



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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CITATION of Administrative Rules

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

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

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

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

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

Schedule for Rule Making 2012

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. 21 '11	Jan. 11 '12	Jan. 31 '12	Feb. 15 '12	Feb. 17 '12	Mar. 7 '12	Apr. 11 '12	July 9 '12
Jan. 6	Jan. 25	Feb. 14	Feb. 29	Mar. 2	Mar. 21	Apr. 25	July 23
Jan. 20	Feb. 8	Feb. 28	Mar. 14	Mar. 16	Apr. 4	May 9	Aug. 6
Feb. 3	Feb. 22	Mar. 13	Mar. 28	Mar. 30	Apr. 18	May 23	Aug. 20
Feb. 17	Mar. 7	Mar. 27	Apr. 11	Apr. 13	May 2	June 6	Sep. 3
Mar. 2	Mar. 21	Apr. 10	Apr. 25	Apr. 27	May 16	June 20	Sep. 17
Mar. 16	Apr. 4	Apr. 24	May 9	May 11	May 30	July 4	Oct. 1
Mar. 30	Apr. 18	May 8	May 23	***May 23***	June 13	July 18	Oct. 15
Apr. 13	May 2	May 22	June 6	June 8	June 27	Aug. 1	Oct. 29
Apr. 27	May 16	June 5	June 20	***June 20***	July 11	Aug. 15	Nov. 12
May 11	May 30	June 19	July 4	July 6	July 25	Aug. 29	Nov. 26
May 23	June 13	July 3	July 18	July 20	Aug. 8	Sep. 12	Dec. 10
June 8	June 27	July 17	Aug. 1	Aug. 3	Aug. 22	Sep. 26	Dec. 24
June 20	July 11	July 31	Aug. 15	Aug. 17	Sep. 5	Oct. 10	Jan. 7 '13
July 6	July 25	Aug. 14	Aug. 29	***Aug. 29***	Sep. 19	Oct. 24	Jan. 21 '13
July 20	Aug. 8	Aug. 28	Sep. 12	Sep. 14	Oct. 3	Nov. 7	Feb. 4 '13
Aug. 3	Aug. 22	Sep. 11	Sep. 26	Sep. 28	Oct. 17	Nov. 21	Feb. 18 '13
Aug. 17	Sep. 5	Sep. 25	Oct. 10	Oct. 12	Oct. 31	Dec. 5	Mar. 4 '13
Aug. 29	Sep. 19	Oct. 9	Oct. 24	***Oct. 24***	Nov. 14	Dec. 19	Mar. 18 '13
Sep. 14	Oct. 3	Oct. 23	Nov. 7	***Nov. 7***	Nov. 28	Jan. 2 '13	Apr. 1 '13
Sep. 28	Oct. 17	Nov. 6	Nov. 21	***Nov. 21***	Dec. 12	Jan. 16 '13	Apr. 15 '13
Oct. 12	Oct. 31	Nov. 20	Dec. 5	***Dec. 5***	Dec. 26	Jan. 30 '13	Apr. 29 '13
Oct. 24	Nov. 14	Dec. 4	Dec. 19	***Dec. 19***	Jan. 9 '13	Feb. 13 '13	May 13 '13
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Dec. 5	Dec. 26	Jan. 15 '13	Jan. 30 '13	Feb. 1 '13	Feb. 20 '13	Mar. 27 '13	June 24 '13
Dec. 19	Jan. 9 '13	Jan. 29 '13	Feb. 13 '13	Feb. 15 '13	Mar. 6 '13	Apr. 10 '13	July 8 '13

PRINTING SCHEDULE FOR IAB

<u>ISSUE NUMBER</u>	<u>SUBMISSION DEADLINE</u>	<u>ISSUE DATE</u>
22	Friday, April 13, 2012	May 2, 2012
23	Friday, April 27, 2012	May 16, 2012
24	Friday, May 11, 2012	May 30, 2012

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*****

EARLY CHILDHOOD IOWA STATE BOARD[249]

Online guidelines and standards for services, 1.4(2)“d” IAB 4/4/12 ARC 0058C	Room 142 Lucas State Office Bldg. Des Moines, Iowa	April 24, 2012 8:30 a.m.
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ENVIRONMENTAL PROTECTION COMMISSION[567]

Compliance and enforcement procedures, ch 17 IAB 3/21/12 ARC 0051C	Conference Rooms, Air Quality Bureau 7900 Hickman Rd., Suite 1 Windsor Heights, Iowa (To attend by conference call, dial (866)685-1580 and enter code 5152425196#)	April 23, 2012 10 a.m.
Commercial septic tank cleaners; private sewage disposal systems, amendments to chs 68, 69 IAB 3/21/12 ARC 0046C	Conference Room 5E Wallace State Office Bldg. Des Moines, Iowa	April 12, 2012 3 to 5 p.m.
	DNR Field Office 4 1401 Sunnyside Lane Atlantic, Iowa	April 16, 2012 2 to 4 p.m.
	Public Library 805 1st St. East Independence, Iowa	April 17, 2012 4 to 6 p.m.
	Public Library 104 West Adams Fairfield, Iowa	April 18, 2012 4 to 6 p.m.
	Public Library 609 Cayuga St. Storm Lake, Iowa	April 19, 2012 4 to 6 p.m.

FAIR BOARD[371]

Iowa state fair—general practices, year-round activities, amendments to chs 1, 3 to 8 IAB 3/21/12 ARC 0049C	Des Moines Register Service Center Iowa State Fairgrounds East 30th St. and Grand Ave. Des Moines, Iowa	April 11, 2012 2 p.m.
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INSURANCE DIVISION[191]

Certificates of insurance for commercial lending transactions, amendments to ch 20 IAB 4/4/12 ARC 0070C	Division Offices 330 Maple St. Des Moines, Iowa	April 24, 2012 10 a.m.
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MANAGEMENT DEPARTMENT[541]

Early childhood Iowa initiative—definition of “audit,” 9.1 IAB 4/4/12 ARC 0067C	Room 142 Lucas State Office Bldg. Des Moines, Iowa	April 24, 2012 8:30 a.m.
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NATURAL RESOURCES DEPARTMENT[561]

Groundwater hazard statement, 9.2(1) IAB 3/21/12 ARC 0045C	Conference Room 5E Wallace State Office Bldg. Des Moines, Iowa	April 12, 2012 3 to 5 p.m.
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DNR Field Office 4 1401 Sunnyside Lane Atlantic, Iowa	April 16, 2012 2 to 4 p.m.
Public Library 805 1st St. East Independence, Iowa	April 17, 2012 4 to 6 p.m.
Public Library 104 West Adams Fairfield, Iowa	April 18, 2012 4 to 6 p.m.
Public Library 609 Cayuga St. Storm Lake, Iowa	April 19, 2012 4 to 6 p.m.

PUBLIC HEALTH DEPARTMENT[641]

Plumbing and mechanical systems board—licensure fees, 28.1(5) IAB 3/21/12 ARC 0042C (ICN Network)	Main Conference Room, Second Floor Economic Development Authority 200 East Grand Ave. Des Moines, Iowa	April 10, 2012 11 a.m. to 12 noon
	Room 210, Scott Community College 500 Belmont Rd. Bettendorf, Iowa	April 10, 2012 11 a.m. to 12 noon
	Department of Human Services 417 East Kanesville Blvd. Council Bluffs, Iowa	April 10, 2012 11 a.m. to 12 noon
	National Guard Armory 195 Radford Rd. Dubuque, Iowa	April 10, 2012 11 a.m. to 12 noon
	National Guard Armory 1659 Nelson Ave. Fort Dodge, Iowa	April 10, 2012 11 a.m. to 12 noon
	Room 103, North Hall University of Iowa - 1 20 West Davenport St. Iowa City, Iowa	April 10, 2012 11 a.m. to 12 noon
	National Guard Armory 1160 19th St. SW Mason City, Iowa	April 10, 2012 11 a.m. to 12 noon
	National Guard Armory 2858 N. Court Rd. Ottumwa, Iowa	April 10, 2012 11 a.m. to 12 noon
	National Guard Armory 3200 2nd Mech Dr. Sioux City, Iowa	April 10, 2012 11 a.m. to 12 noon
	National Guard Armory 3306 Airport Blvd. Waterloo, Iowa	April 10, 2012 11 a.m. to 12 noon
Plumbing and mechanical systems board—renewal of lapsed license, 29.7(2) IAB 3/21/12 ARC 0043C (ICN Network)	Main Conference Room, Second Floor Economic Development Authority 200 East Grand Ave. Des Moines, Iowa	April 10, 2012 11 a.m. to 12 noon

PUBLIC HEALTH DEPARTMENT[641] (cont'd)**(ICN Network)**

Room 210, Scott Community College 500 Belmont Rd. Bettendorf, Iowa	April 10, 2012 11 a.m. to 12 noon
Department of Human Services 417 East Kanesville Blvd. Council Bluffs, Iowa	April 10, 2012 11 a.m. to 12 noon
National Guard Armory 195 Radford Rd. Dubuque, Iowa	April 10, 2012 11 a.m. to 12 noon
National Guard Armory 1659 Nelson Ave. Fort Dodge, Iowa	April 10, 2012 11 a.m. to 12 noon
Room 103, North Hall University of Iowa - 1 20 West Davenport St. Iowa City, Iowa	April 10, 2012 11 a.m. to 12 noon
National Guard Armory 1160 19th St. SW Mason City, Iowa	April 10, 2012 11 a.m. to 12 noon
National Guard Armory 2858 N. Court Rd. Ottumwa, Iowa	April 10, 2012 11 a.m. to 12 noon
National Guard Armory 3200 2nd Mech Dr. Sioux City, Iowa	April 10, 2012 11 a.m. to 12 noon
National Guard Armory 3306 Airport Blvd. Waterloo, Iowa	April 10, 2012 11 a.m. to 12 noon

PUBLIC SAFETY DEPARTMENT[661]

Electrical examining board—reciprocal licensing, failure to pay fees, 502.2(14), 502.4(6), 552.2(4) IAB 3/7/12 ARC 0038C	First Floor Conference Room Public Safety Headquarters Bldg. 215 E. 7th St. Des Moines, Iowa	April 19, 2012 10 a.m.
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STATE PUBLIC DEFENDER[493]

Indigent defense fund payments for certified shorthand reporters, 12.7, 12.10, 13.2(4), 13.5 IAB 3/21/12 ARC 0050C	Conference Room 424, Fourth Floor Lucas State Office Bldg. Des Moines, Iowa	April 10, 2012 1 p.m.
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TRANSPORTATION DEPARTMENT[761]

Vehicle title, registration, plates; dark window exemption; salvage; regular business hours; federal motor carrier regulations, amendments to chs 400, 401, 405, 425, 431, 450, 511, 524, 529 IAB 4/4/12 ARC 0068C	Motor Vehicle Division Offices 6310 SE Convenience Blvd. Ankeny, Iowa	April 26, 2012 10 a.m. (If requested)
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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 0078C

AGRICULTURE AND LAND STEWARDSHIP DEPARTMENT[21]**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 159.5, the Department of Agriculture and Land Stewardship hereby gives Notice of Intended Action to amend Chapter 1, “Administration,” and to adopt new Chapter 36, “Egg Handlers,” Iowa Administrative Code.

The proposed amendments carry out the transfer of the rules for egg handlers from the Iowa Department of Inspections and Appeals to the Iowa Department of Agriculture and Land Stewardship authorized by 2011 Iowa Acts, House File 453. Those provisions will become effective on July 1, 2012.

Any interested person may make written suggestions or comments on the proposed amendments on or before April 24, 2012. Written comments should be addressed to Margaret Thomson, Iowa Department of Agriculture and Land Stewardship, Wallace State Office Building, 502 E. 9th Street, Des Moines, Iowa 50319. Comments may be submitted by fax to (515)281-6236 or by E-mail to Margaret.Thomson@IowaAgriculture.gov.

The proposed amendments are subject to the Department’s general waiver provision.

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

These amendments are intended to implement Iowa Code chapters 159 and 196 and 2011 Iowa Acts, House File 453.

The following amendments are proposed.

ITEM 1. Amend subrule 1.5(2) as follows:

1.5(2) Commercial feed and fertilizer bureau. This bureau licenses feed mills and commercial feed manufacturing facilities; registers feed and stock tonic products; collects commercial feed tonnage fees; inspects medicated feed in accordance with Food and Drug Administration (FDA) rules and regulations; licenses and registers fertilizer plants and products; collects, compiles, and distributes data on plant food consumption; collects commercial fertilizer tonnage fees and groundwater protection fees; approves, inspects and regulates all anhydrous ammonia installations; ~~and~~ licenses, samples, evaluates and certifies all limestone quarries; and licenses and inspects egg handlers.

ITEM 2. Adopt the following new 21—Chapter 36:

CHAPTER 36
EGG HANDLERS

21—36.1(196) Definitions.

“*Capable of use as human food*” means any egg or egg product, unless it is denatured or otherwise identified as required by federal regulation to deter its use as human food.

“*Check*” means an egg that has a broken shell or crack in the shell but has its membranes intact and contents not leaking.

“*Department*” means the department of agriculture and land stewardship.

“*Dirty*” means an egg that has a shell that is unbroken and has adhering dirt or foreign material, prominent stains or moderate stains covering more than 1/32 of the shell surface if localized or 1/16 of the shell surface if scattered.

“*Egg handler*” or “*handler*” means any person who engages in any business in commerce which involves buying or selling any eggs (as a poultry producer or otherwise), or processing any egg products, or otherwise using any eggs in the preparation of human food. An egg handler does not include a

AGRICULTURE AND LAND STEWARDSHIP DEPARTMENT[21](cont'd)

food establishment or home food establishment if either establishment obtains eggs from a licensed egg handler or supplier which meets standards referred to in rule 481—31.2(137F). Producers who sell eggs produced exclusively from their own flocks directly to egg handlers or to consumer customers are exempt from regulation as egg handlers.

“Inedible” means any egg of the following description: black rot, yellow rot, white rot, mixed rot (addled egg), sour egg, egg with a green white, egg with a stuck yolk, moldy egg, musty egg, egg showing a blood ring, and an egg containing any embryo chick (at or beyond the blood ring stage), and any egg that is adulterated as such term is defined pursuant to the federal Food, Drug and Cosmetic Act.

“Leaker” means an egg that has a crack or break in the shell and shell membranes to the extent that the egg contents are exposed or are exuding or free to exude through the shell.

“License holder” means an individual, corporation, partnership, governmental unit, association or any other entity to whom a license was issued pursuant to Iowa Code chapter 196.

“Loss” means an egg that is unfit for human food because the egg is smashed or broken so that its contents are leaking; or overheated, frozen, or contaminated; or an incubator reject; or because it contains a bloody white, large meat spots, a large quantity of blood, or other foreign material.

“Official plant” means any establishment at which inspection of the processing of egg products is maintained by the department under the authority of Iowa Code chapter 196 or by the United States Department of Agriculture under the authority of the federal Egg Products Inspection Act.

“Restricted egg” means any check, dirty, incubator reject, inedible, leaker, or loss.

21—36.2(196) Licensing. An egg handler’s license shall be obtained from the department for each location at which eggs will be candled and graded. In order to obtain an egg handler’s license, the applicant shall comply with the standards contained in Iowa Code chapter 196 and this chapter.

36.2(1) A license is not transferable. License fees are not refundable unless the license is surrendered to the department prior to the effective date of the license.

36.2(2) A license is valid for one year, is renewable, and expires on October 1.

36.2(3) A valid license and the most recent inspection report, along with any current complaint or reinspection reports, shall be posted no higher than eye level where the public can see them. For the purpose of this subrule, only founded complaint reports shall be considered a complaint. Founded complaints shall be posted until either the mail-in recheck form has been submitted to the regulatory authority or a recheck inspection has been conducted to verify that the violations have been corrected.

36.2(4) Any change in business ownership or business location requires a new license. Multiple locations operated simultaneously each require a separate license.

36.2(5) The regulatory authority may require documentation from a license holder.

36.2(6) A delinquent license shall only be renewed if it is renewed within 60 days of its expiration. If a delinquent license is not renewed within 60 days, an establishment must apply for a new license and meet all the requirements for licensure. Establishments that have not renewed the license within 60 days of the expiration of the license shall be closed by the department or a contractor. The establishment shall not be reopened until a new license application has been submitted and approved.

36.2(7) License fees for egg handlers are based on the total number of cases of eggs purchased or handled during the month of April (Iowa Code section 196.3) and are charged as follows:

- a. For less than 125 cases—\$20.20;
- b. For 125 to 249 cases—\$47.25;
- c. For 250 to 999 cases—\$67.50;
- d. For 1,000 to 4,999 cases—\$135.00;
- e. For 5,000 to 9,999 cases—\$236.25;
- f. For 10,000 or more cases—\$337.50.

For the purpose of determining fees, each case shall be 30 dozen eggs.

36.2(8) The department shall charge a voluntary inspection fee of \$100 when a voluntary inspection is requested.

AGRICULTURE AND LAND STEWARDSHIP DEPARTMENT[21](cont'd)

21—36.3(196) Minimum sanitation and operating requirements.

36.3(1) Buildings shall be of sound construction so as to prevent the entrance or harboring of insects, rodents, or vermin. Floors shall be of washable materials and kept clean and floor drains provided where necessary. Walls and ceilings shall be of cleanable material and be kept clean and in good repair.

36.3(2) All areas and rooms in which eggs are handled, graded, and packed shall be kept reasonably clean during working hours and shall be thoroughly cleaned at the end of each operating day. Cartons and cases shall be stored off the floor and storage areas kept clean and dry.

36.3(3) Cooler rooms shall be free from objectionable odors, such as mustiness or a rotten odor, and shall be maintained in a clean, sanitary condition.

36.3(4) Egg cleaning equipment shall be kept in good repair and shall be thoroughly cleaned after each day's use or more often if necessary to maintain a sanitary condition. The wash water shall be potable and maintained at a temperature of 90°F minimum. The wash water temperature must be at least 20°F greater than the egg temperature. The wash water shall be replaced frequently, and the detergent and sanitizer shall be kept at an effective level at all times. During any rest period, or at any time when the equipment is not in operation, the eggs shall be removed from the washing and rinsing area of the egg washer and from the scanning area whenever there is a buildup of heat.

36.3(5) All eggs not cleaned as stated in subrule 36.3(4) must be properly washed and sanitized prior to placement in a carton or container for distribution in a site or operation that provides or prepares food for human consumption.

36.3(6) Facilities for hand washing, complete with hot and cold potable water under pressure, shall be provided. Hand soap, sanitary towels, or a hand-drying device providing heated air shall be conveniently located near the hand-washing area.

36.3(7) Live animals shall be excluded from the plant or portion of the plant in which shell eggs or egg products are handled or stored.

36.3(8) Only United States Department of Agriculture (USDA) or federally approved cleaning compounds and sanitizers may be used. The following substances used in the plant shall be approved and handled in accordance with the manufacturer's instructions: pesticides, insecticides, rodenticides, cleaning compounds, foam control compounds, sanitizers, and inks and oils coming into contact with the product. These products shall be properly stored and segregated.

36.3(9) A separate refuse room or a designated area for the accumulation of trash must be provided. There shall be a sufficient number of containers to hold trash, which must be maintained in good repair, kept covered when not in use, and cleaned at a frequency to prevent insect and rodent attraction.

36.3(10) Washed eggs must be reasonably dry before being placed in cartons or cases.

21—36.4(196) Egg grading or candling area.

36.4(1) The egg grading or candling area shall be adequately darkened to make possible the accurate quality determination of the candled appearance of eggs.

36.4(2) Egg-weighing equipment shall be provided, constructed to permit easy cleaning, and capable of ready adjustment.

36.4(3) A candling device with adequate light and capable of accurate determination of Iowa grade standards in rule 21—36.13(196) shall be maintained in good working order.

21—36.5(196) Water supply.

36.5(1) Adequate potable water shall be provided from a source constructed, maintained, and operated according to Iowa law.

36.5(2) Water from a private water system shall be sampled at least annually for coliform.

36.5(3) Records of water tests must be maintained by license holders not served by a public water system. These records must be available to the department upon request.

21—36.6(196) Egg storage.

36.6(1) From the time of candling and grading until they reach the consumer, all eggs designated for human consumption shall be held at an ambient temperature not to exceed 45°F or 7°C. Each refrigerated

AGRICULTURE AND LAND STEWARDSHIP DEPARTMENT[21](cont'd)

unit shall be provided with an accurate numerically scaled indicating thermometer which is located at a place that is representative of the air temperature in the unit. This ambient temperature requirement applies to any place or room where eggs are stored, except in a vehicle during transportation.

36.6(2) Eggs in transport vehicles may be stored at an ambient temperature above 45°F or 7°C, provided the vehicle is equipped with refrigeration units capable of delivering air at that temperature and capable of cooling the vehicle to that temperature.

36.6(3) All shell eggs shall be kept from freezing.

21—36.7(196) Eggs used in food preparation. Restaurants, institutional consumers, and food manufacturers shall receive and use only clean, sound shell eggs of Grade B quality or better. Dried, frozen, or liquid eggs may be bought only if such products are prepared and pasteurized in a plant under USDA continuous inspection.

21—36.8(196) Labeling and packaging.

36.8(1) All cases of loose-packed eggs sold in this state shall identify:

- a. The egg handler's name or license number or USDA plant number; and
- b. The grade of eggs contained in the case.

36.8(2) Each carton containing eggs for retail sale in Iowa which have been candled and graded shall be marked with:

- a. The grade and size of the eggs contained;
- b. The date the eggs were packed; and
- c. The name and address of the distributor or packer.

36.8(3) Labeling shall be printed in letters not less than ¼ inch in height, or plainly and conspicuously stamped or marked in letters not less than ½ inch in height.

36.8(4) Eggs sold to retailers must be prepacked in new cartons.

36.8(5) No person shall use any label which is deceptive as to the true nature of the article or place of production, or which has been carelessly printed or marked, nor shall any person erase or deface any label required by this chapter.

21—36.9(196) Restricted eggs.

36.9(1) No egg handler may possess and handle restricted eggs unless they are capable of use as human food, or destroyed, or identified and labeled for animal food.

36.9(2) Except for the producer exemption as provided in subrule 36.9(3), checks and dirties may be used for human food provided they are processed and pasteurized in an official plant.

36.9(3) Checks and dirties shall be sold directly or indirectly only to an official plant. However, a producer may sell checks and dirties on the producer's own premises where eggs are produced directly to household consumers for the personal use of the consumer and the consumer's nonpaying guests.

36.9(4) Producer-dealers, packers, handlers, distributors, or retailers shall not sell on or off the premises within the state any restricted eggs to any person, including consumers, institutional consumers or employees.

36.9(5) Restricted eggs shall not be given free to any person, including but not limited to institutional consumers, charitable organizations, or any employee whereby the restricted eggs may be used for human food.

36.9(6) Restricted eggs may be designated for animal food only when properly decharacterized or denatured to preclude their use in food for human consumption. Each container or receptacle shall be labeled "Restricted eggs, Not to be used as human food". However, restricted eggs which are not decharacterized or denatured may be moved from one USDA-licensed plant to another USDA-licensed plant.

36.9(7) Inedible and loss eggs must be denatured at the point and time of segregation. If the liquid is removed from the shells, approved denaturant must be placed in the receptacle provided before the liquid is added. If loss eggs are placed on filler-flats or in flats and fillers, or in any other manner, each

AGRICULTURE AND LAND STEWARDSHIP DEPARTMENT[21](cont'd)

layer of eggs must be denatured before another layer is started. However, inedible and loss eggs under USDA inspection and control shall be handled in accordance with USDA recommendations.

36.9(8) Checks and dirties must be conspicuously labeled at the point and time of segregation with a placard or other device. Full or partial master cases containing checks and dirties must be labeled before transfer to the cooler.

21—36.10(196) Inspections and records. Egg handlers shall be inspected regularly. Egg handlers shall keep a record for each purchase and sale of eggs, including the date of the transaction, the names of the parties, the grade or nest run, and the quantity of eggs being purchased or sold. Records shall be maintained for three years and must be available to the department upon request.

21—36.11(196) Enforcement. Violation of these rules or any provision of Iowa Code chapter 196 is a simple misdemeanor. The department may employ various remedies if violations are discovered including, but not limited to, revocation or suspension of a license.

21—36.12(196) Health and hygiene of personnel.

36.12(1) No person known to be affected by a communicable or infectious disease shall be permitted to come in contact with the product.

36.12(2) Personnel engaged in egg handling operations shall maintain a high degree of personal cleanliness and shall conform to good hygienic practices during working periods. Personnel engaged in egg handling and warewashing operations shall thoroughly wash their hands and the exposed portion of their arms with soap or detergent and warm water before starting to work; after smoking, eating, or using the toilet; and as often as necessary during work to keep their hands and arms clean. Personnel shall keep their fingernails trimmed and clean.

36.12(3) Personnel shall wear clean outer clothing and effective hair restraints where necessary to prevent the contamination of the product.

21—36.13(196) Iowa grades. The Iowa standards for consumer grades, quality, and weight classes for shell eggs are as follows:

IOWA DEPARTMENT OF AGRICULTURE AND LAND STEWARDSHIP

TABLE 1
IOWA SPECIFICATIONS

QUALITY FACTOR	AA QUALITY	A QUALITY	B QUALITY
Shell	Clean Unbroken Practically normal	Clean Unbroken Practically normal	Clean to slightly stained* Unbroken Abnormal
Air Cell	1/8 inch or less in depth Unlimited movement and free or bubbly	3/16 inch or less in depth Unlimited movement and free or bubbly	Over 3/16 inch in depth Unlimited movement and free or bubbly
White	Clear Firm	Clear Reasonably firm	Weak and watery Small blood and meatspots present**
Yolk	Outline slightly defined Practically free from defects	Outline fairly well defined Practically free from defects	Outline plainly visible Enlarged and flattened Clearly visible germ development but no blood Other serious defects
* Moderately stained areas permitted (1/32 of surface if localized, or 1/16 if scattered). ** If they are small (aggregating not more than 1/8 inch in diameter).			

AGRICULTURE AND LAND STEWARDSHIP DEPARTMENT[21](cont'd)

For eggs with dirty or broken shells, the standards of quality provide two additional qualities. These are:	
Dirty	Check
Unbroken Adhering dirt or foreign material, prominent stains, moderate stained areas in excess of B quality	Broken or cracked shell but membranes intact, not leaking***
*** Leaker has broken or cracked shell and membranes and contents leaking or free to leak.	

IOWA DEPARTMENT OF AGRICULTURE AND LAND STEWARDSHIP

TABLE 2

SUMMARY OF IOWA CONSUMER GRADES FOR SHELL EGGS

U.S. CONSUMER GRADE (ORIGIN)	QUALITY REQUIRED ¹	TOLERANCE PERMITTED ²	
		Percent	Quality
Grade AA	87 percent AA	Up to 13 Not over 5 checks ⁶	A or B ⁵
Grade A	87 percent A or better	Up to 13 Not over 5 checks ⁶	B ⁵
Grade B	90 percent B or better	Not over 10 checks	

U.S. CONSUMER GRADE (DESTINATION)	QUALITY REQUIRED ¹	TOLERANCE PERMITTED ³	
		Percent	Quality
Grade AA	72 percent AA	Up to 28 ⁴ Not over 7 checks ⁶	A or B ⁵
Grade A	82 percent A or better	Up to 18 Not over 7 checks ⁶	B ⁵
Grade B	90 percent B or better	Not over 10 checks	

¹ In lots of two or more cases, see Table 3 of this rule for tolerances for an individual case within a lot.

² For the U.S. Consumer Grades (at origin), a tolerance of 0.50 percent leakers, dirties, or loss (due to meat or blood spots) in any combination is permitted, except that such loss may not exceed 0.30 percent. Other types of loss are not permitted.

³ For the U.S. Consumer Grades (destination), a tolerance of 1 percent leakers, dirties, or loss (due to meat or blood spots) in any combination is permitted, except that such loss may not exceed 0.30 percent. Other types of loss are not permitted.

⁴ For U.S. Grade AA at destination, at least 10 percent must be A quality or better.

⁵ For U.S. Grade AA and A at origin and destination within the tolerances permitted for B quality, not more than 1 percent may be B quality due to air cells over 3/8 inch, blood spots (aggregating not more than 1/8 inch in diameter), or serious yolk defects.

⁶ For U.S. Grades AA and A jumbo size eggs, the tolerance for checks at origin and destination is 7 percent and 9 percent, respectively.

AGRICULTURE AND LAND STEWARDSHIP DEPARTMENT[21](cont'd)

IOWA DEPARTMENT OF AGRICULTURE AND LAND STEWARDSHIP

TABLE 3
TOLERANCE FOR INDIVIDUAL CASE WITHIN A LOT

U.S. CONSUMER GRADE	CASE QUALITY	ORIGIN (Percent)	DESTINATION (Percent)
Grade AA	AA (Minimum)	77	62
	A or B	13	28
	Checks (Maximum)	10	10
Grade A	A (Minimum)	77	72
	B	13	18
	Checks (Maximum)	10	10
Grade B	B (Minimum)	80	80
	Checks (Maximum)	20	20

NOTE: Substitution of higher qualities for lower qualities is permitted.

TABLE 4
IOWA WEIGHT CLASSES FOR CONSUMER GRADES FOR SHELL EGGS

SIZE OR WEIGHT CLASS	MINIMUM NET WEIGHT PER DOZEN	MINIMUM NET WEIGHT PER 30 DOZEN	MINIMUM WEIGHT FOR INDIVIDUAL EGGS AT RATE PER DOZEN
	<i>OUNCES</i>	<i>POUNDS</i>	<i>OUNCES</i>
Jumbo	30	56	29
Extra Large	27	50½	26
Large	24	45	23
Medium	21	39½	20
Small	18	34	17
Peewee	15	28	—

These rules are intended to implement Iowa Code chapter 196 as amended by 2011 Iowa Acts, House File 453.

ARC 0069C AGRICULTURE AND LAND STEWARDSHIP DEPARTMENT[21]

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 159.5, the Department of Agriculture and Land Stewardship hereby gives Notice of Intended Action to amend Chapter 16, “Renewable Fuel Infrastructure Program Administration,” Iowa Administrative Code.

The proposed amendment clarifies that the Renewable Fuel Infrastructure Board will not make an initial application award if the project has already been in service for more than one year.

The Renewable Fuel Infrastructure Board met on February 7, 2012, and voted to make this change.

AGRICULTURE AND LAND STEWARDSHIP DEPARTMENT[21](cont'd)

Any interested person may make written suggestions or comments on the proposed amendment on or before April 24, 2012. Written comments should be addressed to Margaret Thomson, Iowa Department of Agriculture and Land Stewardship, Wallace State Office Building, 502 E. 9th Street, Des Moines, Iowa 50319. Comments may be submitted by fax to (515)281-6236 or E-mail to Margaret.Thomson@IowaAgriculture.gov.

The proposed amendment is subject to the Department's general waiver provision.

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

This amendment is intended to implement 2011 Iowa Code Supplement sections 159A.14, 159A.15, and 159A.16.

The following amendment is proposed.

Amend subrule 16.2(2) as follows:

16.2(2) ~~*Prospective grants for projects not yet commenced.*~~ *Timing of application.* A grant may be awarded for an eligible project not yet commenced. However, a grant for an initial application may not be awarded more than one year after the project is put in service.

ARC 0077C

CAPITAL INVESTMENT BOARD, IOWA[123]

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 15E.63, the Iowa Capital Investment Board hereby gives Notice of Intended Action to amend Chapter 4, “Investment Tax Credits Relating to Investments in a Fund of Funds Organized by the Iowa Capital Investment Corporation,” Iowa Administrative Code.

Item 1 amends rule 123—4.2(15E) to provide additional clarification regarding the definitions of “actual return,” “scheduled return,” and “verified tax credits.”

Item 2 amends rule 123—4.5(15E) to provide for the information needed by the Iowa Capital Investment Board to verify the amount of tax credits to be issued related to investments in a Fund of Funds organized by the Iowa Capital Investment Corporation. The amendments also extend the time from 10 days to 30 days for the Board to verify the tax credit, and provide additional clarification on the maturity date to be used when verifying the credits.

These amendments are being proposed by the Department of Revenue on behalf of the Iowa Capital Investment Board pursuant to an administrative services agreement between the Department and the Board.

The proposed amendments will not necessitate additional expenditures by political subdivisions or agencies and entities which contract with political subdivisions.

Any person who believes that the application of the discretionary provisions of these amendments would result in hardship or injustice to that person may petition the Board for a waiver of the discretionary provisions, if any.

Any interested person may make written suggestions or comments on these proposed amendments on or before April 24, 2012. Such written comments should be directed to the Iowa Capital Investment Board, in care of the Policy Section, Taxpayer Services and Policy Division, Department of Revenue, Hoover State Office Building, P.O. Box 10457, Des Moines, Iowa 50306.

Persons who want to convey their views orally should contact the Iowa Capital Investment Board, in care of the Policy Section, Taxpayer Services and Policy Division, Department of Revenue, at (515)281-8450 or at the Department of Revenue offices on the fourth floor of the Hoover State Office Building.

CAPITAL INVESTMENT BOARD, IOWA[123](cont'd)

Requests for a public hearing must be received by April 24, 2012.

These amendments were also Adopted and Filed Emergency and are published herein as **ARC 0076C**. The content of that submission is incorporated by reference.

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

These amendments are intended to implement Iowa Code sections 15E.63 and 15E.66.

ARC 0058C

EARLY CHILDHOOD IOWA STATE BOARD[249]

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 256I.4, the Early Childhood Iowa State Board hereby gives Notice of Intended Action to amend Chapter 1, “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.

The proposed amendment to Chapter 1 adds specificity for the public regarding the location of Early Childhood Iowa State Board adopted guidelines and standards for services provided under a school ready children grant.

No waiver provision is included because the Early Childhood Iowa State Board has adopted a waiver policy for the initiative.

Any interested person may make written comments or suggestions on the proposed amendment on or before April 24, 2012. Such written comments should be directed to Shanell Wagler, Department of Management, Capitol Building, Room G13, Des Moines, Iowa 50319. Comments may be sent by fax to (515)281-4225 or by E-mail to shanell.wagler@iowa.gov.

A public hearing will be held on April 24, 2012, at 8:30 a.m. in Room 142 of the Lucas State Office Building, Des Moines, Iowa, at which time comments may be submitted 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 Shanell Wagler at (515)281-4321 to advise of any specific needs.

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

This amendment is intended to implement Iowa Code section 256I.4(17c).

The following amendment is proposed.

Amend paragraph **1.4(2)“d”** as follows:

d. Adopt guidelines and standards for services provided under a school ready children grant. All guidelines and standards shall be found in the online toolkit available on the official Web site of early childhood Iowa at www.earlychildhoodiowa.org.

ARC 0071C

INSPECTIONS AND APPEALS DEPARTMENT[481]

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 10A.104(5), the Department of Inspections and Appeals hereby gives Notice of Intended Action to amend Chapter 51, “Hospitals,” Iowa Administrative Code.

The proposed amendment to subrule 51.50(1) specifies that critical access hospitals shall meet the minimum construction standards for small primary care hospitals set forth in Part 2.3 of the Guidelines for Design and Construction of Health Care Facilities, 2010 edition (Guidelines), produced by the Facility Guidelines Institute. Additionally, the proposed amendment clarifies that critical access hospitals are not required to comply with the following:

- The patient room capacity requirements contained in 2.3-2.2.2.1 of the Guidelines,
- A portion of the Labor Delivery and Recovery/Labor Delivery Recovery and Postpartum (LDR/LDRP) room requirements contained in 2.3-2.2.4.6 of the Guidelines, or
- The surgical services requirement contained in 2.3-3.4.1 of the Guidelines.

The Department’s current administrative rules dealing with minimum construction standards for hospitals do not specifically address critical access hospitals. While an upcoming edition of the Guidelines will contain a chapter dealing with minimum construction standards for critical access hospitals, the proposed amendment adopts standards associated with small primary care hospitals for critical access hospitals, except for the patient room capacity requirements, certain LDR/LDRP room requirements, and certain surgical services requirements.

The Department does not believe that the proposed amendment imposes any financial hardship on any regulated entity, body, or individual. Rather, the proposed amendment clarifies the standards to be used in the design and construction of critical access hospitals.

The Hospital Licensing Board reviewed and approved the proposed amendment at its February 17, 2012, meeting. The Board of Health also reviewed the proposed amendment at its March 14, 2012, meeting.

Any interested person may make written suggestions or comments on the proposed amendment on or before April 24, 2012. Such written materials should be addressed to the Director, Department of Inspections and Appeals, Lucas State Office Building, 321 East 12th Street, Des Moines, Iowa 50319-0083; faxed to (515)242-6863; or e-mailed to david.werning@dia.iowa.gov.

After analysis and review of this rule making, it has been determined that a positive impact on jobs could result. Adoption of the proposed amendment will exempt critical access hospitals from the single-bed requirement, thus allowing these hospitals to build new facilities with multibed rooms.

This amendment is intended to implement Iowa Code section 135C.14.

The following amendment is proposed.

Amend subrule 51.50(1) as follows:

51.50(1) *Minimum standards.* Hospitals and off-site premises licensed under this chapter shall be built in accordance with the following construction standards.

a. Construction shall be in accordance with the standards set forth in Part 2 and other applicable provisions of the Guidelines for Design and Construction of Health Care Facilities, 2010 edition, produced by the Facility Guidelines Institute.

b. A critical access hospital as defined in rule 481—51.1(135B) shall meet the standards for construction for small primary care hospitals set forth in Part 2.3 of the Guidelines for Design and

INSPECTIONS AND APPEALS DEPARTMENT[481](cont'd)

Construction of Health Care Facilities, 2010 edition, produced by the Facility Guidelines Institute, with the following exceptions:

(1) The patient room capacity requirements contained in section 2.3-2.2.2.1(1) shall not apply. The maximum number of beds per room shall be two.

(2) The first paragraph of section 2.3-2.2.4.6 is amended to read as follows: "The small primary care hospital shall include the following:".

(3) Section 2.3-3.4.1, which limits the types of surgical procedures, shall not apply.

c. Existing hospitals, critical access hospitals, and off-site premises built in compliance with prior editions of the hospital construction guidelines will be deemed in compliance with subsequent regulations, with the exception of any new structural renovations, additions, functional alterations, or changes in utilization to existing facilities, which shall meet the standards specified in this subrule.

~~b. d.~~ In jurisdictions without a local building code enforcement program, the construction shall be in conformance with the state building code, as authorized by Iowa Code section 103A.7, in effect at the time of plan submittal for review and approval. In jurisdictions with a local building code enforcement program, local building code enforcement must include both the adoption and enforcement of a local building code through plan reviews and inspections.

A hospital or off-site premises that is required to meet the provisions of the state building code shall be deemed to be in compliance with the fire safety requirements of the state building code if the hospital or off-site premises is in compliance with the provisions of rule 661—205.5(100). In any case in which an applicable requirement of the Life Safety Code, 2000 edition, is inconsistent with an applicable requirement of the state building code, the hospital shall be deemed to be in compliance with the state building code requirement if the Life Safety Code requirement is met.

Rule 661—301.5(103A) shall not be applicable to hospitals and other structures required under this chapter to meet the provisions of the state building code.

~~e. e.~~ The design and construction of a hospital or off-site premises shall be in conformance with NFPA 101: Life Safety Code 2000 as published by the National Fire Protection Association.

ARC 0070C

INSURANCE DIVISION[191]

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 505.8, the Insurance Division hereby gives Notice of Intended Action to amend Chapter 20, “Property and Casualty Insurance Rate and Form Filing Procedures,” Iowa Administrative Code.

Chapter 20 establishes certain minimum standards and guidelines of conduct for filing insurance rates and forms and for the implementation of the Iowa Fair Plan Act. The proposed amendments are promulgated to clarify what information an insurance company regulated by the Division may provide its customer in connection with a commercial real estate transaction between the customer and a lender. The Division intends that these amendments will become effective on May 9, 2012.

Any interested person may make written suggestions or comments on these proposed amendments on or before April 24, 2012. Such written materials should be directed to Tom O’Meara, Iowa Insurance Division, 330 Maple Street, Des Moines, Iowa; fax (515)281-3059; e-mail tom.omeara@iid.iowa.gov.

Also, there will be a public hearing on April 24, 2012, at 10 a.m. at the offices of the Iowa Insurance Division, 330 Maple Street, Des Moines, Iowa, at which time persons may present their views about the amendments either orally or in writing. At the hearing, persons will be asked to give their names and addresses for the record.

INSURANCE DIVISION[191](cont'd)

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

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

These amendments are intended to implement 2011 Iowa Code Supplement chapter 515.

The following amendments are proposed.

ITEM 1. Amend **191—Chapter 20**, title, as follows:

PROPERTY AND CASUALTY INSURANCE RATE AND FORM FILING PROCEDURES

ITEM 2. Reserve rules **191—20.61** to **191—20.69**.

ITEM 3. Amend **191—Chapter 20** by adopting the following new Division III:

DIVISION III
CERTIFICATES OF INSURANCE FOR COMMERCIAL LENDING TRANSACTIONS

191—20.70(515) Purpose. The purpose of division III is to clarify what information an insurance company regulated by the division may provide its customer in connection with a commercial real estate transaction between the customer and a lender.

191—20.71(515) Definitions. For purposes of division III, the following definitions shall apply:

“*ACORD*” means the Association for Cooperative Operations Research and Development.

“*Commercial real estate transaction*” means a non-recourse commercial lending transaction in which the underlying property serves as the primary collateral securing the borrower’s repayment of the loan and neither the borrower nor any of its members, partners, or shareholders, nor any related person to any of the aforementioned persons, bears the economic risk of loss in the event of a payment default under the terms of the lending transaction.

“*Division*” means the insurance division.

“*ISO*” means the insurance services office.

191—20.72(515) Evidence of insurance.

20.72(1) Prior to the issuance of an insurance policy by an insurer, an insured who has entered into a commercial real estate transaction may request that the relevant insurer or a producer acting on behalf of the insurer provide the following items as evidence of insurance:

a. An ACORD Form 75, a successor ACORD form, an ISO binder form, or a substantially similar binder form approved by the division; and

b. An ACORD Form 28, a successor ACORD form, an ISO certificate form, or a substantially similar certificate of insurance form approved by the division.

The insurer or the producer acting on behalf of an insurer has the sole discretion to determine which division-approved binder form or certificate of insurance form the insurer or producer uses to comply with this rule.

20.72(2) An insurer or a producer acting on behalf of an insurer shall comply with a request made pursuant to this rule within 20 business days of the receipt of the request. The requirements of this rule shall not apply to an insurance producer who:

a. Is unauthorized to provide the documents described in this rule; and

b. Informs the insured of this fact within 20 business days of the receipt of the request.

20.72(3) Delivery of a binder along with a certificate of insurance requested pursuant to this rule may be accomplished by regular mail, overnight delivery, facsimile, physical delivery, electronic means, or other appropriate means.

20.72(4) Notwithstanding any language on a form provided pursuant to subrule 20.72(1) which language states that the form is for “information only,” a binder together with a certificate of insurance delivered pursuant to this rule shall be valid and may be relied upon by the borrower or by the borrower’s lender as evidence of insurance, including in any private civil action or administrative proceeding, until

INSURANCE DIVISION[191](cont'd)

the delivery of the insurance policy to the borrower or the cancellation of the binder pursuant to Iowa Code sections 515.125 to 515.127.

20.72(5) An insurer or producer acting on behalf of an insurer that produces or delivers a binder and certificate of insurance to its customer pursuant to this rule may charge a reasonable fee for the production and delivery of the documents.

20.72(6) All insurers and all producers subject to this rule shall comply with the terms hereof within 90 days from [insert the effective date of this rule].

These rules are intended to implement 2011 Iowa Code Supplement chapter 515.

ARC 0067C

MANAGEMENT DEPARTMENT[541]

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 256I.5, the Department of Management, in consultation with the Early Childhood Iowa State Board, hereby gives Notice of Intended Action to amend 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. The proposed amendment to add a definition of “audit” provides clarification regarding the required audit of the Early Childhood Iowa funds managed by area boards.

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

Any interested person may make written comments or suggestions on the proposed amendment on or before April 24, 2012. Such written comments should be directed to Shanell Wagler, Department of Management, State Capitol Building, Room G13, Des Moines, Iowa 50319. Comments may be sent by fax to (515)281-4225 or by E-mail to shanell.wagler@iowa.gov.

A public hearing will be held on April 24, 2012, at 8:30 a.m. in Room 142 of the Lucas State Office Building, 321 E. 12th Street, Des Moines, Iowa, at which time comments may be submitted 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 Shanell Wagler at (515)281-4321 to advise of any specific needs.

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

This amendment is intended to implement Iowa Code section 256I.5(1b).

The following amendment is proposed.

Adopt the following **new** definition of “Audit” in rule **541—9.1(256I)**:

“*Audit*” means a financial review by area boards of early childhood Iowa funds. Area boards that receive over \$500,000 in federal funds from all funding sources shall complete a full audit of the funds. Area boards that do not receive over \$500,000 in federal funds from all funding sources may complete a full audit or coordinate with the fiscal agent’s financial review to conduct the state board approved agreed-upon procedures. The requirements included in the state board approved agreed-upon procedures shall be found in the online toolkit available on the official Web site of early childhood Iowa at www.earlychildhoodiowa.org.

ARC 0075C

PHARMACY BOARD[657]**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 Pharmacy hereby gives Notice of Intended Action to amend Chapter 7, “Hospital Pharmacy Practice,” Iowa Administrative Code.

The amendment was approved at the March 7, 2012, regular meeting of the Board of Pharmacy.

The proposed amendment provides that a medication order for administration of a Schedule II controlled substance in a hospital outpatient setting may authorize the administration of an appropriate amount of the substance within 90 days of the date the medication administration order is initially authorized by the prescriber.

Requests for waiver or variance of the discretionary provisions of Board rules will be considered pursuant to 657—Chapter 34.

Any interested person may present written comments, data, views, and arguments on the proposed amendment not later than 4:30 p.m. on April 24, 2012. Such written materials may be sent to Terry Witkowski, Executive Officer, Board of Pharmacy, 400 S.W. Eighth Street, Suite E, Des Moines, Iowa 50309-4688; or by E-mail to terry.witkowski@iowa.gov.

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

This amendment is intended to implement Iowa Code sections 124.308 and 155A.27.

The following amendment is proposed.

Amend paragraph 7.11(2)“c” as follows:

c. Outpatient medication orders. A prescriber may authorize, by outpatient medication order, the periodic administration of a drug to an outpatient.

(1) Schedule II controlled substance. An outpatient medication order for administration of a Schedule II controlled substance shall be written and, except as provided in rule 657—10.25(124) regarding the issuance of multiple Schedule II prescriptions, shall may authorize a single administration the administration of an appropriate amount of the prescribed substance for a period not to exceed 90 days from the date ordered.

(2) Schedule III, IV, or V controlled substance. An outpatient medication order for administration of a Schedule III, IV, or V controlled substance shall be written and may be authorized for a period not to exceed six months from the date ordered.

(3) Noncontrolled substance. An outpatient medication order for administration of a noncontrolled prescription drug may be authorized for a period not to exceed 18 months from the date ordered.

ARC 0074C

PHARMACY BOARD[657]**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 124.554, the Board of Pharmacy and the Prescription Monitoring Program Advisory Council hereby give Notice of Intended Action to amend Chapter 24, “Pharmacy Internet Sites,” and Chapter 37, “Iowa Prescription Monitoring Program,” Iowa Administrative Code.

The amendments were approved at the January 19, 2012, regular meeting of the Board of Pharmacy. The amendments were approved by the Prescription Monitoring Program Advisory Council by electronic communications between February 27, 2012, and March 5, 2012.

The proposed amendments:

- Change the definition of “dispenser” to include nonresident pharmacies that dispense prescriptions for controlled substances in Schedules II through IV of Iowa Code chapter 124;
- Amend the requirement for reporting of those substances, contained in Chapter 24 regarding pharmacy Internet sites, to ensure that all pharmacies dispensing Schedules II through IV controlled substances to patients located in Iowa understand the requirement for reporting those prescriptions to the Iowa Prescription Monitoring Program (PMP);
- Identify those pharmacies that may be exempt from reporting to the Iowa PMP and establish processes for claiming such exemption; and
- Change prescription reporting frequency from twice monthly to weekly reporting and establish a timely reporting deadline.

Requests for waiver or variance of the discretionary provisions of Board rules will be considered pursuant to 657—Chapter 34.

Any interested person may present written comments, data, views, and arguments on the proposed amendments not later than 4:30 p.m. on June 5, 2012. Such written materials may be sent to Terry Witkowski, Executive Officer, Board of Pharmacy, 400 S.W. Eighth Street, Suite E, Des Moines, Iowa 50309-4688; or by E-mail to terry.witkowski@iowa.gov.

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

These amendments are intended to implement Iowa Code section 124.552.

The following amendments are proposed.

ITEM 1. Amend subrule 24.3(3) as follows:

24.3(3) Iowa PMP. A pharmacy, wherever located, ~~within Iowa~~ that provides any controlled substance included in Schedules II through IV of Iowa Code chapter 124 to any patient within Iowa, unless the pharmacy is exempt from reporting pursuant to 657—subrule 37.3(1), shall report those dispensed prescriptions to the Iowa PMP as provided in rule 657—37.3(124).

ITEM 2. Amend rule ~~657—37.2(124)~~, definition of “Dispenser,” as follows:

“Dispenser” means a person who delivers to the ultimate user a substance required to be reported to the PMP database. “Dispenser” includes a pharmacy located outside the state of Iowa that is licensed by the board with a nonresident pharmacy license authorizing the pharmacy to dispense prescription drugs to patients in Iowa. *“Dispenser”* does not include a person exempt from reporting pursuant to subrule 37.3(1).

PHARMACY BOARD[657](cont'd)

ITEM 3. Amend rule 657—37.3(124) as follows:

657—37.3(124) Requirements for the PMP. Each dispenser, unless identified as exempt from reporting pursuant to subrule 37.3(1), shall submit to the PMP administrator a record of each reportable prescription dispensed during a reporting period. A dispenser located outside the state of Iowa, unless identified as exempt from reporting pursuant to subrule 37.3(1), shall submit to the PMP administrator a record of each reportable prescription dispensed during a reporting period to a patient located in Iowa.

37.3(1) Exemptions. The dispensing of a controlled substance as described in this subrule shall not be considered a reportable prescription. A dispenser engaged in the distribution of controlled substances solely pursuant to one or more of the practices identified in paragraphs 37.3(1)“a” or 37.3(1)“b” of this subrule shall so notify the PMP administrator and shall be exempt from reporting to the PMP.

a. A licensed hospital pharmacy shall not be required to report the dispensing of a controlled substance for the purposes of inpatient hospital care, the dispensing of a prescription for a starter supply of a controlled substance at the time of a patient’s discharge from such a facility, or the dispensing of a prescription for a controlled substance in a quantity adequate to treat the patient for a maximum of 72 hours. A hospital pharmacy claiming exemption from reporting pursuant to this paragraph shall certify to the board that the hospital pharmacy dispenses only as provided by this paragraph.

b. A licensed pharmacy shall not be required to report the dispensing of a controlled substance for a patient residing in a long-term care facility or for a patient residing in an inpatient hospice facility. A pharmacy claiming exemption from reporting pursuant to this paragraph shall certify to the board that the pharmacy dispenses only to patients residing in a long-term care facility or to patients residing in an inpatient hospice facility.

c. and d. No change.

37.3(2) No change.

37.3(3) Reporting periods. A record of each reportable prescription dispensed shall be submitted by each dispenser pursuant to the following schedule at least weekly. Records may be submitted with greater frequency than required by this schedule. This schedule defines minimum report frequency subrule. Records of reportable prescriptions dispensed between Sunday and Saturday each week shall be submitted no later than the following Wednesday.

a. Records of reportable prescriptions dispensed between the first and the fifteenth day of a month shall be submitted no later than the twenty-fifth day of the month.

b. Records of reportable prescriptions dispensed between the sixteenth and the last day of a month shall be submitted no later than the tenth day of the following month.

37.3(4) and 37.3(5) No change.

ARC 0068C

TRANSPORTATION DEPARTMENT[761]

Notice of Intended Action

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 307.10 and 307.12, the Iowa Department of Transportation hereby gives Notice of Intended Action to amend Chapter 400, “Vehicle Registration and Certificate of Title,” Chapter 401, “Special Registration Plates,” Chapter 405, “Salvage,” Chapter 425, “Motor Vehicle and Travel Trailer Dealers, Manufacturers, Distributors and Wholesalers,” Chapter 431, “Vehicle Recyclers,” Chapter 450, “Motor Vehicle Equipment,” Chapter 511, “Special Permits for Operation and Movement of Vehicles and Loads of Excess Size and Weight,” Chapter 524, “For-Hire Intrastate Motor Carrier Authority,” and Chapter 529, “For-Hire Interstate Motor Carrier Authority,” Iowa Administrative Code.

TRANSPORTATION DEPARTMENT[761](cont'd)

The proposed amendments to Chapter 400 strike a requirement that the series of a motor home be included on the certificate of title or registration receipt since a motor home is a type and this requirement is already required by rule; allow the owner of a vehicle who is applying for a bonded title, an owner of a specially constructed, reconstructed, street rod or replica motor vehicle, or an owner who is assigned an identification number to drive or tow the vehicle to and from an examination location with an affidavit to drive; remove street rod and replica motor vehicles from subrule 400.16(4) since the language conflicts with Iowa Code section 321.1(61); and clarify the requirements for converting a motor truck or truck tractor to a motor home.

The proposed amendments to Chapter 401 require that an application for emergency medical services plates be notarized and signed by the applicant and the applicant's service director and clarify that a person who has disabled veteran plates is not required to obtain a physician's statement to obtain a persons with disabilities permit.

The proposed amendment to Chapter 405 allows an owner of a salvage vehicle to obtain a duplicate copy of a salvage theft examination certificate from the issuing officer or agency and strikes the \$10 duplicate fee.

The proposed amendments to Chapter 425 and Chapter 431 amend the definition of "regular business hours" to clarify the time period a business must be open.

The amendments to Chapter 450 are proposed to be effective July 4, 2012, and remove the medical exemption for minimum standard of transparency for excessive dark or reflective front windshields, windows or sidewings. Those individuals who receive a medical exemption prior to July 4, 2012, are allowed to continue to maintain and operate motor vehicles with front windshields, windows or sidewings with less than 70 percent but not less than 35 percent light transmittance.

The proposed amendment to Chapter 511 strikes the option that permits for single-trip, multitrip, annual, annual oversize/overweight or all-systems be issued over the telephone. These permits may still be obtained in person, by facsimile, wire service, electronic communication or by mail.

The proposed amendments to Chapter 524 strike language concerning the transfer of motor carrier certificates. 2011 Iowa Acts, chapter 38, sections 24 and 25, eliminated provisions in Iowa Code sections 325A.4(1) and 325A.21 allowing for the transfer of a regular-route passenger certificate.

The proposed amendment to Chapter 529 adopts the current Code of Federal Regulations (CFR) dated October 1, 2011, for 49 CFR Parts 365-368 and 370-379. The amendments to the Federal Motor Carrier Safety Regulations (FMCSR) that have become final and effective since the 2009 edition of the CFR are listed in the information below. The affected parts are followed by the Federal Register (FR) citations.

Amendments to the FMCSR

Part 367 (FR Vol. 75, No. 80, Pages 21993-22012), 4-27-10

The Federal Motor Carrier Safety Administration (FMCSA) established annual registration fees and a fee bracket structure for the Unified Carrier Registration Agreement for the calendar year beginning January 1, 2010, as required under the Unified Carrier Registration Act of 2005, enacted as Subtitle C of Title IV of the Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users, as amended. Effective Date: April 27, 2010.

Part 365 (FR Vol. 75, No. 119, Pages 35318-35329), 6-22-10

The FMCSA eliminated the requirement for most for-hire motor common carriers of property and freight forwarders to maintain cargo insurance in prescribed minimum amounts and file evidence of this insurance with FMCSA. Household goods motor carriers and household goods freight forwarders will continue to be subject to this cargo insurance requirement. Effective Date: March 21, 2011.

Parts 371 and 375 (FR Vol. 75, No. 228, Pages 72987-72999), 11-29-10

The FMCSA amended its regulations to require brokers that arrange the transportation of household goods in interstate or foreign commerce for consumers to comply with certain consumer protection requirements. Brokers must provide: their U.S. DOT number on their advertisements and Internet Web sites; estimates of expected moving charges and brokerage fees; FMCSA pamphlets containing tips for

TRANSPORTATION DEPARTMENT[761](cont'd)

successful moves and the consumer's rights and responsibilities; and the broker's policies concerning deposits, cancellations, and refunds. This rule making is in response to the Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users, as amended, and a petition for rule making from the American Moving and Storage Association. Effective Date: January 28, 2011.

These amendments do not provide for waivers. Any person who believes that the person's circumstances meet the statutory criteria for a waiver may petition the Department for a waiver under 761—Chapter 11.

Any person or agency may submit written comments concerning these proposed amendments or may submit a written request to make an oral presentation. The comments or request shall:

1. Include the name, address, and telephone number of the person or agency authoring the comments or request.
2. Reference the number and title of the proposed rule, as given in this Notice, that is the subject of the comments or request.
3. Indicate the general content of a requested oral presentation.
4. Be addressed to the Iowa Department of Transportation, Office of Policy and Legislative Services, 800 Lincoln Way, Ames, Iowa 50010; fax (515)817-6511; Internet e-mail address: tracy.george@dot.iowa.gov.
5. Be received by the Office of Policy and Legislative Services no later than April 24, 2012.

A meeting to hear requested oral presentations is scheduled for Thursday, April 26, 2012, at 10 a.m. at the Iowa Department of Transportation's Motor Vehicle Division offices located at 6310 SE Convenience Boulevard, Ankeny, Iowa.

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

The proposed amendments may have an impact on small business. A request for a regulatory analysis pursuant to Iowa Code section 17A.4A must be submitted to the Office of Policy and Legislative Services at the address listed in this Notice by May 7, 2012.

After analysis and review of this rule making, no impact on jobs has been found. The purpose of this rule making is to streamline efficiencies for the Department. Item 13 removes the option for businesses to call the Department when seeking a permit; however, the online feature should be more convenient for both the Department and Iowa businesses. Further, companies without access to the Internet may submit their applications through mail or facsimile.

These amendments are intended to implement Iowa Code chapters 321, 321E, 321H, 322, 325A and 327B.

Proposed rule-making actions:

ITEM 1. Amend subrule 400.7(4) as follows:

400.7(4) Description of the vehicle, including the following items. These items may be represented on the title and registration by code letters or numbers.

- a. Vehicle identification number.
- b. Type, such as automobile, trailer, truck, etc.
- c. Style.
- d. Make, model, and model year.
- ~~e. Series of a motor home, which will be shown on the title as "motor home a," "motor home b" or "motor home c."~~
- ~~f. e.~~ Number of engine cylinders.
- ~~g. f.~~ Color.
- ~~h. g.~~ Weight and registered gross weight.
- ~~i. h.~~ The square footage of floor space of a manufactured or mobile home or travel trailer, as determined by measuring the exterior.
- ~~j. i.~~ The odometer mileage and whether the mileage is "actual," "not actual," or "exceeds mechanical limits."

TRANSPORTATION DEPARTMENT[761](cont'd)

ITEM 2. Amend paragraph **400.13(1)“d”** as follows:

d. After the cash deposit or surety bond has been deposited, a motor vehicle investigator of the department may examine the vehicle to verify the information submitted on the application is correct. The owner of the vehicle may drive or tow the vehicle to and from the examination location by completing an affidavit to drive on a form provided by the department. The form shall state that the vehicle is reasonably safe for operation and must be signed by the owner. After verifying the information, the investigator shall give to the applicant a document authorizing the county treasurer to issue a title for and register the vehicle. Should the vehicle not meet the equipment requirements of Iowa Code chapter 321, the investigator shall authorize the county treasurer to issue a title and registration but instruct the county treasurer to immediately suspend the registration until such time as the vehicle meets these equipment requirements. If applicable, the investigator shall also affix an assigned identification number to the vehicle and give to the applicant an assigned vehicle identification number (VIN) form.

ITEM 3. Amend paragraph **400.16(2)“b”** as follows:

b. The investigator shall contact the applicant ~~in person or by telephone~~ and schedule a time and place for an examination of the vehicle and the ownership documents. The owner of the vehicle may drive or tow the vehicle to and from the examination location by completing an affidavit to drive on a form provided by the department. The form shall state that the vehicle is reasonably safe for operation and must be signed by the owner. The applicant, when appearing with the vehicle for the examination, shall submit to the investigator the ownership document for the vehicle, the ownership documents for essential parts, and a weigh ticket indicating the weight of the vehicle. However, a weigh ticket is not required for motorcycles, trucks, truck tractors, road tractors or trailer-type vehicles.

ITEM 4. Amend subrule 400.16(4) as follows:

400.16(4) Model year. The model year of a specially constructed, or reconstructed, ~~street rod or replica~~ motor vehicle is the year the vehicle is approved by the department as a specially constructed, or reconstructed, ~~street rod or replica~~ motor vehicle.

ITEM 5. Amend subrule 400.39(2) as follows:

400.39(2) A vehicle manufactured as a truck tractor or motor truck shall not be registered as a motor home unless the vehicle has been substantially altered to change its type and mode of operation so that it is a reconstructed vehicle as defined in Iowa Code section 321.1.

ITEM 6. Amend paragraph **400.51(2)“b”** as follows:

b. Examination. A motor vehicle investigator shall contact the owner and schedule a time and place for examination of the vehicle, component part, fence-line feeder, grain cart or tank wagon and ownership documents. The owner of the vehicle may drive or tow the vehicle to and from the examination location by completing the affidavit to drive section on the certification of compliance form. The affidavit shall state that the vehicle is reasonably safe for operation and must be signed by the owner.

If the vehicle has had a cab, body, or frame change, the owner shall have, for evidence of ownership for the replacement cab, body, or frame, a bill of sale with a description of the part, complete with the manufacturer's identification number, if any, and the name, address, and telephone number of the seller. The bill of sale, the vehicle, and the cab, body, or frame that has been replaced shall be made available for examination at the time and place scheduled.

ITEM 7. Amend subrule 401.10(1) as follows:

401.10(1) Application for emergency medical services (EMS) plates shall be submitted to the ~~Iowa department of public health~~ department on a form prescribed by the department of ~~transportation~~. ~~The department of public health shall determine whether applicant and the applicant's service director shall sign the application form certifying that the applicant is a current member of a paid or volunteer emergency medical services agency and, if so, certify this fact on the application form.~~ The signatures must be original and notarized. For purposes of this subrule, “service director” means a service director as defined in Iowa department of public health rule 641—132.1(147A).

TRANSPORTATION DEPARTMENT[761](cont'd)

ITEM 8. Amend subrule 401.20(1) as follows:

401.20(1) Application. Application for special plates with a persons with disabilities processed emblem shall be submitted to the county treasurer on a form prescribed by the department.

a. The application shall include a signed statement written on the physician's, chiropractor's, physician assistant's or advanced registered nurse practitioner's letterhead. The statement shall certify that the owner or the owner's child is a person with a disability, as defined in Iowa Code section 321L.1, and that the disability is permanent.

b. If the person with a disability is a child, the parent or guardian shall complete the proof of residency certification on the application or complete and submit a separate proof of residency Form 411120, certifying that the child resides with the owner.

c. A new application form is not required when an individual's application for issuance of persons with disabilities plates, disabled veteran plates, nonexpiring removable windshield placards or parking stickers has previously been approved.

d. In lieu of submitting the signed medical statement required under paragraph 401.20(1) "a," an individual who is eligible for disabled veteran plates but has not been issued them may submit certification from the U.S. Department of Veterans Affairs that the United States government has provided or assisted in providing a motor vehicle to the individual.

ITEM 9. Amend subrule 405.15(2) as follows:

405.15(2) Affidavit of salvage vehicle repairs form and salvage theft examination certificate.

a. The affidavit of salvage vehicle repairs form may be obtained from the office of motor vehicle enforcement at the Des Moines address, any local enforcement agency with officers certified to conduct salvage theft examinations or any local county treasurer's office.

b. The salvage theft examination certificate shall be a controlled form and furnished by the department.

c. The owner of the vehicle may obtain a duplicate copy of the salvage theft examination certificate upon written request and payment of a \$10 fee to the office of motor vehicle enforcement at the Des Moines address issuing officer or agency.

d. The salvage theft examination certificate is not transferable.

ITEM 10. Amend rule ~~761—425.3(322)~~, definition of "Regular business hours," as follows:

"Regular business hours" means to be consistently open to the public on a weekly basis at hours reported to the office of vehicle services. Except as provided in Iowa Code section 322.36, regular business hours for a motor vehicle or travel trailer dealer shall include a minimum of 32 posted hours between 7 a.m. and 9 p.m. Monday and through Friday, inclusive.

ITEM 11. Amend subrule ~~431.1(2)~~, definition of "Regular business hours," as follows:

"Regular business hours" means to be consistently open to the public on a weekly basis at hours reported to the office of vehicle services. Regular business hours shall include a minimum of 32 posted hours between 7 a.m. and 9 p.m. Monday and through Friday, inclusive.

ITEM 12. Amend subrule 450.7(3) as follows:

450.7(3) Dark window exemption.

a. ~~A person suffering from a severe light sensitive condition may be exempt from the standard of transparency if the need is documented by a physician. The exemption does not apply to a commercial vehicle.~~ Effective [insert effective date of these amendments], no exemption shall be granted from the minimum standard of transparency set forth in subrule 450.7(2).

b. ~~A passenger or operator of a motor vehicle who for medical reasons requires~~ fitted with a front windshield, a front side window or a front sidewing with less than 70 percent but not less than 35 percent light transmittance may obtain before [insert effective date of these amendments], may continue to be maintained and operated with a front windshield, a front side window or a front sidewing with less than 70 percent but not less than 35 percent light transmittance on or after [insert effective date of these amendments], so long as the vehicle continues to be used for the transport of a passenger or operator who obtained Form 432020, to be which documented a medical need for such reduced transparency, and was

TRANSPORTATION DEPARTMENT[761](cont'd)

signed by the person's physician ~~and~~ before [insert effective date of these amendments]. Form 432020 must be carried at all times in the vehicle to which the exemption applies. ~~Form 432020 is available from the office of vehicle services.~~ At such time as the vehicle is no longer used for the transport of the passenger or operator who is the subject of Form 432020, the exemption expires and may not be renewed. The owner of the vehicle to which the exemption applied must return the vehicle to conformance with the minimum standard of transparency set forth in subrule 450.7(2) within 60 days of expiration of the exemption.

c. "Physician" as used in this rule means a person licensed under Iowa Code chapter 148, ~~450, 450A,~~ 151 or 154.

ITEM 13. Amend paragraph **511.4(1)"a"** as follows:

a. Permits for movement on the primary road system may be obtained in person, by ~~telephone,~~ facsimile, wire service, electronic communication, or by mail at the address in subrule 511.2(1).

ITEM 14. Amend subrule 524.11(1) as follows:

524.11(1) Requirement. Motor carriers of bulk liquid commodities (nondairy) and passengers shall attend an approved safety education seminar within six months of issuance of the permit or certificate except as provided in subrule 524.11(4). ~~This includes transfers of motor carrier certificates.~~ The individuals in attendance shall be the persons responsible for the safety records and driver training. Failure to attend an approved safety education seminar within the time provided shall result in suspension of the motor carrier permit or certificate.

ITEM 15. Rescind and reserve rule **761—524.16(325A)**.

ITEM 16. Amend rule 761—529.1(327B) as follows:

761—529.1(327B) Motor carrier regulations. The Iowa department of transportation adopts the Code of Federal Regulations, 49 CFR Parts 365-368 and 370-379, dated October 1, ~~2009~~ 2011, for regulating interstate for-hire carriers.

Copies of this publication are available from the state law library or through the Internet at <http://www.fmcsa.dot.gov>.

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:

April 1, 2011 — April 30, 2011	5.50%
May 1, 2011 — May 31, 2011	5.50%
June 1, 2011 — June 30, 2011	5.50%
July 1, 2011 — July 31, 2011	5.25%
August 1, 2011 — August 31, 2011	5.00%
September 1, 2011 — September 30, 2011	5.00%
October 1, 2011 — October 31, 2011	4.25%
November 1, 2011 — November 30, 2011	4.00%
December 1, 2011 — December 31, 2011	4.25%
January 1, 2012 — January 31, 2012	4.00%
February 1, 2012 — February 29, 2012	4.00%
March 1, 2012 — March 31, 2012	4.00%
April 1, 2012 — April 30, 2012	4.00%

ARC 0079C

AGRICULTURE AND LAND STEWARDSHIP DEPARTMENT[21]

Adopted and Filed Emergency After Notice

Pursuant to the authority of Iowa Code sections 214.10, 214A.2 and 215.24, the Department of Agriculture and Land Stewardship amends Chapter 85, "Weights and Measures," Iowa Administrative Code.

The amendments allow gasoline which contains greater than 10 percent ethanol by volume and up to 15 percent ethanol by volume (E-15) to be sold from the same hose as other registered gasoline products. The "for flex fuel only" sticker is no longer required on pumps using this fuel. Pumps with ethanol classified as higher than E-10 are required to have the federal sticker identifying the fuel as up to 15 percent ethanol for use only in flex-fuel vehicles and model year 2001 and newer passenger vehicles. The octane rating shall be posted for regular fuels. The Department waited to finalize action on the amendments until gasoline that contains greater than 10 percent ethanol by volume and up to 15 percent ethanol by volume (E-15) became a registered fuel with the EPA.

Notice of Intended Action on these amendments was published in the Iowa Administrative Bulletin as **ARC 9757B** on September 21, 2011. Two comments were received. The comments were generally supportive of the Noticed amendments.

The amendments require that an octane rating be posted for registered fuels. The proposed amendment to subrule 85.48(14) included a sentence that prevented the posting of an octane rating for ethanol blended gasoline classified as higher than E-10 and up to E-15 until the rating was approved pursuant to 16 CFR Part 306 published August 25, 2011. That sentence was not adopted.

The Department finds that the normal effective date of these amendments, 35 days after publication, should be waived and the amendments made effective March 16, 2012. The Department finds that these amendments confer a benefit on the public by allowing fuel newly registered by the EPA to be sold. Therefore, these amendments are filed pursuant to Iowa Code section 17A.5(2)"b"(2), and the normal effective date of these amendments is waived.

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

These amendments are intended to implement Iowa Code section 214A.2.

These amendments became effective March 16, 2012.

The following amendments are adopted.

ITEM 1. Amend subrule 85.48(11) as follows:

85.48(11) Ethanol blended gasoline classified as higher than ~~E-10~~ E-15 shall have a visible, legible "for flex fuel vehicle only" sticker on the pump or pump handle.

ITEM 2. Adopt the following new subrule 85.48(12):

85.48(12) Ethanol blended gasoline classified as higher than E-10 and up to E-15 shall have on the pump the federal sticker required by the Environmental Protection Agency in 40 CFR Part 80 published August 25, 2011.

ITEM 3. Amend subrule 85.48(14) as follows:

85.48(14) Octane rating of fuel offered for sale shall be posted on the pump in a conspicuous place. The octane rating shall be posted for registered fuels. ~~However, no~~ No octane rating shall be posted on the pump for ethanol blended gasoline classified as higher than ~~E-10~~ E-15.

AGRICULTURE AND LAND STEWARDSHIP DEPARTMENT[21](cont'd)

ITEM 4. Amend rule 21—85.50(214,214A,215) as follows:

21—85.50(214,214A,215) Blender pumps. Motor fuel blender pumps or blender pumps installed or modified after November 1, 2008, which sell both ethanol blended gasoline classified as higher than ~~E-10~~ E-15 and gasoline need to have at least two hoses per pump.

This rule is intended to implement Iowa Code section 214A.2.

[Filed Emergency After Notice 3/16/12, effective 3/16/12]

[Published 4/4/12]

EDITOR'S NOTE: For replacement pages for IAC, see IAC Supplement 4/4/12.

ARC 0076C

CAPITAL INVESTMENT BOARD, IOWA[123]

Adopted and Filed Emergency

Pursuant to the authority of Iowa Code section 15E.63, the Iowa Capital Investment Board hereby amends Chapter 4, "Investment Tax Credits Relating to Investments in a Fund of Funds Organized by the Iowa Capital Investment Corporation," Iowa Administrative Code.

Item 1 amends rule 123—4.2(15E) to provide additional clarification regarding the definitions of "actual return," "scheduled return," and "verified tax credits."

Item 2 amends rule 123—4.5(15E) to provide for the information needed by the Iowa Capital Investment Board to verify the amount of tax credits to be issued related to investments in a Fund of Funds organized by the Iowa Capital Investment Corporation. The amendments also extend the time from 10 days to 30 days for the Board to verify the tax credit, and provide additional clarification on the maturity date to be used when verifying the credits.

These amendments are being promulgated by the Department of Revenue on behalf of the Iowa Capital Investment Board pursuant to an administrative services agreement between the Department and the Board.

Pursuant to Iowa Code section 17A.4(3), the Board finds notice and public participation to be contrary to the public interest because the Board has become aware of the likelihood that tax credits will need to be verified under the program and there is a need to implement procedures in order to best protect taxpayers and to ensure Iowa law is followed before such tax credits can be properly verified.

The Board also finds, pursuant to Iowa Code section 17A.5(2)"b"(2), that the normal effective date of these amendments should be waived and these amendments should be made effective upon publication on April 4, 2012. The Board needs the additional information and procedures in place to verify these tax credits as soon as possible.

The Iowa Capital Investment Board adopted these amendments on March 15, 2012.

These amendments are also published herein under Notice of Intended Action as **ARC 0077C** to allow for public comment.

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

These amendments are intended to implement Iowa Code sections 15E.63 and 15E.66.

These amendments became effective April 4, 2012.

The following amendments are adopted.

ITEM 1. Amend rule **123—4.2(15E)**, definitions of "Actual return," "Scheduled return" and "Verified tax credits," as follows:

"*Actual return*" means the actual aggregate amount of moneys or the fair market value of property received from a fund of funds by a designated investor, with respect to an investment amount for which a certificate is issued, including amounts received as returns of invested capital or returns on invested capital and amounts received in excess of invested capital, in whatever form received for the period from the date of the closing to the ~~date on which the certificate is redeemed~~ applicable maturity date.

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“Scheduled return” means the scheduled return, whether in money or property, (including returns of and returns on investment) with respect to an investment amount associated with a certificate issued to a designated investor in a fund of funds determined in accordance with the limited partnership agreement or the operating agreement of such fund of funds for the period from the date of the closing to the ~~date on which the certificate is redeemed~~ applicable maturity date. If relevant for determining the amount of the scheduled return, the board shall presume that a verified tax credit will be transferred at 100 percent of the amount stated on the verified tax credit. It shall be the burden of a designated investor to show that the verified tax credit cannot be transferred without discounting the amount stated on such credit.

“Verified tax credits” means tax credits that have been verified by the board to the department and to the holder of the certificate that represents such tax credits. In the event that the verified tax credits are different from the amount certified by the Iowa capital investment corporation, the amount verified by the board shall control.

ITEM 2. Amend rule 123—4.5(15E) as follows:

123—4.5(15E) Procedures for verification of tax credits.

4.5(1) At any time after the applicable maturity date for a certificate, the holder may present such certificate to the Iowa capital investment corporation for certification. Within ten days after receipt of such certificate, the Iowa capital investment corporation shall certify to the board the percentage of return for the designated investor for such certificate. If the percentage of return is less than 100 percent, the Iowa capital investment corporation shall certify the resulting total amount of tax credits to be verified for use by the holder of such certificate in accordance with the terms of the limited partnership agreement or the operating agreement of the fund of funds. The Iowa capital investment corporation shall give notice of such percentage of return and such amount of tax credits to the holder of such certificate at the holder’s address as it appears on the certificate register.

4.5(2) The Iowa capital investment corporation, and any entity with which the corporation has entered into agreements pursuant to the investments and financial transactions described in Iowa Code chapter 15E, division VII, shall provide all documents that the board finds are, or may become, necessary for the board to verify the amount of tax credits to be issued pursuant to this chapter. Such documents include but are not limited to the following:

a. Financial transactions related to the Iowa capital investment corporation, the Iowa fund of funds, designated investors, lenders, or portfolio entities.

b. Financial documents, loan agreements, and security instruments to which any of the Iowa capital investment corporation, the Iowa fund of funds, designated investors, lenders, or a portfolio entity is a party.

c. Investment agreements to which any of the Iowa capital investment corporation, the Iowa fund of funds, designated investors, lenders, or a portfolio entity is a party.

d. All legal documents and correspondence related to the documents described in paragraphs 4.5(2)“a” through 4.5(2)“c” to which any of the Iowa capital investment corporation, the Iowa fund of funds, designated investors, lenders, or a portfolio entity is a party.

e. All documents and financial information necessary to calculate the actual return, the scheduled return, and the percentage of return.

f. Any other documents the board deems necessary to assess compliance with Iowa Code chapter 15E, division VII, or this chapter or to correctly verify the amount of tax credits related to a certificate issued pursuant to this chapter.

4.5(2) 4.5(3) ~~Within ten days after the certification of the Iowa capital investment corporation to the board of the percentage of return for a certificate,~~ Within 30 days of the receipt of all documents and information pursuant to subrule 4.5(2), the board shall establish and verify the amount of tax credits related to that certificate, if any, that may be initially used in each redemption year so that no more than \$20 million in tax credits, in the aggregate, may become useable to reduce tax liabilities in any fiscal year (provided that such \$20 million limitation shall not limit the carryforward of tax credits otherwise authorized by the Act or these rules). Except to the extent specifically required by the \$20 million annual limitation, all tax credits relating to a verified certificate shall be useable to satisfy tax liabilities for a

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tax year beginning on or after the maturity date and ending at the expiration of the carryforward period specified in rule 123—4.10(15E).

~~4.5(3)~~ **4.5(4)** The board shall issue to the holder of such certificate a verification setting forth (a) the amount of verified tax credits represented by such certificate (if any) and (b) the amount of verified tax credits represented by such certificate that may first become useable to reduce tax liabilities in any redemption year (if any).

~~4.5(4)~~ **4.5(5)** If the verified certificate has more than one maturity date, the board shall issue to the holder a certificate for the verified tax credits. The verified certificate will contain no contingencies. The board shall issue one or more balance certificates for any maturity dates for which tax credits are not then being verified.

~~4.5(5)~~ **4.5(6)** Certificates being verified for a maturity date shall be verified pro rata with all other certificates being verified for the same maturity date.

4.5(7) If a contingent certificate has more than one maturity date, the most recent maturity date prior to the date on which the certificate was presented to the board for verification shall be the maturity date used for purposes of verification under this rule.

[Filed Emergency 3/16/12, effective 4/4/12]

[Published 4/4/12]

EDITOR'S NOTE: For replacement pages for IAC, see IAC Supplement 4/4/12.

ARC 0064C

HUMAN SERVICES DEPARTMENT[441]

Adopted and Filed

Pursuant to the authority of Iowa Code section 234.6 and 2011 Iowa Acts, chapter 129, sections 11(2), 11(3), and 28(11), the Department of Human Services amends Chapter 51, "Eligibility," and Chapter 52, "Payment," Iowa Administrative Code.

These amendments implement the annual adjustments to eligibility and payment levels in the State Supplementary Assistance Program that are necessary to meet the federal maintenance-of-effort or "pass-along" requirements specified in Title XVI of the Social Security Act and in federal regulations at 20 CFR 416.2095 and 416.2096. Compliance with maintenance-of-effort requirements for state supplements is a condition of eligibility for state participation in the federal Medicaid program.

Iowa uses the payment levels method of compliance, which requires the Department to increase the payment amounts and income limits for State Supplementary Assistance categories effective January 1 of each year as necessary to meet the minimum levels required by the federal government. The minimum levels are indexed by the cost-of-living increase in federal Social Security and Supplemental Security Income (SSI) benefits, which is 3.6 percent for calendar year 2012.

Changes necessary to meet federal pass-along requirements for 2012 are as follows:

- Increasing the income limit and payment standard for a dependent relative from \$344 per month to \$357 per month.
- Increasing the income limits for eligibility for a dependent relative supplement by \$37 per month for an eligible individual (from \$1,018 to \$1,055) and by \$50 per month for an eligible couple (from \$1,355 to \$1,405).
- Increasing the family life home income limit by \$24 per month (from \$836 to \$860).
- Increasing the maximum family life home payment by \$22 per month (from \$743 to \$765).
- Increasing the maximum residential care per diem rate by \$0.78 (from \$28.14 to \$28.92).

State legislation also requires the Department to increase the personal needs allowance for residents of residential care facilities at the same percentage and at the same time as federal Social Security and SSI benefits are increased. Therefore, these amendments increase the residential care facility and family life home personal needs allowances by \$2 per month (from \$93 to \$95).

Notice of Intended Action on these amendments was published in the Iowa Administrative Bulletin on January 11, 2012, as **ARC 9964B**. These amendments were also Adopted and Filed Emergency and were published as **ARC 9965B** on the same date. The Department received no comments on the Notice of Intended Action. These amendments are identical to those published under Notice of Intended Action and Adopted and Filed Emergency.

The Council on Human Services adopted these amendments on March 14, 2012.

These amendments do not provide for waivers in specified situations because the amendments, by increasing payment levels, benefit the people affected. Requests for the waiver of any rule may be submitted under the Department's general rule on exceptions at 441—1.8(17A,217).

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

These amendments are intended to implement 2011 Iowa Acts, chapter 129, sections 11 and 28.

These amendments shall become effective on May 9, 2012, at which time the Adopted and Filed Emergency amendments are rescinded.

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 [51.4(1), 51.7, 52.1] is being omitted. These amendments are identical to those published under Notice as **ARC 9964B** and Adopted and Filed Emergency as **ARC 9965B**, IAB 1/11/12.

[Filed 3/14/12, effective 5/9/12]

[Published 4/4/12]

[For replacement pages for IAC, see IAC Supplement 4/4/12.]

ARC 0065C**HUMAN SERVICES DEPARTMENT[441]****Adopted and Filed**

Pursuant to the authority of Iowa Code section 249A.4, the Department of Human Services amends Chapter 78, “Amount, Duration and Scope of Medical and Remedial Services,” Iowa Administrative Code.

Vaccines for Children (VFC) is a federal program administered in Iowa through the Iowa Department of Public Health. When providers enroll in the program, they receive covered vaccines at no cost. Therefore, no reimbursement for these vaccines has been allowed in the Iowa Medicaid program. However, if the VFC program stock is depleted, providers must administer vaccines acquired from other sources. Iowa Medicaid has been paying for vaccines in these circumstances through the exception to policy (waiver) process, which is time-consuming and cumbersome.

These amendments allow Medicaid providers to bill Medicaid for a vaccine ordinarily furnished through the VFC program when the VFC program has no remaining stock of that vaccine. The amendments affect coverage limitations for physicians, hospital inpatient and outpatient services, home health agencies, screening centers, rural health centers, family planning clinics, other clinics, maternal health centers, birth centers, federally qualified health centers, advanced registered nurse practitioners, pharmacies (for influenza vaccine only), and local education agencies.

Notice of Intended Action on these amendments was published in the Iowa Administrative Bulletin on December 28, 2011, as **ARC 9940B**. The Department received no comments on the Notice of Intended Action. These amendments are identical to those published under Notice of Intended Action.

The Council on Human Services adopted these amendments on March 14, 2012.

These amendments do not provide for waivers in specified situations because reimbursement for vaccines when VFC program stock is depleted will benefit the providers affected. Requests for the waiver of any rule may be submitted under the Department’s general rule on exceptions at 441—1.8(17A,217).

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

These amendments are intended to implement Iowa Code section 249A.4.

These amendments shall become effective on June 1, 2012.

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 Ch 78] is being omitted. These amendments are identical to those published under Notice as **ARC 9940B**, IAB 12/28/11.

[Filed 3/14/12, effective 6/1/12]

[Published 4/4/12]

[For replacement pages for IAC, see IAC Supplement 4/4/12.]

ARC 0056C**PHARMACY BOARD[657]****Adopted and Filed**

Pursuant to the authority of Iowa Code section 124.554, the Board of Pharmacy and the Prescription Monitoring Program Advisory Council hereby amend Chapter 37, “Iowa Prescription Monitoring Program,” Iowa Administrative Code.

The amendments define “health care professional” and “practitioner’s agent” and establish criteria for the identification, authorization, and registration of a practitioner’s agent to request information from the Iowa Prescription Monitoring Program (PMP). The amendments clarify circumstances that may require the PMP administrator to access program information and data to resolve issues of potentially erroneous data contained in the database. The amendments regarding prohibited acts and confidentiality requirements of the current rules ensure applicability of those provisions to a practitioner’s agent and

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ensure that all individuals with access to the PMP and PMP data are aware of the criminal penalties for breach of confidentiality provisions and prohibited acts.

Requests for waiver or variance of the discretionary provisions of these rules will be considered pursuant to 657—Chapter 34.

Notice of Intended Action was published in the December 14, 2011, Iowa Administrative Bulletin as **ARC 9921B**. The Board received no written comments regarding the proposed amendments. The adopted amendments are identical to those published under Notice.

The amendments were approved during the January 19, 2012, meeting of the Board of Pharmacy. The amendments were approved by the Prescription Monitoring Program Advisory Council by electronic communications between January 18, 2012, and January 20, 2012.

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

These amendments are intended to implement Iowa Code section 124.554 and 2011 Iowa Code Supplement sections 124.553 and 124.558.

These amendments will become effective on July 1, 2012.

The following amendments are adopted.

ITEM 1. Adopt the following new definitions of “Health care professional” and “Practitioner’s agent” in rule **657—37.2(124)**:

“*Health care professional*” means a person who, by education, training, certification, or licensure, is qualified to provide and is engaged in providing health care to patients. “Health care professional” does not include clerical or administrative staff. “Health care professional,” other than a licensed prescriber or pharmacist, may include, but is not limited to, a certified pharmacy technician or a technician trainee, a nurse, or a medical assistant or supervised trainee such as a pharmacist-intern or student, a medical student, or a nursing student.

“*Practitioner’s agent*” means a health care professional who is employed by or under the direct supervision of a health care practitioner and who is authorized by the practitioner to access PMP information as provided in subrule 37.4(1).

ITEM 2. Amend rule 657—37.4(124) as follows:

657—37.4(124) Access to database information. ~~Prescription information submitted to the board for inclusion in the PMP database shall be privileged and strictly confidential and not subject to public or open records laws.~~ All information contained in the PMP database, including prescription information submitted for inclusion in the PMP database and records of requests for PMP information, shall be privileged and strictly confidential and not subject to public or open records laws. The board, council, and PMP administrator shall maintain procedures to ensure the privacy and confidentiality of patients, prescribers, dispensers, practitioners, practitioners’ agents, and patient information collected, recorded, transmitted, and maintained in the PMP database and to ensure that program information is not disclosed to persons except as provided in this rule.

37.4(1) Prescribers and pharmacists. A health care practitioner authorized to prescribe or dispense controlled substances may obtain PMP information regarding the practitioner’s patient, or a patient seeking treatment from the practitioner, for the purpose of providing patient health care. A practitioner may authorize no more than three health care professionals to act as the practitioner’s agents for the purpose of requesting PMP information regarding a practitioner’s patients.

a. Prior to being granted access to PMP information, a practitioner or a practitioner’s agent shall submit a an individual request for registration and program access. A practitioner or a practitioner’s agent with Internet access may register via a secure Web site established by the board for that purpose. A practitioner without Internet access shall submit a written registration request on a form provided by the PMP administrator. A practitioner without Internet access shall not authorize a practitioner’s agent to register for or to access PMP information on behalf of the practitioner. The PMP administrator shall take reasonable steps to verify the identity of a practitioner or practitioner’s agent and to verify a practitioner’s credentials prior to providing a practitioner or practitioner’s agent with a secure login and initial password. Each practitioner or practitioner’s agent registered to access PMP information shall

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securely maintain and use the login and password assigned to the individual practitioner or practitioner's agent. Except in an emergency when the patient would be placed in greater jeopardy by restricting PMP information access to the practitioner or practitioner's agent, a registered practitioner shall not share the practitioner's secure login and password information and shall not delegate PMP information access to another health care practitioner or to the practitioner's an unregistered agent. A registered practitioner's agent shall not delegate PMP information access to another individual.

b. A practitioner or practitioner's agent with Internet access may submit a request for PMP information via a secure Web site established by the board for that purpose. The requested information shall be provided to the requesting practitioner or practitioner's agent in a format established by the board and shall be delivered via the secure Web site.

c. No change.

d. A practitioner or practitioner's agent who requests and receives PMP information consistent with the requirements and intent of these rules may provide that information to another practitioner who is involved in the care of the patient who is the subject of the information. Information from the PMP database remains privileged and strictly confidential. Such disclosures among practitioners shall be consistent with these rules and federal and state laws regarding the confidentiality of patient information. The information shall be used for medical or pharmaceutical care purposes.

37.4(2) to 37.4(6) No change.

37.4(7) PMP administrator access. Other than technical, error, and administrative function reports and information needed by PMP support staff to determine that records are received and maintained in good order or to review or resolve issues of reported or suspected erroneous data as provided in rule 657—37.7(124), any other reports concerning the information received from dispensers shall only be prepared at the direction of the board, the council, or the PMP administrator. The board and the council may compile statistical reports from PMP information for use in determining the advisability of continuing the PMP and for use in preparing required reports to the governor and the legislature. The reports shall not include information that would identify any patient, prescriber, dispenser, practitioner, practitioner's agent, or other person who is the subject of the PMP information or data.

ITEM 3. Amend rule 657—37.9(124) as follows:

657—37.9(124) Prohibited acts. The PMP administrator shall report to the licensing board of a dispenser's or a practitioner's professional licensing board dispenser, a practitioner, or a practitioner's agent any known violation of the confidentiality provisions or the reporting requirements of the law and these rules for which the dispenser, or practitioner, or practitioner's agent is subject to disciplinary action.

37.9(1) Confidentiality. A pharmacy, or a pharmacist, practitioner, or practitioner's agent who knowingly fails to comply with the confidentiality provisions of the law or these rules or who delegates PMP information access to another individual, except in an emergency situation as provided in paragraph 37.4(1)“a,” is subject to disciplinary action by the appropriate professional licensing board. The PMP administrator or a member of the program staff who knowingly fails to comply with the confidentiality provisions of the law or these rules is subject to disciplinary action by the board. In addition to any disciplinary action or sanctions imposed by a professional licensing board, a pharmacy, pharmacist, practitioner, practitioner's agent, PMP administrator, or member of the PMP program staff who knowingly accesses, uses, or discloses program information in violation of Iowa law or these rules is subject to criminal prosecution as provided in 2011 Iowa Code Supplement section 124.558.

37.9(2) No change.

PHARMACY BOARD[657](cont'd)

ITEM 4. Amend **657—Chapter 37**, implementation sentence, as follows:

These rules are intended to implement Iowa Code sections 124.551, ~~to~~ 124.552, and 124.554 to 124.557 and 2011 Iowa Code Supplement sections 124.553 and 124.558 ~~as amended by 2009 Iowa Acts, House File 122.~~

[Filed 3/12/12, effective 7/1/12]

[Published 4/4/12]

EDITOR'S NOTE: For replacement pages for IAC, see IAC Supplement 4/4/12.

ARC 0059C

PUBLIC HEALTH DEPARTMENT[641]

Adopted and Filed

Pursuant to the authority of Iowa Code section 135.11, the Iowa Department of Public Health hereby adopts new Chapter 8, "Iowa Care for Yourself (IA CFY) Program," and rescinds Chapter 37, "Breast and Cervical Cancer Early Detection Program," Iowa Administrative Code.

Recognizing the value of screening and early detection of breast and cervical cancer, Congress passed the Breast and Cervical Cancer Mortality Prevention Act of 1990 and in 1993 authorized additional preventive health services to participants of the National Breast and Cervical Cancer Early Detection Program (NBCCEDP). The Breast and Cervical Cancer Early Detection Program (BCCEDP) provides screening for breast and cervical cancer. In addition, the Well-Integrated Screening and Evaluation for Women Across the Nation Program (WISEWOMAN) provides preventative screening for cardiovascular disease. Cardiovascular-related lifestyle interventions, tailored to each woman's cardiovascular screening results and her readiness to make lifestyle behavior changes, are also offered to participants. These two programs are funded through cooperative agreements with the Department of Health and Human Services, Centers for Disease Control and Prevention (CDC). Iowa first received CDC funding in 1993 for the BCCEDP and began providing early detection services in 1995. Iowa received funding for WISEWOMAN as a research study in 2001 and started providing limited services in 2003. The current framework of services as a standard program was implemented in 2008.

The rules in new Chapter 8 allow the services offered through the BCCEDP and WISEWOMAN to be offered in Iowa under one program, the Iowa Care for Yourself (IA CFY) Program. The purposes of the IA CFY Program are to provide breast and cervical cancer screening and diagnostic services and cardiovascular screening and intervention services to underserved women, to provide public and professional development, and to support community partnerships enhancing statewide breast and cervical cancer and cardiovascular disease control activities.

Chapter 8 covers agencies designated by contracting county boards of health to provide community-based IA CFY Program services and to receive funds from the Department for that purpose. The designated agencies facilitate the essential screening and diagnostic services consistent with CDC and IA CFY Program guidelines.

Notice of Intended Action was published in the February 8, 2012, Iowa Administrative Bulletin as **ARC 9995B**. No written comments were received. Additional internal review resulted in two corrections from the Noticed rules. In rule 641—8.1(135), under the definition of "abnormal screen," the words "abnormal total cholesterol means" have been changed to "abnormal value means" in numbered paragraph "3." Paragraph "3" now reads as follows:

"3. Abnormal value means laboratory values of total cholesterol or blood glucose (HbA1c if diagnosed diabetic) and average blood pressure reading in the range defined by the CDC according to National Heart, Lung and Blood Institute guidelines."

Also, in the definition of "MDEs," two references to funds and funding have been changed from "NBCCEDP" to "IA CFY program." The definition now reads as follows:

"*MDEs* or '*minimum data elements*' means a set of standardized data elements used to collect demographic and clinical information on women whose screening or diagnosis was paid for with IA

PUBLIC HEALTH DEPARTMENT[641](cont'd)

CFY program funds. MDEs were developed by the CDC, Division of Cancer Prevention and Control, to ensure that consistent and complete information is collected on women whose screening or diagnosis was paid for with IA CFY program funding.”

The State Board of Health adopted these amendments on March 14, 2012.

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

These amendments will become effective on May 9, 2012.

These amendments are intended to implement Iowa Code sections 135.11(1) and 135.39 and 42 U.S.C. Section 300k, as amended.

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 [adopt Ch 8; rescind Ch 37] is being omitted. With the exception of the changes noted above, these amendments are identical to those published under Notice as **ARC 9995B**, IAB 2/8/12.

[Filed 3/14/12, effective 5/9/12]

[Published 4/4/12]

[For replacement pages for IAC, see IAC Supplement 4/4/12.]

ARC 0060C

PUBLIC HEALTH DEPARTMENT[641]

Adopted and Filed

Pursuant to the authority of 2011 Iowa Code Supplement section 135.11, the Department of Public Health hereby adopts new Chapter 10, “Iowa Get Screened: Colorectal Cancer Program,” Iowa Administrative Code.

The Iowa Get Screened (IGS): Colorectal Cancer Program is funded through a cooperative agreement with the U.S. Department of Health and Human Services, Centers for Disease Control and Prevention (CDC) under the Colorectal Cancer Control Program (CRCCP).

The purpose of the IGS program within available financial resources is to provide colorectal cancer screening and diagnostic services to underserved individuals aged 50 to 64 years; to provide public education and professional development; to support community partnerships; to enhance statewide cancer control activities; to increase individual awareness; to increase screening rates; to encourage policy changes that will increase screening; and to enhance infrastructure for monitoring colorectal cancer screening activities.

These rules allow agencies designated by contracting local boards of health and federally qualified health centers to provide community-based IGS program services and to receive funds from the Department for that purpose.

Under the IGS program, designated agencies shall facilitate essential screening and diagnostic services consistent with CDC recommendations. These guidelines are implemented and supported with the Medical Advisory Board’s oversight. The program is intended to increase awareness of colorectal cancer through education in the community and to coordinate the provision of colorectal cancer screening and follow-up services to a target population. The aim of the IGS program is to increase colorectal cancer screenings to 80 percent for all eligible Iowans 50 to 64 years of age and to reduce the incidence of and mortality from colorectal cancer.

Notice of Intended Action was published in the February 8, 2012, Iowa Administrative Bulletin as **ARC 9997B**. No written comments were received. Upon further internal review, the following changes were made to the rules as published under Notice. The “R” was dropped from the acronym for “colorectal cancer data elements” in the definition and in subparagraph 10.3(5)“e”(1); the acronym is “CCDE,” not “CRCDE” as in the Notice. In the definition of “fecal immunochemical test,” the word “preferred” was changed to “primary” as the fecal immunochemical test is the primary screening method for the IGS program. The definition now reads as follows:

PUBLIC HEALTH DEPARTMENT[641](cont'd)

“*Fecal immunochemical test*’ or ‘*FIT*’ means the primary screening method for the IGS program to test for hemoglobin in the feces, a possible sign of colorectal cancer.”

In the definition of “surveillance,” at the end of the first sentence, the phrase “which prescribe surveillance in two-, three-, five- or seven-year intervals” has been removed. The definition now reads as follows:

“*Surveillance*’ means a periodic colonoscopy as recommended by a physician on a case-by-case basis for participants with a prior history of adenoma(s) or colorectal cancer in accordance with USPSTF recommendations. The purpose of surveillance is to rescreen and remove polyps that were missed on the initial colonoscopy or that developed in the interval since the previous colonoscopy.”

The word “cancer” was added before “screening” in the phrase “colorectal screening” in subparagraph 10.3(2)“e”(2) and paragraph 10.3(3)“c” to make usage of the term consistent throughout the chapter.

Finally, a cross reference to 10.7(1) was added to the end of paragraph 10.6(1)“b.” The paragraph now reads as follows:

“*b.* Upon enrollment, the participant shall be eligible for services for 12 months beginning from the date of enrollment, subject to restrictions in funding and program coverage as provided in subrules 10.6(2), 10.6(3) and 10.7(1).”

The State Board of Health adopted these rules on March 14, 2012.

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

These rules will become effective on May 9, 2012.

These rules are intended to implement Iowa Code sections 135.11(1) and 135.39 and 42 U.S.C. Section 241(a), as amended.

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 rules [Ch 10] is being omitted. With the exception of the changes noted above, these rules are identical to those published under Notice as **ARC 9997B**, IAB 2/8/12.

[Filed 3/14/12, effective 5/9/12]

[Published 4/4/12]

[For replacement pages for IAC, see IAC Supplement 4/4/12.]

ARC 0061C

PUBLIC HEALTH DEPARTMENT[641]

Adopted and Filed

Pursuant to the authority of Iowa Code sections 135.11 and 135.29, the Department of Public Health hereby amends Chapter 85, “Local Substitute Medical Decision-Making Boards,” Iowa Administrative Code.

The rules in Chapter 85 describe the requirements and procedures for local substitute medical decision-making boards. These amendments remove references to the state substitute medical decision-making board. In 2010 Iowa Acts, chapter 1031, section 399, the legislature repealed Iowa Code section 135.28 that established the state substitute medical decision-making board.

Notice of Intended Action was published in the January 25, 2012, Iowa Administrative Bulletin as **ARC 9976B**. No written comments were received. One change was made to the amendments published under Notice in order to correct an outdated Iowa Code reference in renumbered rule 641—85.10(135).

The State Board of Health adopted these amendments on March 14, 2012.

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

These amendments will become effective on May 9, 2012.

These amendments are intended to implement Iowa Code section 135.29.

The following amendments are adopted.

PUBLIC HEALTH DEPARTMENT[641](cont'd)

ITEM 1. Amend subrule 85.2(7) as follows:

85.2(7) “Panel” means a group of three or more members of a local board ~~or the state board~~ who are appointed by the chairperson of that board to hear a case when an application has been filed with the board ~~or when an appeal has been filed with the state board~~.

ITEM 2. Amend subrule 85.2(10) as follows:

85.2(10) “Physician” means any individual licensed under Iowa Code chapter 148, ~~150, or 150A~~.

ITEM 3. Rescind subrule **85.2(11)**.

ITEM 4. Amend subrule 85.3(5) as follows:

85.3(5) The county board of supervisors shall notify the ~~state board~~ department when a local board is appointed and shall submit a list of the members appointed.

ITEM 5. Amend rule 641—85.9(135) as follows:

641—85.9(135) Right of appeal.

85.9(1) The patient, the person who filed the application, or a correspondent may appeal the local board’s decision to the ~~state board~~ department. The appeal must be made before the date and time that the consent becomes effective. The person appealing shall notify the local board or the department of the appeal. The notice of the appeal shall be in writing or by telephone followed by a written appeal to the department. If the appeal is initially made by telephone, the written appeal to the department shall be postmarked within 48 hours of the telephone notice. The written appeal shall state the reason for the appeal. If the initial appeal is made to the local board, the local board representative shall immediately notify the department and the health care provider. If the initial appeal is made to the department, the department representative shall immediately notify the local board and the health care provider.

85.9(2) Upon receipt of the notice of appeal, the local board shall immediately provide a copy of the record of the case to the ~~state board~~ department. ~~The state board chairperson shall appoint a panel to review the case. The panel shall consist of at least three members with the same composition requirements as the local panels as specified in rule 85.6(135).~~ The ~~panel~~ department shall review the record to determine whether the determination by the local panel is supported by substantial evidence. The ~~state panel~~ department shall also review new information which is submitted regarding the case. The ~~state panel’s~~ department’s decision shall be based on a review of the record and a review of any new information and shall be made in accordance with the provisions for local panel determination in rules ~~641—85.7(135) and 641—85.8(135)~~. The ~~state panel’s~~ department’s decision shall be promptly sent by certified mail, return receipt requested, or otherwise provided by any other means that will provide more timely or reliable written notice to: the patient, the person filing the appeal, the person who filed the application and the chairperson of the local board. If any of these persons are dissatisfied with the ~~state panel’s~~ department’s decision, an appeal may be taken in the manner provided by Iowa Code chapter 17A.

ITEM 6. Rescind rule **641—85.10(135)**.

ITEM 7. Renumber rules **641—85.11(135)** and **641—85.12(135)** as **641—85.10(135)** and **641—85.11(135)**.

ITEM 8. Amend renumbered rule 641—85.10(135) as follows:

641—85.10(135) Records and reports. Each fiscal year, prior to October 1, the local board shall submit an annual report to the ~~state board~~ department on forms provided by the ~~state board~~ department. The report shall include summary information regarding the number, nature and disposition of applications filed with the local board in the preceding year. It shall also include a list of the local board members and officers for the new year and such other information as the ~~state board~~ department may deem necessary. ~~Members of the state board or authorized~~ Authorized representatives of the department shall have access to all records of the local boards. All record information which is excluded from public access and inspection pursuant to Iowa Code chapter 22, ~~441~~ 141A or 228 and 42 Code of Federal Regulations

PUBLIC HEALTH DEPARTMENT[641](cont'd)

Part 2, or any other confidentiality law provision shall be respected by the ~~state board members and department representatives.~~

ITEM 9. Amend **641—Chapter 85**, implementation sentence, as follows:

These rules are intended to implement Iowa Code ~~sections 135.28 and~~ section 135.29.

[Filed 3/14/12, effective 5/9/12]

[Published 4/4/12]

EDITOR'S NOTE: For replacement pages for IAC, see IAC Supplement 4/4/12.

ARC 0062C

PUBLIC HEALTH DEPARTMENT[641]

Adopted and Filed

Pursuant to the authority of Iowa Code section 147A.4, the Department of Public Health hereby amends Chapter 131, "Emergency Medical Services Provider Education/Training/Certification," Iowa Administrative Code.

The rules in Chapter 131 describe the standards for the education, training, and certification of emergency medical providers and establish a standard of conduct for training programs, students, and providers. This amendment incorporates modifications to the emergency medical care provider scope of practice recommended by the EMS Advisory Council.

Notice of Intended Action was published in the February 8, 2012, Iowa Administrative Bulletin as **ARC 0002C**. No written comments were received. The adopted amendment is identical to that published under Notice.

The State Board of Health adopted this amendment on March 14, 2012.

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

This amendment will become effective on May 9, 2012.

This amendment is intended to implement Iowa Code chapter 147A.

The following amendment is adopted.

Amend paragraph **131.3(3)"b"** as follows:

b. Scope of Practice for Iowa EMS Providers (~~January 2011~~ July 2011) is hereby incorporated and adopted by reference for emergency medical care providers. For any differences that may occur between the Scope of Practice adopted by reference and these administrative rules, the administrative rules shall prevail.

[Filed 3/14/12, effective 5/9/12]

[Published 4/4/12]

EDITOR'S NOTE: For replacement pages for IAC, see IAC Supplement 4/4/12.

ARC 0063C

PUBLIC HEALTH DEPARTMENT[641]

Adopted and Filed

Pursuant to the authority of Iowa Code section 147A.4, the Department of Public Health hereby amends Chapter 132, "Emergency Medical Service—Service Program Authorization," Iowa Administrative Code.

The rules in Chapter 132 describe the standards for the authorization of EMS services. These amendments incorporate the Scope of Practice approved by the EMS Advisory Council in July 2011, allow critical care paramedics to operate in the prehospital environment, add definitions for the new provider levels and allow service authorization at the new levels.

PUBLIC HEALTH DEPARTMENT[641](cont'd)

Notice of Intended Action was published in the February 8, 2012, Iowa Administrative Bulletin as **ARC 0001C**. One comment was received on Item 7 recommending that nurse practitioners be added to the list. The change was not incorporated since nurse practitioners are currently included in the list as registered nurses. The adopted amendments are identical to those published under Notice.

The State Board of Health adopted these amendments on March 14, 2012.

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

These amendments will become effective on May 9, 2012.

These amendments are intended to implement Iowa Code chapter 147A.

The following amendments are adopted.

ITEM 1. Amend rule **641—132.1(147A)**, definitions of “Critical care paramedic (CCP),” “Critical care transport (CCT),” “Emergency medical care provider,” “Endorsement” and “Paramedic (EMT-P),” as follows:

“Critical care paramedic (~~CCP~~)” or “CCP” means a currently certified paramedic specialist or paramedic who has successfully completed a critical care course of instruction approved by the department and has received endorsement from the department as a critical care paramedic.

“Critical care transport (~~CCT~~)” or “CCT” means specialty care patient transportation, when medically necessary, for a critically ill or injured patient needing critical care paramedic (~~CCP~~) skills, ~~between medical care facilities, and~~ provided by an authorized ambulance service that is approved by the department to provide critical care transportation and staffed by one or more critical care paramedics or other health care professional in an appropriate specialty area.

“Emergency medical care provider” means an individual who has been trained to provide emergency and nonemergency medical care at the first responder, ~~EMT basic, EMT intermediate, EMT paramedic, paramedic specialist~~ EMR, EMT, AEMT, paramedic or other certification levels recognized by the department before ~~1984~~ 2011 and who has been issued a certificate by the department.

“Endorsement” means ~~providing approval in an area related to emergency medical care including, but not limited to, CCP and emergency medical services~~ an approval granted by the department authorizing an individual to serve as an EMS-I, EMS-E or CCP.

“Paramedic (~~EMT-P~~)” means an ~~emergency medical technician-paramedic~~ individual who has successfully completed a course of study based on the United States Department of Transportation’s Paramedic Instructional Guidelines (January 2009), has passed the NREMT practical and cognitive examinations for the paramedic, and is currently certified by the department as a paramedic.

ITEM 2. Adopt the following **new** definitions in rule **641—132.1(147A)**:

“Advanced emergency medical technician” or “AEMT” means an individual who has successfully completed a course of study based on the United States Department of Transportation’s Advanced Emergency Medical Technician Instructional Guidelines (January 2009), has passed the National Registry of Emergency Medical Technicians (NREMT) practical and cognitive examinations for the AEMT, and is currently certified by the department as an AEMT.

“Emergency medical responder” or “EMR” means an individual who has successfully completed a course of study based on the United States Department of Transportation’s Emergency Medical Responder Instructional Guidelines (January 2009), has passed the NREMT practical and cognitive examinations for the EMR, and is currently certified by the department as an EMR.

“Emergency medical technician” or “EMT” means an individual who has successfully completed a course of study based on the United States Department of Transportation’s Emergency Medical Technician Instructional Guidelines (January 2009), has passed the NREMT practical and cognitive examinations for the EMT, and is currently certified by the department as an EMT.

“Emergency medical technician-paramedic” or “EMT-P” means an individual who has successfully completed the United States Department of Transportation’s EMT-Intermediate (1999) or the 1985 or earlier DOT EMT-P curriculum, has passed the department’s approved written and practical examinations, and is currently certified by the department as an EMT-P.

PUBLIC HEALTH DEPARTMENT[641](cont'd)

ITEM 3. Amend paragraph **132.2(4)“b”** as follows:

b. Scope of Practice for Iowa EMS Providers (~~April 2009~~ July 2011) is incorporated and adopted by reference for EMS providers. For any differences that may occur between the adopted references and these administrative rules, the administrative rules shall prevail.

ITEM 4. Amend paragraph **132.8(1)“a”** as follows:

a. Apply for authorization at one of the following levels:

(1) EMT-B/EMT.

(2) EMT-I.

(3) AEMT.

~~(3)~~ (4) EMT-P.

~~(4)~~ (5) PS/Paramedic.

ITEM 5. Amend subparagraph **132.8(1)“c”(1)** as follows:

(1) One currently certified EMT-B or EMT.

ITEM 6. Amend paragraph **132.8(2)“a”** as follows:

a. Apply for authorization at one of the following levels:

~~(1) Rescinded IAB 2/9/11, effective 3/16/11.~~

~~(2)~~ (1) First responder/EMR.

~~(3)~~ (2) EMT-B/EMT.

~~(4)~~ (3) EMT-I.

~~(4)~~ AEMT.

(5) EMT-P.

(6) PS/Paramedic.

ITEM 7. Amend paragraph **132.9(6)“d”** as follows:

d. Only supervising physicians or physician designees shall provide on-line medical direction. ~~However, a~~ A physician assistant, registered nurse or ~~EMT~~ emergency medical care provider (of equal or higher level) may relay orders to emergency medical care personnel, without modification, from a supervising physician. A physician designee may not deviate from approved protocols.

ITEM 8. Amend rule 641—132.15(147A), catchwords, as follows:

641—132.15(147A) Transport options for fully authorized EMT-P, PS, and paramedic service programs.

ITEM 9. Amend subrule 132.15(1), introductory paragraph, as follows:

132.15(1) Upon responding to an emergency call, ambulance or nontransport EMT-P, PS, and paramedic level services may make a determination at the scene as to whether emergency medical transportation or nonemergency transportation is needed. The determination shall be made by a an EMT-P, paramedic or paramedic specialist and shall be based upon the nonemergency transportation protocol approved by the service program's medical director. When applying this protocol, the following criteria, as a minimum, shall be used to determine the appropriate transport option:

[Filed 3/14/12, effective 5/9/12]

[Published 4/4/12]

EDITOR'S NOTE: For replacement pages for IAC, see IAC Supplement 4/4/12.

ARC 0073C

REVENUE DEPARTMENT[701]

Adopted and Filed

Pursuant to the authority of Iowa Code sections 421.14 and 422.68, the Department of Revenue hereby adopts amendments to Chapter 40, "Determination of Net Income," Iowa Administrative Code.

REVENUE DEPARTMENT[701](cont'd)

Notice of Intended Action was published in IAB Vol. XXXIV, No. 16, p. 1052, on February 8, 2012, as **ARC 0005C**.

These amendments make changes to rule 701—40.38(422) related to the exclusion of certain capital gains income from Iowa individual income tax. The amendments remove obsolete provisions, clarify existing provisions, and incorporate additional provisions related to the capital gains that are eligible for the exclusion.

There have been no substantive changes to the amendments published under Notice of Intended Action. However, corrections have been made in subrules 40.38(2), 40.38(6) and 40.38(9) to make the terminology uniform.

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

These amendments are intended to implement Iowa Code section 422.7.

These amendments will become effective May 9, 2012, after filing with the Administrative Rules Coordinator and publication in the Iowa Administrative Bulletin.

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 [40.38] is being omitted. With the exception of the changes noted above, these amendments are identical to those published under Notice as **ARC 0005C**, IAB 2/8/12.

[Filed 3/16/12, effective 5/9/12]

[Published 4/4/12]

[For replacement pages for IAC, see IAC Supplement 4/4/12.]

ARC 0057C

VETERANS AFFAIRS, IOWA DEPARTMENT OF[801]

Adopted and Filed

Pursuant to the authority of Iowa Code section 35A.5(12), the Iowa Department of Veterans Affairs amends Chapter 11, "Injured Veterans Grant Program," rescinds Chapter 12, "County Grant Program for Veterans," amends Chapter 14, "Veterans Trust Fund," and adopts new Chapter 17, "Veterans License Fee Fund," Iowa Administrative Code.

The rules in Chapter 11 describe eligibility for the Injured Veterans Grant Program. These amendments clarify eligibility for additional payments and bring the rules more in line with statute.

The rules in Chapter 12 outline the County Grant Program for Veterans, which is now obsolete. A new program is covered in Chapter 7, "County Commissions of Veteran Affairs Fund and Training Program." The amendment rescinds and reserves Chapter 12.

The rules in Chapter 14 describe eligibility and procedures for the Veterans Trust Fund. These amendments allow the Commission the flexibility to waive income thresholds in certain circumstances.

New Chapter 17 pertains to the Veterans License Fee Fund.

Notice of Intended Action was published in the Iowa Administrative Bulletin on December 28, 2011, as **ARC 9939B**. No public comment was received on these amendments. These amendments are identical to those published under Notice.

These amendments were adopted by the Department on March 13, 2012.

The Department of Veterans Affairs does not intend to grant waivers under the provisions of these rules, other than as may be allowed under the Department's general rules regarding waivers.

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

These amendments are intended to implement Iowa Code sections 35A.11, 35A.13, 35A.14, and 35A.16.

VETERANS AFFAIRS, IOWA DEPARTMENT OF[801](cont'd)

These amendments shall become effective May 9, 2012.

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 [amend Chs 11, 14; rescind Ch 12; adopt Ch 17] is being omitted. These amendments are identical to those published under Notice as **ARC 9939B**, IAB 12/28/11.

[Filed 3/13/12, effective 5/9/12]

[Published 4/4/12]

[For replacement pages for IAC, see IAC Supplement 4/4/12.]