

TRANSPORTATION DEPARTMENT[761]

Notice of Intended Action

Proposing rule making related to persons with disabilities parking permits and providing an opportunity for public comment

The Transportation Department hereby proposes to amend Chapter 411, “Persons with Disabilities Parking Permits,” Iowa Administrative Code.

Legal Authority for Rule Making

This rule making is proposed under the authority provided in Iowa Code sections 307.12, 321L.2 and 321L.8.

State or Federal Law Implemented

This rule making implements, in whole or in part, Iowa Code section 321L.2 as amended by 2022 Iowa Acts, House File 2259, section 2.

Purpose and Summary

The proposed amendments to Chapter 411 conform the rules with 2022 Iowa Acts, House File 2259, which adds licensed occupational therapists and physical therapists to the list of medical professionals authorized under the Iowa Code to provide a statement of disability for a person applying for a persons with disabilities parking permit. This legislation also allows certain licensed medical professionals in any state to prepare the statement of disability. As required by current law, the statement of disability must be on the medical professional’s stationery.

Prior to this legislation, occupational therapists and physical therapists were not authorized under the law to provide statements of disability for persons with disabilities; only certain medical professionals licensed in Iowa or a state contiguous to Iowa were allowed to provide the statement of disability. This proposed rule making will make it easier for customers to obtain a persons with disabilities parking permit, especially if the person’s primary health care provider or specialist is licensed in a state that is several states away from Iowa or if the person is already working with a licensed physical therapist or occupational therapist as part of the person’s recovery.

Fiscal Impact

This rule making has no fiscal impact to the State of Iowa beyond any impact anticipated by the legislation.

Jobs Impact

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

Waivers

Any person who believes that the application of the discretionary provisions of this rule making 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 rule making or may submit a written request to make an oral presentation at a public hearing. Written comments or requests

to present oral comments in response to this rule making must be received by the Department no later than 4:30 p.m. on August 30, 2022. Comments should be directed to:

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

Public Hearing

If requested, a public hearing to hear oral presentations will be held on September 1, 2022, via conference call at 9 a.m. Persons who wish to participate in the conference call should contact Tracy George before 4:30 p.m. on August 30, 2022, to facilitate an orderly hearing. A conference call number will be provided to participants prior to the hearing.

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 rule making.

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

The public hearing will be canceled without further notice if no oral presentation is requested.

Review by Administrative Rules Review Committee

The Administrative Rules Review Committee, a bipartisan legislative committee which oversees rule making by executive branch agencies, may, on its own motion or on written request by any individual or group, review this rule making 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 rule-making actions are proposed:

ITEM 1. Amend subrule **411.2(2)**, definition of "Health care provider," as follows:

"Health care provider" means a physician licensed under Iowa Code chapter 148 or 149, a physician assistant licensed under Iowa Code chapter 148C, an advanced registered nurse practitioner licensed under Iowa Code chapter 152, a chiropractor licensed under Iowa Code chapter 151, an occupational therapist licensed under Iowa Code chapter 148B, a physical therapist licensed under Iowa Code chapter 148A, or a physician, physician assistant, nurse practitioner, ~~or~~ chiropractor, occupational therapist, or physical therapist licensed to practice in ~~a contiguous~~ another state as set forth in Iowa Code section 321L.2(1) as amended by 2022 Iowa Acts, House File 2259, section 2.

ITEM 2. Amend **761—Chapter 411**, implementation sentence, as follows:

These rules are intended to implement Iowa Code sections 321L.1, 321L.2 as amended by 2022 Iowa Acts, House File 2259, section 2, 321L.3, ~~to~~ 321L.4 and 321L.8.