental assistants may practice in Iowa if they obtain and maintain current certification in a cardiopulmonary resuscitation (CPR) course that included a hands-on component. The board reserves the right to request that licensees and registrants provide evidence of current certification.

ITEM 4. Amend rule 481—575.1(153) as follows:

481—575.1(153) Registration required. A person shall not practice dental assisting without a current registration issued by the board pursuant to rule 481—571.5(147,153). The following individuals are exempt from the requirements of this rule:

575.1(1) Students enrolled in an accredited dental, dental hygiene, or dental assisting program;

575.1(2) Dental assistant trainees who are meeting the requirements for registration pursuant to Iowa Code section 153.39; ~~and~~

575.1(3) Persons who are actively licensed in Iowa to practice dental hygiene or nursing and who are engaged in the practice of said profession~~.~~; and

575.1(4) Persons who successfully complete a term of practical training to include jurisprudence and infection control under the supervision of a dentist pursuant to Iowa Code section 153.39(5).

ITEM 5. Amend rule 481—575.2(136C,153) as follows:

481—575.2(136C,153) Qualification required.

575.2(1) A person who is not otherwise actively licensed by the board shall not participate in dental radiography unless the person ~~holds an active registration~~ is a dental assistant or holds a nursing license and holds an active radiography qualification issued by the board and a dentist provides general supervision.

a. and *b.* No change.

575.2(2) No change.

575.2(3) Any licensee who permits a person to engage in dental radiography or a ~~registrant~~ dental assistant who engages in dental radiography contrary to this chapter or Iowa Code chapter 136C may be subject to discipline by the board pursuant to 481—Chapter 580.

ITEM 6. Amend rule 481—575.3(153) as follows:

481—575.3(153) Dental assistants.

575.3(1) Dental assistant trainees are individuals who are engaging in on-the-job training to meet the requirements for registration pursuant to Iowa Code section 153.39 and rule 481—571.5(147,153). Trainees who are 18 years of age or older may also engage in on-the-job training in dental radiography pursuant to Iowa Code chapters 136C and 153 and this chapter.

a. No change.

b. A dental assistant trainee shall stop work as a dental assistant trainee if the trainee fails to become registered or complete the term of practical training described in Iowa Code section 153.39(5) prior to the expiration date.

575.3(2) No change.

575.3(3) A person may practice as a dental assistant without receiving a certificate of registration as described in Iowa Code section 153.39 if the person successfully completes a term of practical training under the supervision of a licensed dentist.

ITEM 7. Amend subrule 575.5(1), introductory paragraph, as follows:

575.5(1) A licensed dentist may delegate the following services to a ~~registered~~ dental assistant under general supervision:

ITEM 8. Amend subrule 577.1(1), introductory paragraph, as follows:

577.1(1) Dental hygienists or ~~registered~~ dental assistants may only perform expanded function procedures upon successful completion of a board-approved course of training. Dental assistant trainees are not eligible to receive training in or perform expanded function procedures.

ITEM 9. Amend subrule 577.1(3) as follows:

577.1(3) To be eligible to train in expanded function procedures, dental assistants must ~~hold an active registration and~~ comply with one of the following:

a. Be a graduate of an accredited school;

b. Be currently certified by the Dental Assisting National Board (DANB); or

c. Have at least three months of clinical practice as a ~~registered~~ dental assistant ~~or clinical practice as a dental assistant in a state that does not require registration~~.

ITEM 10. Amend paragraph **581.3(1)"d"** as follows:

d. Delegation of any acts to any licensee, ~~or~~ registrant or qualified person that are beyond the training or education of the licensee, ~~or~~ registrant or qualified person, or that are otherwise prohibited by rule;

ARC 9798C

IOWA FINANCE AUTHORITY[265]

Notice of Intended Action

Proposing rulemaking related to home and community-based services revolving loan program and providing an opportunity for public comment

The Iowa Finance Authority hereby proposes to rescind Chapter 21, "Home and Community-Based Services Revolving Loan Program," 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 section 16.5.

State or Federal Law Implemented

This rulemaking implements, in whole or in part, Iowa Code sections 16.5 and 16.47.

Purpose and Summary

Pursuant to Executive Order 10, the Authority proposes to rescind Chapter 21 and adopt a new chapter in lieu thereof. The chapter describes the policies and procedures applicable to the Home and Community-Based Services Revolving Loan Program. The program provides loans to sponsor organizations that seek to assist in the development and expansion of specific community-based services; respite services; congregate meals; and health and wellness, health screening, and nutritional assessments that will allow persons of low income to remain in their homes pursuant to Iowa Code section 16.47.

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 Authority for a waiver of the discretionary provisions, if any, pursuant to 265—Chapter 18.

Public Comment

Any interested person may submit written comments concerning this proposed rulemaking, which must be received by the Authority no later than 4:30 p.m. on January 8, 2026. Comments should be directed to:

Michael Thibodeau
Iowa Finance Authority
1963 Bell Avenue, Suite 200

Des Moines, Iowa 50315
Email: michael.thibodeau@iowafinance.com

Public Hearing

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

January 6, 2026 9 to 9:15 a.m.	Via Microsoft Teams Information about Teams participation can be found at opportunityiowa.gov/about/iowa-finance-authority/ifa-red-tape-review
January 8, 2026 9 to 9:15 a.m.	Via Microsoft Teams Information about Teams participation can be found at opportunityiowa.gov/about/iowa-finance-authority/ifa-red-tape-review

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 Authority 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 265—Chapter 21 and adopt the following **new** chapter in lieu thereof:

CHAPTER 21
HOME AND COMMUNITY-BASED SERVICES REVOLVING LOAN PROGRAM

265—21.1(16) Available funds. Any unallocated or recovered funds, payments of interest and principal, or any combination thereof, may be awarded or may be carried over to the next year's cycle of loans at the discretion of the authority.

265—21.2(16) Application procedure. Applications for assistance under this program are to be made on forms and in the manner provided by the authority. Inquiries with respect to this program should be made to those persons identified on the authority's website as contacts for this program. Once contacted with an inquiry, the authority will send an application package to the potential applicant. In the event it becomes necessary to amend the application, the authority will post the amended version of the application on its website. The authority will take such applications from time to time and will analyze and award loans to applicants on an ongoing basis.

265—21.3(16) Program guidelines. For-profit and nonprofit sponsors are eligible to apply for assistance under this program based on the following program guidelines:

21.3(1) Projects meeting the following criteria are eligible for assistance:

a. In the case of adult day services:

(1) Set aside 40 percent of the admissions for those with incomes at or below 40 percent of area median income (AMI) for the county in which the property is located;

(2) Establish a service fee that is affordable to those with incomes at or below 40 percent of AMI for the county in which the property is located, or agree to adjust fees based on a person's ability to pay;

(3) Accept third-party reimbursement, including Medicaid 1915(c) waiver(s), and meet the standards set forth in 441—Chapter 77; and

(4) Become and remain certified as an adult day services provider as set forth in 481—Chapters 67 and 70.

b. In the case of respite services:

(1) Provide services to underserved people in the community;

(2) Establish a service fee that is affordable to those with incomes at or below 40 percent of AMI for the county in which the property is located, or agree to adjust fees based on a person's ability to pay;

(3) Accept third-party reimbursement, including Medicaid 1915(c) waiver(s), and meet the standards set forth in 441—Chapter 77; and

(4) Meet all local, state and federal requirements subject to health care limits of the proposed setting.

c. In the case of congregate meals, establish and maintain a contract with the area agency on aging to provide congregate meals under the standards established for such a program under the federal Older Americans Act.

d. In the case of programming space for health and wellness:

(1) Adopt research-based practices to prevent disease and improve overall wellness, resulting in measurable outcomes for participants;

(2) Provide educational opportunities on disease prevention, physical activity, and nutritional choices; and

(3) Establish a service fee that is affordable to those with incomes at or below 40 percent of AMI for the county in which the property is located, or agree to adjust fees based on a person's ability to pay.

e. In the case of programming space for health screening:

(1) Use a licensed health care professional to provide screening and assessment services within the limits of the professional's license;

(2) Provide services to underserved people in the community; and

(3) Establish a service fee that is affordable to those with incomes at or below 40 percent of AMI for the county in which the property is located, or agree to adjust fees based on a person's ability to pay.

f. In the case of programming space for nutritional assessments:

(1) Use a registered dietitian to provide assessment and counseling services;

(2) Establish a service fee that is affordable to those with incomes at or below 40 percent of AMI for the county in which the property is located, or agree to adjust fees based on a person's ability to pay; and

(3) Accept third-party reimbursement for nutritional counseling, including one or both of the following:

1. Medicaid 1915(c) waiver(s) and meet the standards set forth in 441—Chapters 77 and 78;

2. The Older Americans Act, 42 U.S.C. §3001 et seq., and meet the standards set forth in 441—Chapter 228.

g. A demonstrated market need for the project and a good location, both as determined by the authority in its sole discretion.

h. Assistance provided under this program enables the project to maintain financial feasibility and affordability for at least the term of the loan.

i. Maintenance and debt service reserve funds are adequately funded, as determined by the authority in its sole discretion.

j. Comply with all applicable federal, state and local laws and rules related to the specified service or services offered by the sponsor.

21.3(2) The following types of activities are eligible for assistance:

a. Acquisition and rehabilitation.

b. New construction.

c. Rehabilitation to expand a current program.

d. Such other similar activities as may be determined by the authority to fall within the guidelines and purposes established for this program.

21.3(3) Assistance will be provided upon the following terms and conditions:

a. The minimum loan amount is $50,000, and the maximum loan amount is $1 million. The maximum loan term and amortization period are each 20 years.

b. The acceptable debt service ratio and loan-to-value ratio will be calculated and determined by the authority.

c. Interest rates will be set by the authority, in its sole discretion.

d. Loans shall be secured by a first mortgage; provided, however, that in limited cases the authority may consider a subordinate mortgage when the first mortgage is held by another entity.

e. Recipients of assistance must agree to observe several covenants and restrictions, including but not limited to recorded affordability and transfer restrictions, all in accordance with such loan and mortgage documents as may be required by the authority under this program.

f. Recipients shall execute such documents and instruments and must provide such information, certificates and other items as determined necessary by the authority, in its sole discretion, in connection with any assistance.

21.3(4) Loan fees.

a. Loan fees are as follows:

(1) Commitment fee (construction period) – 1.0 percent of the loan amount.

(2) Commitment fee (permanent loan) – 2.0 percent of the loan amount.

(3) Inspection fee – 0.5 percent of construction loan amount.

(4) Application fee – 0.3 percent of total loan amount requested, payable with the submission of loan application.

b. The authority may, in limited cases, reduce such fees if necessary in connection with assistance provided under this program. Such decision will be made in the sole discretion of the authority.

c. The authority will refund to the borrower one-half of the permanent loan commitment fee if the borrower's loan is paid off within five years of the closing of the loan.

265—21.4(16) Authority analysis of applications. Authority staff, in cooperation with the department of inspections, appeals, and licensing or the division of aging and disability services within the Iowa department of health and human services (or both, as necessary), will analyze and underwrite each potential project and will make recommendations for funding assistance to the board of the authority. Authority staff will use such procedures and processes in its underwriting and analysis as it deems necessary and appropriate in connection with furthering the purposes of this program. In addition, the authority anticipates that, because of the complex nature of each transaction, and the particular set of circumstances attributable to each particular application/transaction, the terms and conditions of loans may vary from project to project. The authority will make available its general operating procedures and guidelines for this program.

265—21.5(16) Discretion of authority board. The authority board of directors has the sole and final discretion to award or not award assistance and to approve final loan terms.

265—21.6(16) Closing/advance of funds. If all requirements of the authority are not met in accordance with any time frames set by the authority and to the complete satisfaction of the authority, all in the sole discretion of the authority, the authority may determine to cease work on an approved project and, accordingly, not advance any funds for such project.

These rules are intended to implement Iowa Code section 16.47.

ARC 9797C

IOWA FINANCE AUTHORITY[265]

Notice of Intended Action

Proposing rulemaking related to the HOME investment partnerships program and providing an opportunity for public comment

The Iowa Finance Authority hereby proposes to rescind Chapter 39, "HOME Investment Partnerships Program," Iowa Administrative Code, and to adopt a new Chapter 39 with the same title.

Legal Authority for Rulemaking

This rulemaking is proposed under the authority provided in Iowa Code section 16.5.

State or Federal Law Implemented

This rulemaking implements, in whole or in part, Iowa Code section 16.5 and the Cranston-Gonzalez National Affordable Housing Act of 1990.

Purpose and Summary

Pursuant to Executive Order 10, the Authority proposes to rescind Chapter 39 and adopt a new chapter in lieu thereof. The chapter describes the policies and procedures applicable to the HOME Investment Partnerships Program. The program provides loans to strengthen public-private partnerships and to expand the supply of decent, safe, sanitary, and affordable housing, with primary attention to rental housing, for very low-income and low-income families; to strengthen public-private partnerships; or to provide direct rental assistance to low-income people.

Regulatory Analysis

A Regulatory Analysis for this rulemaking was published in the Iowa Administrative Bulletin on August 6, 2025. A public hearing was held on the following date(s):

- August 26, 2025

Fiscal Impact

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

Jobs Impact

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

Waivers

Any person who believes that the application of the discretionary provisions of this rulemaking would result in hardship or injustice to that person may petition the Authority for a waiver of the discretionary provisions, if any, pursuant to 265—Chapter 18.

Public Comment

Any interested person may submit written comments concerning this proposed rulemaking, which must be received by the Authority no later than 4:30 p.m. on January 8, 2026. Comments should be directed to:

Michael Thibodeau
Iowa Finance Authority
1963 Bell Avenue, Suite 200
Des Moines, Iowa 50315
Email: michael.thibodeau@iowafinance.com

Public Hearing

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

January 6, 2026 9 to 9:15 a.m.	Via Microsoft Teams Information about Teams participation can be found at opportunityiowa.gov/about/iowa-finance-authority/ifa-red-tape-review

January 8, 2026	Via Microsoft Teams
9 to 9:15 a.m.	Information about Teams participation can be found at opportunityiowa.gov/about/iowa-finance-authority/ifa-red-tape-review

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 Authority 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 265—Chapter 39 and adopt the following **new** chapter in lieu thereof:

CHAPTER 39
HOME INVESTMENT PARTNERSHIPS PROGRAM

265—39.1(16) Purpose. The primary purpose of HOME is to strengthen public-private partnerships and to expand the supply of decent, safe, sanitary, and affordable housing, with primary attention to rental housing, for very low-income and low-income families or to strengthen public-private partnerships or to provide direct rental assistance to low-income people.

265—39.2(16) Definitions. When used in this chapter unless the context otherwise requires:

"Activity" means one or more specific housing activities, projects or programs assisted through HOME.

"Administrative plan" means a document that a HOME recipient establishes that describes the operation of a funded activity in compliance with all state and federal requirements.

"Authority" means the Iowa finance authority established pursuant to Iowa Code section 16.1A.

"CHDO" means a community housing development organization certified as such by the authority pursuant to 24 CFR §92.2.

"Consolidated plan" means the state's housing and community development planning document and the annual action plan update approved by HUD pursuant to 24 CFR 91.

"Contract" means a binding written agreement executed by the authority and the recipient or subrecipient for the purpose of utilizing HOME funds to build, buy or rehabilitate (or both buy and rehabilitate) affordable housing for rent or homeownership or to provide direct rental assistance to low-income people.

"HOME" means the HOME Investment Partnerships Program authorized by the Cranston-Gonzalez National Affordable Housing Act of 1990.

"HUD" means the U.S. Department of Housing and Urban Development.

"Low-income" means families whose annual incomes do not exceed 80 percent of the median income for the area as determined by HUD, with adjustments for smaller and larger families, except that HUD may establish income ceilings higher or lower than 80 percent of the median for the area on the basis of HUD findings that such variations are necessary because of prevailing levels of construction costs or fair market rents, or unusually high or low family incomes. An individual does not qualify as a low-income family if the individual is enrolled as a student at an institution of higher education; is under 24 years of age; is not a veteran of the United States military; is unmarried; does not have a dependent child; is not a person with disabilities as such term is defined in section 3(b)(3)(E) of the United States

Housing Act of 1937 (42 U.S.C. 1437 et seq.) and was not receiving assistance under section 8 of the 1937 Act as of November 30, 2005; and is not otherwise individually eligible, or has parents who, individually or jointly, are not eligible on the basis of income to receive assistance under section 8 of the 1937 Act, or does not have parents who qualify as low-income.

"Period of affordability" means the period of time as specified in 24 CFR §92.252 and 24 CFR §92.254 that requirements under HOME must be followed.

"Program income" means gross income received by the participating jurisdiction, state recipient, or a subrecipient at any time, generated from the use of HOME funds or matching contributions.

"Project" means a site or sites together with any building (including a manufactured housing unit) or buildings located on the site(s) that are under common ownership, management, and financing and are to be assisted with HOME funds as a single undertaking. The project includes all the activities associated with the site and building. For tenant-based rental assistance, project means assistance to one or more families.

"Recaptured funds" means HOME funds that are recouped by the recipient when the housing unit assisted by the HOME program homebuyer funds does not continue to be the principal residence of the assisted homebuyer for the full period of affordability.

"Recipient" means the entity under contract with the authority to receive HOME funds and undertake the funded housing activity.

"Repayment" means HOME funds that the recipient repays to the authority because the funds were invested in a project or activity that is terminated before completion or were invested in a project or activity that failed to comply with federal program requirements.

"Subrecipient" means a governmental entity or nonprofit organization selected by the authority to administer all or a portion of the authority's HOME programs to produce affordable housing, provide homeownership assistance, or provide tenant-based rental assistance under the HOME program. A public agency or nonprofit organization that receives HOME funds solely as a developer or owner of housing is not a subrecipient. The selection of a subrecipient by the authority is not subject to the procurement procedures and requirements under federal or state law.

"Very low-income" means low-income families whose annual incomes do not exceed 50 percent of the median family income for the area as determined by HUD with adjustments for smaller and larger families, except that HUD may establish income ceilings higher or lower than 50 percent of the median for the area on the basis of HUD findings that such variations are necessary because of prevailing levels of construction costs or fair market rents, or unusually high or low family incomes. An individual does not qualify as a very low-income family if the individual is a student who is not eligible to receive Section 8 assistance under 24 CFR §5.612.

265—39.3(16) Eligible applicants. Eligible applicants for HOME assistance include nonprofit 501(c) organizations, CHDOs, and for-profit corporations or partnerships.

265—39.4(16) Eligible activities and forms of assistance.

39.4(1) Eligible activities may include tenant-based rental assistance, rental housing rehabilitation, rental housing new construction and adaptive reuse, homebuyer assistance that includes some form of direct subsidy to the homebuyer, and other housing-related activities as may be deemed appropriate by the authority.

39.4(2) Eligible forms of assistance include grants, interest-bearing loans, non-interest-bearing loans, interest subsidies, deferred payment loans, forgivable loans or other forms of assistance as may be approved by the authority.

39.4(3) Program income may be retained by the recipient upon written agreement prepared by the authority and executed by the recipient or subrecipient and the authority.

39.4(4) A site including any building located thereon or project acquired or used for rental activities must be held in fee simple title by the recipient upon the disbursement of HOME funds and throughout the contract term with the authority. An installment contract or leasehold interest is not an acceptable recipient interest.

39.4(5) A site including any building located thereon or project acquired or used for homebuyer activities must be held in fee simple title by the recipient or homebuyer upon the disbursement of HOME funds and throughout the contract term with the authority. An installment contract or leasehold interest is not an acceptable recipient or homebuyer interest.

265—39.5(16) Application procedure. HOME applications will be received from eligible applicants in the online system prescribed by the authority as often as the state expects funding from HUD. At a minimum, applications will include the amount of funds requested, a description of the need for the funds, documentation of other available committed funding sources, the source of required local match, and the estimated number of persons to be served by the applicant. Maximum and minimum grant awards will be established by the authority for each application round.

265—39.6(16) Application requirements. An application that meets the following threshold criteria will be considered for HOME assistance:

39.6(1) The application proposes a housing activity consistent with the HOME fund purpose and eligibility requirements and the state consolidated plan approved by HUD.

39.6(2) The application documents the applicant's capacity to administer the proposed activity. Such documentation may include evidence of successful administration of prior housing activities. The authority reserves sole discretion to deny funding to an applicant that has failed to comply with federal or state requirements in the administration of a previous project funded by the state of Iowa or that failed to comply with federal requirements in the administration of a previous project funded in any other state. Documentation of the ability of the applicant to provide technical services and the availability of certified lead professionals and contractors either trained in safe work practices or certified as abatement contractors may also be required as applicable to the HOME fund activity.

39.6(3) Recipients of funds for homeownership as defined by 24 CFR §92.254 may allow the beneficiaries of the funds to use a principal mortgage loan product from a third party that meets the following criteria:

a. With the exception of Habitat for Humanity principal mortgage loan products, the principal mortgage loan is the only repayable loan in all individual homebuyer assistance projects.

b. The HOME assistance must be recorded in second lien position to the principal mortgage loan, if one exists. Recipients of HOME homebuyer assistance must maintain their assistance security agreements in the above-stated recording position throughout the applicable period of affordability and will not be allowed to subordinate the required recording position to any other form of assistance, such as home equity loans. A homebuyer search is required, and any collection/unpaid obligation that would become a judgment or any judgments must be paid in full prior to closing.

c. Any mortgage lending entity's principal mortgage loan products may be used provided the entity's principal mortgage includes the following terms:

(1) Fully amortized, fixed-rate loan with rate not to exceed Fannie Mae 90-day yield + 0.125 percent;

(2) No less than a 15-year, fully amortized, fixed-rate mortgage will be allowed; and

(3) No adjustable rate mortgages or balloon payment types of mortgages will be allowed.

265—39.7(16) Application review criteria.

39.7(1) The authority will evaluate applications and make funding decisions based on general activity criteria, need, impact, feasibility, and activity administration based upon the specific type of activity to be undertaken. The general activity criteria will be included in the application. Training will be offered prior to the application deadline to provide information and technical assistance to potential applicants.

39.7(2) Notice of the availability of funding and the funding round requirements will be placed on the authority's website at opportunityiowa.gov.

265—39.8(16) Allocation of funds.

39.8(1) The authority may retain up to 10 percent of the state's annual HOME allocation from HUD for administrative costs associated with program implementation and operation.

39.8(2) Not less than 15 percent of the state's annual HOME allocation is reserved for eligible housing activities developed, sponsored or owned by CHDOs unless HUD allows a lower percentage.

39.8(3) The authority reserves the right to negotiate the amount of funds provided for general administration, but the maximum amount of the total HOME award that may be used for general administrative costs is 10 percent of the HOME award. Only local government and nonprofit recipients are eligible for general administrative funds.

39.8(4) The authority reserves the right to negotiate the amount and terms of a HOME award.

39.8(5) The authority reserves the right to make award decisions such that the state maintains the required level of local match to HOME funds.

265—39.9(16) Administration of awards. Applicants selected to receive HOME awards will be notified by letter from the authority's director or designee. The authority and the recipient or subrecipient will execute a contract prepared by the authority.

265—39.10(16) Requests for funds. Recipients shall submit requests for funds in the manner and on forms prescribed by the authority. Adequate and itemized documentation supporting the amount of funds requested must be provided to and approved by the authority prior to release of funds. For rental projects, the authority may retain up to 10 percent of the total HOME award for up to 30 days after the recipient satisfactorily completes the work, all HOME-assisted units have been initially occupied, and a final draw and completion form has been submitted to and approved by the authority.

265—39.11(16) References. All references to the Code of Federal Regulations, United States Code, and federal acts, including the Cranston-Gonzalez National Affordable Housing Act of 1990 and the United States Housing Act of 1937, in this chapter are as in effect [effective date of this rulemaking].

These rules are intended to implement Iowa Code section 16.5(1)*"f"* and *"m"* and the Cranston-Gonzalez National Affordable Housing Act of 1990.

ARC 9799C

IOWA FINANCE AUTHORITY[265]

Notice of Intended Action

Proposing rulemaking related to community housing and services for persons with disabilities revolving loan program and providing an opportunity for public comment

The Iowa Finance Authority hereby proposes to rescind Chapter 43, "Community Housing and Services for Persons with Disabilities Revolving Loan Program," Iowa Administrative Code, and to adopt a new Chapter 43 with the same title.

Legal Authority for Rulemaking

This rulemaking is proposed under the authority provided in Iowa Code section 16.5.

State or Federal Law Implemented

This rulemaking implements, in whole or in part, Iowa Code sections 16.5 and 16.49.

Purpose and Summary

Pursuant to Executive Order 10, the Authority proposes to rescind Chapter 43 and adopt a new chapter in lieu thereof. The chapter describes the policies and procedures applicable to the Community Housing and Services for Persons with Disabilities Revolving Loan Program. The program provides

loans to sponsor organizations to construct affordable permanent supportive housing or develop infrastructure in which to provide supportive services, including through new construction, acquisition and rehabilitation of existing housing or infrastructure, or conversion or adaptive reuse pursuant to Iowa Code section 16.49.

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 Authority for a waiver of the discretionary provisions, if any, pursuant to 265—Chapter 18.

Public Comment

Any interested person may submit written comments concerning this proposed rulemaking, which must be received by the Authority no later than 4:30 p.m. on January 8, 2026. Comments should be directed to:

Michael Thibodeau
Iowa Finance Authority
1963 Bell Avenue, Suite 200
Des Moines, Iowa 50315
Email: michael.thibodeau@iowafinance.com

Public Hearing

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

January 6, 2026 9 to 9:15 a.m.	Via Microsoft Teams Information about Teams participation can be found at opportunityiowa.gov/about/iowa-finance-authority/ifa-red-tape-review
January 8, 2026 9 to 9:15 a.m.	Via Microsoft Teams Information about Teams participation can be found at opportunityiowa.gov/about/iowa-finance-authority/ifa-red-tape-review

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 Authority 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 265—Chapter 43 and adopt the following **new** chapter in lieu thereof:

CHAPTER 43
COMMUNITY HOUSING AND SERVICES FOR PERSONS
WITH DISABILITIES REVOLVING LOAN PROGRAM

265—43.1(16) Definitions. When used in this chapter, unless the context otherwise requires:

"Authority" means the Iowa finance authority.

"Department" means the Iowa department of health and human services.

"Infrastructure" means the building and permanent improvements necessary for the support of Medicaid waiver-eligible individuals.

"Medicaid waiver-eligible" means eligible to receive 19 U.S.C. Section 1915(c) home and community-based services waivers under 441—Chapter 83.

"Permanent supportive housing" means a community-based dwelling that has supportive services for persons with disabilities. This type of supportive housing enables special needs populations to live as independently as possible in a permanent setting.

"PMIC" means psychiatric medical institutions for children.

"Program" means the community housing and services for persons with disabilities revolving loan program.

265—43.2(16) Award of loan funds. It is the authority's intent to award loans under the program to those applicants that meet all of the requirements of this chapter and the published underwriting standards of the loan program. The authority intends to award the available funds under this program each year if applicants meet all applicable requirements.

265—43.3(16) Application process. Any unallocated or recovered funds, payments of interest and principal, or any combination thereof, may be awarded or may be carried over to the next year's cycle of loans at the discretion of the authority. The authority occasionally will take such applications and will analyze and award loans to applicants on an ongoing basis.

265—43.4(16) Program guidelines. For-profit and nonprofit sponsors are eligible to apply for assistance under this program based on the following program guidelines after receiving approval of a service plan to benefit the Medicaid waiver-eligible individuals who reside in the project. The service provider may apply for the loan fund; however, the service provider does not have to be the applicant for the loan fund. If the service provider is not the loan applicant, a memorandum of understanding must exist between the loan applicant and the service provider that shows an obligation on behalf of the service provider to deliver services to the Medicaid waiver-eligible individuals residing in the project and that shows that the loan applicant is obligated to offer housing to the Medicaid waiver-eligible individuals who need the services provided by the service provider.

43.4(1) Projects meeting the following criteria are eligible for assistance:

a. Written approval from the department for the proposed project is obtained prior to application for loan funds.

b. In order to be approved by the department, the project must demonstrate all of the following components:

(1) The project serves one of the following Medicaid waiver-eligible populations:

1. Individuals who are currently underserved in community settings, including individuals who are physically aggressive or have behaviors that are difficult to manage or individuals who meet the PMIC level of care; or
2. Individuals who are currently placed out of state by the department; or
3. Individuals who are currently receiving care in an Iowa-licensed health care facility.

(2) A plan to provide each Medicaid waiver-eligible individual with crisis stabilization services to ensure that the individual's behavioral issues are appropriately addressed by the provider.

(3) Policies and procedures that prohibit discharge of the Medicaid waiver-eligible individual from the waiver services provided by the project provider unless an alternative placement that is acceptable to the individual or the individual's guardian is identified.

c. In order to be approved by the department for application for funding for development of infrastructure in which to provide supportive services under this chapter, a project shall include all of the following components:

(1) Provision of services to Medicaid waiver-eligible individuals who meet the PMIC level of care.

(2) Policies and procedures that prohibit discharge of the Medicaid waiver-eligible individual from the waiver services provided by the project provider, unless an alternative placement that is acceptable to the individual or the individual's guardian is identified.

43.4(2) The following types of activities are eligible for assistance:

a. Acquisition and rehabilitation.

b. New construction.

c. Such other similar activities as may be determined by the authority to fall within the guidelines and purposes established for this program.

43.4(3) Assistance will be provided upon the following terms and conditions:

a. The minimum loan amount is $50,000, and the maximum loan amount is $500,000. The maximum loan term and the amortization period is each 30 years.

b. The acceptable debt service ratio and loan-to-value ratio will be calculated and determined by the authority.

c. Interest rates will be set by the authority, in its sole discretion.

d. Loans shall be secured by a first mortgage to the extent possible. Construction financing may be awarded to projects.

e. Recipients of assistance must agree to observe several covenants and restrictions all in accordance with such loan and mortgage documents as may be required by the authority under this program.

f. The recipient must show that its title in the real estate on which the project is to be located is a marketable title pursuant to Iowa Land Title Examination Standards or other applicable law through a title guaranty certificate issued by the title guaranty division of the Iowa finance authority that shows the recipient as the guaranteed and that includes any endorsements required by the authority.

g. Recipients must execute such documents and instruments and must provide such information, certificates and other items as determined necessary by the authority, in its sole discretion, in connection with any assistance.

43.4(4) Loan fees.

a. Loan fees are as follows:

(1) Application fee – 0.3 percent of loan amount.

(2) Commitment fee (construction period) – 1.0 percent of loan amount.

(3) Commitment fee (permanent loan) – 2.0 percent of loan amount.

(4) Inspection fee (construction loan) – 0.5 percent of loan amount.

b. The authority may, in limited cases, reduce such fees if necessary in connection with assistance provided under this program. Such decision will be made in the sole discretion of the authority.

265—43.5(16) Authority analysis of applications. Authority staff will analyze and underwrite each potential project and will make recommendations for funding assistance to the authority board of directors. Authority staff will use such procedures and processes in its underwriting and analysis as it deems necessary and appropriate in connection with furthering the purposes of this program. In addition, the authority anticipates that, because of the complex nature of each transaction and the particular set of circumstances attributable to each particular application/transaction, the terms and conditions of loans will vary from project to project. The authority will make available its general operating procedures and guidelines for this program.

265—43.6(16) Discretion of authority board. The authority board of directors has the sole and final discretion to award or not to award assistance and to approve final loan terms.

265—43.7(16) Closing/advance of funds. If all requirements of the authority are not met in accordance with any time frames set by the authority and to the complete satisfaction of the authority, all in the sole discretion of the authority, the authority may determine to cease work on an approved project and, accordingly, not advance any funds for such project.

These rules are intended to implement Iowa Code sections 16.5(1) and 16.49.

ARC 9775C

TRANSPORTATION DEPARTMENT[761]

Notice of Intended Action

Proposing rulemaking related to traffic control device manual and providing an opportunity for public comment

The Department of Transportation hereby proposes to rescind Chapter 130, "Signing Manual," and to adopt a new Chapter 130, "Traffic Control Device Manual," Iowa Administrative Code.

Legal Authority for Rulemaking

This rulemaking is proposed under the authority provided in Iowa Code section 307.12(1)"j."

State or Federal Law Implemented

This rulemaking implements, in whole or in part, Iowa Code sections 321.249 and 321.252 and 23 U.S.C. §655.601.

Purpose and Summary

This rulemaking proposes to repromulgate Chapter 130 in compliance with Executive Order 10. Proposed Chapter 130 implements Iowa Code section 321.252 and complies with federal law by formally adopting the national Manual on Uniform Traffic Control Devices (MUTCD) as the State's manual and specifications governing the installation of traffic control devices. Traffic control devices include all signs, signals, markings, and other devices used to regulate, warn, or guide traffic.

This proposed rulemaking adopts the 11th Edition of the national MUTCD that was published in December 2023, with two exceptions added for the use of portable STOP signs in school zones and law enforcement pictographs on memorial signs. This proposed rulemaking also reflects the manual's application not just to highways but to any street, highway, or bicycle trail open to public travel.

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 11, 2025

The Department received no comments.

Fiscal Impact

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

Jobs Impact

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

Waivers

Any person who believes that the application of the discretionary provisions of this rulemaking would result in hardship or injustice to that person may petition the Department for a waiver of the discretionary provisions, if any, pursuant to 761—Chapter 11.

Public Comment

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

Ryan Pell
Department of Transportation
DOT Rules Administrator, Office of the Director
800 Lincoln Way
Ames, Iowa 50010
Phone: 515.239.1358
Email: ryan.pell@iowadot.us

Public Hearing

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

December 30, 2025 9:30 to 10 a.m.	Microsoft Teams link Or dial: 515.817.6093 Conference ID: 729 639 119#
December 30, 2025 3 to 3:30 p.m.	Microsoft Teams link Or dial: 515.817.6093 Conference ID: 311 542 774#

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 Ryan Pell and advise of specific needs.

Review by Administrative Rules Review Committee

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

The following rulemaking action is proposed:

ITEM 1. Rescind 761—Chapter 130 and adopt the following **new** chapter in lieu thereof:

CHAPTER 130
TRAFFIC CONTROL DEVICE MANUAL

761—130.1(307,321) Manual. The "Manual on Uniform Traffic Control Devices" (MUTCD), 11th Edition, dated December 2023, published by the U.S. Department of Transportation, Federal Highway Administration, constitutes the manual and specifications for a uniform system of traffic control devices for use upon any street, highway, or bicycle trail open to public travel within this state.

130.1(1) The department makes the following exception to the MUTCD in Part 2, Section 2B.06, General Considerations, paragraph 10. In lieu of the sentence, "Portable or part-time STOP or YIELD

signs shall not be used except for emergency and temporary traffic control zone purposes.", the department adopts the following: "Portable or part-time YIELD signs shall not be used except for emergency and temporary traffic control zone purposes. Portable or part-time STOP signs may be used only in the following situations:

"1. When necessary for emergency and temporary traffic control zone purposes, or

"2. In school zones at appropriate school crosswalks."

130.1(2) The department makes the following exception to the MUTCD in Part 2, Section 2M.10, Memorial or Dedication Signing, paragraph 08. In lieu of the sentence, "Decorative or graphical elements, pictographs, logos, or symbols shall not be displayed on memorial or dedication signs.", the department adopts the following: "Decorative or graphical elements, pictographs, logos, or symbols shall not be displayed on memorial or dedication signs, with the exception of an official pictograph representing an Iowa law enforcement agency."

130.1(3) Information regarding this chapter is available from: Traffic and Safety Bureau, Iowa Department of Transportation, 800 Lincoln Way, Ames, Iowa 50010. The MUTCD is available at www.mutcd.fhwa.dot.gov.

This rule is intended to implement Iowa Code sections 307.12(1)*"j,"* 321.249 and 321.252.

ARC 9791C

TRANSPORTATION DEPARTMENT[761]

Notice of Intended Action

Proposing rulemaking related to notification of railroad accidents or incidents and providing an opportunity for public comment

The Department of Transportation hereby proposes to rescind Chapter 802, "Notification of Railroad Accidents/Incidents," and to adopt a new Chapter 802, "Notification of Railroad Accidents or Incidents," Iowa Administrative Code.

Legal Authority for Rulemaking

This rulemaking is proposed under the authority provided in Iowa Code section 307.12.

State or Federal Law Implemented

This rulemaking implements, in whole or in part, Iowa Code sections 327C.37 and 327C.41.

Purpose and Summary

Proposed Chapter 802 explains the notification requirements when certain railroad accidents or incidents occur in Iowa and requires that railroads notify the Department's Traffic Management Center by telephone within 4 hours of a certain accident or incident and within 24 hours of a property-damage-only accident or incident. The Traffic Management Center promptly distributes the collected information and details to the Department's Modal Transportation Bureau for a review and a determination if an investigation is necessary. In accordance with Iowa Code section 327C.37, the Department must decide when it is necessary to notify the Governor when a railroad accident or incident occurs 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 29, 2025

Fiscal Impact

This rulemaking has no fiscal impact to the State of Iowa. The proposed chapter is in accordance with Executive Order 10 and compliance with the Iowa Code. This rule implements Iowa Code section 327C.37 regarding railroad accidents and incidents within the State. Resources are only utilized in the event of an incident or accident occurrence.

Jobs Impact

This rulemaking has no jobs impact to the State of Iowa. The proposed chapter is in accordance with Executive Order 10.

Waivers

Any person who believes that the application of the discretionary provisions of this rulemaking would result in hardship or injustice to that person may petition the Department for a waiver of the discretionary provisions, if any, pursuant to 761—Chapter 11.

Public Comment

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

Ryan Pell
Department of Transportation
DOT Rules Administrator, Office of the Director
800 Lincoln Way
Ames, Iowa 50010
Phone: 515.239.1358
Email: ryan.pell@iowadot.us

Public Hearing

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

December 31, 2025 10 to 10:30 a.m.	Microsoft Teams Or dial: 515.817.6093 Conference ID: 196 412 555#
December 31, 2025 2 to 2:30 p.m.	Microsoft Teams Or dial: 515.817.6093 Conference ID: 604 834 603#

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

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

Review by Administrative Rules Review Committee

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

The following rulemaking action is proposed:

ITEM 1. Rescind 761—Chapter 802 and adopt the following **new** chapter in lieu thereof:

CHAPTER 802
NOTIFICATION OF RAILROAD ACCIDENTS OR INCIDENTS

761—802.1(307,327C) Notification of railroad accidents or incidents.

802.1(1) *Accidents or incidents requiring notification.* Any accident or incident involving train movement that results in any of the following must be reported within 4 hours of the accident or incident to the department's traffic management center by telephone at 515.237.3300 (open year-round, 24 hours a day, including legal holidays):

a. Fatality.

b. Personal injury requiring hospitalization.

c. Derailment of ten or more rail cars and locomotives.

d. Derailment of any number of cars or locomotives when one or more are not upright.

e. Derailment or other incident involving a railroad passenger train.

f. Release or potential release of hazardous materials that presents a risk or potential risk to public safety, including injury, fatality, evacuation or shelter-in-place of persons.

g. Damage to public or private transportation infrastructure not owned by the involved railroad.

802.1(2) *Property damage only.* Any accident or incident involving train movement that results in property damage only must be reported within 24 hours of the accident or incident in the same manner as provided in subrule 802.1(1).

802.1(3) *Content of notice.* The notice of an accident or incident is to provide, at a minimum, the following information:

a. Name of the railroad involved.

b. Name and contact information of the individual calling to file the notice.

c. Date and time the accident or incident occurred.

d. Location of the accident or incident, described as accurately as possible, including the nearest city and the U.S. DOT crossing identification number or railroad milepost.

e. Description of the accident or incident.

f. Impact on motor vehicle travel, if known.

g. Number of injuries and fatalities.

h. Hazardous materials involved in the incident and actions taken in the event of a release.

i. Number of rail cars derailed.

This rule is intended to implement Iowa Code sections 307.12(1)*"j,"* 327C.37 and 327C.41.

ARC 9792C

TRANSPORTATION DEPARTMENT[761]

Notice of Intended Action

Proposing rulemaking related to highway-railroad grade crossing warning devices and providing an opportunity for public comment

The Department of Transportation hereby proposes to rescind Chapter 811, "Highway-Railroad Grade Crossing Warning Devices," Iowa Administrative Code.

Legal Authority for Rulemaking

This rulemaking is proposed under the authority provided in Iowa Code section 307.12.

State or Federal Law Implemented

This rulemaking implements, in whole or in part, Iowa Code sections 307.26, 321.252 and 327G.2.

Purpose and Summary

The Department proposes to rescind Chapter 811 because this chapter is unnecessary. The Department already adopted the Manual on Uniform Traffic Control Devices (MUTCD) within 761—Chapter 130. Information concerning the standards for highway-railroad grade crossing warning devices is already available on the Department's website: Federal Aid Crossing Safety Program.

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 30, 2025

Fiscal Impact

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

Jobs Impact

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

Waivers

Any person who believes that the application of the discretionary provisions of this rulemaking would result in hardship or injustice to that person may petition the Department for a waiver of the discretionary provisions, if any, pursuant to 761—Chapter 11.

Public Comment

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

Ryan Pell
Department of Transportation
DOT Rules Administrator, Office of the Director
800 Lincoln Way
Ames, Iowa 50010
Phone: 515.239.1358
Email: ryan.pell@iowadot.us

Public Hearing

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

December 31, 2025 9:30 to 10 a.m.	Microsoft Teams Or dial: 515.817.6093 Conference ID: 956 584 469#
December 31, 2025 2:30 to 3 p.m.	Microsoft Teams Or dial: 515.817.6093 Conference ID: 158 629 991#

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

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

Review by Administrative Rules Review Committee

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

The following rulemaking action is proposed:

ITEM 1. Rescind and reserve **761—Chapter 811**.

ARC 9793C

TRANSPORTATION DEPARTMENT[761]

Notice of Intended Action

Proposing rulemaking related to classifications and standards for highway-railroad grade crossings and providing an opportunity for public comment

The Department of Transportation hereby proposes to rescind Chapter 812, "Classifications and Standards for Highway-Railroad Grade Crossings," Iowa Administrative Code.

Legal Authority for Rulemaking

This rulemaking is proposed under the authority provided in Iowa Code section 307.12.

State or Federal Law Implemented

This rulemaking implements, in whole or in part, Iowa Code section 307.26.

Purpose and Summary

The Department proposes to rescind Chapter 812 because this chapter is unnecessary. Information on the classification and standards for highway railroad grade crossings is already available on the Department's website: Federal Aid Crossing Safety Program.

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 30, 2025

Fiscal Impact

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

Jobs Impact

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

Waivers

Any person who believes that the application of the discretionary provisions of this rulemaking would result in hardship or injustice to that person may petition the Department for a waiver of the discretionary provisions, if any, pursuant to 761—Chapter 11.

Public Comment

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

Ryan Pell
Department of Transportation
DOT Rules Administrator, Office of the Director
800 Lincoln Way
Ames, Iowa 50010
Phone: 515.239.1358
Email: ryan.pell@iowadot.us

Public Hearing

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

December 31, 2025 9 to 9:30 a.m.	Microsoft Teams Or dial: 515.817.6093 Conference ID: 420 869 78#
December 31, 2025 3 to 3:30 p.m.	Microsoft Teams Or dial: 515.817.6093 Conference ID: 484 280 38#

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

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

Review by Administrative Rules Review Committee

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

The following rulemaking action is proposed:

ITEM 1. Rescind and reserve **761—Chapter 812**.

ARC 9794C

TRANSPORTATION DEPARTMENT[761]

Notice of Intended Action

Proposing rulemaking related to the highway grade crossing safety fund and providing an opportunity for public comment

The Department of Transportation hereby proposes to rescind Chapter 820, "Highway Grade Crossing Safety Fund," Iowa Administrative Code, and to adopt a new Chapter 820 with the same title.

Legal Authority for Rulemaking

This rulemaking is proposed under the authority provided in Iowa Code section 327G.15.

State or Federal Law Implemented

This rulemaking implements, in whole or in part, Iowa Code sections 327G.15 and 327G.19.

Purpose and Summary

Proposed Chapter 820 is intended to comply with Iowa Code section 327G.15 governing the processing of claims to the Highway Grade Crossing Safety Fund. This proposed chapter defines the eligibility for operating railroads to receive funds and provides an explanation of the reimbursement process, billing, and proration of claims to the Highway Grade Crossing Safety Fund. The Department adopts by reference, with date certain, the 2025 Revision of the American Railway Engineering and Maintenance-of-Way Association (AREMA) Communications and Signals Manual. This manual defines an American Association of Railroads (AAR) Signal Unit value. This value is assigned to the component parts of an active warning device and is used to determine the number of eligible units for each railroad to submit for reimbursement to the Highway Grade Crossing Safety Fund. This proposed rulemaking ensures uniformity and consistency for the administration of the 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 30, 2025

Fiscal Impact

This rulemaking has no fiscal impact to the State of Iowa. The proposed chapter is in accordance with Executive Order 10. This rulemaking brings uniformity and consistency to the fund.

Jobs Impact

This rulemaking has no jobs impact to the State of Iowa. The proposed chapter is in accordance with Executive Order 10.

Waivers

Any person who believes that the application of the discretionary provisions of this rulemaking would result in hardship or injustice to that person may petition the Department for a waiver of the discretionary provisions, if any, pursuant to 761—Chapter 11.

Public Comment

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

Ryan Pell
Department of Transportation
DOT Rules Administrator, Office of the Director
800 Lincoln Way
Ames, Iowa 50010
Phone: 515.239.1358
Email: ryan.pell@iowadot.us

Public Hearing

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

December 30, 2025 10 to 10:30 a.m.	Microsoft Teams Or dial: 515.817.6093 Conference ID: 585 428 53#

December 30, 2025 2 to 2:30 p.m.	Microsoft Teams Or dial: 515.817.6093 Conference ID: 869 913 848#

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

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

Review by Administrative Rules Review Committee

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

The following rulemaking action is proposed:

ITEM 1. Rescind 761—Chapter 820 and adopt the following **new** chapter in lieu thereof:

CHAPTER 820
HIGHWAY GRADE CROSSING SAFETY FUND

761—820.1(327G) General.

820.1(1) *Purpose.* This chapter establishes requirements for use of the safety fund to reimburse railroads for a portion of the maintenance costs associated with active warning devices.

820.1(2) *Definitions.*

"AAR signal unit" means the relative maintenance difficulty value assigned to component parts of an active warning device. Units and interpretations are designated by the 2025 Revision of the American Railway Engineering and Maintenance-of-Way Association (AREMA) Communications and Signals Manual, Volume 1, Section 1 (1.3.2) [Recommend Table of Signal and Interlocking Units and Interpretations]. The AREMA publication may be ordered from the website www.arema.org. A member of the public with questions about specific content in the AREMA may contact the department's modal transportation bureau.

"Active warning devices" means traffic control devices activated by the approach or presence of a train, such as flashing light signals, flashing light signals with cantilever assemblies, and flashing light signals with automatic gate arms, all of which actively warn motorists of a train.

"Maintenance costs of active warning devices" means costs incurred by a railroad associated with the repair or replacement of obsolete, worn out, damaged or missing component parts of an active warning device. Maintenance costs include repair or replacement of damaged, vandalized or stolen component parts only for that amount that exceeds the amount recovered from the liable party or the liable party's insurer.

"Safety fund" means the highway grade crossing safety fund established in Iowa Code section 327G.19 and administered by the department.

820.1(3) *Information and submissions.* For information or submissions on this chapter, contact Modal Transportation Bureau, Iowa Department of Transportation, 800 Lincoln Way, Ames, Iowa 50010; or call 515.239.1108. Submissions may be electronically filed with the safety fund program manager.

761—820.2(327G) Eligibility and reimbursement.

820.2(1) *Eligible costs of warning devices.* The safety fund provides moneys for the annual maintenance costs of active warning devices ordered or agreed to be installed on or after July 1, 1973, as stated in the individual order or agreement.

a. Orders or agreements that provide for revision of the maximum amount that can be expended from the safety fund by reason of amendment to Iowa Code section 327G.15 are binding. These orders and agreements were amended to read: The fund's participation for calendar years preceding 1977 will be equal to that of the railroad but limited to a maximum of $450 for any one year, for any one crossing; and for calendar year 1977 and subsequent years, the fund may participate in an amount of up to 75 percent of annual maintenance costs of active warning devices based upon a cost for each eligible AAR signal unit.

b. Orders or agreements issued on or after March 8, 1978, provide that the safety fund may be used to participate in an amount of up to 75 percent of the annual maintenance costs of active warning devices based upon a cost for each eligible AAR signal unit.

c. Participation in annual maintenance costs is on a reimbursement basis.

820.2(2) *Reimbursement.*

a. Reimbursement to a railroad for its active warning devices that are eligible for reimbursement under this rule equals the number of AAR signal units for that railroad's eligible active warning devices times the average annual maintenance cost per AAR signal unit times the percentage of participation.

(1) Each railroad is to tabulate the number of AAR signal units for each eligible warning device and furnish this tabulation to the department. The department will review the railroads' tabulations for conformance with AAR guidelines.

(2) Each year, the department will compute an average annual maintenance cost per AAR signal unit. This unit cost is to be used by all railroads for billing purposes.

(3) The percentage of participation will not exceed 75 percent.

b. Before April 15 of each year, each railroad is to submit one billing to the department covering maintenance costs for the preceding calendar year for all eligible warning devices. Prior to reimbursement, the department may audit the billings to determine conformity of the billings with the orders or agreements. Reimbursement to a railroad may be denied if the railroad fails to submit its billing before April 15.

c. If, in any year, the balance of the safety fund is inadequate to fully reimburse all railroads, the department will reimburse each railroad on a pro-rata basis.

d. If a warning device has been in operation for less than one calendar year, the maintenance costs will be prorated from the date the device was placed in operation to the end of that calendar year.

These rules are intended to implement Iowa Code sections 327G.15 and 327G.19.

ARC 9795C

TRANSPORTATION DEPARTMENT[761]

Notice of Intended Action

Proposing rulemaking related to the highway-railroad grade crossing surface repair fund and providing an opportunity for public comment

The Department of Transportation hereby proposes to rescind Chapter 821, "Highway-Railroad Grade Crossing Surface Repair Fund," Iowa Administrative Code.

Legal Authority for Rulemaking

This rulemaking is proposed under the authority provided in Iowa Code section 307.12.

State or Federal Law Implemented

This rulemaking implements, in whole or in part, Iowa Code sections 312.2, 327G.29 and 327G.30.

Purpose and Summary

The Department proposes to rescind Chapter 821 because this chapter is unnecessary. The Department provides guidance on the administration of the Highway-Railroad Grade Crossing Surface

Repair Fund and includes information on eligibility, the application process and payment allocation among the highway authority having jurisdiction of the roadway, the operating railroad and the Department on the Department's website: Highway-Railroad Grade Crossing Surface Repair Program.

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 29, 2025

Fiscal Impact

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

Jobs Impact

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

Waivers

Any person who believes that the application of the discretionary provisions of this rulemaking would result in hardship or injustice to that person may petition the Department for a waiver of the discretionary provisions, if any, pursuant to 761—Chapter 11.

Public Comment

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

Ryan Pell
Department of Transportation
DOT Rules Administrator, Office of the Director
800 Lincoln Way
Ames, Iowa 50010
Phone: 515.239.1358
Email: ryan.pell@iowadot.us

Public Hearing

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

December 30, 2025 9:30 to 10 a.m.	Microsoft Teams Or dial: 515.817.6093 Conference ID: 182 416 103#
December 30, 2025 2:30 to 3 p.m.	Microsoft Teams Or dial: 515.817.6093 Conference ID: 203 303 682#

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

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

Review by Administrative Rules Review Committee

The Administrative Rules Review Committee, a bipartisan legislative committee which oversees rulemaking by executive branch agencies, may, on its own motion or on written request by any individual or group, review this rulemaking at its regular monthly meeting or at a special meeting.

The Committee's meetings are open to the public, and interested persons may be heard as provided in Iowa Code section 17A.8(6).

The following rulemaking action is proposed:

ITEM 1. Rescind and reserve **761—Chapter 821**.

ARC 9790C

TRANSPORTATION DEPARTMENT[761]

Notice of Intended Action

Proposing rulemaking related to railroad revolving loan and grant fund program and providing an opportunity for public comment

The Department of Transportation hereby proposes to rescind Chapter 822, "Railroad Revolving Loan and Grant Fund Program," Iowa Administrative Code.

Legal Authority for Rulemaking

This rulemaking is proposed under the authority provided in Iowa Code section 307.12(1)"j."

State or Federal Law Implemented

This rulemaking implements, in whole or in part, Iowa Code section 327H.20A.

Purpose and Summary

The Department proposes to rescind Chapter 822 because it is unnecessary. Information concerning the Railroad Revolving Loan and Grant (RRLG) Program is already available on the Department's website: RRLG Program.

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 30, 2025

The Department received no comments.

Fiscal Impact

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

Jobs Impact

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

Waivers

Any person who believes that the application of the discretionary provisions of this rulemaking would result in hardship or injustice to that person may petition the Department for a waiver of the discretionary provisions, if any, pursuant to 761—Chapter 11.

Public Comment

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

Ryan Pell
Department of Transportation
DOT Rules Administrator, Office of the Director
800 Lincoln Way
Ames, Iowa 50010
Phone: 515.239.1358
Email: ryan.pell@iowadot.us

Public Hearing

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

December 30, 2025 9 to 9:30 a.m.	Microsoft Teams link Or dial: 515.817.6093 Conference ID: 942 805 421#
December 30, 2025 3 to 3:30 p.m.	Microsoft Teams link Or dial: 515.817.6093 Conference ID: 374 175 406#

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

Any persons who intend to attend a public hearing and have special requirements, such as those related to hearing impairments, should contact Ryan Pell and advise of specific needs.

Review by Administrative Rules Review Committee

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

The following rulemaking action is proposed:

ITEM 1. Rescind and reserve **761—Chapter 822**.

ARC 9787C

TRANSPORTATION DEPARTMENT[761]

Notice of Intended Action

Proposing rulemaking related to advanced allocations of state transit assistance funding and providing an opportunity for public comment

The Department of Transportation hereby proposes to rescind Chapter 921, "Advanced Allocations of State Transit Assistance Funding," Iowa Administrative Code.

Legal Authority for Rulemaking

This rulemaking is proposed under the authority provided in Iowa Code chapter 324A.

State or Federal Law Implemented

This rulemaking implements, in whole or in part, Iowa Code chapter 324A.

Purpose and Summary

The Department proposes to rescind Chapter 921 and move essential content from the chapter to 761—Chapter 920. 761—Chapter 920 already addresses State transit assistance funds, so the portions of Chapter 921 explaining the process that a public transit agency must use to receive advanced allocations of monthly State transit assistance funding can more logically be placed within 761—Chapter 920. All content related to State transit assistance funds would then be combined.

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 761—Chapter 11.

Public Comment

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

Ryan Pell
Department of Transportation
DOT Rules Administrator, Office of the Director
800 Lincoln Way
Ames, Iowa 50010
Phone: 515.239.1358
Email: ryan.pell@iowadot.us

Public Hearing

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

January 2, 2026 9 to 9:30 a.m.	Microsoft Teams link Or dial: 515.817.6093 Conference ID: 467 510 548#
January 2, 2026 3:30 to 4 p.m.	Microsoft Teams link Or dial: 515.817.6093 Conference ID: 399 202 900#

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

Any persons who intend to attend a public hearing and have special requirements, such as those related to hearing impairments, should contact Ryan Pell and advise of specific needs.

Review by Administrative Rules Review Committee

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

The following rulemaking action is proposed:

ITEM 1. Rescind and reserve **761—Chapter 921**.

ARC 9788C

TRANSPORTATION DEPARTMENT[761]

Notice of Intended Action

Proposing rulemaking related to federal transit assistance and providing an opportunity for public comment

The Department of Transportation hereby proposes to rescind Chapter 922, "Federal Transit Assistance," Iowa Administrative Code, and to adopt a new Chapter 922 with the same title.

Legal Authority for Rulemaking

This rulemaking is proposed under the authority provided in Iowa Code chapter 324A.

State or Federal Law Implemented

This rulemaking implements, in whole or in part, Iowa Code chapter 324A and 49 U.S.C. Sections 5310, 5311 and 5339.

Purpose and Summary

This proposed chapter is intended to implement Iowa Code chapter 324A, regarding the receipt and distribution of federal aid to Iowa's public transit systems.

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 proposed rulemaking has no fiscal impact to the State of Iowa. As designated by the Governor, the Department is the recipient of Federal Transit Administration (FTA) funding. This proposed rulemaking explains the FTA funding types received and incorporates by reference the State management plan explaining how the Department will administer the programs. The Department does not directly provide public transit services supported by these programs; therefore, there is no fiscal impact to the State as a result of this proposed rulemaking.

Jobs Impact

This proposed rulemaking outlines FTA programs that the Department administers and where to find more detail about how those programs are managed by the Department. No jobs are created or reduced due to the Department's management of the programs.

Waivers

Any person who believes that the application of the discretionary provisions of this rulemaking would result in hardship or injustice to that person may petition the Department for a waiver of the discretionary provisions, if any, pursuant to 761—Chapter 11.

Public Comment

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

Ryan Pell
Department of Transportation
DOT Rules Administrator, Office of the Director
800 Lincoln Way
Ames, Iowa 50010
Phone: 515.239.1358
Email: ryan.pell@iowadot.us

Public Hearing

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

December 30, 2025 9:30 to 10 a.m.	Microsoft Teams link Or dial: 515.817.6093 Conference ID: 940 716 354#
December 30, 2025 1:30 to 2 p.m.	Microsoft Teams link Or dial: 515.817.6093 Conference ID: 770 383 575#

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

Any persons who intend to attend a public hearing and have special requirements, such as those related to hearing impairments, should contact Ryan Pell and advise of specific needs.

Review by Administrative Rules Review Committee

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

The following rulemaking action is proposed:

ITEM 1. Rescind 761—Chapter 922 and adopt the following **new** chapter in lieu thereof:

CHAPTER 922
FEDERAL TRANSIT ASSISTANCE

761—922.1(324A) Projects for nonurbanized areas and private nonprofit transportation providers.

922.1(1) *General information.* As required by 49 U.S.C. Sections 5310, 5311 and 5339, the department has been designated by the governor to administer the following programs within Iowa, subject to review by the Federal Transit Administration (FTA):

a. The enhanced mobility of seniors and individuals with disabilities program, providing federal financial assistance for support of public transportation service to improve mobility for seniors and individuals with disabilities.

b. The rural areas formula grants program, providing federal financial assistance for support of public transportation in rural areas with populations of less than 50,000 as defined by the U.S. Census Bureau.

c. The grants for buses and bus facilities program, providing federal financial assistance for support of capital acquisitions for public transportation providers.

922.1(2) *State management plan.*

a. The federal transit assistance programs referenced in subrule 922.1(1) will be administered according to the "Iowa State Management Plan for Administration of Funding and Grants Under the Federal Transit Administration, Sections 5310, 5311, 5316, 5317 and 5339 Programs," dated May 2020, prepared by the department and approved by the FTA in conformance with FTA Circulars 9040.1H and 9070.1H.

b. Copies of the state management plan are available from the modal transportation bureau, Iowa Department of Transportation, 800 Lincoln Way, Ames, Iowa 50010; by telephone at 515.233.7870; or on the department's website at www.iowadot.gov/transit.

This rule is intended to implement Iowa Code chapter 324A and 49 U.S.C. Sections 5310, 5311 and 5339.

ARC 9789C

TRANSPORTATION DEPARTMENT[761]

Notice of Intended Action

Proposing rulemaking related to capital match revolving loan fund and providing an opportunity for public comment

The Department of Transportation hereby proposes to rescind Chapter 923, "Capital Match Revolving Loan Fund," Iowa Administrative Code, and to adopt a new Chapter 923 with the same title.

Legal Authority for Rulemaking

This rulemaking is proposed under the authority provided in 1985 Iowa Acts, chapter 265.

State or Federal Law Implemented

This rulemaking implements, in whole or in part, 1985 Iowa Acts, chapter 265.

Purpose and Summary

This proposed chapter is intended to implement 1985 Iowa Acts, chapter 265, regarding creation of a Capital Match Revolving Loan Fund for Iowa's public transit systems.

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 proposed rulemaking has no impact to the State of Iowa. This proposed rulemaking outlines the interest-free Capital Match Revolving Loan Fund available to public transit systems to assist with federally or State-funded capital purchases.

Jobs Impact

This proposed rulemaking establishes criteria for receipt and award of interest-free match loans, enabling Iowa's public transit agencies to procure capital items in a timely manner by providing local matches to the federal or State capital funding.

Waivers

Any person who believes that the application of the discretionary provisions of this rulemaking would result in hardship or injustice to that person may petition the Department for a waiver of the discretionary provisions, if any, pursuant to 761—Chapter 11.

Public Comment

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

Ryan Pell
Department of Transportation
DOT Rules Administrator, Office of the Director
800 Lincoln Way
Ames, Iowa 50010
Phone: 515.239.1358
Email: ryan.pell@iowadot.us

Public Hearing

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

December 30, 2025 9 to 9:30 a.m.	Microsoft Teams link Or dial: 515.817.6093 Conference ID: 145 107 160#
December 30, 2025 2 to 2:30 p.m.	Microsoft Teams link Or dial: 515.817.6093 Conference ID: 929 232 880#

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

Any persons who intend to attend a public hearing and have special requirements, such as those related to hearing impairments, should contact Ryan Pell and advise of specific needs.

Review by Administrative Rules Review Committee

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

The following rulemaking action is proposed:

ITEM 1. Rescind 761—Chapter 923 and adopt the following **new** chapter in lieu thereof:

CHAPTER 923
CAPITAL MATCH REVOLVING LOAN FUND

761—923.1(71GA,ch265) General information.

923.1(1) *Scope of chapter.* The general assembly appropriated money from the petroleum overcharge fund to the department to be used as a revolving loan fund for transit capital purchases by public transit systems. The revolving loan fund enables public transit systems to obtain the matching funds needed to qualify for capital purchases under state-funded or federally funded programs. The fund provides interest-free loans to public transit systems to allow faster capital acquisitions. Loan recipients shall demonstrate the ability to repay the loan from budgeted funds or revenues.

923.1(2) *Information.* Requests for information and assistance with the preparation and submission of loan requests should be directed to the Modal Transportation Bureau, Iowa Department of Transportation, 800 Lincoln Way, Ames, Iowa 50010; or by telephone at 515.233.7870. Information is also available on the department's website at iowadot.gov/modes-travel/transit.

923.1(3) *Definitions.*

"Project" means a concerted set of actions that will develop, maintain or improve one or more elements of the public transit system's service.

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

"Van pool" means the same as defined in Iowa Code section 325A.12.

761—923.2(71GA,ch265) System eligibility. A public transit system is eligible to request a capital match revolving loan provided that the public transit system complies with all of the following criteria:

923.2(1) Abides by all applicable state and federal laws and regulations.

923.2(2) Maintains primary documentation for all revenues and expenses for a period of at least three years following contract closeout.

923.2(3) Maintains the system's policies, routes, schedules, fare structure and budget in a manner that encourages public review, responsiveness to user concerns, energy conservation and fiscal solvency.

761—923.3(71GA,ch265) Project eligibility.

923.3(1) A project is eligible if it meets all of the following criteria:

a. The project is a transit-related capital purchase (e.g., new or replacement vehicles, facilities or both).

b. The project is an identifiable transit need and is included in the public transit system's adopted transportation improvement program.

c. The local funding needed for the project justifiably exceeds the public transit system's capital match funding capability.

923.3(2) A project to purchase vans for a van pool may be submitted by an individual or a group through the appropriate local public transit system. A van pool project is eligible for an interest-free loan from the revolving loan fund only after funds for all other projects have been allocated as of July 1 each year.

761—923.4(71GA,ch265) Procedure.

923.4(1) *Funding request.* The public transit system shall submit a funding application for the proposed project to either the department or to the Federal Transit Administration, depending on the type of funding requested.

923.4(2) *Loan request.* The appropriate time for a public transit system to submit a request for a revolving fund loan to the department is with the annual grant application, but a request may be submitted at any time if a specific need arises. The request is to include but not be limited to:

a. A description and cost estimate of the proposed project.

b. An explanation of the benefits, including projected energy conservation benefits, to be gained from the project.

c. An explanation and justification of need for the loan.

d. A proposed schedule of when funds will be needed for the project.

e. A proposed loan repayment plan with schedule and source of funds.

923.4(3) *Criteria for selection.* The department will review each loan request and evaluate the project for funding. Based on the following criteria (in no particular order), preference is given to public transit capital projects that:

a. Foster coordination among transit services.

b. Enhance local or regional economic development.

c. Increase federal funding to the state.

d. Extend services to the transportation disadvantaged.

e. Promote energy conservation.

f. Use the loan as only a portion of the local matching funds required.

923.4(4) *Approval.* Based on available funds, the department will approve loans for projects meeting the criteria in rule 761—923.3(71GA,ch265).

923.4(5) *Agreement.* Upon approval, the department will prepare a loan contract and send it to the public transit system for execution.

923.4(6) *Default.* If a public transit system fails to make a loan payment as agreed in the contract, the department may, at its option, deduct the amount of any past due loan payment from state transit assistance payments allocated to that transit system.

These rules are intended to implement 1985 Iowa Acts, chapter 265.

ARC 9786C

TRANSPORTATION DEPARTMENT[761]

Notice of Intended Action

Proposing rulemaking related to public transit infrastructure grant program and providing an opportunity for public comment

The Department of Transportation hereby proposes to rescind Chapter 924, "Public Transit Infrastructure Grant Program," Iowa Administrative Code, and to adopt a new Chapter 924 with the same title.

Legal Authority for Rulemaking

This rulemaking is proposed under the authority provided in Iowa Code section 324A.6A.

State or Federal Law Implemented

This rulemaking implements, in whole or in part, Iowa Code sections 8.57, 324A.1 and 324A.6A.

Purpose and Summary

This chapter is intended to implement Iowa Code sections 8.57, 324A.1 and 324A.6A, providing applicant eligibility and project requirements for the Public Transit Infrastructure Grant Program.

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 proposed rulemaking has no fiscal impact to the State of Iowa. This proposed rulemaking outlines eligibility and project qualifiers for public transit agency infrastructure funding.

Jobs Impact

After analysis and review of this rulemaking, no impact on jobs has been found. This proposed rulemaking explains how a designated public transit agency can apply for funding under the Public Transit Infrastructure Grant Program. Application elements and funding guidance are provided in this proposed rulemaking. This proposed rulemaking is for a program with the purpose of constructing or improving public transit vertical infrastructure; no jobs are created and no jobs are taken away based on this proposed chapter.

Waivers

Any person who believes that the application of the discretionary provisions of this rulemaking would result in hardship or injustice to that person may petition the Department for a waiver of the discretionary provisions, if any, pursuant to 761—Chapter 11.

Public Comment

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

Ryan Pell
Department of Transportation
DOT Rules Administrator, Office of the Director
800 Lincoln Way
Ames, Iowa 50010
Phone: 515.239.1358
Email: ryan.pell@iowadot.us

Public Hearing

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

December 30, 2025 10 to 10:30 a.m.	Microsoft Teams link Or dial: 515.817.6093 Conference ID: 209 391 240#
December 30, 2025 2:30 to 3 p.m.	Microsoft Teams link Or dial: 515.817.6093 Conference ID: 280 848 060#

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

Any persons who intend to attend a public hearing and have special requirements, such as those related to hearing impairments, should contact Ryan Pell and advise of specific needs.

Review by Administrative Rules Review Committee

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

The following rulemaking action is proposed:

ITEM 1. Rescind 761—Chapter 924 and adopt the following **new** chapter in lieu thereof:

CHAPTER 924
PUBLIC TRANSIT INFRASTRUCTURE GRANT PROGRAM

761—924.1(324A) Purpose. The purpose of the public transit infrastructure grant program is to provide funding for the improvement of the vertical infrastructure of Iowa's designated public transit systems.

761—924.2(324A) Definitions. The definitions in Iowa Code sections 324A.1 and 8.57(3)*"c"* apply to this chapter.

761—924.3(324A) Information and forms. Information, instructions and application forms are available from the Modal Transportation Bureau, Iowa Department of Transportation, 800 Lincoln Way, Ames, Iowa 50010; by telephone at 515.233.7870; or from the department's website at iowadot.gov/modes-travel/transit.

761—924.4(324A) Project eligibility. Projects may be considered for funding if:

924.4(1) The project is included in a locally approved transportation improvement program and in the statewide transportation improvement program.

924.4(2) A local match for the project is currently available.

924.4(3) The project is capable of being substantially completed within 18 months of project selection.

761—924.5(324A) Eligible project activities. Activities eligible for reimbursement include but are not limited to:

924.5(1) Construction, expansion or renovation of facilities, including associated design, land acquisition, grading and foundation work, for administration of public transit operations; servicing, maintenance or storage of public transit vehicles; transit vehicle fueling; or passenger waiting.

924.5(2) Relocating an existing administrative or maintenance facility, if necessary, to correct violations of safety or design standards. Such a project may include any associated design, land acquisition, grading and foundation work.

761—924.6(324A) Ineligible project activities. A transit facility may be incorporated into a larger project, such as an intermodal facility, a headquarters for the umbrella organization sponsoring the transit program or a public works facility. Any costs attributable to the nontransit elements of the larger project are not eligible under this program.

761—924.7(324A) Funding.

924.7(1) Program funds may reimburse up to 80 percent of transit-related project costs. Assistance from the public transit infrastructure grant program, when combined with federal or other state resources, will not exceed 80 percent of the project's transit-related costs.

924.7(2) At least 20 percent of transit-related project costs must be provided from local sources by the sponsoring transit system in cash or value of real property.

924.7(3) No single public transit system may receive more than 40 percent of the funding available in one year.

761—924.8(324A) Project applications.

924.8(1) Project applications shall be submitted to the department.

924.8(2) Each application shall contain:

a. General information, including the transit system name, contact person, mailing address, email address and telephone number.

b. A project data sheet, including:

(1) A brief description of the project, its purpose and anticipated benefits to the transit program.

(2) Cost information including total project cost and an itemized breakdown of project components (including transit vs. nontransit costs).

(3) The proposed implementation schedule.

(4) A statement of the applicant's ability to complete the project.

(5) A sketch of the project.

c. Documentation of project justification.

d. A resolution from the governing body of the sponsoring transit system endorsing the project and authorizing the necessary local funding match.

761—924.9(324A) Review and approval. Department staff will review project applications and submit recommendations to the transportation commission. The transportation commission is responsible for approving the projects to be funded.

761—924.10(324A) Project priorities. The transportation commission shall consider the following in project selection:

924.10(1) Benefits of project to the transit program in terms of:

a. Enhancement of the life of the transit vehicle fleet.

b. Enhancement to transit services.

c. Increased ridership.

924.10(2) Readiness to proceed.

924.10(3) Feasibility of timely completion of the proposed project.

924.10(4) Ability of the project to leverage other funds.

761—924.11(324A) Project agreement, administration and ownership.

924.11(1) *Agreement.* After a project has been approved, the department will enter into an agreement with the transit system sponsoring the project.

924.11(2) *Payments.* Payments to the transit system sponsor for eligible project costs will be made on a cost reimbursement basis.

924.11(3) *Ownership.* The transit system must retain ownership of the new, renovated or repaired structure or facility for its useful life. If the structure or facility is transferred or sold before the useful life has expired, the transit system must repay the prorated state interest to the department. Useful life thresholds can be found in the department's transit manager's handbook, which is available on the department's website at iowadot.gov/modes-travel/transit.

These rules are intended to implement Iowa Code sections 8.57, 324A.1 and 324A.6A.

ARC 9836C

VETERANS AFFAIRS, IOWA DEPARTMENT OF[801]

Notice of Intended Action

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

The Iowa Department of Veterans Affairs hereby proposes to rescind Chapter 2, "Petition for Rule Making," and to adopt a new Chapter 2, "Petitions for Rulemaking," Iowa Administrative Code.

Legal Authority for Rulemaking

This rulemaking is proposed under the authority provided in Iowa Code chapter 17A and Executive Order 10.

State or Federal Law Implemented

This rulemaking implements, in whole or in part, Iowa Code chapter 17A and Executive Order 10.

Purpose and Summary

This proposed rulemaking is intended to update the reference to the Uniform Rules on Agency Procedure as well as contact information for petitions for rulemaking and inquiries.

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 8, 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 801—Chapter 1.

Public Comment

Any interested person may submit written comments concerning this proposed rulemaking, which must be received by the Department no later than 4:30 p.m. on January 6, 2025. Comments should be directed to:

Mike Olson
Iowa Department of Veterans Affairs
Camp Dodge, Building 3465
7105 NW 70th Avenue
Johnston, Iowa 50131
Email: michael.olson@ivh.state.ia.us

Public Hearing

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

January 5, 2025 1:30 p.m.	Video call link: meet.google.com/pon-uvxn-fto Or dial: 662.502.2764 Conference ID: 744 514 916
January 6, 2025 1:30 p.m.	Video call link: meet.google.com/pon-uvxn-fto Or dial: 662.502.2764 Conference ID: 744 514 916

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 801—Chapter 2 and adopt the following **new** chapter in lieu thereof:

CHAPTER 2
PETITIONS FOR RULEMAKING

The commission adopts, with the following exceptions and amendments, the Uniform Rules on Agency Procedure related to petitions for rulemaking, which are published at www.legis.iowa.gov/docs/Rules/Current/UniformRules.pdf on the Iowa general assembly's website. References to "the agency" within any uniform rule include the department or the commission, as applicable.

801—2.1(17A) Petition for rulemaking. In lieu of the words "(designate office)", insert "the office of the commandant. This office is located at Camp Dodge, Building 3465, 7105 NW 70th Avenue, Johnston, Iowa 50131-1824". In lieu of the words "(agency name)", insert either "Iowa commission of veterans affairs" or "Iowa department of veterans affairs", as applicable. At the end of this rule, insert "The executive director shall notify the chairperson of the commission that the petition has been filed."

801—2.3(17A) Inquiries. In lieu of the words "(designate official by full title and address)", insert "the commandant at Camp Dodge, Building 3465, 7105 NW 70th Avenue, Johnston, Iowa 50131-1824. The telephone number is 515.252.4698".

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

ARC 9837C

VETERANS AFFAIRS, IOWA DEPARTMENT OF[801]

Notice of Intended Action

Proposing rulemaking related to declaratory orders and providing an opportunity for public comment

The Iowa Department of Veterans Affairs hereby proposes to rescind Chapter 3, "Declaratory Rulings," and to adopt a new Chapter 3, "Declaratory Orders," Iowa Administrative Code.

Legal Authority for Rulemaking

This rulemaking is proposed under the authority provided in Iowa Code chapter 17A and Executive Order 10.

State or Federal Law Implemented

This rulemaking implements, in whole or in part, Iowa Code chapter 17A and Executive Order 10.

Purpose and Summary

This proposed rulemaking is intended to update the reference to the Uniform Rules on Agency Procedure as well as contact information for declaratory orders.

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 8, 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 801—Chapter 1.

Public Comment

Any interested person may submit written comments concerning this proposed rulemaking, which must be received by the Department no later than 4:30 p.m. on January 6, 2025. Comments should be directed to:

Mike Olson
Iowa Department of Veterans Affairs
Camp Dodge, Building 3465
7105 NW 70th Avenue
Johnston, Iowa 50131
Email: michael.olson@ivh.state.ia.us

Public Hearing

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

January 5, 2025 1:30 p.m.	Video call link: meet.google.com/pon-uvxn-fto Or dial: 662.502.2764 Conference ID: 744 514 916
January 6, 2025 1:30 p.m.	Video call link: meet.google.com/pon-uvxn-fto Or dial: 662.502.2764 Conference ID: 744 514 916

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 801—Chapter 3 and adopt the following **new** chapter in lieu thereof:

CHAPTER 3
DECLARATORY ORDERS

The commission hereby adopts, with the following exceptions and amendments, the Uniform Rules on Agency Procedure related to declaratory orders, which are published at www.legis.iowa.gov/docs/Rules/Current/UniformRules.pdf on the Iowa general assembly's website. References to "the agency" within any uniform rule include the department or the commission, as applicable. In lieu of the words "(designate office)" in any uniform rule, insert "the office of the commandant. This office is located at Camp Dodge, Building 3465, 7105 NW 70th Avenue, Johnston, Iowa 50131-1824". In lieu of the words "(designate agency)" in any uniform rule, insert "Iowa commission of veterans affairs" or "Iowa department of veterans affairs" as applicable. In lieu of the words "(AGENCY NAME)" in any uniform rule, insert "IOWA COMMISSION OF VETERANS AFFAIRS" or "IOWA DEPARTMENT OF VETERANS AFFAIRS", as applicable.

801—3.1(17A) Petition for declaratory order. At the end of this rule, insert "The commandant shall notify the chairperson of the commission that the petition has been filed."

801—3.2(17A) Notice of petition. In lieu of the words "___ days (15 or less)", insert "15 days".

801—3.3(17A) Intervention.

3.3(1) In lieu of the words "within ___ days", insert "within 15 days". Strike the words "(after time for notice under X.2(17A))".

801—3.5(17A) Inquiries. In lieu of the words "(designate official by full title and address)", insert "the commandant at Camp Dodge, Building 3465, 7105 NW 70th Avenue, Johnston, Iowa 50131-1824. The telephone number is 515.252.4698".

801—3.6(17A) Service and filing of petitions and other papers.

3.6(2) In lieu of the words "(specify office and address)", insert the current address of the department or the commission, as applicable.

3.6(3) In lieu of the words "(uniform rule on contested cases X.12(17A))", insert "Iowa Code section 17A.9(5)".

801—3.8(17A) Action on petition. Replace all uniform rule text with "Action on the petition will be taken in accordance with Iowa Code section 17A.9(5)."

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

ARC 9838C

VETERANS AFFAIRS, IOWA DEPARTMENT OF[801]

Notice of Intended Action

Proposing rulemaking related to agency procedure for rulemaking and providing an opportunity for public comment

The Iowa Department of Veterans Affairs hereby proposes to rescind Chapter 4, "Agency Procedure for Rule Making," and to adopt a new Chapter 4, "Agency Procedure for Rulemaking," Iowa Administrative Code.

Legal Authority for Rulemaking

This rulemaking is proposed under the authority provided in Iowa Code chapter 17A and Executive Order 10.

State or Federal Law Implemented

This rulemaking implements, in whole or in part, Iowa Code chapter 17A and Executive Order 10.

Purpose and Summary

This proposed rulemaking updates the reference to the Uniform Rules on Agency Procedure, and moves other rules to 801—Chapter 1.

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 8, 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 801—Chapter 1.

Public Comment

Any interested person may submit written comments concerning this proposed rulemaking, which must be received by the Department no later than 4:30 p.m. on January 6, 2025. Comments should be directed to:

Mike Olson
Iowa Department of Veterans Affairs
Camp Dodge, Building 3465
7105 NW 70th Avenue
Johnston, Iowa 50131
Email: michael.olson@ivh.state.ia.us

Public Hearing

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

January 5, 2025 1:30 p.m.	Video call link: meet.google.com/pon-uvxn-fto Or dial: 662.502.2764 Conference ID: 744 514 916
January 6, 2025 1:30 p.m.	Video call link: meet.google.com/pon-uvxn-fto Or dial: 662.502.2764 Conference ID: 744 514 916

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 801—Chapter 4 and adopt the following **new** chapter in lieu thereof:

CHAPTER 4
AGENCY PROCEDURE FOR RULEMAKING

The commission hereby adopts, with the following exceptions and amendments, the Uniform Rules on Agency Procedure related to agency procedure for rulemaking, which are published at www.legis.iowa.gov/docs/Rules/Current/UniformRules.pdf on the Iowa general assembly's website.

801—4.3(17A) Public rulemaking docket.

4.3(2) In lieu of the words "(commission, board, council, director)", insert "Iowa commission of veterans affairs" or "Iowa department of veterans affairs", as applicable.

801—4.4(17A) Notice of proposed rulemaking.

4.4(3) In lieu of the words "(specify time period)", insert "one calendar year".

801—4.5(17A) Public participation.

4.5(1) In lieu of the words "(identify office and address)", insert "the office of the commandant. This office is located in Building 3465 at Camp Dodge, 7105 NW 70th Avenue, Johnston, Iowa 50131-1824".

4.5(5) In lieu of the words "(designate office and telephone number)", insert "the office of the commandant. This office is located in Building 3465 at Camp Dodge, 7105 NW 70th Avenue, Johnston, Iowa 50131-1824".

801—4.6(17A) Regulatory analysis.

4.6(2) In lieu of the words "(designate office)", insert "the office of the commandant. This office is located in Building 3465 at Camp Dodge, 7105 NW 70th Avenue, Johnston, Iowa 50131-1824".

801—4.11(17A) Concise statement of reasons.

4.11(1) In lieu of the words "(specify office and address)", insert "the office of the commandant. This office is located in Building 3465 at Camp Dodge, 7105 NW 70th Avenue, Johnston, Iowa 50131-1824".

801—4.13(17A) Agency rulemaking record.

4.13(2) In lieu of the words "(agency head)", insert "chairperson of the commission of veterans affairs" or "commandant of the Iowa department of veterans affairs", as applicable.

These rules are intended to implement Iowa Code chapter 17A and Executive Order 11.

ARC 9839C

VETERANS AFFAIRS, IOWA DEPARTMENT OF[801]

Notice of Intended Action

Proposing rulemaking related to fair information practices and providing an opportunity for public comment

The Iowa Department of Veterans Affairs hereby proposes to rescind Chapter 6, "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 chapters 17A, 21, and 22 and Executive Order 10.

State or Federal Law Implemented

This rulemaking implements, in whole or in part, Iowa Code chapters 17A, 21, and 22 and Executive Order 10.

Purpose and Summary

To allow the Department to receive requests for access to records as well as conform with current medical terminology, this proposed rulemaking updates contact information and a medical term.

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 8, 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 801—Chapter 1.

Public Comment

Any interested person may submit written comments concerning this proposed rulemaking, which must be received by the Department no later than 4:30 p.m. on January 6, 2025. Comments should be directed to:

Mike Olson
Iowa Department of Veterans Affairs
Camp Dodge, Building 3465
7105 NW 70th Avenue
Johnston, Iowa 50131
Email: michael.olson@ivh.state.ia.us

Public Hearing

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

January 5, 2025 1:30 p.m.	Video call link: meet.google.com/pon-uvxn-fto Or dial: 662.502.2764 Conference ID: 744 514 916
January 6, 2025 1:30 p.m.	Video call link: meet.google.com/pon-uvxn-fto Or dial: 662.502.2764 Conference ID: 744 514 916

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 801—Chapter 6 and adopt the following **new** chapter in lieu thereof:

CHAPTER 6
FAIR INFORMATION PRACTICES

The commission hereby adopts, with the following exceptions and amendments, the Uniform Rules on Agency Procedure pertaining to fair information practices, which are published at www.legis.iowa.gov/docs/Rules/Current/UniformRules.pdf on the Iowa general assembly's website. References to "the agency" within any uniform rule include the department or the commission, as applicable. In lieu of the words "(designate office)" in any uniform rule, insert "the office of the commandant. This office is located at Camp Dodge, Building 3465, 7105 NW 70th Avenue, Johnston, Iowa 50131-1824". In lieu of the words "(designate agency)" in any uniform rule, insert "Iowa commission of veterans affairs" or "Iowa department of veterans affairs", as applicable. In lieu of the words "(AGENCY NAME)" in any uniform rule, insert "IOWA COMMISSION OF VETERANS AFFAIRS" or "IOWA DEPARTMENT OF VETERANS AFFAIRS", as applicable.

801—6.1(17A,22) Definitions. The commission adopts the definitions in the Uniform Rules with the noted amendments and those additional definitions listed below.

"Agency." In lieu of the words "(official or body issuing these rules)", insert "Iowa commission of veterans affairs".

"Client" means a person who has applied for or receives services or assistance from the agency.

"Custodian" means the agency or person lawfully delegated authority by the agency to act for the agency in implementing Iowa Code chapter 22. For all commission and department records, including the Iowa Veterans Home records, the custodian is the commandant.

"Legal representative" means a person recognized by law as standing in the place of or representing the interests of another for one or more purposes. For example, guardians, conservators, attorneys, next-of-kin, executors, or administrators for a deceased person are legal representatives for certain purposes.

"Mental health information" means oral, written, or otherwise recorded information that indicates the identity of a person receiving professional services, as defined in Iowa Code section 228.1(9), and that relates to diagnosis, course, or treatment of the person's mental or emotional condition. Mental or emotional conditions include mental illness, intellectual disabilities, degenerative neurological conditions, and any other condition identified in professionally recognized diagnostic manuals for mental disorders.

"Substance abuse information" means information that indicates the identity, diagnosis, prognosis or treatment of any person in an alcohol or drug abuse program.

801—6.3(17A,22) Request for access to records.

6.3(1) *Location of record.* A request for access to a record pertaining to the department or the commission should be addressed to the Commandant, Camp Dodge, Building 3465, 7105 NW 70th Avenue, Johnston, Iowa 50131-1824.

6.3(2) *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)", insert "8 a.m. to 4:30 p.m. daily excluding Saturdays, Sundays and holidays".

6.3(7) *Supervisory fee.* In lieu of the words "(specify time period)", insert "one-half hour".

801—6.6(17A,22) Procedure by which additions, dissents, or objections may be entered into certain records. In lieu of the words "(designate office)", insert "the commission".

801—6.7(17A,22) Consent to disclosure by the subject of a confidential record. At the end of this rule, insert: "No confidential information about clients of the agency may be released without the client's consent, except as provided in rule 801—6.10(17A,22). Release of information includes:

1. Granting access to or allowing the copying of a record,
2. Providing information either in writing or orally, or
3. Acknowledging information to be true or false.

6.7(1) *Forms.*

a. General. Agency forms are to be used for releases by the subject as noted below. However, information may be released with authorization on a form from another source providing that such meets the requirements of law.

b. Obtaining information from a third party. The Iowa Veterans Home is required to obtain information to establish eligibility, provide services and determine charges. Requests to third parties for this information involve release of confidential identifying information about clients. Consent to Release of Information, Form 475-0859, is used for releases by the subject.

c. Disclosure of information to a third party. At the request of the subject, the Iowa Veterans Home releases information to third parties. Form 475-0859, Consent to Release of Information, or Form 475-0700, Release of Condition Information, is used, depending on the nature of the authorization.

d. Mental health and substance abuse information. Mental health or substance abuse information can be released only by completion of the specific authorization section of Form 475-0859 or a similar form from another source that meets the requirements of law.

e. Photographs or videotapes. Form 475-1073, Authorization to Take and Use Photographs/ Videotapes, is used for permission to use photographs or videotapes for the purposes specified on the form.

6.7(2) *Exceptions to use of forms.*

a. Counsel. Appearance of counsel before the agency on behalf of a person who is the subject of a confidential record is deemed to constitute consent for the agency to disclose records about that person to the person's attorney.

b. Public official. A letter from the subject to a public official that seeks the official's intervention on behalf of the subject in a matter that involves the agency shall be treated as an authorization to release information. The agency shall release sufficient information about the subject to the official to resolve the matter.

c. Medical emergency. Agency staff may authorize release of confidential information to medical personnel in a medical emergency if the subject is unable to give or withhold consent. As soon as possible after the release of information, the subject shall be advised of the release.

d. Abuse information. Consent to release information is not required to report suspected dependent adult abuse.

6.7(3) *Consent by subject's legal representative.*

a. Exercise of right. The subject's rights under this rule may also be exercised by the subject's legal representative, except as provided in paragraph 6.7(3)*"b."*

b. Exceptions.

(1) Scope of authority. Legal representatives may act only within the scope of their authority. For example, court-appointed conservators and protective payees appointed by an agency shall have access to and authority to release the following information only:

1. Name and address of client.
2. Amounts of assistance or type of financial services received.
3. Information about the economic circumstances of the client.

(2) Substance abuse information. Only the subject can consent to the disclosure of substance abuse information, regardless of the subject's age or condition.

(3) Failure to act in good faith. If the agency has reason to believe that the legal representative is not acting in good faith in the best interests of the subject, the agency may refuse to release information on the authorization of the legal representative."

801—6.8(17A,22) Notice to suppliers of information. Replace "(Each agency should revise its forms to provide this information.)" with "The notice shall generally be given at the first contact with the agency and need not be repeated at every following contact. Where appropriate, the notice may be given to a person's legal representative. Notice may be withheld in an emergency. In general, the agency requests information to determine eligibility, to determine changes for services, to provide appropriate services or treatment, and to perform administrative functions. Information is routinely shared outside the agency when required by rules or law. Consequences of failure to provide information include ineligibility for services, denial of services, or provision of inadequate services."

801—6.9(17A,22) Release to subject. The agency shall release confidential records to the subject of the record, except as otherwise noted.

6.9(1) The agency need not release the following records to the subject:

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

b. 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.

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

d. The agency may withhold information as otherwise authorized by law.

6.9(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.

801—6.10(17A,22) Disclosure without consent of the subject. Open records are routinely disclosed without consent of the subject. To the extent allowed by law, disclosure of confidential records may occur without consent of the subject or the subject's legal representative. The custodian of the record shall determine what constitutes legitimate need to use confidential records.

6.10(1) *Internal use.* Confidential information may be disclosed to employees and agents of the agency as needed for the performance of their duties. The custodian of the record shall determine what constitutes legitimate need to use confidential records. People affected by this rule include:

a. Field work or practicum students, participants of work placement programs and volunteers working under the direction of the agency.

b. Commission members.

c. Consultants to the agency.

d. Policy review and advisory committees.

6.10(2) *Medical emergency.* Confidential information may be disclosed in a medical emergency if the subject is unable to give or withhold consent in accordance with paragraph 6.7(2)*"c."*

6.10(3) *Audits.* Information concerning revenues and expenditures is released to staff of the state executive and legislative branches who are responsible for ensuring that public funds have been managed correctly. Information is also released to auditors from federal agencies that provide program funds.

6.10(4) *Accreditation and regulatory surveys.* Information is provided to staff of applicable accreditation, licensure and other applicable agencies in the course of surveys or investigations regarding compliance with regulations and standards.

6.10(5) *Release to court.* Information is released to the court as required by law.

6.10(6) *Research.* Information that does not identify individual clients may be disclosed for research purposes with consent of the custodian responsible for the record. Requests to do research involving records of the Iowa Veterans Home shall be approved by the Iowa Veterans Home Research Review Committee.

6.10(7) *Required by law.* Information is shared with other agencies without a contract or written agreement where state or federal law or regulations require it.

6.10(8) *Imminent harm.* Information may be released to an individual or the police, or both, pursuant to a showing of compelling circumstances affecting the health or safety of a client or any other individual. Notice of disclosure is transmitted to the last-known address of the subject.

6.10(9) *Law violation.* Disclosure of information indicating an apparent violation of the law will be released to appropriate enforcement authorities.

6.10(10) *Specific authorization.* Any disclosure specifically authorized by the statute under which the record was collected or maintained will be made in accordance with the statute.

801—6.11(17A,21,22) Availability of records.

6.11(1) *General.* Agency records are open for public inspection and copying unless otherwise provided by rule or law.

6.11(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. Sealed bids received prior to the time set for public opening of bids. (Iowa Code section 72.3)

b. Tax records made available to the agency. (Iowa Code section 422.20)

c. Records that are exempt from disclosure.

d. Minutes of closed meetings of a government body.

e. Identifying details in final orders, decisions, and opinions to the extent required to prevent a clearly unwarranted invasion of personal privacy or trade secrets.

f. 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.

g. Records that constitute attorney work product, attorney-client communications, or that are otherwise privileged. (Iowa Code section 622.10)

h. Hospital records, medical records, and professional counselor records of the condition, diagnosis, care, or treatment of clients or former clients of the commission.

i. Circulation records of the Iowa Veterans Home library.

j. Any other records made confidential by law.

6.11(3) *Authority to release confidential records.* The agency may have discretion to disclose some confidential records that are exempt from disclosure under Iowa Code section 22.7 or other law. Any person may request permission to inspect records withheld from inspection under a statute that authorizes limited or discretionary disclosure as provided in rule 801—6.4(17A,22). If the agency initially determines that it will release such records, the agency may, where appropriate, notify interested parties and withhold the record from inspection as provided in subrule 6.4(3).

This rule is intended to implement Iowa Code chapters 17A, 21 and 22.

801—6.12(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 801—6.1(17A,22). For each record system, this rule describes the legal authority for the collection of that information, the means of storage of that information, and indicates whether a data processing system 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.

6.12(1) *Military graves registration.* These records are collected under the authority of Iowa Code section 35A.5(8). They are maintained in hard copy by the agency, on Iowa Form 582-1002, CPE-94252. Requests for these records should be referred to the commandant.

6.12(2) *World War I, World War II, Korea, Vietnam veterans bonus.* These records are collected under the authority of Iowa Code section 35A.5(4). They are maintained in hard copy by the agency. Requests for these records should be referred to the commandant.

6.12(3) *Iowa war orphans Act bonus applications.* These listings are award applications and bonus payments from the War Orphans Educational Fund and are collected in accordance with Iowa Code section 35A.5(4) and maintained in hard copy format. Requests for these records should be referred to the commandant.

6.12(4) *Iowa Korean War Memorial Fund.* This listing consolidates contributions of all funds received for the Iowa Korean War Memorial authorized by the governor's directive of August 1986. These records are maintained in hard copy format. Requests for these records should be referred to the commandant.

6.12(5) Reserved.

6.12(6) *DD Form 214, Notification of Separation from Service.* This listing provides information to the state on individuals separating from active military service in the armed forces. It is used routinely to establish entitlement by the veteran to county, state and federal benefits, such as hospitalization and educational assistance. Request for verification of service should be addressed to the commandant.

6.12(7) *Iowa Veterans Home client case records.* Iowa Veterans Home client records contain identifying information, demographic information, financial information, clinical assessment and care information and related documentation. Some of this information is maintained on microfilm. Automated data processing associated with Iowa Veterans Home client records include admission and discharge systems, billing systems, client banking system, and selected client data systems. Requests for these records should be referred to the commandant. Legal authority for collection of this information and applicable determinations regarding confidentiality are found in Iowa Code section 22.7 and chapters 35D, 222, 228, and 229. Requests for information from these records should be referred to the commandant.

6.12(8) *Personnel files.* The agency maintains files containing information about employees, families and dependents, and applicants for positions with the agency. The files include payroll records, biographical information, medical information relating to disability, performance reviews and evaluations, disciplinary information, information required for tax withholding, information concerning employee benefits, affirmative action reports, and other information concerning the employer-employee relationship. Some of this information is confidential under Iowa Code section 22.7(11) and 22.7(18).

801—6.13(17A,22) Other groups of records. This rule describes groups of records maintained by the agency other than record systems defined in rule 801—6.1(17A,22). These records are routinely available to the public. However, the agency's files of these records may contain confidential information, as discussed in rule 801—6.7(17A,22). In addition, the records may contain information about individuals.

6.13(1) *Rulemaking.* Rulemaking records may contain information about individuals making written or oral comments or proposed rules. This information is collected pursuant to Iowa Code section 17A.4. This information is not stored in an automated data processing system.

6.13(2) *Iowa commission of veterans affairs meeting records.* Agendas, minutes, and materials deliberated by the commission are available from the commandant. Commission 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 personal identifier nor stored on an automated data processing system.

6.13(3) *Publications.* News releases, literature, and reports regarding the commission, the department, or the Iowa Veterans Home, newsletters from various veterans associations or from the federal government are available from the commandant. Agency news releases, project reports, and newsletters may contain information about individuals, including agency staff or members of agency committees. This information is not retrieved by individual identifier and is not currently stored on an automated data processing system.

6.13(4) *Other records.* All other records that are not exempted from disclosure by law are available from the commandant.

801—6.14(17A,22) Data processing system. Data processing systems used by this agency do not permit the comparison of personally identifiable information in one record system with personally identifiable information in another system.

801—6.15(17A,22) Applicability. This chapter does not:

1. Require the agency to index or retrieve records that contain information about a person 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 possession of the agency that are governed by regulations of another agency.
4. Apply to grantees, including local governments or subdivisions thereof, administering state-funded programs unless otherwise provided by law or agreement.
5. Make available records compiled by the agency in reasonable anticipation of court litigation or formal administrative proceedings. The availability of such records to the general public or to any subject individual or party to such litigation or proceedings shall be governed by applicable legal and constitutional principles, statutes, rules of discovery, evidentiary privileges and applicable regulations of the agency.

These rules are intended to implement Iowa Code chapter 22.

ARC 9840C

VETERANS AFFAIRS, IOWA DEPARTMENT OF[801]

Notice of Intended Action

Proposing rulemaking related to contested cases and providing an opportunity for public comment

The Iowa Department of Veterans Affairs hereby proposes to rescind Chapter 8, "Contested Cases," Iowa Administrative Code, and to adopt a new Chapter 8 with the same title.

Legal Authority for Rulemaking

This rulemaking is proposed under the authority provided in Iowa Code chapters 17A, 35, and 35A and Executive Order 10.

State or Federal Law Implemented

This rulemaking implements, in whole or in part, Iowa Code chapters 17A, 35, and 35A and Executive Order 10.

Purpose and Summary

The purpose of this proposed rulemaking is to outline the procedure for entities or individuals that disagree with an Iowa Commission of Veterans Affairs (Commission) or Department decision and would like to appeal it.

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 28, 2025

Fiscal Impact

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

Jobs Impact

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

Waivers

Any person who believes that the application of the discretionary provisions of this rulemaking would result in hardship or injustice to that person may petition the Department for a waiver of the discretionary provisions, if any, pursuant to 801—Chapter 1.

Public Comment

Any interested person may submit written comments concerning this proposed rulemaking, which must be received by the Department no later than 4:30 p.m. on January 6, 2025. Comments should be directed to:

Mike Olson
Iowa Department of Veterans Affairs
Camp Dodge, Building 3465
7105 NW 70th Avenue
Johnston, Iowa 50131
Email: michael.olson@ivh.state.ia.us

Public Hearing

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

January 5, 2025 1:30 p.m.	Video call link: meet.google.com/pon-uvxn-fto Or dial: 662.502.2764 Conference ID: 744 514 916
January 6, 2025 1:30 p.m.	Video call link: meet.google.com/pon-uvxn-fto Or dial: 662.502.2764 Conference ID: 744 514 916

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 801—Chapter 8 and adopt the following **new** chapter in lieu thereof:

CHAPTER 8
CONTESTED CASES

801—8.1(17A,35) Scope and applicability. This chapter applies to decisions by the commission or the department, as applicable, which, notwithstanding rule 801—1.9(17A,35,35A), become the subject of contested case proceedings as required by law or by rule. As used in this chapter, "agency" means either the commission or the department, as applicable.

801—8.2(17A,35) Definitions.

"Aggrieved party" means any agency, organization or individual that alleges the agency's, organization's or individual's rights have been denied by action of the commission or commandant.

"Proposed decision" means the recommended findings of fact, conclusions of law, decision and order in a contested case in which the commission did not preside.

801—8.3(17A,35) Complaint procedure.

8.3(1) *Complaints relating to the Iowa Veterans Home.* Applicants or members of the Iowa Veterans Home must first exhaust the appeal process set out in rules 801—10.45(35A,35D) and 801—10.46(35A,35D), respectively.

8.3(2) *Content of complaints.* Complaints to the agency should state the name and address of the aggrieved party, identify the specific agency action that is disputed, the issues in dispute, and request a hearing, if applicable.

8.3(3) *Review of complaints.* The chairperson or commandant, as applicable, will review the complaint to determine if the issue is within the scope of the agency.

8.3(4) *Transmittal of complaints.* Within 15 calendar days of receipt of a request for hearing, the chairperson or commandant, as applicable, will transfer the request to the department of inspections, appeals, and licensing (DIAL) pursuant to rules 481—10.3(10A) and 481—10.4(10A) and notify the aggrieved party of this transmittal. DIAL will provide the hearing in accordance with rules promulgated by that department in 481—Chapter 10.

8.3(5) *Appeals.*

a. Parties have 30 calendar days from the mailing date of the decision by DIAL to appeal the decision to the agency. If no appeal is filed, the hearing decision becomes final 30 days from the date of decision.

b. Appeals to the agency are filed at the location identified in 801—subrule 1.2(1) or 801—subrule 1.3(1), as applicable.

c. On appeal, the agency will permit each party to file exceptions, present briefs and, with the consent of the agency, present oral arguments. The agency shall establish a deadline for submission of the written exceptions, briefs, and requests for continuance and shall notify the parties of the deadline.

d. The agency has authority to fully and fairly develop the record and may inquire into the matters at issue and shall receive in evidence the testimony of witnesses and any documents that are relevant and material.

e. The agency will base its decision on the evidence contained in the record made before DIAL and may permit the parties to submit new evidence at DIAL's discretion upon a showing of why the new evidence was not reasonably available at the original hearing.

f. Request for continuance shall be made in writing and the reasons for the request shall be stated. The request shall be filed with the agency at the address given in 801—subrule 1.2(1) or 801—subrule 1.3(1), as applicable.

g. The agency's decision on appeal is effective immediately unless otherwise specified in the decision.

8.3(6) *Judicial review.* A party who seeks judicial review shall first exhaust all administrative remedies as follows:

a. A party shall appeal the decision of the administrative law judge as provided in subrule 8.3(5) and receive a decision from the agency as provided in this subrule.

b. Petition for judicial review of the agency's decision shall be filed within 30 calendar days after the decision is issued.

These rules are intended to implement Iowa Code chapters 17A, 35, and 35A.

ARC 9841C

VETERANS AFFAIRS, IOWA DEPARTMENT OF[801]

Notice of Intended Action

Proposing rulemaking related to the war orphans educational assistance fund and providing an opportunity for public comment

The Iowa Department of Veterans Affairs hereby proposes to rescind Chapter 9, "War Orphans Educational Assistance Fund," Iowa Administrative Code.

Legal Authority for Rulemaking

This rulemaking is proposed under the authority provided in Iowa Code section 35A.14 and Executive Order 10.

State or Federal Law Implemented

This rulemaking implements, in whole or in part, Iowa Code section 35A.14 and Executive Order 10.

Purpose and Summary

The purpose of this proposed rulemaking is to rescind Chapter 9 with no replacement.

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 28, 2025

Fiscal Impact

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

Jobs Impact

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

Waivers

Any person who believes that the application of the discretionary provisions of this rulemaking would result in hardship or injustice to that person may petition the Department for a waiver of the discretionary provisions, if any, pursuant to 801—Chapter 1.

Public Comment

Any interested person may submit written comments concerning this proposed rulemaking, which must be received by the Department no later than 4:30 p.m. on January 6, 2025. Comments should be directed to:

Mike Olson
Iowa Department of Veterans Affairs
Camp Dodge, Building 3465
7105 NW 70th Avenue
Johnston, Iowa 50131
Email: michael.olson@ivh.state.ia.us

Public Hearing

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

January 5, 2025 1:30 p.m.	Video call link: meet.google.com/pon-uvxn-fto Or dial: 662.502.2764 Conference ID: 744 514 916
January 6, 2025 1:30 p.m.	Video call link: meet.google.com/pon-uvxn-fto Or dial: 662.502.2764 Conference ID: 744 514 916

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 **801—Chapter 9**.

ARC 9842C

VETERANS AFFAIRS, IOWA DEPARTMENT OF[801]

Notice of Intended Action

Proposing rulemaking related to Vietnam Conflict veterans bonus and providing an opportunity for public comment

The Iowa Department of Veterans Affairs hereby proposes to rescind Chapter 13, "Vietnam Conflict Veterans Bonus," Iowa Administrative Code.

Legal Authority for Rulemaking

This rulemaking is proposed under the authority provided in Iowa Code chapter 35A and Executive Order 10.

State or Federal Law Implemented

This rulemaking implements, in whole or in part, Iowa Code chapter 35A and Executive Order 10.

Purpose and Summary

The purpose of this proposed rulemaking is to rescind Chapter 13 with no replacement.

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 28, 2025

Fiscal Impact

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

Jobs Impact

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

Waivers

Any person who believes that the application of the discretionary provisions of this rulemaking would result in hardship or injustice to that person may petition the Department for a waiver of the discretionary provisions, if any, pursuant to 801—Chapter 1.

Public Comment

Any interested person may submit written comments concerning this proposed rulemaking, which must be received by the Department no later than 4:30 p.m. on January 6, 2025. Comments should be directed to:

Mike Olson
Iowa Department of Veterans Affairs
Camp Dodge, Building 3465
7105 NW 70th Avenue
Johnston, Iowa 50131
Email: michael.olson@ivh.state.ia.us

Public Hearing

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

January 5, 2025 1:30 p.m.	Video call link: meet.google.com/pon-uvxn-fto Or dial: 662.502.2764 Conference ID: 744 514 916
January 6, 2025 1:30 p.m.	Video call link: meet.google.com/pon-uvxn-fto Or dial: 662.502.2764 Conference ID: 744 514 916

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 **801—Chapter 13**.

ARC 9843C

VETERANS AFFAIRS, IOWA DEPARTMENT OF[801]

Notice of Intended Action

Proposing rulemaking related to limited residency Vietnam Conflict veterans bonus and providing an opportunity for public comment

The Iowa Department of Veterans Affairs hereby proposes to rescind Chapter 16, "Limited Residency Vietnam Conflict Veterans Bonus," Iowa Administrative Code.

Legal Authority for Rulemaking

This rulemaking is proposed under the authority provided in Iowa Code chapter 35A and Executive Order 10.

State or Federal Law Implemented

This rulemaking implements, in whole or in part, Iowa Code chapter 35A and Executive Order 10.

Purpose and Summary

The purpose of this proposed rulemaking is to rescind Chapter 16 with no replacement.

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 28, 2025

Fiscal Impact

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

Jobs Impact

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

Waivers

Any person who believes that the application of the discretionary provisions of this rulemaking would result in hardship or injustice to that person may petition the Department for a waiver of the discretionary provisions, if any, pursuant to 801—Chapter 1.

Public Comment

Any interested person may submit written comments concerning this proposed rulemaking, which must be received by the Department no later than 4:30 p.m. on January 6, 2025. Comments should be directed to:

Mike Olson
Iowa Department of Veterans Affairs
Camp Dodge, Building 3465
7105 NW 70th Avenue
Johnston, Iowa 50131
Email: michael.olson@ivh.state.ia.us

Public Hearing

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

January 5, 2025 1:30 p.m.	Video call link: meet.google.com/pon-uvxn-fto Or dial: 662.502.2764 Conference ID: 744 514 916
January 6, 2025 1:30 p.m.	Video call link: meet.google.com/pon-uvxn-fto Or dial: 662.502.2764 Conference ID: 744 514 916

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 **801—Chapter 16**.

ARC 9806C

EDUCATION DEPARTMENT[281]

Adopted and Filed

Rulemaking related to school accreditation and practitioner preparation approval

The State Board of Education hereby amends Chapter 12, "General Accreditation Standards," Chapter 79, "Standards for Practitioner and Administrator Preparation Programs," and Chapter 80, "Standards for Paraeducator Preparation Programs," Iowa Administrative Code.

Legal Authority for Rulemaking

This rulemaking is adopted under the authority provided in Iowa Code sections 256.7 and 256.16.

State or Federal Law Implemented

This rulemaking implements, in whole or in part, 2025 Iowa Acts, Senate File 418.

Purpose and Summary

This rulemaking updates the State Board's rules concerning school accreditation and practitioner preparation approval to comply with 2025 Iowa Acts, Senate File 418.

Public Comment and Changes to Rulemaking

Notice of Intended Action for this rulemaking was published in the Iowa Administrative Bulletin on October 1, 2025, as **ARC 9601C**. A public hearing was held on the following date(s):

- October 21, 2025

Two individuals attended the hearing as observers. No public comments were received. No changes from the Notice have been made.

Adoption of Rulemaking

This rulemaking was adopted by the State Board on November 19, 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 State Board for a waiver of the discretionary provisions, if any, pursuant to 281—Chapter 4.

Review by Administrative Rules Review Committee

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

Effective Date

This rulemaking will become effective on January 14, 2026.

The following rulemaking action is adopted:

ITEM 1. Amend subrule 12.3(6) as follows:

12.3(6) *Student responsibility and discipline.* The board will adopt student responsibility and discipline policies as required by Iowa Code section 279.8. The board will involve parents, students, instructional and noninstructional professional staff, and community members in the development and revision of those policies where practicable or unless specific policy is mandated by legislation. The policies will relate to the educational purposes of the school or school district. The policies will include the following: attendance; use of tobacco; the use or possession of alcoholic beverages or any controlled substance; harassment of or by students and staff as detailed in subrule 12.3(13); violent, destructive, and seriously disruptive behavior; suspension, expulsion, emergency removal, weapons, and physical restraint; out-of-school behavior; participation in extracurricular activities; academic progress; and citizenship.

The policies will ensure due process rights for students and parents, including consideration for students who have been identified as requiring special education programs and services.

The board will also consider the potential, disparate impact of the policies on students because of race, color, national origin, gender, sexual orientation as defined in Iowa Code section 216.2, ~~gender identity as defined in Iowa Code section 216.2,~~ disability, religion, creed, or socioeconomic status.

The board will publicize its support of these policies, its support of the staff in enforcing them, and the staff's accountability for implementing them.

ITEM 2. Adopt the following **new** paragraph **12.3(14)"e"**:

e. "Gender identity" has the meaning given in Iowa Code section 279.78(1)*"a"* as amended by 2025 Iowa Acts, Senate File 418.

ITEM 3. Amend subrule 12.3(15) as follows:

12.3(15) *Compliance with Iowa Code section 279.80.*

a. A school district shall not provide any program, curriculum, test, survey, questionnaire, promotion, or instruction relating to gender ~~identity~~ theory or sexual orientation to students in kindergarten through grade six.

b. "Gender ~~identity~~ theory" and "sexual orientation" have the same meanings as those given in Iowa Code section ~~216.2~~ 279.80(1) as amended by 2025 Iowa Acts, Senate File 418.

c. In monitoring and enforcing this subrule, the department will not conclude that a neutral statement regarding sexual orientation or gender ~~identity~~ theory violates Iowa Code section 279.80 as amended by 2025 Iowa Acts, Senate File 418, or this subrule.

ITEM 4. Amend rule **281—79.2(256)**, definition of "Diverse groups," as follows:

"Diverse groups" means one or more groups of individuals possessing certain traits or characteristics, including age, color, creed, national origin, race, religion, marital status, sex, sexual orientation, ~~gender identity,~~ physical attributes, physical or mental ability or disability, ancestry, political party preference, political belief, socioeconomic status or familial status.

ITEM 5. Amend rule **281—80.1(272)**, definition of "Diverse groups," as follows:

"Diverse groups" means one or more groups of individuals possessing certain traits or characteristics, including but not limited to age, color, creed, national origin, race, religion, marital status, sex, sexual orientation, ~~gender identity,~~ physical attributes, physical or mental ability or disability, ancestry, political party preference, political belief, socioeconomic status, or familial status.

[Filed 11/19/25, effective 1/14/26]
[Published 12/10/25]

EDITOR'S NOTE: For replacement pages for IAC, see IAC Supplement 12/10/25.

ARC 9807C

EDUCATION DEPARTMENT[281]

Adopted and Filed

Rulemaking related to technical requirements

The State Board of Education hereby amends Chapter 12, "General Accreditation Standards," Chapter 14, "School Health Services," and Chapter 36, "Extracurricular Interscholastic Competition," Iowa Administrative Code.

Legal Authority for Rulemaking

This rulemaking is adopted under the authority provided in Iowa Code section 256.7.

State or Federal Law Implemented

This rulemaking implements, in whole or in part, 2025 Iowa Acts, House Files 316, 190, and 835 and Senate File 278.

Purpose and Summary

This rulemaking implements technical requirements of four pieces of legislation from 2025: House File 316 (career planning instruction in grades five through eight); House File 190 (online administration of statewide summative assessments for students receiving primarily online instruction); House File 835 (seizure training and prevention in schools); and Senate File 278 (authorizing the two athletics organizations to offer interscholastic competitions in robotics).

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 9600C**. A public hearing was held on the following date(s):

- October 21, 2025

Two individuals attended the hearing as observers. No public comments were received. No changes from the Notice have been made.

Adoption of Rulemaking

This rulemaking was adopted by the State Board on November 19, 2025.

Fiscal Impact

Aside from the fiscal impact noted in the Fiscal Note accompanying 2025 Iowa Acts, House File 190, there is no noted fiscal impact.

Jobs Impact

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

Waivers

Any person who believes that the application of the discretionary provisions of this rulemaking would result in hardship or injustice to that person may petition the State Board for a waiver of the discretionary provisions, if any, pursuant to 281—Chapter 4.

Review by Administrative Rules Review Committee

The Administrative Rules Review Committee, a bipartisan legislative committee which oversees rulemaking by executive branch agencies, may, on its own motion or on written request by any

individual or group, review this rulemaking at its regular monthly meeting or at a special meeting. The Committee's meetings are open to the public, and interested persons may be heard as provided in Iowa Code section 17A.8(6).

Effective Date

This rulemaking will become effective on January 14, 2026.

The following rulemaking action is adopted:

ITEM 1. Adopt the following **new** paragraph **12.5(3)"k"**:

k. Career planning and pathways. Instruction in career planning and pathways pursuant to Iowa Code section 256.11(3)*"a"*(11) as enacted by 2025 Iowa Acts, House File 316, is to be offered in grades five and six. This paragraph does not apply to accredited nonpublic schools.

ITEM 2. Amend paragraph **12.5(4)"i"** as follows:

i. Career ~~education~~ instruction, exploration, and development. Career ~~education~~ instruction, exploration, and development will include ~~exploration of employment opportunities, experiences in career decision making, and experiences to help students integrate work values and work skills into their lives~~ content specified in Iowa Code section 256.11(4)*"a"*(7) as enacted by 2025 Iowa Acts, House File 316. This paragraph does not apply to nonpublic schools. However, nonpublic schools will comply with subrule 12.5(7).

ITEM 3. Amend subparagraph **12.8(1)"h"(2)** as follows:

(2) ~~For the school year beginning July 1, 2018, and each succeeding school year, the~~ The statewide summative assessment referred in this paragraph is to meet all of the following provisions:

1. and 2. No change.

3. The assessment will be available for administration in both paper-and-pencil and computer-based formats and include assessments in mathematics, science, and English language arts, including reading and writing. For students receiving instruction primarily over the internet from a school district, accredited nonpublic school, or charter school, a school or school district may administer any state-required assessment remotely pursuant to the terms of Iowa Code section 256.7(21)*"b"*(2)(e) as enacted by 2025 Iowa Acts, House File 190.

4. and 5. No change.

ITEM 4. Adopt the following **new** subrule 14.2(4):

14.2(4) *Seizure training and response.*

a. Each school district, accredited nonpublic school, or charter school shall adopt policies and implement seizure action plan and training requirements contained in Iowa Code section 280.13D as enacted by 2025 Iowa Acts, House File 835.

b. The state board of education shall adopt a seizure education program, which is to be consistent with standards of the Epilepsy Foundation of America. The department will post materials on the department's Internet site, educate.iowa.gov. Materials beyond what is required by paragraph 14.2(4)*"a"* are voluntary.

ITEM 5. Amend rule 281—36.2(280) as follows:

281—36.2(280) Registered organizations.

36.2(1) Organizations registered with the department include the following:

~~36.2(1)~~ *a.* Iowa High School Athletic Association (hereinafter association).

~~36.2(2)~~ *b.* Iowa Girls' High School Athletic Union (hereinafter union).

~~36.2(3)~~ *c.* Iowa High School Music Association (hereinafter music association).

~~36.2(4)~~ *d.* Iowa High School Speech Association (hereinafter speech association).

~~36.2(5)~~ *e.* Unified Iowa High School Activities Federation (hereinafter federation).

36.2(2) Organizations identified in paragraphs 36.2(1)*"a"* and *"b"* may sponsor interscholastic competitions related to robotics.

[Filed 11/19/25, effective 1/14/26]
[Published 12/10/25]
EDITOR'S NOTE: For replacement pages for IAC, see IAC Supplement 12/10/25.

ARC 9808C

EDUCATION DEPARTMENT[281]

Adopted and Filed

Rulemaking related to civics examination

The State Board of Education hereby amends Chapter 12, "General Accreditation Standards," and Chapter 32, "High School Equivalency Diploma," Iowa Administrative Code.

Legal Authority for Rulemaking

This rulemaking is adopted under the authority provided in Iowa Code sections 256.7 and 259A.5.

State or Federal Law Implemented

This rulemaking implements, in whole or in part, 2025 Iowa Acts, Senate File 369.

Purpose and Summary

This rulemaking implements the civics examination as a graduation requirement beginning on July 1, 2026.

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 9599C**. A public hearing was held on the following date(s):

- October 21, 2025

Two individuals attended the hearing as observers. No public comments were received. No changes from the Notice have been made.

Adoption of Rulemaking

This rulemaking was adopted by the State Board on November 19, 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 State Board for a waiver of the discretionary provisions, if any, pursuant to 281—Chapter 4.

Review by Administrative Rules Review Committee

The Administrative Rules Review Committee, a bipartisan legislative committee which oversees rulemaking by executive branch agencies, may, on its own motion or on written request by any individual or group, review this rulemaking at its regular monthly meeting or at a special meeting.

The Committee's meetings are open to the public, and interested persons may be heard as provided in Iowa Code section 17A.8(6).

Effective Date

This rulemaking will become effective on January 14, 2026.

The following rulemaking action is adopted:

ITEM 1. Amend subrule 12.5(5) as follows:

12.5(5) *High school program, grades 9 through 12.* In grades 9 through 12, a unit is a course or equivalent related components or partial units taught throughout the academic year as defined in subrule 12.5(13). The following will be offered and taught as the minimum program as referenced in Iowa Code section 256.11(5). All students in schools and school districts shall satisfactorily complete requirements as referenced in Iowa Code sections 256.7(26), 256.11(5)*"b"* and *"g,"* and 256.11(6)*"c,"* and, for the school year commencing July 1, 2026, section 280.9A(1A) as enacted by 2025 Iowa Acts, Senate File 369, in order to graduate. It is locally determined how to incorporate the content specifications into relevant standards and benchmarks.

In implementing the high school program standards, the following curriculum standards apply:

a. to *l.* No change.

ITEM 2. Amend rule **281—32.1(259A)**, definition of "High school equivalency diploma," as follows:

"High school equivalency diploma" means the credential granted by the department to adults who did not graduate from high school and are unable to receive a high school diploma through traditional means but who are able to demonstrate attainment of the knowledge, skills, and abilities that are equivalent to those that would be attained in a high school program of study pursuant to this chapter. Commencing July 1, 2026, an adult must pass the examination described in Iowa Code section 280.9A(1A) as enacted by 2025 Iowa Acts, Senate File 369, to receive this credential.

[Filed 11/19/25, effective 1/14/26]
[Published 12/10/25]
EDITOR'S NOTE: For replacement pages for IAC, see IAC Supplement 12/10/25.

ARC 9809C

EDUCATION DEPARTMENT[281]

Adopted and Filed

Rulemaking related to notification of religious exemptions to vaccine requirements

The State Board of Education hereby amends Chapter 14, "School Health Services," and Chapter 21, "Community Colleges," Iowa Administrative Code.

Legal Authority for Rulemaking

This rulemaking is adopted under the authority provided in Iowa Code sections 256.7 and 260C.49.

State or Federal Law Implemented

This rulemaking implements, in whole or in part, 2025 Iowa Acts, House File 299.

Purpose and Summary

This rulemaking implements the requirements of 2025 Iowa Acts, House File 299, regarding notification of religious exemptions to vaccine requirements.

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 9602C**. A public hearing was held on the following date(s):

- October 21, 2025

Two individuals attended the hearing as observers. No public comments were received. No changes from the Notice have been made.

Adoption of Rulemaking

This rulemaking was adopted by the State Board on November 19, 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 State Board for a waiver of the discretionary provisions, if any, pursuant to 281—Chapter 4.

Review by Administrative Rules Review Committee

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

Effective Date

This rulemaking will become effective on January 14, 2026.

The following rulemaking action is adopted:

ITEM 1. Adopt the following **new** subrule 14.2(5):

14.2(5) *Information regarding vaccinations.* In any communication to a parent or guardian regarding immunizations, a school district, accredited nonpublic school, or charter school will comply with Iowa Code section 256.7(15) as enacted by 2025 Iowa Acts, House File 299.

ITEM 2. Adopt the following **new** paragraph **21.62(9)"f"**:

f. A policy in compliance with Iowa Code section 260C.14(26) as enacted by 2025 Iowa Acts, House File 299, regarding any communication to students relating to immunization requirements.

[Filed 11/19/25, effective 1/14/26]
[Published 12/10/25]

EDITOR'S NOTE: For replacement pages for IAC, see IAC Supplement 12/10/25.

ARC 9810C

EDUCATION DEPARTMENT[281]

Adopted and Filed

Rulemaking related to extracurricular athletic activity conference for member schools

The State Board of Education hereby rescinds Chapter 37, "Extracurricular Athletic Activity Conference for Member Schools," Iowa Administrative Code, and adopts a new Chapter 37 with the same title.

Legal Authority for Rulemaking

This rulemaking is adopted under the authority provided in 2025 Iowa Acts, House File 783 (House File 783).

State or Federal Law Implemented

This rulemaking implements, in whole or in part, House File 783.

Purpose and Summary

This rulemaking implements the requirements of House File 783, establishing a committee for alignment and membership of extracurricular activities conferences. The rules add additional operational detail to House File 783.

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 9603C**. A public hearing was held on the following date(s):

- October 21, 2025

Two individuals attended the hearing as observers. No public comments were received. No changes from the Notice have been made.

Adoption of Rulemaking

This rulemaking was adopted by the State Board on November 19, 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 State Board for a waiver of the discretionary provisions, if any, pursuant to 281—Chapter 4.

Review by Administrative Rules Review Committee

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

Effective Date

This rulemaking will become effective on January 14, 2026.

The following rulemaking action is adopted:

ITEM 1. Rescind 281—Chapter 37 and adopt the following **new** chapter in lieu thereof:

CHAPTER 37
EXTRACURRICULAR ATHLETIC ACTIVITY
CONFERENCE FOR MEMBER SCHOOLS

281—37.1(280) General. It is the policy of the state of Iowa that each school desiring to be a member of a conference providing extracurricular athletic contests and competitions for students is granted this opportunity. For purposes of this chapter, "member school" means a nonpublic school or school district granted such status by any corporation, association, or organization registered with the state department of education pursuant to Iowa Code section 280.13 and includes associate members. For purposes of this chapter, "school district" includes a public charter high school.

37.1(1) *Initial responsibility.* The initial authority and responsibility for conference development, membership, and alignment rests with the board of directors of each public school district and the authorities in charge of each nonpublic school.

37.1(2) *Definitions.* For purposes of this chapter, the definitions in Iowa Code section 280.13D(1) as enacted by 2025 Iowa Acts, House File 783 (House File 783), apply.

37.1(3) *Policies.* Each organization subject to this chapter will establish policies to implement Iowa Code section 280.13D as enacted by House File 783.

281—37.2(280) Conference realignment committee.

37.2(1) *General.* A conference realignment committee (committee) is established pursuant to Iowa Code section 280.13D as enacted by House File 783.

37.2(2) *Duties and powers.* The committee has the duties and powers specified in Iowa Code section 280.13D as enacted by House File 783.

37.2(3) *Membership.* The committee will have the membership described in Iowa Code section 280.13D(2)*"a"*(2) as enacted by House File 783. Members will be selected based on regions established by the two organizations, with each region being guaranteed representation, and may also be selected on an at-large basis. Members serve four-year terms and are eligible for reappointment once.

37.2(4) *Appointment of members.* The executive directors of the two organizations make appointments to the committee, including filling vacancies. The executive directors of the two organizations will initially divide committee memberships into two cohorts and alternate making appointments to each cohort every four-year cycle. Each cohort will contain at least one representative of a nonpublic school.

37.2(5) *Committee operations.*

a. The executive directors of the two organizations will provide recommendations on committee agenda items.

b. A quorum for the committee is ten members.

c. The committee may adopt bylaws consistent with this chapter.

281—37.3(280) Appeal to the director of the Iowa department of education. A member school may appeal a committee's decision to the director of the Iowa department of education within 60 days of the date of the decision. The director will receive the records of the committee, and no new evidence will be permitted, except for good cause shown. The committee's decision is presumed correct, and the appellant has the burden of demonstrating the committee's decision is based on a failure to follow the processes and standards set out in Iowa Code section 280.13D as enacted by House File 783, on factual findings that have no evidentiary basis, or on legal conclusions that are manifestly erroneous. The director may

refer the matter to an administrative law judge for a proposed decision. The director's decision is due within 60 days of the date of the appeal.

These rules are intended to implement Iowa Code section 280.13D as enacted by House File 783.

[Filed 11/19/25, effective 1/14/26]
[Published 12/10/25]

EDITOR'S NOTE: For replacement pages for IAC, see IAC Supplement 12/10/25.

ARC 9811C

EDUCATION DEPARTMENT[281]

Adopted and Filed

Rulemaking related to role of foster parents as special education decision-makers

The State Board of Education hereby amends Chapter 41, "Special Education," and Chapter 120, "Early Access Integrated System of Early Intervention Services," Iowa Administrative Code.

Legal Authority for Rulemaking

This rulemaking is adopted under the authority provided in Iowa Code section 256B.3.

State or Federal Law Implemented

This rulemaking implements, in whole or in part, 2025 Iowa Acts, House File 644.

Purpose and Summary

This rulemaking updates the State Board's rules concerning the role of foster parents as special education decision-makers. This rulemaking harmonizes provisions of 2025 Iowa Acts, House File 644, with federal law.

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 9596C**. A public hearing was held on the following date(s):

- October 21, 2025

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

Based on technical assistance received from the Iowa Department of Health and Human Services, the rulemaking has been revised for clarity.

Adoption of Rulemaking

This rulemaking was adopted by the State Board on November 19, 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 State Board for a waiver of the discretionary provisions, if any, pursuant to 281—Chapter 4.

Review by Administrative Rules Review Committee

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

Effective Date

This rulemaking will become effective on January 14, 2026.

The following rulemaking action is adopted:

ITEM 1. Rescind and reserve paragraph **41.30(1)"b"**.

ITEM 2. Amend paragraph **41.30(1)"e"** as follows:

e. A surrogate parent, which may include a foster parent, who has been appointed in accordance with rule 281—41.519(256B,34CFR300) or 20 U.S.C. 1439(a)(5).

ITEM 3. Rescind and reserve paragraph **120.27(1)"b"**.

ITEM 4. Amend paragraph **120.27(1)"e"** as follows:

e. A surrogate parent, which may include a foster parent, who has been appointed in accordance with rule 281—120.422(34CFR303) or Section 639(a)(5) of the Act.

[Filed 11/20/25, effective 1/14/26]
[Published 12/10/25]
EDITOR'S NOTE: For replacement pages for IAC, see IAC Supplement 12/10/25.

ARC 9812C

EDUCATION DEPARTMENT[281]

Adopted and Filed

Rulemaking related to special education

The State Board of Education hereby amends Chapter 41, "Special Education," Iowa Administrative Code.

Legal Authority for Rulemaking

This rulemaking is adopted under the authority provided in Iowa Code section 256B.3.

State or Federal Law Implemented

This rulemaking implements, in whole or in part, 2025 Iowa Acts, House File 787.

Purpose and Summary

This rulemaking implements Division III of 2025 Iowa Acts, House File 787, which creates a new process for out-of-state placements for children with disabilities when such placements are not ordered by a court or required by federal or State special education law.

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 9598C**. A public hearing was held on the following date(s):

- October 21, 2025

Two individuals attended the hearing as observers. No public comments were received. No changes from the Notice have been made.

Adoption of Rulemaking

This rulemaking was adopted by the State Board on November 19, 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 State Board for a waiver of the discretionary provisions, if any, pursuant to 281—Chapter 4.

Review by Administrative Rules Review Committee

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

Effective Date

This rulemaking will become effective on January 14, 2026.

The following rulemaking action is adopted:

ITEM 1. Adopt the following **new** subrule 41.116(8):

41.116(8) *Out-of-state placements pursuant to Iowa Code section 282.35.* A school district is responsible for the educational cost of an educational placement made pursuant to Iowa Code section 282.35 as enacted by 2025 Iowa Acts, House File 787. A school district's financial responsibility only arises upon compliance by the out-of-state facility or provider with this subrule. Any placement under this subrule must comply with subrule 41.116(6). Any dispute between Iowa school districts regarding financial responsibility under this subrule will be summarily resolved by the department.

[Filed 11/19/25, effective 1/14/26]
[Published 12/10/25]
EDITOR'S NOTE: For replacement pages for IAC, see IAC Supplement 12/10/25.

ARC 9813C

EDUCATION DEPARTMENT[281]

Adopted and Filed

Rulemaking related to procedures for charging and investigating incidents of abuse of students by school employees

The State Board of Education hereby amends Chapter 102, "Procedures for Charging and Investigating Incidents of Abuse of Students by School Employees," Iowa Administrative Code.

Legal Authority for Rulemaking

This rulemaking is adopted under the authority provided in Iowa Code section 280.17 as amended by 2025 Iowa Acts, Senate File 659.

State or Federal Law Implemented

This rulemaking implements, in whole or in part, 2025 Iowa Acts, Senate File 659.

Purpose and Summary

This rulemaking implements 2025 Iowa Acts, Senate File 659, that transfers the responsibility for student abuse investigations from schools to the Department of Health and Human Services.

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 9597C**. A public hearing was held on the following date(s):

- October 21, 2025

Two individuals attended the hearing as observers. One organization presented written public comment and presented similar comments at the Administrative Rules Review Committee meeting on September 13, 2025. The organization expressed concern that the proposed rulemaking was unclear about the relationship between Senate File 659 and district human resource rules and policies.

Changes from the Notice have been made to subrules 102.18(1) and 102.18(2).

Adoption of Rulemaking

This rulemaking was adopted by the State Board on November 19, 2025.

Fiscal Impact

This rulemaking has an undetermined fiscal impact on the State of Iowa. There are no additional costs to Iowa schools. There is an undetermined cost to the Iowa Department of Health and Human Services.

Jobs Impact

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

Waivers

Any person who believes that the application of the discretionary provisions of this rulemaking would result in hardship or injustice to that person may petition the State Board for a waiver of the discretionary provisions, if any, pursuant to 281—Chapter 4.

Review by Administrative Rules Review Committee

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

Effective Date

This rulemaking will become effective on January 14, 2026.

The following rulemaking action is adopted:

ITEM 1. Adopt the following **new** division heading before rule **281—102.1(280)**:

DIVISION I

INVESTIGATIONS BEGUN ON OR BEFORE JUNE 30, 2025

ITEM 2. Adopt the following **new** division heading before rule **281—102.15(232E,280)**:

DIVISION II
MATTERS OCCURRING ON OR AFTER JULY 1, 2025

ITEM 3. Adopt the following **new** rules 281—102.15(232E,280) to 281—102.18(232E,280):

281—102.15(232E,280) General.

102.15(1) The board of directors of a public school district and the authorities in charge of a nonpublic school shall comply with Iowa Code chapter 232E as enacted by 2025 Iowa Acts, Senate File 659 (Senate File 659), and any rules adopted by the department of health and human services to implement Iowa Code chapter 232E as enacted by Senate File 659 and cooperate with the department of health and human services during an investigation commenced under Iowa Code chapter 232E as enacted by Senate File 659, including providing access to student records and making students and staff available for interviews. For the purposes of this chapter, "public school district" includes a charter school authorized under Iowa Code chapter 256E or 256F.

102.15(2) Iowa Code chapter 232E as enacted by Senate File 659 as well as any rules adopted by the department of health and human services are incorporated by this reference.

281—102.16(232E,280) Duty to report alleged abuse. In addition to any other reporting obligations, if any school employee has reason to believe that any school employee committed student abuse, the school employee with such reason to believe is obligated to report the alleged abuse in a manner required by Iowa Code chapter 232E as enacted by Senate File 659.

281—102.17(232E,280) Termination of school employee.

102.17(1) The board of directors of a public school district or the authorities in charge of a nonpublic school shall terminate the employment of a school employee if the board of directors or authorities in charge receive a written investigation report under Iowa Code section 232E.2(5) as enacted by Senate File 659 indicating the department of health and human services has determined the school employee committed student abuse, after exhaustion of any appeal rights that the school employee has under Iowa Code chapter 232E as enacted by Senate File 659.

102.17(2) If the provisions under Iowa Code chapter 279 apply to a termination under subrule 102.17(1), those provisions remain applicable; however, a finding under subrule 102.17(1) is conclusive on the issue of whether the employee committed student abuse.

281—102.18(232E,280) Rules of construction.

102.18(1) Nothing in this chapter is to be construed as limiting the authority of a public school district or the authorities in charge of a nonpublic school to the procedures set forth in Iowa Code chapter 232E as enacted by Senate File 659 from investigating a complaint that does not meet the threshold of student abuse as determined by the department of health and human services.

102.18(2) Nothing in this chapter is to be construed as limiting the authority of a public school district or the authorities in charge of a nonpublic school in circumstances where the department of health and human services does not make a finding of abuse from investigating a complaint that does not meet the threshold of student abuse as determined by the department of health and human services.

ITEM 4. Amend **281—Chapter 102**, implementation sentence, as follows:

These rules are intended to implement Iowa Code section 280.17 as amended by Senate File 659 and chapter 232E as enacted by Senate File 659.

[Filed 11/21/25, effective 1/14/26]
[Published 12/10/25]

EDITOR'S NOTE: For replacement pages for IAC, see IAC Supplement 12/10/25.

ARC 9814C

ENVIRONMENTAL PROTECTION COMMISSION[567]

Adopted and Filed

Rulemaking related to fees

The Environmental Protection Commission (Commission) hereby amends Chapter 30, "Fees," Iowa Administrative Code.

Legal Authority for Rulemaking

This rulemaking is adopted under the authority provided in Iowa Code sections 455B.133(8)"a"(2), 455B.133B and 455B.133C.

State or Federal Law Implemented

This rulemaking implements, in whole or in part, Iowa Code sections 455B.133 and 455B.133B through 455B.134 and the federal Clean Air Act (42 U.S.C. §7401, et seq.).

Purpose and Summary

The rulemaking amends Chapter 30 to increase the fee caps (the maximum amount that can be assessed for specific air quality fees), to add a new Title V annual base fee, and to add a new fee for revisions to asbestos notifications. The increase to the fee caps will provide sustainable funding to cover program expenses, and the new fees will distribute the costs more equitably to those businesses actively using Department of Natural Resources services. All fees directly support the air quality program, which exists to prevent, abate, and control air pollution in the State of Iowa. Fees received by the Department are deposited in one of two funds. The Air Contaminant Fund (Iowa Code section 455B.133B) was established to receive emissions and operating permit fees. The Air Quality Fund (Iowa Code section 455B.133C) was established to receive construction permit and asbestos notification fees.

Item 1 amends rule 567—30.3(455B) to add a new asbestos demolition or renovation notification fee for revisions to initial notifications. Paragraph 30.3(2)"d" currently states that the Department does not require fees for revised, canceled, and courtesy notifications. Paragraph 30.3(2)"d" is stricken since it is no longer needed.

Item 2 amends rule 567—30.4(455B) to strike a redundant reference to the dollar cap on the fee amount that is also listed in subrule 30.6(2). Additionally, a Title V annual base fee is in new subrule 30.4(3). Only one annual base fee will be assessed for municipalities, universities, and facilities that have requested that a permit be divided into more than one permit for administrative purposes.

Item 3 amends subrule 30.6(2) to increase the fee caps on all fee types based on the recommendations received from industrial stakeholders. Item 3 also adds fee cap amounts for the new fees for revisions to asbestos notifications and the Title V annual base fee.

Public Comment and Changes to Rulemaking

Notice of Intended Action for this rulemaking was published in the Iowa Administrative Bulletin on September 17, 2025, as **ARC 9539C**. A public hearing was held on the following date(s):

- October 20, 2025

Three people attended the hearing. No public comments were received. No changes from the Notice have been made.

Adoption of Rulemaking

This rulemaking was adopted by the Commission on November 18, 2025.

Fiscal Impact

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

Jobs Impact

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

Waivers

Any person who believes that the application of the discretionary provisions of this rulemaking would result in hardship or injustice to that person may petition the Commission for a waiver of the discretionary provisions, if any, pursuant to 567—Chapter 10.

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 14, 2026.

The following rulemaking action is adopted:

ITEM 1. Amend rule 567—30.3(455B) as follows:

567—30.3(455B) Fees associated with asbestos demolition or renovation notification.

30.3(1) *Payment of fees established.* The owner or operator of a site subject to the national emission standard for hazardous air pollutants (NESHAP) for asbestos notifications, adopted by reference in 567—paragraph 23.1(3)*"a,"* shall submit a fee with each required original, each revised, or each annual notification for each demolition or renovation, including abatement. Fees shall be paid as specified in the fee schedule approved by the commission and posted on the department's website. Fees shall be submitted with the notification forms provided by the department.

30.3(2) *Fee not required.* A fee shall not be required for the following:

a. Notifications when the total amount of asbestos to be removed or disturbed is less than 260 linear feet, less than 160 square feet, and less than 35 cubic feet of facility components and is below the reporting thresholds as defined in 40 CFR 61.145 as amended on January 16, 1991;

b. Notifications of training fires as required in 567—paragraph 23.2(3)*"g"*;

c. Controlled burning of demolished buildings as required in ~~567—paragraph 23.2(3)*"j"*;~~ 567—paragraph 23.2(3)*"j."*

~~*d.* Revised, canceled, and courtesy notifications. A revision to a previously submitted courtesy notification due to applicability of the notification requirements in 567—paragraph 23.1(3)*"a"* is considered an original notification and is subject to the fee requirements of 30.3(1).~~

ITEM 2. Amend rule 567—30.4(455B) as follows:

567—30.4(455B) Fees associated with Title V operating permits.

30.4(1) *Payment of Title V application fee.* Each owner or operator required to apply for a Title V permit, or a renewal of a Title V permit, shall pay fees as specified in the fee schedule approved by the commission and posted on the department's website. Fees shall be submitted with forms supplied by the department.

30.4(2) *Payment of Title V annual emissions fee.*

a. Fee required. Any person required to obtain a Title V permit shall pay an annual fee based on the first 4,000 tons of each regulated air pollutant and shall be paid on or before July 1 of each year. The Title V emissions fee shall be based on actual emissions required to be included in the Title V operating permit application and the annual emissions statement for the previous calendar year. ~~The commission shall not set the fee higher than $70 per ton without adopting the change pursuant to formal rulemaking.~~

b. to *e.* No change.

30.4(3) *Payment of Title V annual base fee.*

a. Fee required. Any person required to obtain a Title V permit shall pay an annual base fee as specified in the fee schedule approved by the commission and posted on the department's website. The fee shall be paid on or before July 1 of each year and shall be submitted with forms or through the electronic submittal method specified by the department.

b. The following sources will be required to pay only one Title V annual base fee on or before July 1 of each year: municipalities, universities, and Title V facilities that have requested that their Title V permit be split into more than one permit for administrative purposes.

ITEM 3. Amend subrule 30.6(2) as follows:

30.6(2) *Fee types and dollar caps on fee types.* The commission may set fees for the fee types and activities specified in this subrule and shall not set a fee in the fee schedule higher than the levels specified in this subrule without adopting the change pursuant to formal rulemaking:

a. New source review applications from major sources, which may include:

(1) Review of each application for a construction permit, including air quality modeling review: ~~$115~~ $165 per hour;

(2) Review of each application for a prevention of significant deterioration permit: ~~$115~~ $165 per hour;

(3) Review of each plantwide applicability limit request, renewal, or reopening: ~~$115~~ $165 per hour; and

(4) Review of each regulatory applicability determination: ~~$115~~ $165 per hour~~; and~~.

~~(5) Air quality modeling review: $90 per hour.~~

b. New source review applications from minor sources, which may include:

(1) Each application for a construction permit: ~~$385~~ $1,200;

(2) Each application for a registration permit: ~~$100~~ $500;

(3) Each application for a permit by rule: ~~$100~~ $500; and

(4) Each application for a permit template: ~~$100~~ $500.

c. Asbestos notifications~~: $100.~~, which may include:

(1) Each initial or annual asbestos notification: $175; and

(2) Each revised asbestos notification: $100.

d. Review of each initial or renewal Title V operating permit application: ~~$100~~ $145 per hour.

e. Title V annual emissions: ~~$70~~ $98 per ton.

f. Title V annual base fee: $7,800.

[Filed 11/19/25, effective 1/14/26]
[Published 12/10/25]

EDITOR'S NOTE: For replacement pages for IAC, see IAC Supplement 12/10/25.

ARC 9815C

HOMELAND SECURITY AND EMERGENCY MANAGEMENT DEPARTMENT[605]

Adopted and Filed

Rulemaking related to organization

The Homeland Security and Emergency Management Department hereby rescinds Chapter 1, "Organization," Iowa Administrative Code, and adopts a new Chapter 1 with the same title.

Legal Authority for Rulemaking

This rulemaking is adopted under the authority provided in Iowa Code chapter 29C.

State or Federal Law Implemented

This rulemaking implements, in whole or in part, Iowa Code chapters 29C, 30, 34A and 418.

Purpose and Summary

This rulemaking eliminates language that is overly restrictive or obsolete and shortens the chapter.

Public Comment and Changes to Rulemaking

Notice of Intended Action for this rulemaking was published in the Iowa Administrative Bulletin on October 15, 2025, as **ARC 9609C**. A public hearing was held on the following date(s):

- November 4, 2025
- November 5, 2025

No one attended the public hearings. No public comments were received. Changes from the Notice have been made to update a cross-reference and to include "as enacted by" language for Iowa Code chapter 29D.

Adoption of Rulemaking

This rulemaking was adopted by the Department on November 19, 2025.

Fiscal Impact

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

Jobs Impact

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

Waivers

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

Review by Administrative Rules Review Committee

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

Effective Date

This rulemaking will become effective on January 14, 2026.

The following rulemaking action is adopted:

ITEM 1. Rescind 605—Chapter 1 and adopt the following **new** chapter in lieu thereof:

CHAPTER 1
ORGANIZATION

605—1.1(29C) Description. The department of homeland security and emergency management is created in Iowa Code chapter 29C. The department of homeland security and emergency management shall be under the management of a director appointed by the governor subject to senate approval. The director shall be vested with the authority to administer homeland security and emergency management affairs in this state and is responsible for preparing and executing the homeland security and emergency management programs of this state subject to the direction of the governor. The director, upon the direction of the governor, shall carry out the duties and responsibilities detailed in applicable Iowa Code provisions, including Iowa Code chapters 29C; 29D as enacted by 2025 Iowa Acts, Senate Files 583 and 619; 30; 34A; and 418. The director shall also carry out duties and responsibilities of applicable federal code and regulations. The director, with the approval of the governor, may employ a deputy administrator and such technical, clerical, and other personnel and make such expenditures within the appropriation or from other funds made available to the department for purposes of homeland security and emergency management, as may be necessary to administer the purposes of Iowa Code chapters 29C; 29D as enacted by 2025 Iowa Acts, Senate Files 583 and 619; 30; 34A; and 418.

605—1.2(29C) Definitions. The following definitions are applicable to the homeland security and emergency management department:

"Comprehensive countywide emergency operations plan" means documents that describe the actions to be taken to lessen the effects of, prepare for, respond to and recover from a disaster by county and city governments, quasi-government agencies, and private organizations that have emergency operations responsibility. The plan is multihazard in scope (covers all hazards for the county) and provides for a coordinated effort. It references authority, assigns functional responsibilities, provides for direction and control, and ensures the effective use of resources.

"Department" means the same as defined in Iowa Code chapter 29C.

"Director" means the same as defined in Iowa Code chapter 29C.

"Disaster" means the same as defined in Iowa Code chapter 29C.

"Emergency" means a sudden, generally unexpected occurrence or set of circumstances demanding immediate action to protect life or property. Such actions are normally handled in a routine manner by law enforcement, fire protection, public works, utilities, and emergency medical services.

"Emergency management" means lessening the effects of, preparations for, operations during, and recovery from natural, technological or human-caused disasters. These actions are broad in scope and include but are not limited to disaster plans, mitigation, preparedness, response, warning, emergency operations, training, exercising, research, rehabilitation, and recovery activities.

"Emergency management performance grant program" means a program by which federal funds are utilized to pay no more than 50 percent of the salaries, benefits, travel, and office expenses incurred in the administration of the state and local emergency management program.

"Homeland security" means the detection, prevention, preemption, and deterrence of and protection from attacks targeted at state territory, population, and infrastructure.

"Joint commissions" means two or more local emergency management commissions acting as a joint commission for the coordination and administration of emergency management as described in Iowa Code section 29C.9.

"Local commission" means the local emergency management commission as defined in Iowa Code section 29C.9.

"Mitigation" means any action taken to reduce or eliminate the long-term risk to human life and property from hazards. Examples of mitigation activities include building codes, land use management, floodplain management, building of protective structures such as flood walls, public education, research, risk mapping, safety codes, and statutes and ordinances.

"Preparedness" means any activity taken in advance of an emergency or disaster that improves emergency readiness posture and develops or expands operational capabilities. Examples of preparedness activities include but are not limited to continuity of government, emergency alert and warning systems, emergency communications, emergency operations centers, comprehensive countywide emergency operations plans, emergency public information materials, exercise of plans and

systems, hazard analysis, mutual aid agreements, resource management, and the training and equipping of personnel.

"Recovery" means short-term activity to return vital life support systems to minimum operating standards and long-term activity designed to return the affected people and areas to their predisaster conditions. Examples of recovery activities are crisis counseling, damage assessment, debris clearance, decontamination, disaster insurance payments, disaster loans and grants, disaster unemployment assistance, public information, community outreach, temporary housing, and reconstruction.

"Response" means any action taken immediately before, during, or directly after an emergency or disaster occurs, which is intended to save lives, minimize injuries, lessen property and environmental damage and enhance the effectiveness of recovery. Examples of response activity include rendering of assistance by emergency responders, activation of the emergency operations center, emergency alert system activation, emergency instructions to the public, emergency plan implementation, public official alerting, evacuation, sheltering of victims, search and rescue, resource mobilization, and warning system activation.

605—1.3(29C) Facilitating business rapid response to state-declared disasters. The implementation of business rapid response to state-declared disasters is addressed in the rules of the secretary of state in 721—Chapter 12 and the department of revenue in 701—Chapter 276.

These rules are intended to implement Iowa Code chapters 29C; 29D as enacted by 2025 Iowa Acts, Senate Files 583 and 619; 30; 34A; and 418.

[Filed 11/19/25, effective 1/14/26]
[Published 12/10/25]
EDITOR'S NOTE: For replacement pages for IAC, see IAC Supplement 12/10/25.

ARC 9816C

HOMELAND SECURITY AND EMERGENCY MANAGEMENT DEPARTMENT[605]

Adopted and Filed

Rulemaking related to uniform rules on agency procedure

The Homeland Security and Emergency Management Department hereby rescinds Chapter 2, "Petitions for Rule Making," and adopts a new Chapter 2, "Petitions for Rulemaking," and rescinds Chapter 3, "Declaratory Orders," Chapter 4, "Agency Procedure for Rule Making," Chapter 5, "Fair Information Practices," and Chapter 6, "Contested Cases," Iowa Administrative Code.

Legal Authority for Rulemaking

This rulemaking is adopted under the authority provided in Iowa Code chapters 17A and 29C.

State or Federal Law Implemented

This rulemaking implements, in whole or in part, Iowa Code chapters 17A and 29C.

Purpose and Summary

The new chapter eliminates language that is overly restrictive or obsolete and shortens the chapter. This rulemaking also rescinds Chapters 3 through 6.

Public Comment and Changes to Rulemaking

Notice of Intended Action for this rulemaking was published in the Iowa Administrative Bulletin on October 15, 2025, as **ARC 9610C**. A public hearing was held on the following date(s):

- November 4, 2025
- November 5, 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 19, 2025.

Fiscal Impact

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

Jobs Impact

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

Waivers

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

Review by Administrative Rules Review Committee

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

Effective Date

This rulemaking will become effective on January 14, 2026.

The following rulemaking action is adopted:

ITEM 1. Rescind 605—Chapter 2 and adopt the following **new** chapter in lieu thereof:

CHAPTER 2
UNIFORM RULES ON AGENCY PROCEDURE

The department hereby adopts, with the following exceptions and amendments, the Uniform Rules on Agency Procedure, which are published at www.legis.iowa.gov/DOCS/Rules/Current/UniformRules.pdf on the general assembly's website.

605—2.1(17A,29C) Petitions for rulemaking. The Iowa department of homeland security and emergency management hereby adopts, with the following exceptions and amendments, the Uniform Rules on Agency Procedure relating to petitions for rulemaking, which are published at www.legis.iowa.gov/DOCS/Rules/Current/UniformRules.pdf on the general assembly's website. For purposes of this rule, the following designations are made:

2.1(1) In lieu of the words "(agency name)", insert "Iowa department of homeland security and emergency management".

2.1(2) In lieu of the words "(designate office)", insert "Iowa Department of Homeland Security and Emergency Management, 7900 Hickman Road, Suite 500, Windsor Heights, Iowa 50324".

2.1(3) In lieu of the words "(designate official by full title and address)", insert "Director, Iowa Department of Homeland Security and Emergency Management, 7900 Hickman Road, Suite 500, Windsor Heights, Iowa 50324".

605—2.2(17A,29C) Declaratory orders. The Iowa department of homeland security and emergency management hereby adopts, with the following exceptions and amendments, the Uniform Rules on Agency Procedure relating to declaratory orders, which are published at www.legis.iowa.gov/DOCS/Rules/Current/UniformRules.pdf on the general assembly's website. For purposes of this rule, the following designations are made:

2.2(1) In lieu of the words "(agency name)" or "(designate agency)", insert "Iowa Department of Homeland Security and Emergency Management".

2.2(2) In lieu of the words "(designate office)", insert "Iowa Department of Homeland Security and Emergency Management, 7900 Hickman Road, Suite 500, Windsor Heights, Iowa 50324".

2.2(3) In lieu of the words "(designate official by full title and address)", insert "Director, Iowa Department of Homeland Security and Emergency Management, 7900 Hickman Road, Suite 500, Windsor Heights, Iowa 50324".

2.2(4) In lieu of the words "Within ____ days (15 or less)" found in rule X.2, insert "Within 15 days".

2.2(5) In lieu of the words "within ____ days of the filing of a petition" in rule X.3(1), insert "within 20 days of the filing of a petition".

605—2.3(17A,29C) Agency procedure for rulemaking. The Iowa department of homeland security and emergency management hereby adopts, with the following exceptions and amendments, the Uniform Rules on Agency Procedure relating to agency procedure for rulemaking, which are published at www.legis.iowa.gov/DOCS/Rules/Current/UniformRules.pdf on the general assembly's website. For purposes of this rule, the following designations are made:

2.3(1) In lieu of the words "(commission, board, council, director)", insert "director".

2.3(2) In lieu of the words "(specify time period)", insert "one year".

2.3(3) In lieu of the words "(identify office and address)", insert "Director, Iowa Department of Homeland Security and Emergency Management, 7900 Hickman Road, Suite 500, Windsor Heights, Iowa 50324".

2.3(4) In lieu of the words "(designate office and telephone number)", insert "the director at 515.725.3231".

2.3(5) In lieu of the words "(designate office)", insert "Iowa Department of Homeland Security and Emergency Management, 7900 Hickman Road, Suite 500, Windsor Heights, Iowa 50324".

2.3(6) In lieu of the words "(specify the office and address)", insert "Iowa Department of Homeland Security and Emergency Management, 7900 Hickman Road, Suite 500, Windsor Heights, Iowa 50324".

2.3(7) In lieu of the words "(agency head)", insert "director".

605—2.4(17A,29C) Fair information practices. The Iowa department of homeland security and emergency management with the following exceptions and amendments, the Uniform Rules on Agency Procedure relating to fair information practices, which are published at www.legis.iowa.gov/DOCS/Rules/Current/UniformRules.pdf on the general assembly's website. For purposes of this rule, the following designations are made:

2.4(1) In lieu of the words "(official or body issuing these rules)", insert "Iowa Department of Homeland Security and Emergency Management".

2.4(2) In lieu of the words "(insert agency head)", insert "director".

2.4(3) In lieu of the words "(insert agency name and address)", insert "Iowa Department of Homeland Security and Emergency Management, 7900 Hickman Road, Suite 500, Windsor Heights, Iowa 50324".

2.4(4) In lieu of the words "(insert customary office hours and, if agency does not have customary office hours of at least thirty hours per week, insert hours specified in Iowa Code section 22.4)", insert the words "at any time from 9 a.m. to 12 noon and from 1 to 4 p.m., Monday through Friday, excluding legal holidays, unless the person exercising such right and the lawful custodian agree on a different time".

2.4(5) In lieu of the words "(specify time period)", insert the words "30 minutes".

2.4(6) In lieu of the words "(designate office)", insert the words "Iowa Department of Homeland Security and Emergency Management, 7900 Hickman Road, Suite 500, Windsor Heights, Iowa 50324".

2.4(7) Delete the words "(and, where applicable, the time period during which the record may be disclosed)".

2.4(8) Delete the words "(Additional requirements may be necessary for special classes of records.)."

2.4(9) Delete the words "(Each agency should revise its forms to provide this information.)".

2.4(10) Federal records.

a. For federal records maintained by the department, a subject will provide a Privacy Act release in accordance with the requirements of Title 5 United States Code, Section 552, in writing, and signed by the subject of the record.

b. For federal records and forms, the United States government's determination of routine use and the consequences of failure to provide required or optional information as requested shall be provided to the supplier of the information.

c. Pursuant to Iowa Code section 22.9, the department finds that maintenance, use, or disclosure of federal records described in this rule, except as allowed by federal law and regulation, would result in the denial of United States government funds, services and essential information that would otherwise definitely be available and that have been available to the department in the past. The department has the authority to enter into agreements and contracts to obtain funds pursuant to Iowa Code chapter 29C. The department makes such agreements and contracts with the Federal Emergency Management Agency (FEMA) under the authority of Public Law 93-288 (The Robert T. Stafford Disaster Relief and Emergency Assistance Act) and an Emergency Management Performance Grant Agreement that specify categories of records and information that must be kept confidential. In addition, 44 CFR 5.71 specifies categories of records that are exempt from disclosure under 5 U.S.C. 552. These records include those containing personally identifiable information concerning applicants to individual assistance and mitigation assistance programs that are administered by the state under a presidentially declared disaster. Nuclear Regulatory Commission Title 10 CFR 73.21 relates to the physical protection of nuclear power plants and materials. This regulation requires that certain information contained in plans and documents on file with the department be kept confidential and include information concerning the physical protection at fixed sites; physical protection in transit; inspections, audits and evaluations; and correspondence insofar as it contains safeguards information.

605—2.5(17A,29C) Contested cases. The Iowa department of homeland security and emergency management hereby adopts, with the following exceptions and amendments, the Uniform Rules on Agency Procedure relating to contested cases, which are published at www.legis.iowa.gov/DOCS/Rules/Current/UniformRules.pdf on the general assembly's website. For purposes of this rule, the following designations are made:

2.5(1) In lieu of the words "(agency name)" or "agency", insert "the Iowa department of homeland security and emergency management".

2.5(2) In lieu of the words "(designate official)", insert "director".

2.5(3) In lieu of the words "(specify rule number)", insert "rule".

2.5(4) In lieu of the words "(agency to designate person to whom violations should be reported)", insert "director".

2.5(5) In lieu of the words "(board, commission, director, as appropriate)", insert "the director".

These rules are intended to implement Iowa Code chapters 17A and 29C.

ITEM 2. Rescind and reserve **605—Chapter 3**.

ITEM 3. Rescind and reserve **605—Chapter 4**.

ITEM 4. Rescind and reserve **605—Chapter 5**.

ITEM 5. Rescind and reserve **605—Chapter 6**.

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ARC 9817C

HOMELAND SECURITY AND EMERGENCY MANAGEMENT DEPARTMENT[605]

Adopted and Filed

Rulemaking related to the Iowa comprehensive plan

The Homeland Security and Emergency Management Department hereby rescinds Chapter 9, "Iowa Comprehensive Plan," Iowa Administrative Code, and adopts a new Chapter 9 with the same title.

Legal Authority for Rulemaking

This rulemaking is adopted under the authority provided in Iowa Code section 29C.8.

State or Federal Law Implemented

This rulemaking implements, in whole or in part, Iowa Code section 29C.8.

Purpose and Summary

The new chapter omits language that is overly restrictive or obsolete and, as a result, is a shorter chapter.

Public Comment and Changes to Rulemaking

Notice of Intended Action for this rulemaking was published in the Iowa Administrative Bulletin on October 15, 2025, as **ARC 9605C**. A public hearing was held on the following date(s):

- November 4, 2025
- November 5, 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 19, 2025.

Fiscal Impact

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

Jobs Impact

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

Waivers

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

Review by Administrative Rules Review Committee

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

Effective Date

This rulemaking will become effective on January 14, 2026.

The following rulemaking action is adopted:

ITEM 1. Rescind 605—Chapter 9 and adopt the following **new** chapter in lieu thereof:

CHAPTER 9
IOWA COMPREHENSIVE PLAN

605—9.1(29C) Description and public access.

9.1(1) Iowa Code section 29C.8 requires the director of the homeland security and emergency management department to prepare a comprehensive plan for homeland security, disaster response, recovery, mitigation, and emergency resource management for the state. This comprehensive plan is comprised of the following parts:

a. Iowa Emergency Response Plan.

b. Iowa Hazard Mitigation Plan.

c. Iowa Disaster Recovery Plan.

d. Iowa Critical Asset Protection Plan (confidential per Iowa Code section 22.7, Confidential records).

9.1(2) Digital copies of plans referenced in paragraphs 9.1(1)*"a"* through *"c"* will be provided to the state library located in the Ola Babcock Miller Building, 1112 East Grand Avenue, Des Moines, Iowa.

9.1(3) Plans referenced in paragraphs 9.1(1)*"a"* through *"c"* shall be distributed to state agencies and departments that have been assigned emergency functions and to all local emergency management agencies.

9.1(4) Plans referenced in paragraphs 9.1(1)*"a"* through *"c"* shall be available for public viewing at the Homeland Security and Emergency Management Department, 7900 Hickman Road, Suite 500, Windsor Heights, Iowa.

605—9.2(29C) Iowa Emergency Response Plan. The Iowa Emergency Response Plan is developed in accordance with Iowa Code section 29C.8 and has been adopted, published, and maintained by the department. This plan details the state government response to a wide range of natural, technological or human-caused disasters. The Iowa Emergency Response Plan serves as the state disaster emergency response document.

605—9.3(29C) Iowa Hazard Mitigation Plan. The Iowa Hazard Mitigation Plan was developed in accordance with Iowa Code section 29C.8 and was adopted on September 18, 2023, and published, and has been maintained by the department. This plan details the state government's goals, objectives, and strategies to mitigate a wide range of natural, technological, or human-caused disasters in accordance with Section 322 of the Stafford Act, 42 U.S.C. 5165 as of October 1, 2025.

9.3(1) The Iowa Hazard Mitigation Plan serves as the state hazard mitigation document and demonstrates the state's commitment to reduce risks from natural, technological, and human-caused hazards and serves as a guide for the commitment of resources to reducing the effects of natural, technological, and human-caused hazards.

9.3(2) The Iowa Hazard Mitigation Plan shall be reviewed and amended as appropriate at a minimum of every five years.

605—9.4(29C) Iowa Disaster Recovery Plan. The Iowa Disaster Recovery Plan was developed in accordance with Iowa Code section 29C.8 and was adopted on September 17, 2018, and published, and has been maintained by the department. This plan details the state government's goals, objectives, and strategies to recover from a wide range of natural, technological, or human-caused disasters. The Iowa Disaster Recovery Plan serves as the state disaster recovery document.

These rules are intended to implement Iowa Code section 29C.8.

[Filed 11/19/25, effective 1/14/26]
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EDITOR'S NOTE: For replacement pages for IAC, see IAC Supplement 12/10/25.

ARC 9818C

HOMELAND SECURITY AND EMERGENCY MANAGEMENT DEPARTMENT[605]

Adopted and Filed

Rulemaking related to the natural hazard mitigation financing program

The Homeland Security and Emergency Management Department hereby adopts new Chapter 16, "Natural Hazard Mitigation Financing Program," Iowa Administrative Code.

Legal Authority for Rulemaking

This rulemaking is adopted under the authority provided in 2025 Iowa Acts, Senate File 619.

State or Federal Law Implemented

This rulemaking implements, in whole or in part, 2025 Iowa Acts, Senate File 619.

Purpose and Summary

Pursuant to 2025 Iowa Acts, Senate File 619, the Department is adopting a new Chapter 16. The chapter describes the structure and guidelines under which the Natural Hazard Mitigation Financing Program, described in Iowa Code chapter 29D as enacted by 2025 Iowa Acts, Senate File 619, will be implemented.

Public Comment and Changes to Rulemaking

Notice of Intended Action for this rulemaking was published in the Iowa Administrative Bulletin on October 15, 2025, as **ARC 9606C**. A public hearing was held on the following date(s):

- November 4, 2025

No one attended the public hearing. A public comment was received asking to clarify the process and procedure outlined in subrule 16.1(6).

One change from the Notice has been made to reflect the public comment and to clarify the procedure outlined in subrule 16.1(6).

Adoption of Rulemaking

This rulemaking was adopted by the Department on November 19, 2025.

Fiscal Impact

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

Jobs Impact

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

Waivers

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

Review by Administrative Rules Review Committee

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

Effective Date

This rulemaking will become effective on January 14, 2026.

The following rulemaking action is adopted:

ITEM 1. Adopt the following **new** 605—Chapter 16:

CHAPTER 16
NATURAL HAZARD MITIGATION FINANCING PROGRAM

605—16.1(29D) Statutory authority, purpose, and general policy.

16.1(1) *Statutory authority.* The department of homeland security and emergency management (department) and the Iowa finance authority (authority) are jointly designated to administer the natural hazard mitigation financing program, also known as the STRLF. Authority to administer this fund is provided by Iowa Code chapter 29D as enacted by 2025 Iowa Acts, Senate File 619 (Senate File 619), and the federal STORM Act (42 U.S.C. §5135 as of July 1, 2025).

16.1(2) *Purpose.* This chapter provides the definitions and general project and program administration rules for the STRLF program.

16.1(3) *Administration.* The director may coordinate with the authority under the terms of an interagency agreement entered into pursuant to Iowa Code chapter 28E.

16.1(4) *State capitalization grant.* The STORM Act authorizes the administrator of the Federal Emergency Management Agency (FEMA) to offer capitalization grants to states for use in a revolving loan fund program. As allowed by the STORM Act, a portion of the capitalization grant, or of the STRLF itself, if necessary, may be used by the authority and the department to administer the STRLF program.

16.1(5) *Project determination.* A project must comply with this chapter, the IUP current at the time, Iowa Code chapter 29D as enacted by Senate File 619, and the STORM Act to be eligible for a STRLF loan. The department shall use a priority rating system outlined in the IUP to rank eligible projects for funding. STRLF assistance will be available to projects in priority order.

16.1(6) *Decisions.* Department decisions are final unless the loan applicant files a written request for reconsideration for review with the director within 30 days. The request must be addressed to the director and clearly state the decision in question and the basis for the reconsideration. The director will issue a written ruling on the request for reconsideration within 30 days of receiving the request. Final decisions of the department, including a ruling on a request for reconsideration, are subject to judicial review pursuant to Iowa Code chapter 17A.

605—16.2(29D) Definitions. The definitions and references in Iowa Code section 29D.2 as enacted by Senate File 619 shall apply to this chapter. The following definitions are also applicable to this chapter:

"Fiscal year" means the state fiscal year starting July 1 and ending June 30.

"Intended use plan" or *"IUP"* means a plan identifying the intended uses of funds available for loans in the STRLF for each fiscal year as described in the STORM Act.

"Project proposal list" or *"PPL"* means a priority-ranked list of mitigation projects the department may fund using STRLF funds.

"Safeguarding tomorrow revolving loan fund" or *"STRLF"* means the natural hazard mitigation financing program as defined in Iowa Code chapter 29D as enacted by Senate File 619.

"Safeguarding tomorrow through ongoing risk mitigation Act" or *"STORM Act"* means the same as defined in Iowa Code section 29D.2 as enacted by Senate File 619.

605—16.3(29D) IUP preparation and public participation.

16.3(1) *Development.* The department shall prepare an IUP pursuant to the STORM Act at least annually and on a quarterly basis as needed. The IUP will be available for public input and approved by the director. The public has an opportunity annually, and quarterly as needed, to comment on both the PPL and the IUP.

16.3(2) *Notification.* Reasonable notice of a public comment period will be provided prior to the department submitting the IUP and capitalization grant application materials to FEMA. A public notice calling for project proposals to be added to the PPL will be provided not less than six weeks prior to the submission of an application for a capitalization grant. All materials relating to the IUP and PPL will be posted at homelandsecurity.iowa.gov.

16.3(3) *Comments.* Comments regarding the proposed IUP will be accepted during the notice period. After evaluation of all pertinent comments, the IUP will be revised, if necessary, and recommended for the director's approval. Subsequent approval by the director will establish the IUP to be used for loan assistance.

605—16.4(29D) IUP contents.

16.4(1) *Status and use of available funds.* In addition to federal requirements, the IUP will identify the anticipated availability and uses of STRLF funds available for that fiscal year, including, at a minimum:

a. The status of the STRLF,

b. A method of prioritizing projects,

c. The anticipated terms of assistance provided by the STRLF, and

d. The anticipated amount of funding available from the STRLF for that fiscal year.

16.4(2) *State PPL.* The state PPL contains the projects eligible for STRLF direct loans. The PPL includes projects scheduled for loans from funds available during the fiscal year and eligible projects for which STRLF funding is not yet available. Projects or activities qualifying for STRLF assistance shall be identified in the IUP on the state PPL, developed pursuant to this chapter, and only those projects or activities may be considered fundable. Projects will be considered in priority order for placement on the fundable list. The PPL will be reviewed at least annually or quarterly as needed to update priorities, schedules, and project cost estimates.

16.4(3) *Timing.*

a. Applications may be submitted on an ongoing basis and will be reviewed in accordance with the schedule in the IUP.

b. Applications received after the IUP is submitted to FEMA will not be placed on the PPL for that quarter but will be considered for loan assistance when the next IUP is prepared.

c. The department may exclude from the PPL any projects that do not meet program requirements at the time of application.

These rules are intended to implement Iowa Code chapter 29D as enacted by Senate File 619.

[Filed 11/19/25, effective 1/14/26]
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EDITOR'S NOTE: For replacement pages for IAC, see IAC Supplement 12/10/25.

ARC 9819C

HUMAN SERVICES DEPARTMENT[441]

Adopted and Filed

Rulemaking related to family planning program

The Department of Health and Human Services hereby rescinds Chapter 87, "Family Planning Program," Iowa Administrative Code, and adopts a new Chapter 87 with the same title.

Legal Authority for Rulemaking

This rulemaking is adopted under the authority provided in Iowa Code sections 217.6 and 217.41B.

State or Federal Law Implemented

This rulemaking implements, in whole or in part, Iowa Code section 217.41B.

Purpose and Summary

This rulemaking is in response to Executive Order 10. This chapter outlines the details of eligibility criteria, funding, provider criteria, and covered services for the Family Planning Program. As a result of the Red Tape Review, the Department removed restrictive and unnecessary language and removed references to specific form numbers.

Public Comment and Changes to Rulemaking

Notice of Intended Action for this rulemaking was published in the Iowa Administrative Bulletin on January 8, 2025, as **ARC 8711C**. An Amended Notice of Intended Action was published in the Iowa Administrative Bulletin on August 6, 2025, as **ARC 9466C**. A public hearing was held on the following date(s):

- August 26, 2025

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

Two changes from the Amended Notice have been made. The Department removed citations to Iowa Code section 249A.3 from paragraph 87.2(1)"a" and subrule 87.3(1) and instead enumerated the specific length of the eligibility period for women who were enrolled in medical assistance when their pregnancy ended and who are capable of bearing children but are not pregnant.

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 February 1, 2026.

The following rulemaking action is adopted:

ITEM 1. Rescind 441—Chapter 87 and adopt the following **new** chapter in lieu thereof:

CHAPTER 87
FAMILY PLANNING PROGRAM

441—87.1(217) Definitions.

"Applicant" means a person who applies for assistance under the family planning program described in this chapter.

"Authorized agency" means an agency or entity with an executed memorandum of understanding (MOU) with the department authorizing the agency to perform point-of-service eligibility determinations for the family planning program.

"Citizen" or *"citizenship"* includes both citizens of the United States and nationals of the United States as defined in 8 U.S.C. Section 1101(a)(22) as amended to August 1, 2024.

"Family planning services" means pregnancy prevention and related reproductive health services.

"Federal poverty level" 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. Section 9902(2) as amended to August 1, 2024, and revised annually on April 1.

"INA" means the Immigration and Nationality Act of 1952. All references to the INA herein are as amended to August 1, 2024.

"Member" means a person who has been determined eligible and is a current or former recipient of family planning program services.

"Noncitizen" means the same as the term "alien" as defined at 8 U.S.C. Section 1101(a)(3) as amended to August 1, 2024.

"Qualified noncitizen" means the same as the term "qualified alien" as defined at 8 U.S.C. Section 1641(b) and (c), as amended to August 1, 2024, and refers to a person who 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. A person 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) as amended to August 1, 2024;

8. A Cuban/Haitian entrant to the United States as described in 8 U.S.C. Section 1641(b)(7) as amended to August 1, 2024;

9. A battered noncitizen as described in 8 U.S.C. Section 1641(c) as amended to August 1, 2024;

10. Certified as a victim of trafficking as described in Section 107(b)(1)(A) of PL 106-386 as amended to August 1, 2024;

11. An American Indian born in Canada to whom Section 289 of the INA applies or a member of a federally recognized Indian tribe as defined in 25 U.S.C. Section 450b(e) as amended to August 1, 2024;

12. Under the age of 21 and lawfully residing in the United States as allowed by 42 U.S.C. Section 1396b(v)(4)(A)(ii) as amended to August 1, 2024; 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 PL 116-260 as amended to August 1, 2024.

"Qualifying quarters" means all of the qualifying quarters of coverage as defined under Title II of the Social Security Act as amended to August 1, 2024, 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 quarters of coverage that are creditable under Title II of the Social Security Act as amended to August 1, 2024, 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 credited.

441—87.2(217) Eligibility. Eligibility for the family planning program will be determined according to the provisions of this rule.

87.2(1) *Persons covered.* Subject to funding as described in subrule 87.7(1) and to the requirements of subrules 87.2(2), 87.2(4), and 87.2(6), assistance for family planning services will be available to the following individuals who are not enrolled in medical assistance pursuant to 441—Chapter 74 or 441—Chapter 75:

a. Women who were enrolled in medical assistance when their pregnancy ended and who are capable of bearing children but are not pregnant. Eligibility for these women extends for 12 consecutive months plus 60 days after their pregnancy ended;

b. Women who are under the age of 55, who are capable of bearing children but are not pregnant, and who have household income that does not exceed 300 percent of the federal poverty level as determined pursuant to subrule 87.2(3);

c. Men who are under the age of 55, who are capable of fathering children, and who have household income that does not exceed 300 percent of the federal poverty level as determined pursuant to subrule 87.2(3).

87.2(2) *Furnishing of social security number.* As a condition of eligibility, except as provided by paragraph 87.2(2)*"a,"* an applicant or member must provide to the department or authorized agency, as applicable, all social security numbers issued to each individual (including children) for whom family planning services are sought.

a. The requirement of furnishing a social security number does not apply to an individual who:

(1) Is not eligible to receive a social security number;

(2) 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 as amended to March 15, 2022; or

(3) 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 a 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.

b. If a required social security number has not been issued or is not known, the individual seeking coverage under the family planning program must cooperate with the department or authorized agency, as applicable, in applying for a social security number with the Social Security Administration or in requesting the Social Security Administration to furnish the number.

87.2(3) *Determination of household income.* The department will determine the countable household income of an individual applying under paragraph 87.2(1)*"b"* or *"c"* as follows:

a. Household composition.

(1) The household includes the applicant or member, any dependent children, as defined below, living in the same home as the applicant or member, and any spouse living in the same home as the applicant or member, except when a dependent child or spouse has elected to receive supplemental security income under Title XVI of the Social Security Act as amended to August 1, 2024.

(2) Definition of dependent children. A dependent child is one under the age of 18 years or 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.

b. Earned income. All earned income that is received by a member of the household shall be counted except for earnings of a child who is a full-time student as defined in subparagraph 87.2(3)*"a"*(1). Earned income including but not limited to the following will be counted:

(1) Salary.
(2) Wages.
(3) Tips.
(4) Bonuses.
(5) Commissions.
(6) Income from Job Corps.
(7) Earnings from self-employment defined as gross income less the allowable costs of producing the income.

c. Unearned income. The following unearned income of all household members will be counted:

(1) Unemployment insurance benefits.
(2) Child support.
(3) Alimony.
(4) Social security and railroad retirement benefits.
(5) Workers' compensation and disability payments.
(6) Benefits paid by the U.S. Department of Veterans Affairs to disabled members of the armed forces or survivors of deceased veterans.

d. Deemed income. Income deeming for a sponsored alien will be determined pursuant to subrule 87.2(5).

e. Deductions. Deductions from income will be made for any payments made by household members for the following:

(1) Court-ordered child support, alimony, or spousal support paid to nonhousehold members.
(2) Twenty percent of nonexempt earnings.
(3) Child care expenses or expenses related to care for an incapacitated adult. This deduction cannot exceed $200 per month for each child under the age of two and $175 per month for each adult or child aged two or older.

87.2(4) *Citizenship or alienage requirements.*

a. To be eligible for the family planning program, 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 CFR §61415 dated November 11, 1997, as amended to August 1, 2024) in the United States since 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 87.2(4)*"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 subparagraph 87.2(4)*"a"*(1), *"a"*(4), or *"a"*(9) under the definition of "qualified noncitizen" in rule 441—87.1(217).

(11) An Amerasian admitted as described in 8 U.S.C. Section 1612(b)(2)(A)(i)(V) as amended to August 1, 2024.

(12) A Cuban/Haitian entrant as described in 8 U.S.C. Section 1641(b)(7) as amended to August 1, 2024.

(13) A certified victim of trafficking as described in Section 107(b)(1)(A) of PL 106-386 as amended to August 1, 2024.

(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, 2024.

(15) An Iraqi or Afghan immigrant treated as a refugee pursuant to Section 1244(g) of PL 110-181 as amended to August 1, 2024, or to Section 602(b)(8) of PL 111-8 as amended to August 1, 2024.

(16) An Afghan paroled into the United States treated as a refugee pursuant to Section 2502 of PL 117-43 as amended to August 1, 2024.

(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 PL 116-260 as amended to August 1, 2024.

(18) A conditional entrant pursuant to Section 203(a)(7) of the INA as in effect before April 1, 1980.

b. As a condition of eligibility, all applicants for or members of the family planning program shall attest to their citizenship or qualified noncitizen status by signing the application or review form.

c. Except as provided in paragraph 87.2(4)*"h,"* applicants or members for whom an attestation of United States citizenship has been made pursuant to paragraph 87.2(4)*"b"* will present satisfactory documentation of citizenship as described in paragraph 87.2(4)*"d"* or *"e."* A reference to a form in paragraph 87.2(4)*"d"* or *"e"* includes any successor form. An applicant or member who attests to citizenship must also verify the applicant's identity. An applicant or member shall have a reasonable period to obtain and provide required documentation of citizenship or nationality.

(1) For the purposes of this requirement, the "reasonable period" begins on the date a written request for documentation is issued to an applicant or member and continues for 90 days.

(2) Family planning services will be approved for new applicants and continue for members not previously required to provide documentation of citizenship or nationality until the end of the reasonable period to obtain and provide required documentation of citizenship or nationality.

d. Any one of the following documents must be accepted as satisfactory documentation of citizenship and identity:

(1) A United States passport, including a U.S. passport card issued by the U.S. Department of State, without regard to any expiration date as long as such passport or card was issued without limitation.

(2) A Certificate of Naturalization.

(3) A Certificate of United States Citizenship.

(4) A valid U.S. state-issued driver's license, but only if the state issuing the license does either of the following prior to issuance of the license:

1. Requires proof of United States citizenship; or

2. Obtains a social security number from the applicant and verifies before certification that the number is valid and is assigned to the applicant who is a citizen.

(5) Documentation issued by a federally recognized Indian tribe as described at 42 CFR §435.407 as amended to March 15, 2022, including but not limited to a tribal enrollment card, a Certificate of Degree of Indian Blood, a tribal census document, or a document on tribal letterhead issued under the signature of the appropriate tribal official. Acceptable documentation:

1. Identifies the federally recognized Indian tribe that issued the document;
2. Identifies the individual by name; and
3. Confirms the individual's membership, enrollment, or affiliation with the tribe.

(6) Another document that provides proof of United States citizenship and provides a reliable means of documentation of personal identity, as the Secretary of the U.S. Department of Health and Human Services may specify by regulation pursuant to 42 U.S.C. Section 1396b(x)(3)(B)(v) as amended to August 1, 2024.

e. Satisfactory documentation of citizenship and identity may also be demonstrated by the combination of any identity document described in paragraph 87.2(4)*"f"* and any one of the following:

(1) A U.S. public birth certificate showing birth in one of the 50 states, the District of Columbia, Puerto Rico (if born on or after January 13, 1941), Guam, the U.S. Virgin Islands, American Samoa, Swain's Island, or the Commonwealth of the Northern Mariana Islands (CNMI) (if born after November 4, 1986 (CNMI local time)). The birth record document may be issued by a state, commonwealth, territory, or local jurisdiction. If the document shows that the individual was born in Puerto Rico or the Northern Mariana Islands before the applicable date referenced in this paragraph, the individual may be a collectively naturalized citizen. The following establishes U.S. citizenship for collectively naturalized individuals:

1. Puerto Rico: Evidence of birth in Puerto Rico and the applicant's statement that the applicant was residing in the U.S., a U.S. possession, or Puerto Rico on or after January 13, 1941.
2. CNMI (formerly part of the Trust Territory of the Pacific Islands (TTPI)): Evidence of birth in the CNMI; evidence of TTPI citizenship and residence in the CNMI, the U.S., or a U.S. territory or possession on or after November 3, 1986 (CNMI local time); and the applicant's statement that the applicant did not owe allegiance to a foreign state on November 4, 1986 (CNMI local time); evidence of TTPI citizenship, continuous residence in the CNMI since before November 3, 1981 (CNMI local time); voter registration before January 1, 1975; and the applicant's statement that the applicant did not owe allegiance to a foreign state on November 4, 1986 (CNMI local time); evidence of continuous domicile in the CNMI since before January 1, 1974, and the applicant's statement that the applicant did not owe allegiance to a foreign state on November 4, 1986 (CNMI local time).

NOTE: If a person entered the CNMI as a nonimmigrant and lived in the CNMI since January 1, 1974, this does not constitute continuous domicile and the individual is not a U.S. citizen.

(2) A Certification of Report of Birth, issued to U.S. citizens who were born outside the U.S.

(3) A Report of Birth Abroad of a U.S. citizen.

(4) A certificate of birth in the U.S.

(5) A U.S. Citizen I.D. card.

(6) A Northern Marianas Identification Card issued by the U.S. Department of Homeland Security (or predecessor agency).

(7) A final adoption decree showing the child's name and U.S. place of birth or, if an adoption is not final, a statement from a state-approved adoption agency that shows the child's name and U.S. place of birth.

(8) Evidence of U.S. Civil Service employment before June 1, 1976.

(9) A U.S. military record showing a U.S. place of birth.

(10) Documentation that a child meets the requirements of Section 101 of the Child Citizenship Act of 2000 as amended to August 1, 2024 (8 U.S.C. Section 1431).

(11) Medical records, including but not limited to hospital, clinic, or doctor records or admission papers from a nursing facility, skilled care facility, or other institution that indicate a U.S. place of birth.

(12) A life, health, or other insurance record that indicates a U.S. place of birth.

(13) An official religious record recorded in the U.S. showing that the birth occurred in the U.S.

(14) School records, including preschool, Head Start, and day care, showing the child's name and U.S. place of birth.

(15) Federal or state census records showing U.S. citizenship or a U.S. place of birth.

If the applicant does not have one of the documents listed in paragraph 87.2(4)*"d"* or subparagraphs 87.2(4)*"e"*(1) through *"e"*(15), the applicant may submit an affidavit using a form prescribed by the department, signed under penalty of perjury by another individual who can reasonably attest to the applicant's citizenship. Such affidavit must contain the applicant's name, date of birth, and place of U.S. birth. The affidavit is not required to be notarized.

f. Any of the following documents must be accepted as satisfactory documentation of identity, 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:

(1) Identity documents listed at 8 CFR §274a.2(b)(1)(v)(B)(1) as amended to March 15, 2022, except a driver's license issued by a Canadian government authority.

(2) A driver's license issued by a state or territory.

(3) A school identification card.

(4) A U.S. military card or draft record.

(5) An identification card issued by the federal, state, or local government.

(6) A military dependent's identification card.

(7) A U.S. Coast Guard Merchant Mariner card.

(8) For children under age 19, a clinic, doctor, hospital, or school record, including preschool or day care records.

(9) Two other documents containing consistent information that corroborates an applicant's identity. Such documents include but are not limited to employer identification cards; high school, high school equivalency, and college diplomas; marriage certificates; divorce decrees; and property deeds or titles.

(10) A finding of identity from a federal agency or another state agency, including but not limited to a public assistance, law enforcement, internal revenue or tax bureau, or corrections agency, if the agency has verified and certified the identity of the individual.

If the applicant does not have any document specified in subparagraphs 87.2(4)*"f"*(1) through *"f"*(10), the applicant may submit an affidavit using a form prescribed by the department signed under penalty of perjury by another individual who can reasonably attest to the applicant's identity. Such affidavit must contain the applicant's name and other identifying information establishing identity, as described in paragraph 87.2(4)*"f."* The affidavit is not required to be notarized.

g. The department or authorized agency, as applicable, must accept a photocopy, facsimile, scanned, or other copy of a document listed in paragraph 87.2(4)*"d," "e,"* or *"f"* to the same extent as an original document, unless information on the submitted copy is inconsistent with other information available or there is reason to question the validity of, or information in, the document. The department must provide assistance in a timely manner to persons who need assistance in securing satisfactory documentation of citizenship or identity.

h. A person for whom an attestation of United States citizenship has been made pursuant to paragraph 87.2(4)*"b"* is not required to present documentation of citizenship and identity for the family planning program 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 federal Social Security Act (Medicare) as amended to August 1, 2024.

(2) The person is receiving federal social security disability insurance (SSDI) benefits under Title II of the federal Social Security Act, Section 223 or 202, based on disability (as defined in Section 223(d) of the Act as amended to August 1, 2024).

(3) The person is receiving supplemental security income (SSI) benefits under Title XVI of the federal Social Security Act as amended to August 1, 2024.

(4) The person is or was exempted while assisted by child welfare services funded under Part B of Title IV of the federal Social Security Act as amended to August 1, 2024, on the basis of being a child in foster care as defined in Iowa Code section 232.2(20B). This exemption does not apply, and the person

is subject to the citizenship and identity documentation requirements described in paragraph 87.2(4)*"c,"* when services under Part B of Title IV as amended to August 1, 2024, 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(20B) or adoption assistance funded under Part E of Title IV of the federal Social Security Act as amended to August 1, 2024. This exemption does not apply, and the person is subject to the citizenship and identity documentation requirements described in paragraph 87.2(4)*"c,"* when services under Part E of Title IV as amended to August 1, 2024, were terminated due to failure to meet citizenship requirements.

(6) The person has previously presented satisfactory documentation of citizenship and identity, as specified by the United States Secretary of Health and Human Services.

(7) The person was deemed eligible for medical assistance pursuant to 42 U.S.C. Section 1396a(e)(4) as amended to August 1, 2024, on or after July 1, 2006, as the newborn of a Medicaid-eligible mother.

(8) The person was eligible for medical assistance pursuant to 42 U.S.C. Section 1397ll(e) as amended to August 1, 2024, as the newborn of a mother eligible for assistance under a State Children's Health Insurance Program (SCHIP) pursuant to Title XXI of the Social Security Act as amended to August 1, 2024.

i. Except as provided in paragraph 87.2(4)*"h,"* applicants or members for whom an attestation of qualified noncitizen status has been made pursuant to paragraph 87.2(4)*"b"* will present satisfactory documentation of qualified noncitizen status. Satisfactory documentation of qualified noncitizen status is documentation issued by the U.S. Citizenship and Immigration Services (USCIS) (formerly Immigration and Naturalization Service (INS)) of the Department of Homeland Security that identifies the person's qualified noncitizen status.

87.2(5) *Deeming of sponsor's income.*

a. When a qualified noncitizen admitted for lawful permanent residence is sponsored by a person who executed an affidavit of support as described in 8 U.S.C. Section 1631(a)(1) as amended to August 1, 2024, on behalf of the qualified noncitizen, the income of the sponsor will be deemed to determine eligibility for the sponsored qualified noncitizen. The amount deemed to the sponsored qualified noncitizen will be the total countable income of the sponsor determined pursuant to paragraphs 87.2(3)*"b"* through *"d."*

b. An indigent qualified noncitizen is exempt from the deeming of a sponsor's income for 12 months after indigence is determined. A qualified noncitizen will be considered indigent if:

(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 federal poverty level for the sponsored qualified noncitizen's household size.

c. A battered qualified noncitizen as described in 8 U.S.C. Section 1641(c) as amended to August 1, 2024, is exempt from the deeming of a sponsor's income for 12 months.

d. Deeming of the sponsor's income does not apply when:

(1) The sponsored qualified noncitizen attains citizenship through naturalization pursuant to Chapter 2 of Title II of the INA.

(2) The sponsored qualified noncitizen has earned 40 qualifying quarters of coverage as defined in Title II of the Social Security Act as amended to August 1, 2024, or can be credited with 40 creditable qualifying quarters as defined in rule 441—87.1(217).

(3) The sponsored qualified noncitizen or the sponsor dies.

(4) The sponsored qualified noncitizen is a child under the age of 21 as allowed by 42 U.S.C. Section 1396b(v)(4)(A)(ii) as amended to August 1, 2024.

87.2(6) *Residency requirements.* Residency in Iowa is a condition of eligibility for the family planning program.

a. Definition of resident. A resident of Iowa 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.

b. Retention of residence. Residence is retained until abandoned. Temporary absence from Iowa, with subsequent returns to Iowa, or intent to return when the purposes of the absence have been accomplished does not interrupt continuity of residence.

87.2(7) *Investigation by quality control or the department of inspections, appeals, and licensing.* As a condition of eligibility, an applicant or member must cooperate with the department when the applicant's or member's case is selected by quality control 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 does not affect family planning program eligibility. (More information can be found in 481—Chapter 72.) Failure to cooperate will serve as a basis for denial of an application or cancellation of family planning program eligibility. Once a person's eligibility is denied or canceled for failure to cooperate, the person may reapply but cannot be determined eligible until cooperation occurs.

87.2(8) *Funding contingency.* Initial and continuing eligibility for family planning services under this program is subject to the availability of funding appropriated for this purpose.

a. When appropriated funding is exhausted, ongoing eligibility will be terminated and new applications will be denied.

b. When appropriated funding becomes available, applications submitted thereafter will be considered on a first-come, first-served basis, based on the date of approval.

441—87.3(217) Enrollment.

87.3(1) *Application.* An individual who requests assistance for family planning services shall file an application on a form prescribed by the department. A woman eligible under paragraph 87.2(1)*"a"* is not required to file an application for assistance under this program. The department will automatically redetermine eligibility upon loss of other Medicaid eligibility within 12 consecutive months plus 60 days after their pregnancy ended.

87.3(2) *Place of filing.* An application may be filed at any department office or authorized agency.

87.3(3) *Information or verification needed to determine eligibility.* The department or authorized agency, as applicable, will notify the applicant or member, authorized representative, or responsible person in writing of the information or verification required to establish eligibility. This notice must be provided to the applicant or member, authorized representative, or responsible person personally or by mail or fax.

a. The department or authorized agency, as applicable, will allow the applicant or member, authorized representative, or responsible person ten calendar days to supply the information or verification requested.

b. The department or authorized agency, as applicable, may extend the deadline for a reasonable period of time when the applicant or member, authorized representative, or responsible person is making reasonable efforts but is unable to secure the required information or verification.

c. If benefits are denied for failure to provide information or verification and the information or verification is provided within 14 calendar days of the effective date of the denial, the department or authorized agency, as applicable, will complete the eligibility determination as though the information or verification were received timely. If the fourteenth calendar day falls on a weekend or state holiday, the applicant or member, authorized representative, or responsible person will have until the next business day to provide the information.

87.3(4) *Annual review.* An individual who requests that assistance continue for family planning services shall complete a form prescribed by the department. The member must submit the completed review form before the end of the eligibility period to any location specified in subrule 87.3(2).

87.3(5) *Time limit for decision.* An application or review form will be processed by the department or authorized agency with which the form was filed. A determination of eligibility will be made within 45 days of receipt of the application or review form.

87.3(6) *Notice of decision.* The individual will be notified in writing of the decision regarding eligibility for the family planning program in accordance with 441—Chapter 16.

441—87.4(217) Effective date of eligibility. Subject to the availability of funding appropriated for this purpose, assistance for family planning services under this program will be effective on the first day of the month of application or the first day of the month in which all eligibility requirements are met, whichever is later. Assistance will not be available under this program for any months prior to the month of application.

441—87.5(217) Period of eligibility. Eligibility for family planning services under this program will be limited to a period of 12 months from the effective date of eligibility, or the duration of appropriated funding, whichever is less. A new application or annual redetermination of eligibility is required for benefits to continue beyond 12 months.

441—87.6(217) Reporting changes.

87.6(1) *Required changes to report.* An individual applying for or receiving family planning services under this program shall report the following changes within ten days from the date the change is known:

a. Change in mailing address;

b. No longer a resident of Iowa;

c. A woman becomes pregnant;

d. No longer capable of bearing or fathering children;

e. Becomes Medicaid or Iowa health and wellness plan eligible, except women meeting criteria in paragraph 87.2(1)*"a"*; or

f. Turns 55 years of age.

87.6(2) *Disregard of changes.* An individual found to be eligible upon application or annual redetermination of eligibility will remain eligible for 12 months or the duration of appropriated funding, whichever is less, regardless of any change in income or household size.

441—87.7(217) Funding of family planning services program.

87.7(1) *Distribution of funds.* Distribution of family planning services program funds shall be made to eligible, approved, and participating family planning providers subject to rule 441—87.11(217). Eligible family planning providers shall not include any provider that performs abortions or that maintains or operates a facility where abortions are performed and must attest to this fact. Effective July 1, 2018, eligible family planning providers shall be interpreted to include a distinct location of a nonprofit health care delivery system, if the distinct location provides family planning services but does not perform abortions or maintain or operate as a facility where abortions are performed. For the purposes of this subrule, "nonprofit health care delivery system" means an Iowa nonprofit corporation that controls, directly or indirectly, a regional health care network consisting of hospital facilities and various ambulatory and clinic locations that provide a range of primary, secondary, and tertiary inpatient, outpatient, and physician services. For the purposes of this subrule, "abortion" does not include any of the following:

a. The treatment of a woman for a physical disorder, physical injury, or physical illness, including a life-endangering physical condition caused by or arising from the pregnancy itself, that would, as certified by a physician, place the woman in danger of death.

b. The treatment of a woman for a spontaneous abortion, commonly known as a miscarriage, when not all of the products of human conception are expelled.

87.7(2) *Recovery.* The department will recover from a member all funds incorrectly expended to or on behalf of the member for family planning program services.

441—87.8(217) Availability of services. Family planning services are payable for an individual enrolled in this program only when care is received at or authorized by a participating family planning provider.

87.8(1) Sterilization is a covered service subject to the limitations in 441—Chapter 78.

87.8(2) Covered services cannot include abortion services.

441—87.9(217) Payment of covered services. Payment for family planning services covered under this chapter, including services authorized but not provided by a participating family planning provider, can be made only to participating family planning providers on a fee schedule determined by the department. Family planning services program funds distributed in accordance with this rule will not be used for direct or indirect costs, including but not limited to administrative costs or expenses, overhead, employee salaries, rent, and telephone and other utility costs, related to providing abortions as specified in subrule 87.7(1).

87.9(1) *Fee schedule.* The fee schedule will include the amount of payment for each service and any limits on the service (e.g., a routine Pap smear is payable once annually).

87.9(2) *Third-party payments.* This program is the payer of last resort for services covered in this chapter. Any third-party payment received by the family planning agency or other provider of services plus any payments under this program cannot exceed the fee schedule allowance.

87.9(3) *Supplementation.* Payment made under this program is to be considered payment in full.

441—87.10(217) Submission of claims.

87.10(1) Family planning providers that participate in the program can submit claims to Iowa Medicaid for services rendered no later than 45 days from the last day of the month in which services were provided.

87.10(2) Following a successful review of the claim, Iowa Medicaid will make payments to the family planning provider subject to the availability of funding and the allocation of available funds under subrule 87.7(1).

441—87.11(217) Providers eligible to participate.

87.11(1) Providers must be enrolled with the Iowa Medicaid program, subject to 441—Chapter 79, and otherwise qualified to provide family planning services under Medicaid, subject to the limitations related to abortions, as specified above under subrule 87.7(1). Effective July 1, 2018, as a condition of eligibility as a provider under the family planning services program, each distinct location of a nonprofit health care delivery system will enroll in the program as a separate provider, be assigned a distinct provider identification number, and complete an attestation that abortions are not performed at the distinct location. For the purposes of this subrule, "nonprofit health care delivery system" has the same meaning as provided under subrule 87.7(1).

87.11(2) Process for enrollment. Providers wishing to enroll under the state family planning program must complete the following steps:

a. Must complete enrollment with Iowa Medicaid.

b. Must complete a form prescribed by the department regarding nonprovision of abortions, pursuant to requirements referenced above under subrule 87.7(1).

c. Forms must be sent to the department at P.O. Box 36450, Des Moines, Iowa 50315.

These rules are intended to implement Iowa Code section 217.41B.

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ARC 9820C

IOWA FINANCE AUTHORITY[265]

Adopted and Filed

Rulemaking related to private activity bond allocation

The Iowa Finance Authority hereby rescinds Chapter 8, "Private Activity Bond Allocation," Iowa Administrative Code, and adopts a new Chapter 8 with the same title.

Legal Authority for Rulemaking

This rulemaking is adopted under the authority provided in Iowa Code sections 7C.12 and 16.5.

State or Federal Law Implemented

This rulemaking implements, in whole or in part, Iowa Code chapter 7C.

Purpose and Summary

Pursuant to Executive Order 10, the Authority has rescinded Chapter 8 and adopted a new chapter in lieu thereof. This chapter describes the policies and procedures applicable to the private activity bond allocation administered pursuant to Iowa Code chapter 7C and the Director of the Authority's role as the Governor's designee for the purposes of that chapter.

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 9534C**. A public hearing was held on the following date(s):

- September 23, 2025
- September 25, 2025

No one attended the public hearings. No public comments were received. No changes from the Notice have been made.

Adoption of Rulemaking

This rulemaking was adopted by the Authority Board on 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 Authority for a waiver of the discretionary provisions, if any, pursuant to 265—Chapter 18.

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 14, 2026.

The following rulemaking action is adopted:

ITEM 1. Rescind 265—Chapter 8 and adopt the following **new** chapter in lieu thereof:

CHAPTER 8
PRIVATE ACTIVITY BOND ALLOCATION

265—8.1(7C) Authority. Pursuant to Iowa Code section 7C.12, the governor has appointed the director of the authority as the governor's designee responsible for administering the procedures for allocation of private activity bonds. The governor's designee adopts this chapter pursuant to Iowa Code section 7C.12(2)*"a."*

265—8.2(7C) Definitions.

"Allocation" means the same as defined in Iowa Code section 7C.3.

"Application" means a request submitted for an allocation.

"Authority" means the Iowa finance authority created pursuant to Iowa Code section 16.1A.

"Beneficiary" means an entity that is intended to benefit from issuance of a bond by an issuer.

"Governor's designee" means the same as defined in Iowa Code section 7C.3.

"Issuer" means a political subdivision that proposes to issue bonds for a particular project or purpose for which an allocation of the state ceiling is required and has not already been made under Iowa Code section 7C.4A(1) through 7C.4A(5).

"Political subdivision" means the same as defined in Iowa Code section 7C.3.

"Private activity bonds" means the same as defined in Section 141 of the Internal Revenue Code.

"State ceiling" means the same as defined in Iowa Code section 7C.3.

265—8.3(7C) Forms and applications. Information and forms are available upon request from the governor's designee at the address set forth in rule 265—1.3(16) or on the authority's website.

8.3(1) An issuer or beneficiary, or the duly authorized agent of an issuer or beneficiary, must apply for the allocation of a portion of the private activity bond state ceiling allocated pursuant to Iowa Code chapter 7C in the form and content prescribed by the governor's designee. Applications may be submitted to the governor's designee electronically or via email.

8.3(2) The governing body of an issuer must adopt a resolution evidencing an intent to issue the bonds prior to submission of an application.

8.3(3) An applicant must submit the application fee set forth in rule 265—8.7(7C) and all required attachments to the application before such application is considered for allocation.

8.3(4) Except as provided in subrules 8.3(5) and 8.4(4), the governor's designee shall certify allocations in the order in which applications are received, as indicated in Iowa Code section 7C.5. Applications for any given calendar year may be submitted to the governor's designee beginning on December 1 of the preceding year.

8.3(5) The portion of the state ceiling allocated pursuant to Iowa Code section 7C.4A(1)*"a"*(4) shall be allocated pursuant to subrule 8.4(4).

265—8.4(7C) Certification of current allocation.

8.4(1) The governor's designee shall maintain separate lists of applications for private activity bonds for allocation pursuant to Iowa Code section 7C.4A(2), 7C.4A(4), 7C.4A(5), and 7C.4A(7). If there are additional applications after the state ceiling for the purpose of industries is fully allocated and, before June 30, the state ceiling for the use of political subdivisions is fully allocated to applications, all applications that have not been allocated any state ceiling will be placed on the list for allocation

pursuant to Iowa Code section 7C.4A(7) in the chronological order of receipt without regard to the purpose for which such applications were made.

8.4(2) The governor's designee shall promptly certify to the issuer the amount of the state ceiling allocated to the bonds for the purpose of the project for which the application was submitted, in the order as determined by Iowa Code chapter 7C. The governor's designee shall continue to allocate the state ceiling for each purpose separately (or, if the allocation is made under Iowa Code section 7C.4A(7), in the chronological order of applications received) until all the available state ceiling for that purpose is fully allocated. If there is not sufficient available state ceiling to fully fund an application that is next in order for allocation, the governor's designee shall notify the applicant of the amount that is available and the applicant shall have the option to take what is available within five calendar days of receiving notice of availability. If the applicant does not notify the governor's designee of its decision to take the available allocation within five calendar days of receiving notice of that option, the available state ceiling shall be offered to the next application on the list under the same conditions, and the initial offeree will maintain its position on the list. If the partial allocation is accepted, the applicant may submit a new application for additional state ceiling and that application will be added to the bottom of the applicable list in the chronological order of its receipt.

8.4(3) If the bonds are issued and delivered prior to the expiration date of the allocation, then the issuer or the issuer's attorney shall within ten days following the issuance and delivery of the bonds notify the governor's designee in the form and content prescribed by the governor's designee.

8.4(4) Upon receipt of a complete application for allocation for a qualified residential rental project, the bonds for which will be issued by the authority, the authority may determine in its sole discretion whether to allocate a portion of its allocation under Iowa Code section 7C.4A(1)*"a"*(4) to such application based on factors including but not limited to the readiness, feasibility, and impact of the project.

265—8.5(7C) State ceiling carryforwards. In the event the aggregate principal amount of bonds issued by all issuers in a calendar year is less than the state ceiling for that calendar year, an issuer or beneficiary may apply to the governor's designee for an allocation of a specified portion of the excess state ceiling to be applied to a specified carryforward project. The application must be in writing and shall comply with the carryforward provisions of Section 146(f) of the Internal Revenue Code and regulations promulgated under that section. Any carryforward allocation that has not expired under Section 146 of the Internal Revenue Code released by the original applicant may be allocated to any other applicant for allocation for the same purpose for which the original application was made.

265—8.6(7C) Expiration of allocations and resubmission. Allocations expire as described in Iowa Code sections 7C.7 and 7C.9. If an allocation expires, an issuer may resubmit its application pursuant to Iowa Code section 7C.10.

265—8.7(7C) Use by political subdivisions. For the purposes of the amount of the state ceiling allocated pursuant to Iowa Code section 7C.4A(6), a political subdivision will be considered to use the proceeds of private activity bonds if such proceeds are used to finance a project owned or utilized directly by the political subdivision or to finance a program of the political subdivision that the legislature by statute has authorized or directed the political subdivision to implement.

265—8.8(7C) Application and allocation fees. The governor's designee may charge reasonable fees for providing administrative assistance with regard to the filing of applications and the allocation of the private activity bond state ceiling in accordance with this chapter. A fee of 2 basis points (.02%) of the amount of state ceiling for which application is made shall be paid by the applicant upon filing the application with the governor's designee.

265—8.9(7C) References. All references to the Internal Revenue Code and its implementing regulations in this chapter are to the laws as in effect January 14, 2026.

These rules are intended to implement Iowa Code chapter 7C.

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ARC 9821C

IOWA FINANCE AUTHORITY[265]

Adopted and Filed

Rulemaking related to water pollution control works and drinking water facilities financing program

The Iowa Finance Authority hereby rescinds Chapter 26, "Water Pollution Control Works and Drinking Water Facilities Financing," and adopts a new Chapter 26, "Water Pollution Control Works and Drinking Water Facilities Financing Program," Iowa Administrative Code.

Legal Authority for Rulemaking

This rulemaking is adopted under the authority provided in Iowa Code sections 16.5 and 16.133.

State or Federal Law Implemented

This rulemaking implements, in whole or in part, Iowa Code sections 16.131 through 16.133A and 455B.294 though 455B.297.

Purpose and Summary

Pursuant to Executive Order 10, the Authority is rescinding Chapter 26 and adopting a new chapter in lieu thereof. The chapter describes the policies and procedures applicable to the Water Pollution Control Works and Drinking Water Facilities Financing Program. The program provides loans to finance drinking water and wastewater treatment facilities and water pollution control projects.

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 9531C**. A public hearing was held on the following date(s):

- September 23, 2025
- September 25, 2025

No one attended the public hearings. No public comments were received. No changes from the Notice have been made.

Adoption of Rulemaking

This rulemaking was adopted by the Authority Board on 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 Authority for a waiver of the discretionary provisions, if any, pursuant to 265—Chapter 18.

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 14, 2026.

The following rulemaking action is adopted:

ITEM 1. Rescind 265—Chapter 26 and adopt the following **new** chapter in lieu thereof:

CHAPTER 26
WATER POLLUTION CONTROL WORKS AND
DRINKING WATER FACILITIES FINANCING PROGRAM

265—26.1(16) Purpose and authority responsibilities. The program is established pursuant to Iowa Code chapter 455B, subchapter III, part 5, and is jointly administered by the department and the authority. The authority is primarily responsible for the financial management of the program pursuant to Iowa Code chapter 455B, subchapter III, part 5, and Iowa Code chapter 16, subchapter X, part 2. The authority's financial management responsibilities include but are not limited to the following:

1. Ensuring the program maintains sufficient financial resources to support projects in perpetuity, including providing state match funds for federal capitalization grants;
2. Managing the financial assets of the program, including investments and audits;
3. Receiving, reviewing and approving loan applications;
4. Executing loan agreements, including establishing loan terms; and
5. Disbursing loan funds and monitoring loan repayments.

265—26.2(16) Definitions.

"Authority" or *"IFA"* means the Iowa finance authority created in Iowa Code section 16.1A.

"Clean Water Act" means the same as defined in Iowa Code section 16.131A.

"Department" or *"DNR"* means the Iowa department of natural resources.

"Director" means the director of the authority.

"Disadvantaged community" means a community that qualifies for more favorable loan terms, including but not limited to loan forgiveness, based on criteria established in the IUP.

"Eligible costs" means all costs related to the completion of a project as defined in the Clean Water Act and Safe Drinking Water Act and 567—Chapters 40 and 90.

"EPA" means the United States Environmental Protection Agency.

"Intended use plan" or *"IUP"* means a plan developed by DNR identifying the intended uses of funds available through the program.

"Linked deposit" means funds deposited by the authority to induce a participating lending institution to offer a loan at a lower interest rate for a project type identified in subrule 26.6(7).

"Net revenues" means the same as defined in Iowa Code section 384.80.

"Nonpoint source project" means any project described in Section 319 of the Clean Water Act.

"Participating lending institution" means a lending institution approved by the authority to make loans for a project type identified in subrule 26.6(7).

"Program" means the same as defined in Iowa Code section 16.131A.

"Recipient" means the entity receiving funds from the program.

"Safe Drinking Water Act" means the same as defined in Iowa Code section 16.131A.

265—26.3(16) Eligibility, application, and approval.

26.3(1) Only projects included on state project priority lists developed and maintained by DNR pursuant to 567—Chapters 44 and 90 are eligible for the program. The authority will consider the following when determining whether to provide a loan to an eligible recipient:

a. Recipient's financial capability;

b. Recipient's willingness to accept all loan terms, conditions, and covenants;

c. The priority of the project;

d. Funds available; and

e. Whether the recipient has a record of violations of the law that over a period of time tends to show a consistent pattern or that establishes intentional, criminal, or reckless conduct in violation of such laws.

26.3(2) Applications for loans shall be submitted to the authority in the form and content established by the authority. The application will include:

a. A description of the project, project budget, and estimated project timeline;

b. The requested loan amount and loan term;

c. The proposed security for the loan and documentation that approval processes have been initiated;

d. The tax status of the loan;

e. The other sources of funds for the project;

f. A pro forma cash flow analysis in a form acceptable to the authority that demonstrates that the net revenues of the borrower are sufficient pursuant to paragraph 26.5(2)*"d"*;

g. Documentation that technical and environmental review has been completed;

h. An opinion from the applicant's counsel documenting that public procurement procedures have been followed, including but not limited to Iowa Code chapters 26 and 26A; and

i. Any other information reasonably requested by the authority.

26.3(3) Subsequent segments of a project that has been previously awarded financial assistance will receive priority over new projects. Loans made for separate segments of a project will be administered separately.

26.3(4) Requested loan amounts may be adjusted to reflect eligible costs.

26.3(5) Complete and eligible loan applications that are recommended for approval based on the criteria in subrule 26.3(1) will be considered by the authority board. The board may approve, deny, or defer an application for a loan.

265—26.4(16) Infrastructure construction loans.

26.4(1) *Loan agreements.* The authority will prepare a loan agreement after an application has been approved by the authority board. Prior to execution of the agreement, the recipient shall provide an enforceability opinion and, if applicable, a bond counsel opinion as to the status of interest on the obligation in forms acceptable to the authority.

26.4(2) *Loan terms.* The extent to which the loan terms and fees is established in the IUP are required by 40 CFR 35.3150 and 40 CFR 35.3555.

a. Interest rates. Loan interest rates shall be established in the IUP based on factors including but not limited to:

(1) The average daily Bloomberg BVAL General Obligation Municipal AAA 20-year yield;

(2) Taxable and tax-exempt status;

(3) Length of loan term;

(4) Interest rate cost of funds to the program;

(5) Availability of other program funds;

(6) Prevailing market interest rates of comparable loans; and

(7) Long-term program viability.

b. Fees.

(1) The loan initiation fee shall be established in the IUP. The fee shall be payable on the closing date of the loan agreement. The loan initiation fee will be waived for projects located in a disadvantaged community.

(2) The annual loan servicing fee shall be established in the IUP. Payment of the loan servicing fee will be made semiannually along with scheduled interest payments.

c. Revenue pledge. The recipient shall establish sufficient revenue sources for the repayment of the loan, as determined by the authority. To ensure repayment of obligations according to the terms of the loan agreement, the recipient shall agree to impose, collect, and increase, if necessary, user charges, taxes, or other dedicated revenue sources identified for the loan repayment in order to maintain annual net revenues at a level equal to at least 110 percent of the amount necessary to pay debt service on all revenue obligations during the next fiscal year. At the discretion of the director or director's designee, the authority may allow other revenue sources and coverage of less than 110 percent. At the discretion of the director or director's designee, the authority may require revenue sources and coverage in excess of 110 percent of the amount necessary to pay all revenue obligations if the recipient has a history of default on its revenue obligations or insufficient credit history, as determined by the authority. The loan agreement shall authorize the authority to require revenue adjustment to collect delinquent loan payments.

d. Security.

(1) A loan may be secured by a first lien upon the net revenues of the recipient's system. Loans secured by net revenues of a system may rank on a parity basis with other outstanding obligations, or, with the approval of the director or director's designee, those loans may be subordinate in right of payment to the recipient's other outstanding revenue obligations.

(2) A loan may be secured by a general obligation of the recipient, and the recipient may achieve this through the provision for a levy of taxes to repay the loan.

e. Construction payment schedules. The loan agreement shall include an estimated construction drawdown schedule provided by the recipient.

26.4(3) *Loan commitments.* Loan funds are considered a binding commitment at the time a loan agreement is executed.

26.4(4) *Costs.* The recipient shall use the program loan proceeds solely for the purpose of eligible costs of the approved project. The recipient must document all eligible costs to the satisfaction of the authority and the department before loan proceeds are disbursed.

26.4(5) *Loan amount and repayment period.* All loans shall be made contingent on the availability of funds. The maximum loan term will be 30 years. Repayment of the loan must begin no later than one year after the project is substantially complete.

26.4(6) *Prepayment.* A recipient may prepay a loan, in whole or in part, on any date with the prior written consent of the authority.

265—26.5(16) Planning and design loans.

26.5(1) *Timing of loan.* Prior to a recipient's execution of a loan agreement for an infrastructure construction loan described in rule 265—26.4(16), funds may be loaned to the recipient to pay for initial eligible costs, including the cost of facility planning and design engineering.

26.5(2) *Duration.* Planning and design loans must be repaid within three years from the date a loan agreement is executed unless the director or director's designee provides written consent to a longer term.

26.5(3) *Interest rate.* The interest rate will be specified in the IUP as required by 40 CFR 35.3150 and 40 CFR 35.3555.

26.5(4) *Rollover to construction loan.* All funds borrowed by the recipient as a planning and design loan may be financed as a part of a construction loan agreement upon expiration of the term of the planning and design loan.

26.5(5) *Repayment.* If the recipient does not execute a state revolving fund construction loan, the planning and design loan shall be paid in full at the end of the three-year term unless the loan term

is extended by written consent of the director. The authority may negotiate a payment plan with the recipient in lieu of immediate payment in full.

265—26.6(16) Nonpoint source loan programs.

26.6(1) *Nonpoint source loan assistance.* Loan assistance for nonpoint source projects will be in the form of low-interest loans, linked deposits, or loan participations through participating lending institutions.

26.6(2) *Application for loan assistance.* Application for loan assistance pursuant to this rule may be made at any participating lending institution or submitted to the authority or the authority's agent, as applicable. A list of participating lending institutions will be made available by the authority or other entity that assists the authority to administer this program. Applications for loan assistance shall be in the form and content established by the authority.

26.6(3) *Project approval.* Each project must be approved by the appropriate environmental or conservation agency identified in subrule 26.6(7).

26.6(4) *Loan approval.* For linked deposit programs, the participating lending institution will either approve or deny the loan in accordance with the program requirements after receipt of a completed loan application form. If the loan is approved, the lending institution will notify the authority, or its agent, to reserve funds in that amount. This reservation is necessary to ensure that funds are available at the time of disbursement. If the loan is denied, the lending institution must notify the loan applicant, and the lending institution must clearly state the reasons for the loan denial. For low-interest loans with the authority, the authority or its agent will notify the applicant of the loan approval or denial. For loan participation, the authority or its agent will notify the applicant of the approval or denial.

26.6(5) *Availability of funds.* Before acting on a loan application, the lending institution shall ensure that adequate funds are available for the project.

26.6(6) *Property transfer.* The balance of a loan made pursuant to this rule shall be immediately due in full if the recipient transfers the project property.

26.6(7) *Loan amount and period.* All loans will be made contingent on the availability of funds for the applicable purpose as indicated in the IUP. The minimum and maximum loan amounts for each project type are as follows:

Type of Project	Type of Assistance	Minimum Loan Amount	Maximum Outstanding Balance	Maximum Loan Term	Project Approval Agency
General Nonpoint Source	Low-interest loans, Linked deposit or Loan participations	$5,000	No maximum	20 years	DNR
Local Water Protection	Linked deposit	$5,000	$500,000 per common ownership	10 years	Division of Soil Conservation
Livestock Water Quality Facilities	Linked deposit	$10,000	$500,000 per common ownership	15 years*	Division of Soil Conservation
On-Site Wastewater Systems Assistance	Linked deposit	$2,000	No maximum	10 years	County

*If the loan is made only for preparation of a comprehensive nutrient management plan, the loan period shall not exceed five years.

For the purposes of this subrule, "common ownership" means the ownership of an animal feeding operation as a sole proprietor, or a majority ownership interest held by a person, in each of two or more animal feeding operations as a joint tenant, tenant in common, shareholder, partner, member, beneficiary, or other equity interest holder. The majority ownership interest is a common ownership interest when it is held directly, indirectly through a spouse or dependent child, or both.

26.6(8) *Prepayment.* A recipient may prepay a loan, in whole or in part, without penalty, with the written consent of the authority.

26.6(9) *Loan adjustments.* If the eligible costs exceed the loan amount, the recipient may request an increase in the loan amount. The lending institution is authorized to execute a loan for a principal amount of up to 10 percent above the amount of the loan application if the eligible costs exceed the application amount. The authority will evaluate the request by considering available moneys and

financial risk. Should the eligible costs be less than the loan amount, the loan shall be appropriately adjusted so that the loan amount does not exceed the amount of eligible costs.

26.6(10) *Disbursement of funds.* Funds shall be disbursed in accordance with the loan agreement. The loan agreement may allow for periodic disbursement of funds.

265—26.7(16) Administration.

26.7(1) The recipient shall maintain records that document all costs associated with the project. The recipient shall provide access to these records to the authority, the department, the auditor of the state of Iowa, the EPA, the Office of the Inspector General at the EPA, or their agents or designees upon request. The recipient shall retain such records and documents for inspection and audit purposes for a period of three years from the date of the final loan payment.

26.7(2) The recipient shall provide the authority, the DNR, or their agents or designees access to the project site on request for the duration of the loan to verify that the funds are being used for the purpose intended, that the construction work meets applicable state and federal requirements, and that the project is being operated and maintained as designed.

26.7(3) The recipient's accounting procedures shall conform to generally accepted government accounting standards.

26.7(4) The authority may, for cause, find that a recipient is not in compliance with the requirements of the program. Remedies for noncompliance may include penalties up to and including withholding of or return of loan funds. Findings of noncompliance may include but are not limited to the use of loan funds for activities not described in the application for the grant; failure to begin construction within one year of execution of a loan agreement; or failure to comply with any applicable state or federal rules, regulations, or laws.

265—26.8(16) References. References to the Clean Water Act and Safe Drinking Water Act and the Code of Federal Regulations in this chapter are as in effect on January 14, 2026.

These rules are intended to implement Iowa Code chapter 455B, subchapter III, part 5, and Iowa Code sections 16.131 through 16.133A.

[Filed 11/19/25, effective 1/14/26]
[Published 12/10/25]
EDITOR'S NOTE: For replacement pages for IAC, see IAC Supplement 12/10/25.

ARC 9822C

IOWA FINANCE AUTHORITY[265]

Adopted and Filed

Rulemaking related to wastewater and drinking water treatment financial assistance program

The Iowa Finance Authority hereby rescinds Chapter 28, "Wastewater and Drinking Water Treatment Financial Assistance Program," Iowa Administrative Code, and adopts a new Chapter 28 with the same title.

Legal Authority for Rulemaking

This rulemaking is adopted under the authority provided in Iowa Code sections 16.5 and 16.134.

State or Federal Law Implemented

This rulemaking implements, in whole or in part, Iowa Code sections 16.134 and 16.135.

Purpose and Summary

Pursuant to Executive Order 10, the Authority is rescinding Chapter 28 and adopting a new chapter in lieu thereof. This chapter describes the policies and procedures applicable to the Wastewater and Drinking Water Treatment Financial Assistance Program. The program provides grants to install or upgrade wastewater treatment facilities and systems and drinking water treatment facilities and systems, including source water protection projects, and for engineering or technical assistance for facility planning and design.

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 9532C**. A public hearing was held on the following date(s):

- September 23, 2025
- September 25, 2025

No one attended the public hearings. No public comments were received. No changes from the Notice have been made.

Adoption of Rulemaking

This rulemaking was adopted by the Authority Board on 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 Authority for a waiver of the discretionary provisions, if any, pursuant to 265—Chapter 18.

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 14, 2026.

The following rulemaking action is adopted:

ITEM 1. Rescind 265—Chapter 28 and adopt the following **new** chapter in lieu thereof:

CHAPTER 28
WASTEWATER AND DRINKING WATER TREATMENT FINANCIAL ASSISTANCE PROGRAM

265—28.1(16) Definitions.

"Authority" means the Iowa finance authority created in Iowa Code section 16.1A.

"Committee" means the water quality financing review committee created pursuant to Iowa Code section 16.134(10).

"Costs" means all expenses incurred by the recipient and determined by the authority as reasonable and necessary to carry out a project.

"Program" means the same as defined in Iowa Code section 16.134(1).

"Project" means the installation or upgrade of wastewater treatment facilities and systems and drinking water treatment facilities and systems, including source water protection projects, and engineering or technical assistance for facility planning and design.

"Recipient" means the entity receiving funds from the program.

265—28.2(16) Project funding. The committee will approve or deny applications for grants through the program in accordance with the priorities listed in Iowa Code section 16.134 and subject to the limitations therein. The committee will determine the weighting of priorities on an annual basis.

265—28.3(16) Administration.

28.3(1) The authority will notify successful applicants in writing of an approved application for a grant. The terms of the grant may be negotiated by the authority and shall be included in a written agreement with the recipient. The agreement may include any other term that the authority deems necessary or convenient for the efficient administration of the program. All eligible costs shall be documented to the satisfaction of the authority before grant funds may be disbursed.

28.3(2) The recipient shall maintain records that document all costs associated with the project. The recipient shall provide access to these records to the authority, the auditor of the state of Iowa, or their agents or designees upon request. The recipient shall retain such records and documents for a period of three years from the date of the final disbursement of grant funds.

28.3(3) The recipient shall provide the authority or its agents or designees access to the project site on request for the duration of the grant to verify that the funds are being used for the purpose intended, that the construction work meets applicable state and federal requirements, and that the project is being operated and maintained as designed.

28.3(4) The recipient's accounting procedures shall conform to generally accepted government accounting standards.

28.3(5) The recipient shall comply with all applicable federal and state requirements of the project and its operations.

28.3(6) The authority may, for cause, find that a recipient is not in compliance with the requirements of the program. Remedies for noncompliance may include penalties up to and including withholding of or return of grant funds. Findings of noncompliance may include but are not limited to the use of grant funds for activities not described in the application for the grant; failure to begin construction within one year of execution of a grant agreement; or failure to comply with any applicable state or federal rules, regulations, or laws.

These rules are intended to implement Iowa Code sections 16.134 and 16.135.

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EDITOR'S NOTE: For replacement pages for IAC, see IAC Supplement 12/10/25.

ARC 9823C

IOWA FINANCE AUTHORITY[265]

Adopted and Filed

Rulemaking related to water quality financing program

The Iowa Finance Authority hereby rescinds Chapter 46, "Water Quality Financing Program," Iowa Administrative Code, and adopts a new Chapter 46 with the same title.

Legal Authority for Rulemaking

This rulemaking is adopted under the authority provided in Iowa Code sections 16.5 and 16.152.

State or Federal Law Implemented

This rulemaking implements, in whole or in part, Iowa Code sections 16.134A and 16.151 through 16.154.

Purpose and Summary

Pursuant to Executive Order 10, the Authority is rescinding Chapter 46 and adopting a new chapter in lieu thereof. This chapter describes the policies and procedures applicable to the Water Quality Financing Program. The program provides grants and loans to enhance the quality of surface water and groundwater.

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 9533C**. A public hearing was held on the following date(s):

- September 23, 2025
- September 25, 2025

Michael Schmidt, on behalf of the Iowa Environmental Council, commented that Iowa Code section 16.154(2) states, "The authority shall score applications for financial assistance according to rules adopted pursuant to this part." The scoring weighting contained in the existing Chapter 46 has been removed from the proposed new chapter. The proposed new chapter refers to Iowa Code section 16.154(2), which does not include a scoring system. Because the rules are supposed to lay out scoring, the proposed new chapter likely does not meet the statutory duties to adopt rules regarding scoring. No other public comments were received.

A change from the Notice has been made to reflect that applications are scored based on the following criteria: financial feasibility, project collaboration, and water quality benefit.

Adoption of Rulemaking

This rulemaking was adopted by the Authority Board 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 Authority for a waiver of the discretionary provisions, if any, pursuant to 265—Chapter 18.

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 14, 2026.

The following rulemaking action is adopted:

ITEM 1. Rescind 265—Chapter 46 and adopt the following **new** chapter in lieu thereof:

CHAPTER 46
WATER QUALITY FINANCING PROGRAM

265—46.1(16) Definitions.

"Authority" means the Iowa finance authority created in Iowa Code section 16.1A.

"Cost" means the same as defined in Iowa Code section 16.151.

"Financial assistance" means assistance provided by the authority in the form of grants, loans, or forgivable loans.

"Municipality" means the same as defined in Iowa Code section 16.151.

"Program" means the same as defined in Iowa Code section 16.151.

"Project" means the same as defined in Iowa Code section 16.151.

265—46.2(16) Application and approval.

46.2(1) *Annual applications.* The authority will accept applications for financial assistance annually.

46.2(2) *Plan requirements.* Each application must include a plan that meets the criteria of Iowa Code section 16.154(1).

46.2(3) *Review.* The authority's review of applications for financial assistance shall include the considerations identified in Iowa Code section 16.154(2). Applications will be scored by authority staff according to the following criteria:

a. Financial feasibility.

b. Project collaboration.

c. Water quality benefit.

46.2(4) *Approval.* Complete and eligible applications that are recommended for approval based on the criteria in Iowa Code section 16.154(2) will be considered by the authority board. The board may approve, deny, or defer an application.

265—46.3(16) Administration.

46.3(1) The authority will notify successful applicants in writing of an approved application for financial assistance. The terms of the financial assistance may be negotiated by the authority and shall be included in a written agreement with the recipient. The agreement may include any other term that the authority deems necessary or convenient for the efficient administration of the program. All eligible costs shall be documented to the satisfaction of the authority before financial assistance may be disbursed. Recipients shall pay a loan initiation fee to the authority upon loan closing. The fee may be up to 2 percent of the full loan commitment amount, not to exceed $100,000.

46.3(2) The recipient shall maintain records that document all costs associated with the project. The recipient shall provide access to these records to the authority, the auditor of the state of Iowa, or their agents or designees upon request. The recipient shall retain such records and documents for a period of three years from the date of the final disbursement of financial assistance.

46.3(3) The recipient shall provide the authority or its agents or designees access to the project site on request to verify that the financial assistance is being used for the purpose intended and that the construction work meets applicable state and federal requirements, and that the project is being operated and maintained as designed.

46.3(4) The recipient's accounting procedures shall conform to generally accepted government accounting standards.

46.3(5) All loans made by the authority to finance projects under the program shall meet the following requirements:

a. Repayment must begin within 30 days after project completion or by the date specified in the loan agreement;

b. A loan term cannot exceed 20 years; and

c. A recipient may prepay a loan at any time with no penalty.

46.3(6) Loans made by the authority to municipalities shall meet the following additional requirements:

a. The recipient shall provide an enforceability opinion of counsel in a form acceptable to the authority; and

b. The loan shall be secured by a first lien upon the dedicated source of repayment that may rank on a parity basis with other obligations or, with the approval of the director, may be subordinate in right of payment to one or more of the recipient's other outstanding revenue obligations.

46.3(7) Noncompliance. The authority may, for cause, find that a recipient is not in compliance with the requirements of the program. Remedies for noncompliance may include penalties up to and including withholding of or return of financial assistance. Findings of noncompliance may include but are not limited to the use of financial assistance for activities not described in the application for the grant; failure to begin construction within one year of execution of a loan agreement; or failure to comply with any applicable state or federal rules, regulations, or laws.

These rules are intended to implement Iowa Code section 16.134A and chapter 16, subchapter X, part 4.

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