



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]; workers' compensation rate filings [515A.6(7)]; usury rates [535.2(3)"a"]; and agricultural credit corporation maximum loan rates [535.12].

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

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NOTICE

Subscriptions to Agency Rule Making

2010 Iowa Acts, chapter 1031, section 58, requires that a state agency must submit a copy of all proposed rules to the chairpersons and ranking members of the appropriate standing committees of the General Assembly for additional study.

To comply with this new provision, the Legislative Services Agency, through its Computer Services Division, has developed an Internet application that provides the ability to subscribe to all the rule makings of a specified agency. The application has the following features:

- The subscriber may select as many agencies as desired.
- The subscription will include the edited and published version of notices of intended action, the adopted "emergency" rules, and the final adopted rules for the selected agency or agencies.
- The subscriber will receive a biweekly e-mail containing a brief description of each rule making and an Internet link to the document itself.

Please go to: <http://www.legis.state.ia.us/maillist/RuleAlert/> and enter your e-mail address, check the boxes for the agency or agencies you are interested in, and click the subscribe or unsubscribe button. You will automatically be sent an e-mail message; click on the "hot link" contained in that message to confirm and activate your subscription.

Schedule for Rule Making 2011

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

<u>ISSUE NUMBER</u>	<u>SUBMISSION DEADLINE</u>	<u>ISSUE DATE</u>
16	Friday, January 21, 2011	February 9, 2011
17	Friday, February 4, 2011	February 23, 2011
18	Friday, February 18, 2011	March 9, 2011

PLEASE NOTE:

Rules will not be accepted after **12 o'clock noon** on the Friday filing deadline days unless prior approval has been received from the Administrative Rules Coordinator's office.

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

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

ECONOMIC DEVELOPMENT, IOWA DEPARTMENT OF[261]

Iowa main street program, 39.1 to 39.11 IAB 1/12/11 ARC 9336B	Northwest First Floor Conference Room 200 E. Grand Ave. Des Moines, Iowa	February 1, 2011 10 to 11 a.m.
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Standard license—licensure and ethics orientation, 13.7 IAB 12/29/10 ARC 9305B	Room 3 Southwest, Third Floor Grimes State Office Bldg. Des Moines, Iowa	January 19, 2011 1 p.m.
Professional core—licensure and ethics orientation, 13.18(4) IAB 12/29/10 ARC 9302B	Room 3 Southwest, Third Floor Grimes State Office Bldg. Des Moines, Iowa	January 19, 2011 1 p.m.
Professional administrator license—licensure and ethics orientation, 18.5 IAB 12/29/10 ARC 9303B	Room 3 Southwest, Third Floor Grimes State Office Bldg. Des Moines, Iowa	January 19, 2011 1 p.m.
Renewal of a Class A license, 18.7(7) IAB 12/29/10 ARC 9306B	Room 3 Southwest, Third Floor Grimes State Office Bldg. Des Moines, Iowa	January 19, 2011 1 p.m.
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NATURAL RESOURCE COMMISSION[571]

Public access to private land for hunting; landowner grants for wildlife habitat, 22.10 to 22.15 IAB 1/12/11 ARC 9325B	Fourth Floor East Conference Room Wallace State Office Bldg. Des Moines, Iowa	February 3, 2011 1 p.m.
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PROFESSIONAL LICENSURE DIVISION[645]

Hearing aid dispensers, amend chs 121, 122, 124; adopt ch 123 IAB 12/29/10 ARC 9317B	Fifth Floor Board Conference Room 526 Lucas State Office Bldg. Des Moines, Iowa	January 18, 2011 10 to 11 a.m.
Massage therapists—renewal notices, 131.8(1) IAB 1/12/11 ARC 9319B	Fifth Floor Board Conference Room Lucas State Office Bldg. Des Moines, Iowa	February 1, 2011 9:30 to 10 a.m.

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Attorney fee contracts, fee limitations, 7.1, 11.2, 11.5, 12.2(1), 12.5, 12.6 IAB 12/29/10 ARC 9294B (See also ARC 9295B)	Conference Room 424 Lucas State Office Bldg. Des Moines, Iowa	January 21, 2011 9 a.m.
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The following list will be updated as changes occur.

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

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

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

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ARC 9336B

ECONOMIC DEVELOPMENT, IOWA DEPARTMENT OF [261]**Notice of Intended Action**

Twenty-five interested persons, a governmental subdivision, an agency or association of 25 or more persons may demand an oral presentation hereon as provided in Iowa Code section 17A.4(1)“b.”

Notice is also given to the public that the Administrative Rules Review Committee may, on its own motion or on written request by any individual or group, review this proposed action under section 17A.8(6) at a regular or special meeting where the public or interested persons may be heard.

Pursuant to the authority of Iowa Code sections 15.104 and 15.106, the Iowa Department of Economic Development gives Notice of Intended Action to adopt amendments to Chapter 39, “Iowa Main Street Program,” Iowa Administrative Code.

The current rules limit participation in the Main Street Iowa program to communities under 50,000 in population, provide for operational grants for start-up local Main Street programs and limit designation of Main Street Iowa districts to historic downtowns.

The proposed amendments will change the rules by updating language and descriptions, expanding eligibility to include Iowa cities of any population size, eliminating reference to operational grants for start-up local Main Street programs and expanding designation of Main Street Iowa districts to include historic traditional neighborhood commercial districts as well as historic downtowns. In addition, minor administrative changes were made to the rules.

Public comments concerning the proposed amendments will be accepted until 4:30 p.m. on February 1, 2011. Interested persons may submit written comments to Thom Guzman, Iowa Department of Economic Development, 200 East Grand Avenue, Des Moines, Iowa 50309; telephone (515)725-3058; or E-mail Thom.Guzman@iowa.gov.

A public hearing will be held Tuesday, February 1, 2011, from 10 to 11 a.m. in the Northwest First Floor Conference Room, Iowa Department of Economic Development, 200 East Grand Avenue, Des Moines, Iowa.

These amendments are intended to implement Iowa Code section 15.108.

The following amendments are proposed.

ITEM 1. Amend rules ~~261—39.1(75GA,ch1201)~~ to ~~261—39.4(75GA,ch1201)~~, ~~261—39.6(75GA,ch1201)~~, ~~261—39.7(75GA,ch1201)~~, and ~~261—39.9(75GA,ch1201)~~ to ~~261—39.11(75GA,ch1201)~~, parenthetical implementation statute, as follows:
(~~75GA,ch1201~~ 15)

ITEM 2. Amend rule 261—39.1(15) as follows:

261—39.1(15) Purpose. The purpose of the Iowa main street program is to stimulate ~~downtown~~ economic development within the context of historic preservation and to establish a strong public/private partnership to revitalize ~~downtowns and their~~ traditional commercial districts in Iowa communities. The main street program emphasizes community self-reliance and ~~downtown’s~~ the traditional assets of personal service, local ownership and unique architecture historically prevalent in traditional commercial districts. The main street program is based on four strategies which, when applied together, create a positive image and an improved economy in ~~downtown~~ these districts. The strategies are organization, promotion, design and economic restructuring.

Communities selected for participation in this demonstration program will receive technical assistance from the department’s main street staff, professional staff of the National Trust Main Street Center, and other professional consultants and may have professional services of other state agencies to draw upon in order to facilitate ~~their~~ the communities’ local main street program. ~~Participants will receive a grant to aid them in the implementation of their local main street program.~~

ECONOMIC DEVELOPMENT, IOWA DEPARTMENT OF[261](cont'd)

ITEM 3. Amend rule 261—39.2(15) as follows:

261—39.2(15) Definitions. The following definitions will apply to the Iowa main street program unless the context otherwise requires:

“*Department*” means the Iowa department of economic development.

“*Director*” means the director of the Iowa department of economic development.

“*Eligible activity*” includes organization, promotion, design and economic restructuring activities to create a positive image and an improved economy in a city’s downtown traditional commercial districts.

“*Eligible applicant*” means a city with a population of less than 50,000 based upon the most recent census report or population study completed since the last census, filing in Iowa that files a joint application with a local nonprofit organization established by the community to govern the local main street program.

“*Grant*” means funds received through the Iowa main street program as evidenced by an agreement with the Iowa department of economic development.

“*Grantee*” means any eligible applicant receiving funds under this program.

“*National Trust Main Street Center*” refers to an entity within the National Trust for Historic Preservation, a nonprofit national organization chartered by Congress.

ITEM 4. Amend rule 261—39.3(15) as follows:

261—39.3(15) Program administration.

39.3(1) Administering agency. The Iowa main street program ~~will be~~ is administered by the Iowa department of economic development.

39.3(2) Subcontracting. The department may contract with the National Trust Main Street Center of the National Trust for Historic Preservation for technical and professional services as well as with other appropriate consultants and organizations.

39.3(3) Request for ~~proposals (RFP)~~ applications (RFA). The department, upon availability of funds, will distribute a request for ~~proposal~~ applications which describes the Iowa main street program, outlines eligibility requirements, and includes an application and a description of the application procedures. Grants Selection will be awarded made on a competitive basis.

39.3(4) Applications. Applications may be obtained by contacting the Iowa Main Street Program Coordinator, Iowa Department of Economic Development, 200 East Grand Avenue, Des Moines, Iowa 50309; telephone (515)242-4733 725-3056.

39.3(5) Deadline. A completed application shall be returned to the department, postmarked no later than the date specified by the department in the ~~RFP~~ application and contain the information requested in the application.

39.3(6) Advisory council. The director may appoint a state main street advisory council(s) composed of individuals knowledgeable in ~~downtown~~ traditional commercial district revitalization to advise the director on the various elements of the program.

ITEM 5. Amend rule 261—39.4(15) as follows:

261—39.4(15) Eligible applicants. All cities with a population under 50,000 in Iowa are eligible to file a joint application along with their local community nonprofit organization established to govern the local main street program for selection as a main street demonstration community.

ITEM 6. Rescind and reserve rule ~~261—39.5(75GA, ch1201)~~.

ITEM 7. Amend rule 261—39.6(15) as follows:

261—39.6(15) Selection.

39.6(1) The director will determine, contingent upon the availability of state funding, the number of cities to be selected for inclusion in the main street program.

39.6(2) Cities will be selected for participation in the program on a competitive basis as described in these rules.

ECONOMIC DEVELOPMENT, IOWA DEPARTMENT OF[261](cont'd)

39.6(3) Upon selection of the demonstration projects, the department shall prepare a ~~grant~~ an agreement which will include the terms and conditions of ~~the grant~~ participation.

ITEM 8. Amend rule 261—39.7(15) as follows:

261—39.7(15) Selection criteria. The following factors shall be considered in the selection of a city for participation in the main street program (the highest point total possible is 400 points):

39.7(1) Support/funding. (100 points maximum)

a. Evidence of a strong commitment from city government and various local and private sector organizations to support a local main street program for at least three years. This evidence will include a resolution of support from the city government and other organizations in the community such as: merchants, associations, chambers of commerce or economic development corporations in addition to letters of support from other private sector entities.

b. Evidence of local public and private funds available to finance, ~~in addition to the state main street grant,~~ a local main street program for three years. This evidence will include a proposed local main street budget, sources of funding and financial commitment letters from the city government and other identified sources.

c. Evidence of a positive commitment to hire a local main street program ~~manager~~ director for not less than a three-year period. This evidence shall include a written commitment to hire a program ~~manager~~ director, signed jointly by the local nonprofit organization established to govern the local program and the city. For cities ~~under~~ with a population of less than 5,000 in population, the local main street program ~~manager~~ director shall be hired for a minimum of 25 hours per week. For cities ~~between~~ with a population of 5,000 and 50,000 in population or more, the local main street program ~~manager~~ director shall be hired full-time.

d. Evidence of the existence of, or a plan for, a nonprofit corporation organized under the laws of the state, such as a local main street organization, merchants association, chamber of commerce or economic development corporation that will be locally designated to serve as the governing body and policy board for the local main street program and program ~~manager~~ director. This evidence will include a copy of the proposed or filed articles of incorporation and the bylaws of such organization.

39.7(2) Historic building fabric. (60 points maximum)

a. Evidence of the existence of architecturally and historically significant buildings in the ~~downtown area~~ traditional commercial district that are currently listed on the National Register of Historic Places or are National Register-eligible and or are in National Register-designated historic preservation districts. This evidence shall include identification of such buildings or districts.

b. Evidence of a local historic preservation organization and any evidence that indicates the organization's involvement working on historic projects located in the ~~downtown central business~~ traditional commercial district. This evidence shall include the identification of such organizations and activities over the past three years.

c. Evidence of any current historic preservation activities.

d. Evidence of the concentration of historic buildings located within the identifiable main street area.

e. Evidence of a locally designated historic district.

39.7(3) Potential. (100 points maximum)

a. Consideration of the ~~possible~~ possibility for demonstrable change in the ~~downtown~~ proposed main street district as a result of being a main street city. This Demonstration of this possibility includes the identified goals of the applicant, the potential for the realization of these goals and identification of the long-term impact the main street program will have on the city.

b. Potential for successfully completing the five-year program start-up period. This Demonstration of this potential shall include the proposed structure of the organization, the responsibilities of the board members, the program ~~manager~~ director and the chain of command for the organization.

c. Demonstration of the need for economic revitalization and development ~~downtown in the~~ district. This Demonstration of this need includes a summary of the current economic trends in the

ECONOMIC DEVELOPMENT, IOWA DEPARTMENT OF[261](cont'd)

area, and their impact on the ~~downtown~~ district and a summary identifying reasons for needing the main street program.

d. Identification of the size and location of the ~~downtown~~ district as related to the whole community. This shall include justification for the size of the ~~project area~~ district.

39.7(4) Current community demographics. (40 points maximum)

a. Description of the housing characteristics of the city, including the average vacancy rate and the condition of housing stock.

b. Description of the cultural, tourism and recreational aspects of the community. The importance the community places on these quality of life issues provides a barometer for future community growth.

c. Description of the ~~downtown~~ mix of retail, professional services, government offices and other commercial uses in the district.

d. Description of building ownership within the proposed main street area district, such as the current use, percentage of owner-occupied buildings, average rent rates and the vacancy rate.

39.7(5) Previous history. (60 points maximum)

a. Identification of previous ~~downtown~~ revitalization efforts, including identifying prior programs and their outcome.

b. Evidence of past public/private partnerships. This evidence shall include a summary of significant civic improvements completed by the community within the past three years.

c. Evidence of a good private investment record in the ~~downtown~~ proposed main street area district. This evidence shall include descriptions of commercial building rehabilitations and new construction within the past three years.

d. Evidence of ~~downtown~~ comprehensive plans, studies or surveys, which include the proposed main street district, done within the past three years. This evidence shall include copies of such plans, studies or surveys and their outcome.

e. Evidence of participation in ~~the Iowa community betterment program, the Iowa community economic preparedness program (commercial) or related~~ other Iowa department of economic development programs within the last past three years.

f. Designation as a certified local government, an Iowa great place, or an Iowa cultural and entertainment district from the ~~state historical society of Iowa~~ department of cultural affairs.

39.7(6) Readiness. (40 points maximum)

a. Identification of the community's familiarity with the main street program and principles as evidenced by prior exposure to main street conferences, ~~slide shows~~ community presentations, and contact with the main street Iowa program.

b. Demonstration of support shown for the main street program by the local financial community, the chamber of commerce, the merchants association, the local economic development organization, the local elected officials and the professional staff of city government.

c. Demonstration of the ability to implement the main street program and hire a program ~~manager~~ director upon selection. This Demonstration of this ability shall include a work plan with established timetables to hire a ~~manager~~ program director and organize a board of directors, if needed.

ITEM 9. Rescind and reserve rule **261—39.8(75GA,ch1201)**.

ITEM 10. Amend rule 261—39.9(15) as follows:

261—39.9(15) Performance reviews. Grantees Participating main street communities shall submit performance reports to the department as required. The reports shall assess document the use of funds in accordance with program objectives and progress of the program activities.

ITEM 11. Amend rule 261—39.10(15) as follows:

261—39.10(15) Noncompliance. If the department finds that a grantee participating main street community is not in compliance with the requirements under this program, ~~the grantee will be required to refund to the state all disallowed costs. Reasons for a finding of noncompliance include, but are not limited to, a finding that the grantee is using program funds for unauthorized activities, has failed~~

ECONOMIC DEVELOPMENT, IOWA DEPARTMENT OF[261](cont'd)

~~to complete approved activities in a timely manner, has failed to comply with applicable laws and regulations or the grant agreement, or the grantee lacks the capacity to carry out the purposes of the program~~ the department shall terminate the program agreement.

ITEM 12. Amend **261—Chapter 39**, implementation sentence, as follows:

~~This chapter is~~ These rules are intended to implement 1994 Iowa Acts, ~~chapter 1201~~ Iowa Code section 15.108.

ARC 9333B

HUMAN SERVICES DEPARTMENT[441]

Notice of Intended Action

Twenty-five interested persons, a governmental subdivision, an agency or association of 25 or more persons may demand an oral presentation hereon as provided in Iowa Code section 17A.4(1)“b.”

Notice is also given to the public that the Administrative Rules Review Committee may, on its own motion or on written request by any individual or group, review this proposed action under section 17A.8(6) at a regular or special meeting where the public or interested persons may be heard.

Pursuant to the authority of Iowa Code section 237A.12, the Department of Human Services proposes to amend Chapter 109, “Child Care Centers,” Iowa Administrative Code.

The proposed amendment clarifies when record checks are required for persons who volunteer or substitute for staff at a child care center. The amendment provides that criminal and child abuse record checks are required when the volunteer or substitute:

- Is included in meeting the required child-to-staff ratio,
- Has direct responsibility for a child or children, or
- Has access to a child or children with no other staff present.

The child care center is responsible for the cost of the record checks and must maintain documentation that the checks were completed when required.

This amendment does not provide for waivers in specified situations. Requests for the waiver of any rule may be submitted under the Department’s general rule on exceptions at 441—1.8(17A,217).

Any interested person may make written comments on the proposed amendment on or before February 1, 2011. Comments should be directed to Mary Ellen Imlau, Bureau of Policy Coordination, Department of Human Services, Hoover State Office Building, 1305 East Walnut Street, Des Moines, Iowa 50319-0114. Comments may be sent by fax to (515)281-4980 or by E-mail to policyanalysis@dhs.state.ia.us.

This amendment is intended to implement Iowa Code section 237A.5.

The following amendment is proposed.

Amend paragraph **109.6(5)“c”** as follows:

~~c. Undergo the record check process when the person is responsible for child care for a child other than the person’s own child or has access to other children when they are alone.~~ any of the following criteria are met:

- (1) The volunteer or substitute is included in meeting the required child-to-staff ratio;
- (2) The volunteer or substitute has direct responsibility for a child or children; or
- (3) The volunteer or substitute has access to a child or children with no other staff present.

~~d. Have on file at the facility a record containing the statements required in paragraphs “a” and “b” and Records documentation of the any record check process.~~ The record shall be maintained as required in ~~subparagraph~~ paragraph 109.9(1)“b.”

ARC 9325B**NATURAL RESOURCE COMMISSION[571]****Notice of Intended Action**

Twenty-five interested persons, a governmental subdivision, an agency or association of 25 or more persons may demand an oral presentation hereon as provided in Iowa Code section 17A.4(1)“b.”

Notice is also given to the public that the Administrative Rules Review Committee may, on its own motion or on written request by any individual or group, review this proposed action under section 17A.8(6) at a regular or special meeting where the public or interested persons may be heard.

Pursuant to the authority of Iowa Code sections 456A.19 and 483A.3B(3)“c”(1), the Natural Resource Commission hereby gives Notice of Intended Action to amend Chapter 22, “Wildlife Habitat on Private Lands Promotion Program,” Iowa Administrative Code.

The proposed amendments designate the procedures used by the Department to develop a three-year pilot program to open up private lands for access to hunting. Funding is through a Voluntary Public Access and Habitat Incentive Program (VPA-HIP) Grant awarded to the Department by the U.S. Department of Agriculture as well as from wildlife habitat fees. The funds will be used to create, manage, and enhance wildlife habitat on private land in exchange for allowing public access for hunting.

Any interested person may make written suggestions or comments on the proposed amendments on or before February 3, 2011. Such written comments should be directed to Kelly Smith, Iowa Department of Natural Resources, Wallace State Office Building, 502 E. 9th Street, Des Moines, Iowa 50319; fax (515)281-6794; or E-mail to kelly.smith@dnr.iowa.gov. Persons who wish to convey their views orally should contact Kelly Smith at (515)281-6247 or at the Bureau offices on the fourth floor of the Wallace State Office Building.

Additionally, a public hearing will be held February 3, 2011, starting at 1 p.m. in the Fourth Floor East Conference Room of the Wallace State Office Building, 502 E. 9th Street, Des Moines, Iowa. At the hearing, persons may present their views either orally or in writing. Any persons who intend to attend the public hearing and have special requirements, such as those related to hearing or mobility impairments, should contact the Department of Natural Resources and advise of specific needs.

These amendments are intended to implement Iowa Code sections 456A.19 and 483A.3B(3)“c”(1). The following amendments are proposed.

ITEM 1. Amend **571—Chapter 22**, title, as follows:

**WILDLIFE HABITAT ON PRIVATE LANDS PROMOTION PROGRAM AND
HABITAT AND PUBLIC ACCESS PROGRAM**

ITEM 2. Adopt the following **new** Part I title before rule **571—22.1(456A,483A)**:

Part I

WILDLIFE HABITAT ON PRIVATE LANDS PROMOTION PROGRAM

ITEM 3. Amend **571—Chapter 22**, implementation sentence, as follows:

~~These~~ The rules in Part I are intended to implement Iowa Code ~~sections~~ section 483A.3 and section 456A.16 as amended by 2010 Iowa Acts, Senate File 2088, section 226.

ITEM 4. Adopt the following **new** Part II title after rule **571—22.9(456A,483A)**:

Part II

HABITAT AND PUBLIC ACCESS PROGRAM

ITEM 5. Adopt the following **new** rules 571—22.10(456A,483A) to 571—22.15(456A,483A):

571—22.10(456A,483A) Purpose and authority. These rules set forth the procedures to open private lands to public hunting, while providing landowners grant funds to create, manage, and enhance wildlife habitat. Pursuant to Iowa Code section 456A.19, all funds deposited into the state fish and game

NATURAL RESOURCE COMMISSION[571](cont'd)

protection fund shall be expended solely in carrying on the activities of the fish and wildlife division. The department assesses a wildlife habitat fee in conjunction with each resident and nonresident hunting license sold in Iowa, and this fee is deposited into the state fish and game protection fund. At least one dollar from every wildlife habitat fee is required to be spent in a manner that increases landowner participation in federally funded conservation programs that encourage opportunities for recreational hunting on private land.

571—22.11(456A,483A) Definitions. For the purpose of this part:

“*Commission*” means the natural resource commission.

“*Department*” means the department of natural resources.

“*Program*” means the habitat and public access program.

571—22.12(456A,483A) Eligibility. In order to be eligible for this program, an applicant shall:

1. Own at least 40 acres of private land in Iowa;
2. Have land that already contains wildlife habitat or be willing to develop wildlife habitat;
3. Enter into an agreement with the department; and
4. Allow public access hunting.

571—22.13(456A,483A) Application procedures. Applications will be accepted only from those eligible pursuant to rule 571—22.12(456A,483A).

22.13(1) Applications. Applications must be submitted on forms furnished by the department. Applications and agreements must be received by June 1 to provide adequate time for signage on the property and to ensure that the public is aware the area is open to public hunting. However, at the department’s discretion and dependent upon the availability of funds, the application period may be extended. Landowners will be notified in writing within 30 days of submission of an application whether they have been accepted into the program.

22.13(2) Availability of funds. Funds available for this program are provided through a Voluntary Public Access and Habitat Incentive Program Grant awarded to the department by the U.S. Department of Agriculture as well as from wildlife habitat fees.

a. Funds available for assisting landowners shall be in the department’s budget in accordance with legislative appropriations. Funds will be made available during a fiscal year of July 1 to June 30.

b. To maximize the amount of wildlife habitat actually established, the department may accept contributions from any governmental agency or private conservation group to support habitat practices designed to implement the habitat and public access program. Department funds may also be used to match other funding sources or incentive programs.

22.13(3) Project review and selection.

a. Projects will be reviewed by the site’s regional department wildlife biologist, who, based on the ranking criteria listed in paragraph 22.13(3) “*b.*,” will recommend that the commission enter into an agreement with successful applicants.

b. Projects will be selected based on the ranked scoring criteria in the application, which prioritize sites with the greatest chance of benefitting wildlife populations and providing adequate recreational hunting opportunities. The criteria include, but are not necessarily limited to: the site’s habitat potential; site suitability; priority locations; and other relevant habitat and hunting access factors.

571—22.14(456A,483A) Agreements. The commission shall enter into agreements with approved landowners to carry out the purposes of this program.

22.14(1) Agreement forms will be provided by the department. The agreement shall explicitly state the terms of the agreement including, but not limited to: the location and size of the habitat improvement; the location and size of the area open for public access hunting; habitat improvement practices to be completed, including the standards by which the practices shall be accomplished; schedule for completion, cost, and length of time the site shall be open for public recreational hunting; and the reimbursement rate for breaches or early terminations of the agreement as outlined in rule

NATURAL RESOURCE COMMISSION[571](cont'd)

571—22.15(456A,483A). Terms of the agreement and copies of the agreement are available from the department for examination.

22.14(2) Grant funds will not be provided unless an agreement has been signed by both parties

22.14(3) Agreements may be amended by mutual agreement of both parties.

22.14(4) Enrolled lands will be subject to game management area hunting rules as contained in 571—Chapter 51.

571—22.15(456A,483A) Cost reimbursement. Whenever a landowner has been found to be in violation of an agreement specified in Part II of this chapter, or terminates the agreement early, the landowner shall reimburse the state a prorated amount of any grant funds received.

The rules in Part II are intended to implement Iowa Code sections 456A.19 and 483A.3B(3)“c”(1).

ARC 9319B**PROFESSIONAL LICENSURE DIVISION[645]****Notice of Intended Action**

Twenty-five interested persons, a governmental subdivision, an agency or association of 25 or more persons may demand an oral presentation hereon as provided in Iowa Code section 17A.4(1)“b.”

Notice is also given to the public that the Administrative Rules Review Committee may, on its own motion or on written request by any individual or group, review this proposed action under section 17A.8(6) at a regular or special meeting where the public or interested persons may be heard.

Pursuant to the authority of Iowa Code section 147.76, the Board of Massage Therapy hereby gives Notice of Intended Action to amend Chapter 131, “Licensure of Massage Therapists,” Iowa Administrative Code.

The proposed amendment removes the requirement for the Board to send a renewal notice to the licensee. This change is being made to make licensure requirements consistent with Code of Iowa changes.

Any interested person may make written comments on the proposed amendment no later than February 1, 2011, addressed to Pierce Wilson, Professional Licensure Division, Department of Public Health, Lucas State Office Building, Des Moines, Iowa 50319-0075, E-mail pwilson@idph.state.ia.us.

A public hearing will be held on February 1, 2011, from 9:30 to 10 a.m. in the Fifth Floor Board Conference Room, Lucas State Office Building, at which time persons may present their views either orally or in writing. At the hearing, persons will be asked to give their names and addresses for the record and to confine their remarks to the subject of the proposed amendment.

This amendment is intended to implement Iowa Code chapters 21, 147, 152C and 272C.

The following amendment is proposed.

Amend subrule 131.8(1) as follows:

131.8(1) The biennial license renewal period for a license to practice massage therapy shall begin on the sixteenth day of the anniversary month and end on the fifteenth day of the anniversary month two years later. ~~The board shall send a renewal notice by regular mail to each licensee at the address on record at least 60 days prior to the expiration of the license.~~ The licensee is responsible for renewing the license prior to its expiration. Failure of the licensee to receive ~~the notice~~ from the board does not relieve the licensee of the responsibility for renewing the license.

USURY

In accordance with the provisions of Iowa Code section 535.2, subsection 3, paragraph “a,” the Superintendent of Banking has determined that the maximum lawful rate of interest shall be:

January 1, 2010 — January 31, 2010	5.50%
February 1, 2010 — February 28, 2010	5.50%
March 1, 2010 — March 31, 2010	5.75%
April 1, 2010 — April 30, 2010	5.75%
May 1, 2010 — May 31, 2010	5.75%
June 1, 2010 — June 30, 2010	5.75%
July 1, 2010 — July 31, 2010	5.50%
August 1, 2010 — August 31, 2010	5.25%
September 1, 2010 — September 30, 2010	5.00%
October 1, 2010 — October 31, 2010	4.75%
November 1, 2010 — November 30, 2010	4.75%
December 1, 2010 — December 31, 2010	4.50%
January 1, 2011 — January 31, 2011	4.75%

ARC 9327B

ACCOUNTANCY EXAMINING BOARD[193A]

Adopted and Filed

Pursuant to the authority of Iowa Code section 542.4, the Accountancy Examining Board hereby amends Chapter 12, "Fees," Iowa Administrative Code.

The Board adopts an amendment to Chapter 12 that, by shortening the time period for renewal, increases the annual renewal fee for active and inactive CPA certificates and LPA licenses to \$100 for active and \$50 for inactive.

Notice of Intended Action for this amendment was published in the November 3, 2010, Iowa Administrative Bulletin as **ARC 9202B**. No comments were received. This amendment is identical to that published under Notice of Intended Action.

This amendment is intended to implement Iowa Code chapters 17A, 272C, 542, and 546.

This amendment will become effective February 16, 2011.

The following amendment is adopted.

Amend rule 193A—12.1(542) as follows:

193A—12.1(542) Required fees. The following is a schedule of the fees for examinations, certificates, licenses, permits and renewals adopted by the board:

Initial CPA examination application:	
Paid directly to CPA examination services	not to exceed \$1500
Reexamination:	
Paid directly to CPA examination services	not to exceed \$1500
Original issuance of CPA certificate or LPA license by examination (fee includes wall certificate)	\$100
Original issuance of CPA certificate by reciprocity or substantial equivalency	\$100
CPA wall certificate or LPA license issued by reciprocity or substantial equivalency	\$50
Replacement of lost or destroyed wall CPA certificate or LPA license	\$50
Original issuance of attest qualification	\$100
Biennial Annual renewal of CPA certificate or LPA license—active status	\$100
Late renewal of CPA certificate or LPA license within 30-day grace period (July 1 to July 30)—active status	\$25
Biennial Annual renewal of CPA certificate or LPA license—inactive status	\$50
Late renewal of CPA certificate or LPA license within 30-day grace period (July 1 to July 30)—inactive status	\$10
Penalty for failure to comply with continuing education requirements	\$50 to \$250
Original issuance of firm permit to practice	\$100
Annual renewal of firm permit to practice	\$100
Reinstatement of lapsed CPA certificate or LPA license	\$100 + renewal fee + \$25 per month of expired registration

ACCOUNTANCY EXAMINING BOARD[193A](cont'd)

Reinstatement of lapsed firm permit to practice	\$100 + renewal fee + \$25 per month of expired registration
Interstate Transfer Form	\$25

[Filed 12/20/10, effective 2/16/11]

[Published 1/12/11]

EDITOR'S NOTE: For replacement pages for IAC, see IAC Supplement 1/12/11.

ARC 9326B**ECONOMIC DEVELOPMENT, IOWA DEPARTMENT OF[261]****Adopted and Filed**

Pursuant to the authority of Iowa Code sections 15.104 and 15.106, the Iowa Department of Economic Development hereby adopts amendments to Chapter 21, "Division Responsibilities," and Chapter 25, "Housing Fund," Iowa Administrative Code.

The amendments remove requirements related to the HOME Housing Fund. In January of 2010, the Governor transferred the HOME Housing Fund to the Iowa Finance Authority by executive order. Because the Department no longer administers the HOME program, the amendments delete references to the HOME Housing Fund and any programmatic details regarding the Fund. The Iowa Finance Authority has adopted rules to administer the program (265—Chapter 39).

Notice of Intended Action was published in the Iowa Administrative Bulletin on September 8, 2010, as **ARC 9060B**. The Department held a public hearing September 28, 2010, and accepted comments until the same date. The Department received no comments. No changes have been made to the amendments published under Notice of Intended Action.

These amendments will become effective February 16, 2011.

These amendments are intended to implement Iowa Code section 15.108.

EDITOR'S NOTE: Pursuant to recommendation of the Administrative Rules Review Committee published in the Iowa Administrative Bulletin, September 10, 1986, the text of these amendments [amendments to Chs 21, 25] is being omitted. These amendments are identical to those published under Notice as **ARC 9060B**, IAB 9/8/10.

[Filed 12/20/10, effective 2/16/11]

[Published 1/12/11]

[For replacement pages for IAC, see IAC Supplement 1/12/11.]

ARC 9330B**ENVIRONMENTAL PROTECTION COMMISSION[567]****Adopted and Filed**

Pursuant to the authority of Iowa Code sections 455B.105 and 455B.173, the Environmental Protection Commission hereby amends Chapter 61, "Water Quality Standards," Iowa Administrative Code.

This amendment provides water quality certification pursuant to Section 401 of the federal Clean Water Act (33 U.S.C. Section 1341) for three regional permits (RPs).

Section 404 of the Clean Water Act requires a permit from the U.S. Army Corps of Engineers (Corps) for the discharge of dredged or fill materials into the nation's waters. Section 401 of the Act requires that before the Corps can issue a Section 404 permit, the state water quality agency must certify that the proposed activity will not violate state water quality standards.

ENVIRONMENTAL PROTECTION COMMISSION[567](cont'd)

Section 404 authorizes the Corps to issue general permits on a state, regional or nationwide basis for categories of activities when such activities will have minimal adverse effects. The Corps has used its general permit authority to issue a number of general permits on a regional basis (i.e., RPs). General permits, including regional permits, may be issued for a period not exceeding five years, and a state water quality agency must provide Section 401 certification for a Section 404 general permit before the general permit is valid for that particular state. The Commission previously provided Section 401 certification for 40 nationwide permits (NWP), 3 regional permits, and 9 regional conditions. These permits and conditions are referenced in 61.2(2)“g.”

Notice of Intended Action was published in the Iowa Administrative Bulletin on October 20, 2010, as **ARC 9153B**. A public hearing was held, and no oral or written comments were received; thus, no changes were made to the proposed amendment.

This amendment certifies the regional permits and their respective conditions.

This amendment is intended to implement Iowa Code chapter 455B, division III, part 1.

This amendment will become effective February 16, 2011.

The following amendment is adopted.

Amend paragraph **61.2(2)“g”** as follows:

g. This policy shall be applied in conjunction with water quality certification review pursuant to Section 401 of the Act. In the event that activities are specifically exempted from flood plain development permits or any other permits issued by this department in 567—Chapters 70, 71, and 72, the activity will be considered consistent with this policy. Other activities not otherwise exempted will be subject to 567—Chapters 70, 71, and 72 and this policy. United States Army Corps of Engineers (Corps) nationwide permits 3, 4, 5, 6, 7, 12, 13, 14, 15, 16, 17, 18, 19, 20, 21, 22, 23, 25, 27, 29, 30, 31, 32, 33, 34, 36, 37, 38, 39, 40, 41, 42, 43, 44, 45, 46, 47, 48, 49, and 50 as well as Corps regional permits 7, ~~27~~, 33, and 34 as promulgated ~~October 29, 2008~~ February 16, 2011, are certified pursuant to Section 401 of the Clean Water Act subject to the following Corps regional conditions and the state water quality conditions:

(1) Side slopes of a newly constructed channel will be no steeper than 2:1 and planted to permanent, perennial, native vegetation if not armored.

(2) Nationwide permits with mitigation may require recording of the nationwide permit and pertinent drawings with the registrar of deeds or other appropriate official charged with the responsibility for maintaining records of title to, or interest in, real property and may also require the permittee to provide proof of that recording to the Corps.

(3) Mitigation shall be scheduled prior to, or concurrent with, the discharge of dredged or fill material into waters of the United States.

(4) For discharges of dredged or fill material resulting in the permanent loss of more than 1/10 acre of waters of the United States (including jurisdictional wetlands), a compensatory mitigation plan to offset those losses will be required. In addition, a preconstruction notice to the Corps of Engineers in accordance with general condition 27 will be required.

(5) For newly constructed channels through areas that are unvegetated, native grass filter strips, or a riparian buffer with native trees or shrubs a minimum of 35 feet wide from the top of the bank must be planted along both sides of the new channel. A survival rate of 80 percent of desirable species shall be achieved within three years of establishment of the buffer strip.

(6) For single-family residences authorized under nationwide permit 29, the permanent loss of waters of the United States (including jurisdictional wetlands) must not exceed 1/4 acre.

(7) For nationwide permit 46, the discharge of dredged or fill material into ditches that would sever the jurisdiction of an upstream water of the United States from a downstream water of the United States is not allowed.

(8) For projects that impact an outstanding national resource water, outstanding Iowa water, fens, bogs, seeps, or sedge meadows, an individual Section 401 Water Quality Certification will be required (Iowa Section 401 Water Quality Certification condition).

ENVIRONMENTAL PROTECTION COMMISSION[567](cont'd)

(9) For nationwide permits when the Corps' district engineer has issued a waiver to allow the permittee to exceed the limits of the nationwide permit, an individual Section 401 Water Quality Certification will be required (Iowa Section 401 Water Quality Certification condition). Written verification by the Corps or 401 certification by the state is required for activities covered by these permits as required by the nationwide permit or the Corps, and the activities are allowed subject to the terms and conditions of the nationwide and regional permits. The department will maintain and periodically update a guidance document listing special waters of concern. This document will be provided to the Corps for use in determining whether preconstruction notices should be provided to the department and other interested parties prior to taking action on applications for projects that would normally be covered by a nationwide or regional permit and not require preconstruction notice under nationwide permit conditions.

[Filed 12/21/10, effective 2/16/11]

[Published 1/12/11]

EDITOR'S NOTE: For replacement pages for IAC, see IAC Supplement 1/12/11.

ARC 9331B**ENVIRONMENTAL PROTECTION COMMISSION[567]****Adopted and Filed**

Pursuant to the authority of Iowa Code section 455B.474, the Environmental Protection Commission amends Chapter 135, "Technical Standards and Corrective Action Requirements for Owners and Operators of Underground Storage Tanks," Iowa Administrative Code.

The General Assembly enacted legislation in 2010 Iowa Acts, House File 2531, sections 169 to 174, that made changes in review procedures and acceptance of reports from certified groundwater professionals on investigation and cleanup of petroleum contamination from underground storage tanks. A groundwater professional's site investigation, classification, and corrective action design reports must be accepted unless, within 90 days of receipt, the Department identifies material information in the reports that is inaccurate or incomplete. From July 1, 2010, through June 30, 2011, the Department has 120 days rather than 90 days to review and comment on the reports.

The amendments revise existing rules to include the changes in review procedures and acceptance of reports from certified groundwater professionals on investigation and cleanup of petroleum contamination from underground storage tanks.

Notice of Intended Action for these amendments was published in the Iowa Administrative Bulletin on October 20, 2010, as **ARC 9152B**. No comments were received from the general public during the comment period. The U.S. Environmental Protection Agency did submit comments concerning language in 2010 Iowa Acts, House File 2531, that was not acted upon in this rule making. EPA determined that the language pertaining to release from liability was too narrow and inconsistent with, and less stringent than, federal regulations. This part of the legislation was left out of the rule making to allow the next General Assembly to revisit the law. These amendments are identical to those published under Notice of Intended Action.

These amendments are intended to implement 2009 Iowa Code Supplement section 455B.474 as amended by 2010 Iowa Acts, House File 2531, sections 169 to 174.

ENVIRONMENTAL PROTECTION COMMISSION[567](cont'd)

These amendments shall become effective February 16, 2011.

EDITOR'S NOTE: Pursuant to recommendation of the Administrative Rules Review Committee published in the Iowa Administrative Bulletin, September 10, 1986, the text of these amendments [135.9(11), 135.10(11), 135.12] is being omitted. These amendments are identical to those published under Notice as **ARC 9152B**, IAB 10/20/10.

[Filed 12/21/10, effective 2/16/11]

[Published 1/12/11]

[For replacement pages for IAC, see IAC Supplement 1/12/11.]

ARC 9332B

HOMELAND SECURITY AND EMERGENCY MANAGEMENT DIVISION[605]

Adopted and Filed

Pursuant to the authority of Iowa Code sections 17A.3 and 29C.8(3)"c," the Homeland Security and Emergency Management Division hereby amends Chapter 7, "Local Emergency Management," Iowa Administrative Code.

The Homeland Security and Emergency Management Division amends paragraph 7.4(4)"a" to update continuing education requirements for local emergency management coordinators. This amendment changes the course numbers to accurately reflect the current Federal Emergency Management Agency training catalog. This amendment was developed in consultation with the Iowa Emergency Management Association.

Notice of Intended Action was published in the Iowa Administrative Bulletin on November 17, 2010, as **ARC 9226B**. No comments were made by the public regarding the proposed amendment. This amendment is identical to that published under Notice of Intended Action.

This amendment is intended to implement Iowa Code chapter 29C.

This amendment will become effective on February 16, 2011.

The following amendment is adopted.

Amend paragraph **7.4(4)"a"** as follows:

a. Within five years of appointment as an emergency management coordinator, the person must complete the following ten independent study courses as prescribed by the Federal Emergency Management Agency:

- (1) Citizens A Citizen's Guide to Disaster Assistance IS-7.
- (2) The EOC's Role in Community Preparedness, Response and Recovery Activities Emergency Operations Center (EOC) Management and Operations IS-775.
- (3) Emergency Manager: An Orientation to the Position IS-1.
- (4) Are You Ready? An In-depth Guide to Citizen Preparedness IS-22.
- (5) An Introduction to Hazardous Materials IS-5A.
- (6) Introduction to Incident Command System IS-100.a b.
- (7) ICS for Single Resources and Initial Action Incidents IS-200.a.
- (8) Radiological Emergency Management IS-3.
- (9) Introduction to Hazard Mitigation IS-393.a.
- (10) Emergency Management Program Development.

[Filed 12/22/10, effective 2/16/11]

[Published 1/12/11]

EDITOR'S NOTE: For replacement pages for IAC, see IAC Supplement 1/12/11.

ARC 9335B**LABOR SERVICES DIVISION[875]****Adopted and Filed**

Pursuant to the authority of Iowa Code section 90A.7, the Labor Commissioner hereby amends Chapter 177, “Mixed Martial Arts,” Iowa Administrative Code.

The amendment defines the term “complimentary tickets” as tickets given away or sold for less than 50 percent of the minimum price available to the general public.

The principal reasons for adoption of this amendment are to implement legislative intent and to prevent circumvention of state sales tax and the tax assessed on mixed martial arts events pursuant to Iowa Code section 90A.9.

No variance procedures are included in this amendment because variance provisions are set forth in 875—Chapter 1.

Notice of Intended Action was published in the November 17, 2010, Iowa Administrative Bulletin as **ARC 9233B**. One member of the public commented that the proposal would not effectively prevent circumvention of taxes. The adopted amendment differs from the proposed amendment to correspond with the commenter’s suggestion.

This amendment is intended to implement Iowa Code chapter 90A as amended by 2010 Iowa Acts, Senate File 2286.

This amendment shall become effective on February 16, 2011.

The following amendment is adopted.

Adopt the following **new** definition of “Complimentary tickets” in rule **875—177.1(90A)**:

“*Complimentary tickets*,” as used in Iowa Code section 90A.9, means tickets that are sold for less than 50 percent of the minimum price available to the general public and tickets for which no fee is charged.

[Filed 12/22/10, effective 2/16/11]

[Published 1/12/11]

EDITOR’S NOTE: For replacement pages for IAC, see IAC Supplement 1/12/11.

ARC 9334B**MANAGEMENT DEPARTMENT[541]****Adopted and Filed**

Pursuant to the authority of Iowa Code section 256I.5, the Department of Management, in consultation with the Early Childhood Iowa State Board, adopts new Chapter 9, “Fiscal Oversight of the Early Childhood Iowa Initiative,” Iowa Administrative Code.

The Early Childhood Iowa Initiative was established by the General Assembly to create a partnership between communities and state-level partners to improve the efficiency and effectiveness of early care, education, health, and human services to support children prenatal through age five and their families. Chapter 9 provides, pursuant to Iowa Code section 256I.5, the measures for fiscal oversight of early childhood Iowa area boards by the Department of Management.

No waiver provision is included because it is the opinion of the Department of Management that these rules do not necessitate such a process.

Notice of Intended Action for these rules was published in the Iowa Administrative Bulletin on November 17, 2010, as **ARC 9222B**. The Department of Management received no comments on the Notice of Intended Action during the public comment period. These rules are identical to those published under Notice of Intended Action.

The Department of Management adopted these rules on December 22, 2010.

These rules are intended to implement Iowa Code sections 256I.1 to 256I.12.

MANAGEMENT DEPARTMENT[541](cont'd)

These rules shall become effective on February 16, 2011.
The following amendment is adopted.

Adopt the following new 541—Chapter 9:

CHAPTER 9
FISCAL OVERSIGHT OF THE EARLY CHILDHOOD IOWA INITIATIVE

541—9.1(256I) Definitions. For the purpose of these rules, the following definitions apply:

“Agreement” means a contract between the area boards, state board, department of management, and state agencies to which funding is allocated.

“Department” means the Iowa department of management.

“Early childhood Iowa area board” or *“area board”* means the board for an early childhood Iowa area created in accordance with Iowa Code section 256I.7.

“Early childhood Iowa state board” or *“state board”* means the early childhood Iowa state board created in accordance with Iowa Code section 256I.3.

541—9.2(256I) Purpose. This chapter sets forth the fiscal oversight measures of the department in relation to the early childhood Iowa area boards.

541—9.3(256I) Scope of the rules. The rules for the department are promulgated under Iowa Code chapter 256I. No rule shall, in any way, relieve a person affected by or subject to these rules, or any person affected by or subject to the rules promulgated by the various divisions of the department, from any duty under the laws of this state.

541—9.4(256I) Fiscal oversight.

9.4(1) In consultation with the state board, the department has adopted policies to oversee the fiscal responsibilities of area boards.

9.4(2) The department shall:

- a. Review the internal controls of all disbursements of early childhood Iowa funding;
 - b. Approve the process for issuing agreements with area boards;
 - c. Approve and sign all agreements between the area boards and the state for the purposes of Iowa Code chapter 256I;
 - d. Work with state agencies to which the early childhood Iowa funding is allocated to ensure that payments are made to the area boards. The department shall, in cooperation with the agencies to which the funding is allocated, develop a policy for the disbursement of funds;
 - e. Require an audit, conducted by an independent agency, of the early childhood Iowa funds managed by area boards. The minimum requirements and frequency of audits for the area boards shall be determined and approved by the state board;
 - f. Ensure that all area boards secure liability insurance;
 - g. Require that area boards submit a contract-monitoring schedule for their funded programs.
- These rules are intended to implement Iowa Code sections 256I.1 to 256I.12.

[Filed 12/22/10, effective 2/16/11]

[Published 1/12/11]

EDITOR’S NOTE: For replacement pages for IAC, see IAC Supplement 1/12/11.

ARC 9337B

MEDICINE BOARD[653]

Adopted and Filed

Pursuant to the authority of Iowa Code section 147.76 and chapters 148 and 272C, the Board of Medicine hereby amends Chapter 2, "Public Records and Fair Information Practices," Iowa Administrative Code.

The amendments update language in subrules 2.13(2) and 2.13(4) to clarify what is a confidential record and to allow the Board to share information with the Department of Revenue and the College Student Aid Commission in certain circumstances.

Notice of Intended Action on these amendments was published in the Iowa Administrative Bulletin on September 22, 2010, as **ARC 9089B**. A public hearing was held on October 12, 2010, and comments were submitted by the Iowa Medical Society, the Des Moines Register, and Fawkes-Lee & Ryan, public policy advocates.

On December 17, 2010, the Board adopted these amendments with a slight revision based on comments received. In subparagraph 2.13(2)"c"(2), the following language was deleted: "the coordinated licensure information system provided for in the nurse licensure compact contained in Iowa Code section 152E.1 or the advanced practice registered nurse compact contained in Iowa Code section 152E.3, the District of Columbia."

These amendments will become effective on February 16, 2011.

These amendments are intended to implement Iowa Code section 147.76 and chapters 148 and 272C. The following amendments are adopted.

ITEM 1. Amend subrule 2.13(2) as follows:

2.13(2) Confidential records. The following records may be withheld from public inspection. Records are listed by category, according to the legal basis for withholding them from public inspection.

a. and *b.* No change.

c. ~~All information in complaint and investigation files maintained by the agency for purposes of licensee discipline except that the information may be released to the licensee once a licensee disciplinary proceeding has been initiated by the filing of formal charges and a notice of hearing is confidential in accordance with Iowa Code section 272C.6(4).~~ All complaint files, investigative files, other investigation reports, and other investigation information maintained by the agency for purposes of licensee discipline are confidential. (Iowa Code section 272C.6(4))

(1) This information may be released to the licensee once a licensee disciplinary proceeding has been initiated by the filing of formal charges and a notice of hearing. (Iowa Code section 272C.6)

(2) The agency may disclose the investigative file, reports and other information to appropriate licensing authorities within this state or the appropriate licensing authorities in another state, territory or country in which the licensee is licensed or has applied for a license. (Iowa Code section 272C.6(4))

(3) If the investigative information in the possession of the agency indicates a crime has been committed, the information shall be reported to the proper law enforcement agency. However, a final written decision and finding of fact in a disciplinary proceeding, including a decision referred to in Iowa Code section 272C.3, subsection 4, is a public record. (Iowa Code section 272C.6(4))

~~*d.* Criminal history or prior misconduct of an applicant for licensure. (Iowa Code chapters 22, 147, and 692)~~

~~*e.* *d.* Information relating to the contents of an examination for licensure. (Iowa Code section 147.21)~~

~~*f.* *e.* Information relating to the results of an examination for licensure other than final score except for information about the results of an examination which is given to the person who took the examination. (Iowa Code section 147.21)~~

~~*g.* *f.* Information contained in professional substance abuse reports or other investigative reports relating to the abuse of controlled substances. (Iowa Code chapter 125 and section 228.2 and 42 U.S.C. 290 ee-3 and ff-3 dd-2)~~

MEDICINE BOARD[653](cont'd)

~~*h. g.* Minutes and tape recordings of closed meetings of the agency portions of meetings held in closed session. (Iowa Code section 21.5(4))~~

~~*h.* The record of a disciplinary hearing which is closed to the public pursuant to Iowa Code section 272C.6(1). (Iowa Code section 21.5(4)) However, in the event a record is transmitted to the district court pursuant to Iowa Code section 17A.19(16) for purposes of judicial review, the record shall not be considered confidential unless the district court so orders. (Iowa Code sections 21.5(4) and 272C.6(4))~~

~~*i.* Identifying details in final orders, decisions and opinions to the extent required to prevent a clearly unwarranted invasion of personal privacy or trade secrets under Iowa Code section 17A.3(1) "e." (Iowa Code sections 21.5(3) and 21.5(18))~~

~~*j.* Records which constitute attorney work product, or attorney-client communications, or which are otherwise privileged. Attorney work product is confidential under Iowa Code sections 22.7(4), 622.10, and 622.11, Iowa R.C.P. 122(e) R. Civ. P. 1.503, Fed. R. Civ. P. 26(b)(3), and case law. Attorney-client communications are confidential under Iowa Code sections 622.10 and 622.11, the rules of evidence, the Code of Professional Responsibility, and case law.~~

~~*k.* No change.~~

ITEM 2. Amend subrule 2.13(4) as follows:

2.13(4) Notwithstanding any statutory confidentiality provision, the board may share information with the child support recovery unit, the department of revenue, and the college student aid commission through manual or automated means for the sole purpose of identifying licensees or applicants subject to enforcement under Iowa Code chapter 252J, 261, 272D or 598.

[Filed 12/22/10, effective 2/16/11]

[Published 1/12/11]

EDITOR'S NOTE: For replacement pages for IAC, see IAC Supplement 1/12/11.

ARC 9324B

NATURAL RESOURCE COMMISSION[571]

Adopted and Filed

Pursuant to the authority of Iowa Code section 455A.5(6), the Natural Resource Commission hereby amends Chapter 61, "State Parks and Recreation Areas," and Chapter 62, "State Forest Camping," Iowa Administrative Code.

The amendments:

1. Establish the percentage of campsites that may be reserved to no less than 50 percent and up to no more than 75 percent.
2. Remove the 3 percent credit card processing fee referenced throughout the rules.
3. Establish an online reservation change fee of \$5 and increase the call center change fee to \$7.
4. Establish an online cancellation fee of \$5 and increase the call center cancellation fee to \$7.
5. Change the last day to make a rental facility reservation during the off season to seven days prior to the arrival date.

Notice of Intended Action was published in the Iowa Administrative Bulletin on October 6, 2010, as **ARC 9118B**. A public hearing was held October 26, 2010, at the Wallace State Office Building in Des Moines, Iowa.

Seventy-four public comments were received via E-mail, letters, telephone calls and oral presentations. Twenty-six comments were in general support of the proposed amendments. One comment was neutral regarding the proposed amendments, and 47 comments were opposed to the proposed amendments, particularly the amendment to increase the percentage of reservable campsites to 75 percent.

Recurring comments in opposition to the amendments included concern that, if reservable campsites are increased to 75 percent, the state will lose revenue because many campsites will be vacant;

NATURAL RESOURCE COMMISSION[571](cont'd)

spontaneity for last minute camping will be reduced; people will be unable to plan that far in advance; local citizens who can run out to the park and register without the need for making a reservation will lose out; only the poorer quality campsites will be left; those who do not own a computer to make reservations will be at a disadvantage; and government control will increase and use will be restricted. Some individuals expressed the opinion that 50 percent reservable campsites is a fair percentage. A few individuals commented that they would like to see the reservation system shut down completely, and several comments expressed the desire to charge out-of-state users a fee.

In response to the public comments received, one change has been made to the amendments that were published under Notice of Intended Action. In Items 1 and 4, a range of no less than 50 percent of campsites and up to no more than 75 percent of campsites in each individual campground shall be designated as reservable sites on the reservation system. This change will allow some campgrounds to remain at 50 percent reservable campsites and other campgrounds to add campsites to the reservation system as long as the percentage does not exceed 75.

These amendments are intended to implement Iowa Code sections 461A.3, 461A.47, 461A.48, 461A.50 and 461A.57.

These amendments will become effective February 16, 2011.

The following amendments are adopted.

ITEM 1. Amend subparagraph **61.3(2)“b”(2)** as follows:

(2) ~~Fifty percent~~ No less than 50 percent and up to no more than 75 percent of the total number of campsites in each individual campground shall be designated as reservable sites on the reservation system. The determination of which campsites shall be included in the ~~50 percent~~ reservable designation shall be the responsibility of the park staff in each park. Park staff shall include a combination of electric, nonelectric and sewer/water sites while taking into consideration campsite characteristics such as location, shade and size. The department ~~shall~~ will review the percentage of reservable sites and usage on a biennial basis and determine whether the percentage of reservable campsites should be changed. A reservable campsite ~~shall~~ will be identified with a reservable site marker on the campsite post.

ITEM 2. Amend subrule 61.3(4) as follows:

61.3(4) Reservation transaction fees.

a. *Reservation fee.* A nonrefundable reservation fee shall be charged for each reservation made per campsite or rental facility regardless of the length of stay. The one-time fee is per reservation and is not charged per day or night. This fee is in addition to the camping fees or rental fees established in subrules 61.4(1) and 61.5(1). The reservation fee varies depending upon the method used when the reservation is made.

(1) Internet reservation — ~~\$4 + 3 percent credit card processing fee (if applicable).~~

(2) Telephone reservation — ~~\$6 + 3 percent credit card processing fee (if applicable).~~

b. *Change fee.* A fee of ~~\$5 + 3 percent credit card processing fee (if applicable)~~ shall be charged to change an existing reservation.

(1) Reservation change made through the Internet — \$5.

(2) Reservation change made over the telephone — \$7.

c. *Cancellation fee.* A fee of ~~\$5~~ shall be charged to cancel a reservation.

(1) Reservation cancellation made through the Internet — \$5.

(2) Reservation cancellation made over the telephone — \$7.

ITEM 3. Amend subparagraph **61.3(5)“b”(2)** as follows:

(2) Rentals for October 1 to April 30. The reservation window for rental facilities is 12 months to ~~14~~ 7 days prior to the arrival date.

ITEM 4. Amend paragraph **62.4(2)“b”** as follows:

b. ~~Fifty percent~~ No less than 50 percent and up to no more than 75 percent of the total number of campsites in each individual campground shall be designated as reservable sites on the reservation system. The determination of which campsites shall be included in the ~~50 percent~~ reservable designation shall be the responsibility of the park staff in each park. Park staff shall include a combination of

NATURAL RESOURCE COMMISSION[571](cont'd)

electric, nonelectric and sewer/water sites while taking into consideration campsite characteristics such as location, shade, and size. The department ~~shall~~ will review the percentage of reservable sites and usage on a biennial basis and determine whether the percentage of reservable campsites should be changed. A reservable campsite ~~shall~~ will be identified with a reservable site marker on the campsite post.

ITEM 5. Amend subrule 62.4(4) as follows:

62.4(4) Reservation transaction fees.

a. Reservation fee. A nonrefundable reservation fee shall be charged for each reservation made per campsite regardless of the length of stay. The one-time fee is per reservation and is not charged per day or night. This fee is in addition to the camping fees established in 571—subrule 61.4(1). The reservation fee varies depending upon the method used when the reservation is made.

(1) Internet reservation — \$4 + ~~3 percent credit card processing fee (if applicable).~~

(2) Telephone reservation — \$6 + ~~3 percent credit card processing fee (if applicable).~~

b. Change fee. A fee of ~~\$5 + 3 percent credit card processing fee (if applicable)~~ shall be charged to change an existing reservation.

(1) Reservation change made through the Internet — \$5.

(2) Reservation change made over the telephone — \$7.

c. Cancellation fee. A fee of ~~\$5~~ shall be charged to cancel a reservation.

(1) Reservation cancellation made through the Internet — \$5.

(2) Reservation cancellation made over the telephone — \$7.

[Filed 12/17/10, effective 2/16/11]

[Published 1/12/11]

EDITOR'S NOTE: For replacement pages for IAC, see IAC Supplement 1/12/11.

ARC 9329B

NURSING BOARD[655]

Adopted and Filed

Pursuant to the authority of Iowa Code sections 17A.3 and 147.76, the Board of Nursing hereby amends Chapter 6, "Nursing Practice for Registered Nurses/Licensed Practical Nurses," Iowa Administrative Code.

These amendments update and revise the current limited and expanded intravenous therapy scope of practice for the licensed practical nurse (LPN).

Notice of Intended Action for these amendments was published in the Iowa Administrative Bulletin on July 14, 2010, as **ARC 8930B**. The Board held a formal public hearing on September 15, 2010, to receive comments on the proposed amendments. In addition, an informal public hearing was held over the Iowa Communications Network (ICN) on September 13, 2010. Comments were received from long-term care associations, licensed hospitals, registered nurses, licensed practical nurses and the Iowa Nurses Association. These comments included expanding the LPN's scope of practice, supervision of the LPN by the RN and the need to meet the current standard of care. There were comments in agreement and in opposition.

These amendments have been revised since publication of the Notice of Intended Action. In paragraphs 6.3(4)"e," 6.5(4)"c," and 6.5(7)"e," the words "licensed skilled" have been deleted from the phrase "licensed skilled nursing facility" to bring the phrase into agreement with the following definition of "nursing facility" in Chapter 6: "'Nursing facility' means an institution as defined in Iowa Code chapter 135C. This definition does not include acute care settings."

These amendments will become effective February 16, 2011.

These amendments are intended to implement Iowa Code chapter 152.

The following amendments are adopted.

NURSING BOARD[655](cont'd)

ITEM 1. Adopt the following **new** definitions in rule **655—6.1(152)**:

“Expanded intravenous therapy certification course” means the Iowa board of nursing course required for licensed practical nurses to perform procedures related to the expanded scope of practice of intravenous therapy.

“Midline catheter” means a long peripheral catheter in which the distal end resides in the mid to upper arm, but the tip terminates no further than the axilla.

“Peripheral intravenous catheter” means a catheter three inches or less in length.

“Peripherally inserted central catheter” means a soft flexible central venous catheter inserted into an extremity and advanced until the tip is positioned in the vena cava.

ITEM 2. Adopt the following **new** implementation sentence in rule **655—6.1(152)**:

This rule is intended to implement Iowa Code chapter 152.

ITEM 3. Rescind subrule 6.3(4) and adopt the following **new** subrule in lieu thereof:

6.3(4) A licensed practical nurse, under the supervision of a registered nurse, may engage in the limited scope of practice of intravenous therapy. The licensed practical nurse shall be educated and have documentation of competency in the limited scope of practice of intravenous therapy. Limited scope of practice of intravenous therapy may include:

a. Addition of intravenous solutions without adding medications to established peripheral intravenous sites.

b. Regulation of the rate of nonmedicated intravenous solutions to established peripheral intravenous sites.

c. Administration of maintenance doses of analgesics via the patient-controlled analgesia pump set at a lock-out interval to established peripheral intravenous sites.

d. Discontinuation of peripheral intravenous therapy.

e. Administration of a prefilled heparin or saline syringe flush, prepackaged by the manufacturer or premixed and labeled by a registered pharmacist or registered nurse, to an established peripheral lock, in a licensed hospital, a nursing facility or a certified end-stage renal dialysis unit.

ITEM 4. Renumber subrules **6.3(5)** to **6.3(9)** as **6.3(6)** to **6.3(10)**.

ITEM 5. Adopt the following **new** subrule 6.3(5):

6.3(5) When nursing tasks are delegated by the registered nurse to the licensed practical nurse in a certified end-stage renal dialysis unit, the facility must have a written policy that defines the practice and written verification of the education and competency of the licensed practical nurse in accordance with the facility’s written policy. Nursing tasks which may be delegated to the licensed practical nurse for the sole purpose of hemodialysis treatment include:

a. Initiation and discontinuation of the hemodialysis treatment utilizing any of the following established vascular accesses: central line catheter, arteriovenous fistula, graft.

b. Administration, during hemodialysis treatment, of local anesthetic prior to cannulation of the vascular access site.

c. Administration of prescribed dosages of heparin solution or saline solution utilized in the initiation and discontinuation of hemodialysis.

d. Administration, during hemodialysis treatment via the extracorporeal circuit, of the routine intravenous medications erythropoietin, Vitamin D Analog, intravenous antibiotic solutions prepackaged by the manufacturer or premixed and labeled by a registered pharmacist or registered nurse, and iron, excluding any iron preparation that requires a test dose. The registered nurse shall administer the first dose of erythropoietin, Vitamin D Analog, antibiotics, and iron.

ITEM 6. Adopt the following **new** implementation sentence in rule **655—6.3(152)**:

This rule is intended to implement Iowa Code chapters 152 and 152E.

NURSING BOARD[655](cont'd)

ITEM 7. Rescind subrules **6.5(3)** to **6.5(5)**.

ITEM 8. Adopt the following **new** subrules 6.5(3) to 6.5(7):

6.5(3) A licensed practical nurse shall be permitted to perform, in addition to the functions set forth in subrule 6.3(4), procedures related to the expanded scope of practice of intravenous therapy upon completion of the board-approved expanded intravenous therapy certification course.

6.5(4) To be eligible to enroll in the course, the licensed practical nurse shall:

- a. Hold a current unrestricted Iowa license or an unrestricted license in another state recognized for licensure in this state pursuant to the nurse licensure compact contained in Iowa Code chapter 152E.
- b. Have documentation of 1040 hours of practice as a licensed practical nurse.
- c. Be practicing in a licensed hospital, a nursing facility or a certified end-stage renal dialysis unit whose policies allow the licensed practical nurse to perform procedures related to the expanded scope of practice of intravenous therapy.

6.5(5) The course must be offered by an approved Iowa board of nursing provider of nursing continuing education. Documentation of course completion shall be maintained by the licensed practical nurse and employer.

6.5(6) The board-approved course shall incorporate the responsibilities of the licensed practical nurse when providing intravenous therapy via a peripheral intravenous catheter, a midline catheter and a peripherally inserted central catheter (PICC) to children, adults and elderly adults. When providing intravenous therapy, the LPN shall be under the supervision of a registered nurse. Procedures which may be performed if delegated by the registered nurse are as follows:

- a. Initiation of a peripheral intravenous catheter for continuous or intermittent therapy using a catheter not to exceed three inches in length.
- b. Administration, via a peripheral intravenous catheter, midline catheter, and a PICC line, of premixed electrolyte solutions or premixed vitamin solutions. The first dose shall be administered by the registered nurse. The solutions must be prepackaged by the manufacturer or premixed and labeled by a registered pharmacist or registered nurse.
- c. Administration, via a peripheral intravenous catheter, midline catheter, and a PICC line, of solutions containing potassium chloride that do not exceed 40 meq per liter and that do not exceed a dose of 10 meq per hour. The first dose shall be administered by the registered nurse. The solutions must be prepackaged by the manufacturer or premixed and labeled by a registered pharmacist or registered nurse.
- d. Administration, via a peripheral intravenous catheter, midline catheter, and a PICC line, of intravenous antibiotic solutions prepackaged by the manufacturer or premixed and labeled by a registered pharmacist or registered nurse. The first dose shall be administered by the registered nurse.
- e. Maintenance of the patency of a peripheral intravenous catheter, midline catheter, and a PICC line with a prefilled heparin or saline syringe flush, prepackaged by the manufacturer or premixed by a registered pharmacist or registered nurse.
- f. Changing the dressing of a midline catheter and a PICC line per sterile technique.

6.5(7) Procedures which shall not be delegated by the registered nurse to the licensed practical nurse are as follows:

- a. Initiation and discontinuation of a midline catheter or a peripherally inserted central catheter (PICC).
- b. Administration of medication by bolus or IV push except maintenance doses of analgesics via a patient-controlled analgesia pump set at a lock-out interval.
- c. Administration of blood and blood products, vasodilators, vasopressors, oxytocics, chemotherapy, colloid therapy, total parenteral nutrition, anticoagulants, antiarrhythmics, thrombolytics, and solutions with a total osmolarity of 600 or greater.
- d. Provision of intravenous therapy to a client under the age of 12 or any client weighing less than 80 pounds, with the exception of those activities authorized in the limited scope of practice found in subrule 6.3(4).

NURSING BOARD[655](cont'd)

e. Provision of intravenous therapy in any other setting except a licensed hospital, a nursing facility and a certified end-stage renal dialysis unit, with the exception of those activities authorized in the limited scope of practice found in subrule 6.3(4).

ITEM 9. Amend rule ~~655~~—**6.5(152)**, implementation sentence, as follows:

This rule is intended to implement Iowa Code chapters 136C and 152, ~~and 2000 Iowa Acts, House File 2105.~~

[Filed 12/21/10, effective 2/16/11]

[Published 1/12/11]

EDITOR'S NOTE: For replacement pages for IAC, see IAC Supplement 1/12/11.

ARC 9328B

PROFESSIONAL LICENSURE DIVISION[645]

Adopted and Filed

Pursuant to the authority of Iowa Code section 147.76, the Board of Physical and Occupational Therapy hereby amends Chapter 200, "Licensure of Physical Therapists and Physical Therapist Assistants," Chapter 202, "Discipline for Physical Therapists and Physical Therapist Assistants," Chapter 203, "Continuing Education for Physical Therapists and Physical Therapist Assistants," Chapter 207, "Continuing Education for Occupational Therapists and Occupational Therapy Assistants," and Chapter 209, "Discipline for Occupational Therapists and Occupational Therapy Assistants," Iowa Administrative Code.

These amendments add requirements for foreign-trained physical therapist assistants, update continuing education requirements for physical and occupational therapy licensure, and amend language in the physical and occupational therapy discipline chapters to be consistent with the Iowa Code.

Notice of Intended Action was published in the Iowa Administrative Bulletin on October 20, 2010, as **ARC 9156B**. A public hearing was held on November 9, 2010, from 8 to 8:30 a.m. in the Fifth Floor Board Conference Room, Lucas State Office Building, Des Moines, Iowa. No public comment was received on the proposed amendments. These amendments are identical to those published under Notice.

These amendments were adopted by the Iowa Board of Physical and Occupational Therapy on December 17, 2010.

These amendments will become effective February 16, 2011.

These amendments are intended to implement Iowa Code chapters 21, 147, 148A, 148B and 272C.

EDITOR'S NOTE: Pursuant to recommendation of the Administrative Rules Review Committee published in the Iowa Administrative Bulletin, September 10, 1986, the text of these amendments [amendments to Chs 200, 202, 203, 207, 209] is being omitted. These amendments are identical to those published under Notice as **ARC 9156B**, IAB 10/20/10.

[Filed 12/21/10, effective 2/16/11]

[Published 1/12/11]

[For replacement pages for IAC, see IAC Supplement 1/12/11.]

ARC 9320B

SCHOOL BUDGET REVIEW COMMITTEE[289]

Adopted and Filed

Pursuant to the authority of Iowa Code section 257.30, the School Budget Review Committee hereby amends Chapter 1, "Organization," Iowa Administrative Code.

2010 Iowa Acts, House File 2030, changes the composition of the Committee and makes the Director of the Department of Education a nonvoting member of the Committee. Items 1 and 2 incorporate these

SCHOOL BUDGET REVIEW COMMITTEE[289](cont'd)

changes. The amendment in Item 3 adds the street address for the Committee. Item 4 incorporates a rule similar to rule 289—6.2(257) into Chapter 1 and changes the number of meetings from four to three because the May meeting is not held a majority of the time.

A waiver provision is provided in 289—Chapter 8.

Notice of Intended Action was published in the October 6, 2010, Iowa Administrative Bulletin as **ARC 9122B**. Public comments were allowed until 4:30 p.m. on October 26, 2010. No written or oral comments were received.

These amendments are identical to those published under Notice.

These amendments shall become effective February 16, 2011.

These amendments are intended to implement Iowa Code section 282.31 and 2009 Iowa Code Supplement sections 273.2, 273.3 and 282.30 and section 257.30 as amended by 2010 Iowa Acts, House File 2030, section 2.

EDITOR'S NOTE: Pursuant to recommendation of the Administrative Rules Review Committee published in the Iowa Administrative Bulletin, September 10, 1986, the text of these amendments [1.1, 1.2, 1.4] is being omitted. These amendments are identical to those published under Notice as **ARC 9122B**, IAB 10/6/10.

[Filed 12/13/10, effective 2/16/11]

[Published 1/12/11]

[For replacement pages for IAC, see IAC Supplement 1/12/11.]

ARC 9322B**SCHOOL BUDGET REVIEW COMMITTEE[289]****Adopted and Filed**

Pursuant to the authority of Iowa Code section 257.30, the School Budget Review Committee hereby amends Chapter 6, "Duties and Operational Procedures," Iowa Administrative Code.

The Committee is adopting changes to its organizational chapter, 289—Chapter 1, in **ARC 9320B** published herein. The rule rescinded in this rule making is incorporated into Chapter 1.

A waiver provision is provided in 289—Chapter 8.

Notice of Intended Action was published in the October 6, 2010, Iowa Administrative Bulletin as **ARC 9124B**. Public comments were allowed until 4:30 p.m. on October 26, 2010. No written or oral comments were received.

This amendment is identical to that published under Notice.

This amendment shall become effective February 16, 2011.

This amendment is intended to implement 2010 Iowa Acts, House File 2030.

The following amendment is adopted.

Rescind and reserve rule **289—6.2(257)**.

[Filed 12/13/10, effective 2/16/11]

[Published 1/12/11]

EDITOR'S NOTE: For replacement pages for IAC, see IAC Supplement 1/12/11.

ARC 9321B**SCHOOL BUDGET REVIEW COMMITTEE[289]****Adopted and Filed**

Pursuant to the authority of Iowa Code section 257.30, the School Budget Review Committee hereby rescinds Chapter 7, "On-Time Funding for Increased Enrollment," Iowa Administrative Code.

SCHOOL BUDGET REVIEW COMMITTEE[289](cont'd)

Chapter 7 was adopted in 1999 to implement Iowa Code section 257.13, subsections 4 through 6. Funding for increased enrollment has never been provided, and these subsections were rescinded by 2000 Iowa Acts, chapter 1055. The rules in Chapter 7 now serve no purpose and are rescinded.

A waiver provision is provided in 289—Chapter 8.

Notice of Intended Action was published in the October 6, 2010, Iowa Administrative Bulletin as **ARC 9125B**. Public comments were allowed until 4:30 p.m. on October 26, 2010. No written or oral comments were received.

This amendment is identical to that published under Notice.

This amendment shall become effective February 16, 2011.

This amendment is intended to implement Iowa Code section 257.30.

The following amendment is adopted.

Rescind and reserve **289—Chapter 7**.

[Filed 12/13/10, effective 2/16/11]

[Published 1/12/11]

EDITOR'S NOTE: For replacement pages for IAC, see IAC Supplement 1/12/11.

ARC 9323B

SCHOOL BUDGET REVIEW COMMITTEE[289]

Adopted and Filed

Pursuant to the authority of Iowa Code section 257.30, the School Budget Review Committee hereby amends Chapter 8, "Waivers or Variances from Administrative Rules," Iowa Administrative Code.

During a routine review of rules, Department of Education staff discovered that Chapter 8 should be amended to reflect that waiver requests are handled by the Committee and not by the Department. The amendments in Items 1 to 3 address this discrepancy. Item 4 also adds more detail to the mailing address of the Committee.

A waiver provision is provided in 289—Chapter 8.

Notice of Intended Action was published in the October 6, 2010, Iowa Administrative Bulletin as **ARC 9126B**. Public comments were allowed until 4:30 p.m. on October 26, 2010. No written or oral comments were received.

These amendments are identical to those published under Notice.

These amendments shall become effective February 16, 2011.

These amendments are intended to implement Iowa Code sections 257.30 and 282.31.

The following amendments are adopted.

ITEM 1. Rescind the definitions of "Board," "Department" and "Director" in rule **289—8.1(17A,ExecOrd11)**.

ITEM 2. Strike "department" wherever it appears in rules **289—8.3(17A,ExecOrd11)**, **289—8.6(17A,ExecOrd11)**, **289—8.7(17A,ExecOrd11)**, **289—8.8(17A,ExecOrd11)** and **289—8.12(17A,ExecOrd11)** and insert "committee" in lieu thereof.

ITEM 3. Strike "director" wherever it appears in rules **289—8.4(17A,ExecOrd11)**, **289—8.10(17A,ExecOrd11)**, **289—8.11(17A,ExecOrd11)**, **289—8.13(17A,ExecOrd11)**, **289—8.15(17A,ExecOrd11)** and **289—8.16(17A,ExecOrd11)** and insert "committee" in lieu thereof.

ITEM 4. Amend rule 289—8.5(17A,ExecOrd11) as follows:

289—8.5(17A,ExecOrd11) Filing of petition. All petitions for waiver must be submitted in writing to the ~~Director, Department of Education~~ School Budget Review Committee, Grimes State Office Building,

SCHOOL BUDGET REVIEW COMMITTEE[289](cont'd)

400 E. 14th Street, Des Moines, Iowa 50319-0146. If the petition relates to a pending contested case, the petition shall be filed in the contested case proceeding, using the caption of the contested case.

[Filed 12/13/10, effective 2/16/11]

[Published 1/12/11]

EDITOR'S NOTE: For replacement pages for IAC, see IAC Supplement 1/12/11.