



# IOWA ADMINISTRATIVE BULLETIN

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## PREFACE

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

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

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

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

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### CITATION of Administrative Rules

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

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

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

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

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

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

## Schedule for Rule Making 2022

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

<u>ISSUE NUMBER</u>	<u>SUBMISSION DEADLINE</u>	<u>ISSUE DATE</u>
22	Friday, April 15, 2022	May 4, 2022
23	Friday, April 29, 2022	May 18, 2022
24	Wednesday, May 11, 2022	June 1, 2022

**PLEASE NOTE:**

Rules will not be accepted by the Publications Editing Office after **12 o'clock noon** on the filing deadline unless prior approval has been received from the Administrative Rules Coordinator and the Administrative Code Editor.

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

†To allow time for review by the Administrative Rules Coordinator prior to the Notice submission deadline, Notices should generally be submitted in RMS four or more working days in advance of the deadline.

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

**ENVIRONMENTAL PROTECTION COMMISSION[567]**

Floodplain permitting for  
bridges—backwater Q100,  
72.1(2)“a”  
IAB 3/23/22 **ARC 6262C**

Via video/conference call  
Contact Jonathan Garton  
Email: [jonathan.garton@dnr.iowa.gov](mailto:jonathan.garton@dnr.iowa.gov)

April 12, 2022  
2 to 3 p.m.

Cathode ray tube recycling,  
amend ch 100; adopt ch 122  
IAB 3/23/22 **ARC 6261C**

Via video/conference call  
Contact Theresa Stiner  
Email: [theresa.stiner@dnr.iowa.gov](mailto:theresa.stiner@dnr.iowa.gov)

April 12, 2022  
2 p.m.

**INSURANCE DIVISION[191]**

Review of rules, amendments to  
chs 10, 35, 76  
IAB 4/6/22 **ARC 6285C**

Via conference call  
Contact Tracy Swalwell  
Email: [tracy.swalwell@iid.iowa.gov](mailto:tracy.swalwell@iid.iowa.gov)

May 5, 2022  
9 a.m.  
(If requested)

**NATURAL RESOURCE COMMISSION[571]**

Wildlife refuges; waterfowl  
and coot hunting seasons;  
migratory game bird hunting  
methods, 52.1, 91.1, 91.3 to  
91.4, 91.5(1)“b,” 92.3(11)  
IAB 3/23/22 **ARC 6260C**

Via video/conference call  
Contact Orrin Jones  
Email: [orrin.jones@dnr.iowa.gov](mailto:orrin.jones@dnr.iowa.gov)

April 12, 2022  
11 a.m.

**PHARMACY BOARD[657]**

Remote delegation of  
functions—security,  
supervision, documentation,  
patient counseling, 3.5, 3.21,  
6.14  
IAB 4/6/22 **ARC 6279C**

Health Professions Board Room  
400 S.W. 8th St., Suite H  
Des Moines, Iowa  
Via Zoom: link available 24 hours in  
advance at [pharmacy.iowa.gov/meetings](https://pharmacy.iowa.gov/meetings)

April 27, 2022  
10 a.m.

Pharmacy license; nonresident  
pharmacy practice, 8.35, 19.1  
to 19.3  
IAB 4/6/22 **ARC 6281C**

Health Professions Board Room  
400 S.W. 8th St., Suite H  
Des Moines, Iowa  
Via Zoom: link available 24 hours in  
advance at [pharmacy.iowa.gov/meetings](https://pharmacy.iowa.gov/meetings)

April 27, 2022  
10:30 a.m.

**PROFESSIONAL LICENSURE DIVISION[645]**

Barbers—apprenticeship, 21.1,  
21.2, 22.1, 22.3, 22.4(3)  
IAB 3/23/22 **ARC 6259C**

Via video/conference call  
Zoom meeting ID: 814 5857 0168  
Passcode: 134235

April 12, 2022  
9 to 9:30 a.m.

Cosmetology arts and  
sciences—apprenticeship,  
60.1, 60.2(1), 60.5(7), 61.1,  
61.5(5), 61.24(3)  
IAB 3/23/22 **ARC 6258C**

Via video/conference call  
Zoom meeting ID: 831 1911 3049  
Passcode: 455202  
Link:  
[us02web.zoom.us/j/83119113049?pwd=ait0NVpRZXAwcUNkcnc2T085VWdjQT09#success](https://us02web.zoom.us/j/83119113049?pwd=ait0NVpRZXAwcUNkcnc2T085VWdjQT09#success)

April 12, 2022  
9:30 to 10 a.m.

Licensure of massage therapists,  
ch 131  
IAB 3/23/22 **ARC 6257C**

Fifth Floor Conference Room 526  
Lucas State Office Bldg.  
Des Moines, Iowa

April 12, 2022  
9 to 9:30 a.m.

**REAL ESTATE APPRAISER EXAMINING BOARD[193F]**

Alternative experience pathways;  
distance education, 1.19, 5.6(2),  
5.8, 6.8, 6.9, 11.1, 11.5(2), 11.6,  
11.7(1)  
IAB 3/23/22 **ARC 6254C**

Small Conference Room, Third Floor  
200 E. Grand Ave.  
Des Moines, Iowa

April 13, 2022  
8:30 to 9:30 a.m.

**TRANSPORTATION DEPARTMENT[761]**

Driver education—time  
allowance for laboratory  
instruction, 634.4(2)“b,”  
634.11(1)  
IAB 4/6/22 **ARC 6278C**

Via conference call  
Contact Tracy George  
Email: [tracy.george@iowadot.us](mailto:tracy.george@iowadot.us)

April 28, 2022  
9 a.m.  
(If requested)

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 6283C

**HUMAN SERVICES DEPARTMENT[441]****Notice of Intended Action****Proposing rule making related to food program terminology  
and providing an opportunity for public comment**

The Human Services Department hereby proposes to amend Chapter 13, “Program Evaluation,” Iowa Administrative Code.

*Legal Authority for Rule Making*

This rule making is proposed under the authority provided in Iowa Code sections 234.6, 249A.4 and 514I.1.

*State or Federal Law Implemented*

This rule making implements, in whole or in part, Iowa Code sections 234.6, 249A.4 and 514I.1.

*Purpose and Summary*

As part of the Department’s five-year rules review process, this proposed rule making updates the name of Iowa’s food assistance program. The formal name of Iowa’s food assistance program is proposed to be changed from the Food Assistance Program to the Supplemental Nutrition Assistance Program (SNAP) to be consistent with the name of the federal program and to alleviate confusion around food benefits that are available.

*Fiscal Impact*

This rule making has no fiscal impact to the State of Iowa.

*Jobs Impact*

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

*Waivers*

Any person who believes that the application of the discretionary provisions of this rule making would result in hardship or injustice to that person may petition the Department for a waiver of the discretionary provisions, if any, pursuant to rule 441—1.8(17A,217).

*Public Comment*

Any interested person may submit written comments concerning this proposed rule making. Written comments in response to this rule making must be received by the Department no later than 4:30 p.m. on April 26, 2022. Comments should be directed to:

Nancy Freudenberg  
Department of Human Services  
Hoover State Office Building, Fifth Floor  
1305 East Walnut Street  
Des Moines, Iowa 50319-0114  
Email: [appeals@dhs.state.ia.us](mailto:appeals@dhs.state.ia.us)

HUMAN SERVICES DEPARTMENT[441](cont'd)

*Public Hearing*

No public hearing is scheduled at this time. As provided in Iowa Code section 17A.4(1)“b,” an oral presentation regarding this rule making may be demanded by 25 interested persons, a governmental subdivision, the Administrative Rules Review Committee, an agency, or an association having 25 or more members.

*Review by Administrative Rules Review Committee*

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

The following rule-making actions are proposed:

ITEM 1. Amend **441—Chapter 13**, preamble, as follows:

PREAMBLE

The purpose of this chapter is to define the methods and procedures used by the department to provide a systematic process for measuring the validity of the eligibility determinations in the family investment program (FIP), ~~food assistance program~~ supplemental nutrition assistance program (SNAP), child care assistance program, and medical assistance program; to provide a basis for establishing state agency liability for errors; and to provide program information that can be used by the department in determining a corrective action plan to ensure the rules and regulations are implemented in accordance with the program rules.

ITEM 2. Amend rule **441—13.1(234,239B,249A,514I)**, definitions of “Client,” “Public assistance programs” and “State policies,” as follows:

“*Client*” means a current or former applicant or recipient of the family investment program (FIP), ~~food assistance program~~ supplemental nutrition assistance program (SNAP), child care assistance program, or medical assistance program.

“*Public assistance programs*” means those programs involving federal funds, i.e., family investment program (FIP), ~~food assistance program~~ supplemental nutrition assistance program (SNAP), child care assistance program, and medical assistance program.

“*State policies*” means the rules and regulations used by the department to administer the family investment program (FIP), ~~food assistance program~~ supplemental nutrition assistance program (SNAP), child care assistance program, and medical assistance program.

ITEM 3. Amend paragraph **13.5(3)“a”** as follows:

a. Personal interviews are required on all active ~~food assistance~~ SNAP reviews.

**ARC 6286C**

**HUMAN SERVICES DEPARTMENT[441]**

**Notice of Intended Action**

**Proposing rule making related to child care medical services  
and providing an opportunity for public comment**

The Human Services Department hereby proposes to amend Chapter 78, “Amount, Duration and Scope of Medical and Remedial Services,” Iowa Administrative Code.

*Legal Authority for Rule Making*

This rule making is proposed under the authority provided in Iowa Code chapter 249A.

## HUMAN SERVICES DEPARTMENT[441](cont'd)

*State or Federal Law Implemented*

This rule making implements, in whole or in part, Iowa Code chapter 249A.

*Purpose and Summary*

The Department is proposing to change the forms used in the prior authorization approval process for medical child care. The revised form will provide greater detail on the child's medical and behavioral needs.

Medical child care is specialized child care for children with significant medical needs and developmental delays. Medical child care combines traditional child care and nursing care and provides additional services, including on-site therapy such as physical, occupational and speech therapies. Medically necessary services are provided under a plan of care that is developed by licensed professionals within their scope of practice and authorized by the member's physician. Children who are eligible for Medicaid and who have medically necessary services are eligible for medical care. Hours are determined through a prior authorization process and use of the updated form.

Changes were made to the form to better align with and capture the needs of the children, including those on the autism spectrum.

*Fiscal Impact*

This rule making will change the required forms used in the prior authorization approval process for medical child care. The new form could allow for additional hours of service to be authorized for the current population (131 children) at a rate of \$23.95 per hour with a center open for approximately 250 days. The expected increase in utilization is not known with certainty so the Department has calculated a range estimate. The fiscal impact based on an additional two authorized hours of service for the current population (131 children) at a rate of \$23.95 per hour with a center open for approximately 250 days with utilization ranging from 65.7 percent to 100 percent ranges from \$485,000 to \$739,000 in total dollars, of which the State will pay \$179,000 to \$273,000. The fiscal impact based on the maximum hours allowed per facility for the current population (131 children) at a rate of \$23.95 per hour with a center open for approximately 250 days with utilization ranging from 65.7 percent to 100 percent ranges from \$600,000 to \$919,000, of which the State will pay \$223,000 to \$339,000. Based on the above assumptions, the anticipated State dollar impact will be between \$179,000 and \$339,000.

*Jobs Impact*

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

*Waivers*

Any person who believes that the application of the discretionary provisions of this rule making would result in hardship or injustice to that person may petition the Department for a waiver of the discretionary provisions, if any, pursuant to rule 441—1.8(17A,217).

*Public Comment*

Any interested person may submit written comments concerning this proposed rule making. Written comments in response to this rule making must be received by the Department no later than 4:30 p.m. on April 26, 2022. Comments should be directed to:

Nancy Freudenberg  
Department of Human Services  
Hoover State Office Building, Fifth Floor  
1305 East Walnut Street  
Des Moines, Iowa 50319-0114  
Email: [appeals@dhs.state.ia.us](mailto:appeals@dhs.state.ia.us)

HUMAN SERVICES DEPARTMENT[441](cont'd)

*Public Hearing*

No public hearing is scheduled at this time. As provided in Iowa Code section 17A.4(1)“b,” an oral presentation regarding this rule making may be demanded by 25 interested persons, a governmental subdivision, the Administrative Rules Review Committee, an agency, or an association having 25 or more members.

*Review by Administrative Rules Review Committee*

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

The following rule-making action is proposed:

Amend subparagraph **78.57(6)“c”(12)** as follows:

(12) ~~Forms 470-4815 and 470-4816 are~~ Form 470-5686 is utilized during the prior authorization review.

**ARC 6282C**

**HUMAN SERVICES DEPARTMENT[441]**

**Notice of Intended Action**

**Proposing rule making related to five-year review of rules  
and providing an opportunity for public comment**

The Human Services Department hereby proposes to rescind Chapter 161, “Iowa Senior Living Trust Fund,” Chapter 162, “Nursing Facility Conversion and Long-Term Care Services Development Grants,” and Chapter 164, “Iowa Hospital Trust Fund,” Iowa Administrative Code.

*Legal Authority for Rule Making*

This rule making is proposed under the authority provided in Iowa Code section 249A.4.

*State or Federal Law Implemented*

This rule making implements, in whole or in part, Iowa Code section 249A.4.

*Purpose and Summary*

This proposed rule making is part of the Department’s five-year rules review process. Chapters 161 and 162 are rescinded and reserved because the programs no longer exist and Iowa Code chapter 249H, which authorized the programs, was repealed in 2013. Chapter 164 is rescinded and reserved because the program no longer exists and Iowa Code chapter 249I, which authorized the trust fund, was repealed in 2005. This rule making brings the Iowa Administrative Code into compliance with the Iowa Code.

*Fiscal Impact*

This rule making has no fiscal impact to the State of Iowa.

*Jobs Impact*

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

HUMAN SERVICES DEPARTMENT[441](cont'd)

*Waivers*

Any person who believes that the application of the discretionary provisions of this rule making would result in hardship or injustice to that person may petition the Department for a waiver of the discretionary provisions, if any, pursuant to rule 441—1.8(17A,217).

*Public Comment*

Any interested person may submit written comments concerning this proposed rule making. Written comments in response to this rule making must be received by the Department no later than 4:30 p.m. on April 26, 2022. Comments should be directed to:

Nancy Freudenberg  
Department of Human Services  
Hoover State Office Building, Fifth Floor  
1305 East Walnut Street  
Des Moines, Iowa 50319-0114  
Email: [appeals@dhs.state.ia.us](mailto:appeals@dhs.state.ia.us)

*Public Hearing*

No public hearing is scheduled at this time. As provided in Iowa Code section 17A.4(1)“b,” an oral presentation regarding this rule making may be demanded by 25 interested persons, a governmental subdivision, the Administrative Rules Review Committee, an agency, or an association having 25 or more members.

*Review by Administrative Rules Review Committee*

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

The following rule-making actions are proposed:

- ITEM 1. Rescind and reserve **441—Chapter 161**.
- ITEM 2. Rescind and reserve **441—Chapter 162**.
- ITEM 3. Rescind and reserve **441—Chapter 164**.

**ARC 6285C**

**INSURANCE DIVISION[191]**

**Notice of Intended Action**

**Proposing rule making related to review of rules  
and providing an opportunity for public comment**

The Insurance Division hereby proposes to amend Chapter 10, “Insurance Producer Licenses and Limited Licenses,” Chapter 35, “Accident and Health Insurance,” and Chapter 76, “External Review,” Iowa Administrative Code.

*Legal Authority for Rule Making*

This rule making is proposed under the authority provided in Iowa Code sections 505B.1, 514J.117, 522A.7 and 522B.4.

INSURANCE DIVISION[191](cont'd)

*State or Federal Law Implemented*

This rule making implements, in whole or in part, Iowa Code chapters 505B, 514J, 522A and 522B.

*Purpose and Summary*

The proposed amendments are a result of the Division's ongoing review of rules. The amendments to Chapter 10 clarify the payment of appointments and the timing of notifications regarding vehicle rental counter employee limited license terminations. The amendment to Chapter 35 corrects a cross-reference. The amendments to Chapter 76 update the Division's main phone number.

*Fiscal Impact*

This rule making has no fiscal impact to the State of Iowa.

*Jobs Impact*

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

*Waivers*

Any person who believes that the application of the discretionary provisions of this rule making would result in hardship or injustice to that person may petition the Division for a waiver of the discretionary provisions, if any, pursuant to 191—Chapter 4.

*Public Comment*

Any interested person may submit written or oral comments concerning this proposed rule making. Written or oral comments in response to this rule making must be received by the Division no later than 12 noon on May 3, 2022. Comments should be directed to:

Tracy Swalwell  
Iowa Insurance Division  
1963 Bell Ave, Suite 100  
Des Moines, Iowa 50315  
Phone: 515.654.6549  
Email: [tracy.swalwell@iid.iowa.gov](mailto:tracy.swalwell@iid.iowa.gov)

*Public Hearing*

If requested, a public hearing at which persons may present their views orally or in writing will be held as follows:

May 5, 2022  
9 a.m.

Via conference call

A conference call number will be available prior to the hearing on the Division's web page at [iid.iowa.gov/hearings](http://iid.iowa.gov/hearings). Persons wishing to attend the hearing may also contact Tracy Swalwell for hearing information. Persons who wish to make oral comments at the public hearing must submit a request to Tracy Swalwell prior to the public hearing to facilitate an orderly hearing. Persons will be asked to state their names for the record and to confine their remarks to the subject of this proposed rule making.

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

The public hearing will be canceled without further notice if no public hearing is requested by 12 noon on April 26, 2022.

## INSURANCE DIVISION[191](cont'd)

*Review by Administrative Rules Review Committee*

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

The following rule-making actions are proposed:

ITEM 1. Amend rule 191—10.15(522B) as follows:

**191—10.15(522B) Appointments.**

**10.15(1)** Insurers are required to file and pay for appointments with the division for each producer with which the producer has an agency relationship. The determination of whether an insurer and a producer have an agency relationship will be made by the division based on the totality of the circumstances surrounding the business relationship. Appointments are not issued for business entities.

**10.15(2)** Insurers must file and pay for ~~initial~~ appointments using the NIPR Gateway, ~~except that insurers authorized under Iowa Code chapter 518 or 518A must file appointments directly with the division.~~

**10.15(3)** The notice of appointment must be filed within 30 days of the date the insurer and producer execute an agency contract or the first insurance application is submitted to the insurer.

**10.15(4)** Appointment fees are set forth in rule 191—10.26(522B). ~~The division or its designee will electronically transmit a billing statement to insurers authorized under Iowa Code chapter 518 or 518A, and payment is due within 45 days. The division will assess a late fee of \$100 for the failure to timely pay appointment billing statements and an additional \$500 on or after the forty-sixth day.~~

**10.15(5)** ~~The division may adopt special appointment filing procedures to allow an insurer to file one appointment request that will appoint a producer to some or all of the affiliated insurance companies that comprise a holding company.~~

**10.15(6)** When a company loses its identity in a new company by merger, acquisition, or otherwise, the new company must contact the licensing bureau division to arrange for reappointment of the producers to the remaining company.

**10.15(7)** Insurance companies must file the name, address, and electronic address of a contact person for the company, to whom the billing statements will be sent. Insurance companies must notify the division if there is a change of the person appointed as the contact person or if a change of the address of such contact occurs. If an insurance company fails to notify the division of such a change, the insurance company must pay a \$100 fee.

ITEM 2. Amend subrule 10.16(4) as follows:

**10.16(4)** Failure to pay renewal appointment fees by March 15 will result in termination of a company's appointments. Appointments that are terminated due to nonpayment of renewal fees may be reinstated upon payment of the renewal fee plus a reinstatement fee of \$500 reappointed using the NIPR Gateway.

ITEM 3. Amend subparagraph **10.51(1)“f”(5)** as follows:

(5) The vehicle rental limited licensee must notify the division of the termination of employment of any of its vehicle rental counter employee limited licensees. The vehicle rental limited licensee must file reports of terminations semiannually on January 1 and July 1 within 30 days of termination of employment.

ITEM 4. Amend subparagraph **10.51(1)“i”(2)** as follows:

(2) Vehicle rental limited licensees must file written notification with the division of changes in names or addresses of vehicle rental counter employee limited licensees. If the change of name is by a court order, a copy of the order shall be included with the notification. The limited licensee must file reports of name and address changes semiannually on January 1 and July 1 within 30 days of the change.

INSURANCE DIVISION[191](cont'd)

ITEM 5. Amend subrule 35.9(4) as follows:

**35.9(4) *Electronic transmissions.*** Notwithstanding the requirements of subrule 35.9(3), if an insurer, issuer, employer, group policyholder, or carrier receives, pursuant to 191—subrule 4.24(2) 4.21(4), approval from the commissioner of a manner of electronic delivery of a notice of cancellation, nonrenewal or termination of a policy, the approved manner shall satisfy the notice requirements of Iowa Code sections 509B.5, 513B.5, 514D.3, 515.125 and 515.129A and chapter 505B.

ITEM 6. Strike “515-654-6465” wherever it appears in **191—Chapter 76** and insert “515-654-6600” in lieu thereof.

**ARC 6284C**

## **MEDICINE BOARD[653]**

### **Notice of Intended Action**

#### **Proposing rule making related to collaborative pharmacy practice and providing an opportunity for public comment**

The Board of Medicine hereby proposes to amend Chapter 13, “Standards of Practice and Principles of Medical Ethics,” Iowa Administrative Code.

#### *Legal Authority for Rule Making*

This rule making is proposed under the authority provided in Iowa Code section 147.76.

#### *State or Federal Law Implemented*

This rule making implements, in whole or in part, Iowa Code section 155A.48.

#### *Purpose and Summary*

2021 Iowa Acts, Senate File 296, added a new section codified as Iowa Code section 155A.48, which provides a definition of collaborative pharmacy practice and establishes standards for collaborative pharmacy practice agreements. Subsequent to the enactment of 2021 Iowa Acts, Senate File 296, the Board of Pharmacy adopted new rule 657—39.13(155A) relating to collaborative pharmacy practice (see **ARC 6174C**, IAB 2/9/22). Because of the adoption of that rule, the Board of Medicine’s rules regulating collaborative pharmacy practice are now in conflict with the Board of Pharmacy’s rules. Therefore, on February 17, 2022, the Board of Medicine voted to rescind rule 653—13.4(148), and that rescission is proposed in this rule making.

#### *Fiscal Impact*

This rule making has no fiscal impact to the State of Iowa.

#### *Jobs Impact*

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

#### *Waivers*

Any person who believes that the application of the discretionary provisions of this rule making would result in hardship or injustice to that person may petition the Board for a waiver of the discretionary provisions, if any, pursuant to 653—Chapter 3.



MEDICINE BOARD[653](cont'd)

*Public Comment*

Any interested person may submit written or oral comments concerning this proposed rule making. Written or oral comments in response to this rule making must be received by the Board no later than 4:30 p.m. on April 26, 2022. Comments should be directed to:

Joseph Fraioli  
Iowa Board of Medicine  
400 SW Eighth Street, Suite C  
Des Moines, Iowa 50309  
Phone: 515.281.3614  
Email: [joseph.fraioli@iowa.gov](mailto:joseph.fraioli@iowa.gov)

*Public Hearing*

No public hearing is scheduled at this time. As provided in Iowa Code section 17A.4(1)“b,” an oral presentation regarding this rule making may be demanded by 25 interested persons, a governmental subdivision, the Administrative Rules Review Committee, an agency, or an association having 25 or more members.

*Review by Administrative Rules Review Committee*

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

The following rule-making action is proposed:

Rescind and reserve rule **653—13.4(148)**.

**ARC 6279C****PHARMACY BOARD[657]****Notice of Intended Action****Proposing rule making related to remote supervision of pharmacy technicians  
and providing an opportunity for public comment**

The Board of Pharmacy hereby proposes to amend Chapter 3, “Pharmacy Technicians,” and Chapter 6, “General Pharmacy Practice,” Iowa Administrative Code.

*Legal Authority for Rule Making*

This rule making is proposed under the authority provided in Iowa Code sections 147.76 and 155A.6A.

*State or Federal Law Implemented*

This rule making implements, in whole or in part, Iowa Code sections 147.76 and 155A.6A.

*Purpose and Summary*

The proposed amendments provide for pharmacist delegation of technical functions relating to prescription processing activities (e.g., data entry or insurance processing) under specific conditions to an Iowa-registered certified pharmacy technician who is performing the delegated functions at a location other than where the supervising pharmacist is physically located. The authorized delegation

## PHARMACY BOARD[657](cont'd)

would allow pharmacies to continue such remote activities initiated under the pandemic-related public health emergency under conditions that require:

- Adequate security and supervision to be maintained at all times to prevent unauthorized access to, and unauthorized storage/transfer of, confidential patient information or patient records;
- The supervising pharmacist to have real-time access to the prescription processing system that the technician is using or the patient records that the technician is processing;
- The technician to have access to the supervising pharmacist via a real-time communication mechanism; and
- The prescription processing system to be capable of documenting the functions performed by the technician.

The proposed amendments also authorize a pharmacist to provide patient counseling via real-time interactive communication when the pharmacist is at a location other than the licensed pharmacy.

*Fiscal Impact*

This rule making has no fiscal impact to the State of Iowa.

*Jobs Impact*

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

*Waivers*

Any person who believes that the application of the discretionary provisions of this rule making would result in hardship or injustice to that person may petition the Board for a waiver of the discretionary provisions, if any, pursuant to 657—Chapter 34.

*Public Comment*

Any interested person may submit written comments concerning this proposed rule making. Written comments in response to this rule making must be received by the Board no later than 4:30 p.m. on April 26, 2022. Comments should be directed to:

Sue Mears  
Board of Pharmacy  
400 S.W. 8th Street, Suite E  
Des Moines, Iowa 50309  
Email: [sue.mears@iowa.gov](mailto:sue.mears@iowa.gov)

*Public Hearing*

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

April 27, 2022  
10 a.m.

Health Professions Board Room  
400 S.W. 8th Street, Suite H  
Des Moines, Iowa 50309  
Also via Zoom — Link available 24 hours in  
advance at [pharmacy.iowa.gov/meetings](https://pharmacy.iowa.gov/meetings)

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

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

## PHARMACY BOARD[657](cont'd)

*Review by Administrative Rules Review Committee*

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

The following rule-making actions are proposed:

ITEM 1. Amend rule 657—3.5(155A), introductory paragraph, as follows:

**657—3.5(155A) Certification of pharmacy technicians.** Except as provided in subrule 3.5(1), all pharmacy technicians shall be required to be nationally certified as provided by this rule. National certification acquired through successful completion of any NCCA-accredited pharmacy technician certification program and examination fulfills the requirement for national certification. National certification does not replace the need for licensed pharmacist control over the performance of delegated functions, nor does national certification exempt the pharmacy technician from registration pursuant to these rules. A certified pharmacy technician shall maintain the technician's national certification, in addition to the technician's Iowa registration, during any period of employment in or for an Iowa pharmacy as a certified pharmacy technician.

ITEM 2. Amend rule 657—3.21(155A) as follows:

**657—3.21(155A) Delegation of functions.**

**3.21(1) Policies and procedures.** Pursuant to established policies and procedures and the supervising pharmacist's professional judgment, a an Iowa-licensed supervising pharmacist may delegate any technical or nontechnical functions in the operation of the pharmacy, except those which are prohibited pursuant to rule 657—3.23(155A), to an appropriately trained and registered Iowa-registered pharmacy technician, ~~but only if the pharmacist is on site and available to supervise the pharmacy technician when delegated functions are performed, except as provided in rule 657—6.7(124,155A) or 657—7.6(155A), as appropriate, or as provided for telepharmacy in 657—Chapter 13.~~

**3.21(2) Remote supervision.** A supervising pharmacist may delegate technical functions relating to prescription processing (e.g., data entry or insurance processing) to a certified pharmacy technician who is performing the delegated functions at a location that is not a licensed pharmacy only if the following conditions are met:

a. Adequate security and supervision are maintained at all times to prevent unauthorized access to, and unauthorized storage/transfer of, confidential patient information or patient records;

b. The supervising pharmacist has real-time access to the prescription processing system which the certified pharmacy technician is using or the patient record which the certified pharmacy technician is processing;

c. The supervising pharmacist is available to respond to certified pharmacy technician questions via a real-time communication mechanism at all times when delegated functions are being performed; and

d. The pharmacy's prescription processing system is capable of documenting the functions performed by the certified pharmacy technician.

**3.21(3) Pharmacist final verification required.** Except as provided for an approved technician product verification program pursuant to 657—Chapter 40, the pharmacist shall provide and document the final verification for the accuracy, validity, completeness, and appropriateness of the patient's prescription or medication order prior to the delivery of the medication to the patient or the patient's representative.

**3.21(4) Further delegation prohibited.** A pharmacy technician shall not delegate technical functions to a pharmacy support person.

## PHARMACY BOARD[657](cont'd)

ITEM 3. Renumber subrules **6.14(4)** to **6.14(6)** as **6.14(5)** to **6.14(7)**.

ITEM 4. Adopt the following **new** subrule 6.14(4):

**6.14(4) Remote counseling.** Patient counseling that is provided by the pharmacy via a pharmacist who is at a location other than the licensed pharmacy shall be provided via a real-time interactive communication mechanism.

**ARC 6281C****PHARMACY BOARD[657]****Notice of Intended Action****Proposing rule making related to pharmacy license changes and five-year review of rules and providing an opportunity for public comment**

The Board of Pharmacy hereby proposes to amend Chapter 8, “Universal Practice Standards,” and Chapter 19, “Nonresident Pharmacy Practice,” Iowa Administrative Code.

*Legal Authority for Rule Making*

This rule making is proposed under the authority provided in Iowa Code sections 155A.13 and 155A.13A.

*State or Federal Law Implemented*

This rule making implements, in whole or in part, Iowa Code sections 155A.13 and 155A.13A; 2022 Iowa Acts, House File 2169; and 2022 Iowa Acts, Senate File 2088.

*Purpose and Summary*

The proposed amendments are, in part, in response to an overall five-year review of Chapter 19 as required in Iowa Code section 17A.7(2). The amendments provide for conforming edits, the modification of the handling of ownership changes for resident and nonresident pharmacies, a requirement that nonresident pharmacies that directly dispense to Iowa patients provide evidence of a toll-free telephone number with access to a pharmacist who has access to the patient’s records during the pharmacy’s regular business hours, and the process by which a pharmacy can temporarily relocate pharmacy operations in response to an exceptional circumstance or disaster rendering the pharmacy unsafe.

*Fiscal Impact*

This rule making has minimal fiscal impact to the State of Iowa. As a result of the removal of the language that states a change to the majority ownership of a pharmacy constitutes an ownership change, the Board anticipates processing 20 fewer applications annually, resulting in a reduction in licensing fees of \$2,700.

*Jobs Impact*

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

*Waivers*

Any person who believes that the application of the discretionary provisions of this rule making would result in hardship or injustice to that person may petition the Board for a waiver of the discretionary provisions, if any, pursuant to 657—Chapter 34.

## PHARMACY BOARD[657](cont'd)

*Public Comment*

Any interested person may submit written comments concerning this proposed rule making. Written comments in response to this rule making must be received by the Board no later than 4:30 p.m. on April 26, 2022. Comments should be directed to:

Sue Mears  
Board of Pharmacy  
400 S.W. 8th Street, Suite E  
Des Moines, Iowa 50309  
Email: [sue.mears@iowa.gov](mailto:sue.mears@iowa.gov)

*Public Hearing*

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

April 27, 2022  
10:30 a.m.

Health Professions Board Room  
400 S.W. 8th Street, Suite H  
Des Moines, Iowa  
Also via Zoom — Link available 24 hours in  
advance at [pharmacy.iowa.gov/meetings](https://pharmacy.iowa.gov/meetings)

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

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

*Review by Administrative Rules Review Committee*

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

The following rule-making actions are proposed:

ITEM 1. Amend paragraphs **8.35(6)“b”** and **“c”** as follows:

*b. Location.* A Except as provided in subrule 8.35(10) for a temporary relocation due to an exceptional circumstance, a change of pharmacy location shall require submission of a pharmacy license application and appropriate fee prior to the change of location. A pharmacy undergoing a change in location is required to notify patients of the change in accordance with paragraph 8.35(7)“d.” A change of pharmacy location in Iowa may require an on-site inspection of the new location as provided in subrule 8.35(4).

*c. Ownership.* A change in ownership of a pharmacy shall require submission of a pharmacy license application and appropriate fee prior to the change in ownership. A change of ownership occurs when the owner listed on the pharmacy's most recent application changes ~~or when there is a change affecting the majority ownership interest of the owner listed on the pharmacy's most recent pharmacy application.~~ A pharmacy undergoing a change in ownership is required to notify the pharmacist in charge and patients of the change in accordance with subrule 8.35(7). A change of ownership effectively consists of closing a pharmacy and opening a new pharmacy.

ITEM 2. Adopt the following **new** subrule 8.35(10):

**8.35(10) Emergency temporary location changes.** In response to a proclamation of disaster emergency or in the event of a natural or man-made disaster, fire, or other occurrence which results in

## PHARMACY BOARD[657](cont'd)

sufficient damage to a pharmacy location as to render it unsafe to operate, a pharmacy may relocate to a temporary or mobile location only as provided herein.

*a.* Within one business day of the damage to the pharmacy rendering it unsafe, the pharmacy shall provide notice to the board of its intent to temporarily relocate pharmacy operations and provide the address of the temporary or mobile location.

*b.* A board compliance officer shall conduct an on-site inspection of the temporary or mobile location within five business days of the relocation.

*c.* A pharmacy may operate from the temporary or mobile location for no more than six months. If the pharmacy is not able to return to the original location within six months, the pharmacy shall submit an application and fee pursuant to paragraph 8.35(6) “*b*” prior to the expiration of the six-month temporary relocation period.

*d.* A pharmacy shall notify the board of its intent to return pharmacy operations to the original location at least five business days in advance of its return.

*e.* A board compliance officer shall conduct an on-site inspection of the original location prior to the return of pharmacy operations.

ITEM 3. Amend rule **657—19.1(155A)**, definition of “Nonresident pharmacy,” as follows:

“*Nonresident pharmacy*” means a pharmacy, ~~including an Internet-based pharmacy,~~ located outside the state of Iowa that delivers, dispenses, or distributes, by any method, prescription drugs, devices, or pharmacy services to or intended for an ultimate user physically located in this state, including a pharmacy which engages in central fill or central processing functions as described in 657—Chapter 18 on behalf of a pharmacy located in Iowa.

ITEM 4. Adopt the following **new** paragraph **19.2(4)“d”**:

*d. Ownership.* A change of ownership of a pharmacy shall require submission of a pharmacy license application and fee within ten days after issuance by the home state regulatory authority of a license under the new ownership or within ten days of the change if the home state does not require issuance of a new license for a change of ownership. A change of ownership occurs when the owner listed on the pharmacy’s most recent application changes. A pharmacy undergoing a change in ownership is required to notify the pharmacist in charge and patients of the change in accordance with subrule 8.35(7). A change of ownership effectively consists of closing a pharmacy and opening a new pharmacy.

ITEM 5. Adopt the following **new** subrule 19.2(6):

**19.2(6) Access to pharmacist via toll-free telephone number.** Each nonresident pharmacy that dispenses or proposes to dispense any prescription drug or device directly to a patient located in Iowa shall provide on its application for nonresident pharmacy licensure evidence of labeling which provides a toll-free telephone number for patients to access a pharmacist who has access to the patient’s medication record during the pharmacy’s regular business hours.

ITEM 6. Amend rule 657—19.3(155A), introductory paragraph, as follows:

**657—19.3(155A) Registered pharmacist in charge.** The permanent pharmacist in charge of the nonresident pharmacy shall be designated as such on the nonresident pharmacy license application. ~~Beginning January 1, 2018 Unless currently licensed in Iowa,~~ the pharmacist in charge shall be registered with the board. The pharmacist in charge shall submit a completed application and a registration fee of \$75. The registration shall expire on December 31 following the date of issuance of the registration. An initial registration issued between November 1 and December 31 shall not require renewal until the following calendar year.

**ARC 6280C****PHARMACY BOARD[657]****Notice of Intended Action****Proposing rule making related to precursor substances  
and providing an opportunity for public comment**

The Board of Pharmacy hereby proposes to amend Chapter 12, “Precursor Substances,” Iowa Administrative Code.

*Legal Authority for Rule Making*

This rule making is proposed under the authority provided in Iowa Code section 124B.2(2).

*State or Federal Law Implemented*

This rule making implements, in whole or in part, Iowa Code section 124B.2(2).

*Purpose and Summary*

The proposed amendment temporarily amends Iowa Code section 124B.2(1) to add one chemical as a precursor substance in response to similar action taken by the federal Drug Enforcement Administration.

*Fiscal Impact*

This rule making has no fiscal impact to the State of Iowa.

*Jobs Impact*

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

*Waivers*

Any person who believes that the application of the discretionary provisions of this rule making would result in hardship or injustice to that person may petition the Board for a waiver of the discretionary provisions, if any, pursuant to 657—Chapter 34.

*Public Comment*

Any interested person may submit written comments concerning this proposed rule making. Written comments in response to this rule making must be received by the Board no later than 4:30 p.m. on April 26, 2022. Comments should be directed to:

Sue Mears  
Board of Pharmacy  
400 S.W. 8th Street, Suite E  
Des Moines, Iowa 50309  
Email: [sue.mears@iowa.gov](mailto:sue.mears@iowa.gov)

*Public Hearing*

No public hearing is scheduled at this time. As provided in Iowa Code section 17A.4(1)“b,” an oral presentation regarding this rule making may be demanded by 25 interested persons, a governmental subdivision, the Administrative Rules Review Committee, an agency, or an association having 25 or more members.

PHARMACY BOARD[657](cont'd)

*Review by Administrative Rules Review Committee*

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

The following rule-making action is proposed:

Amend subrule 12.1(1) as follows:

**12.1(1)** Amend Iowa Code section 124B.2(1) by adding the following new paragraphs:

*ae.* to *ag.* No change.

*ah.* Methyl alpha-phenylacetoacetate (other names: MAPA; methyl 3-oxo-2-phenylbutanoate) and its optical isomers.

**ARC 6278C****TRANSPORTATION DEPARTMENT[761]****Notice of Intended Action****Proposing rule making related to the time allowed for completion of the laboratory portion of driver's education courses and providing an opportunity for public comment**

The Transportation Department hereby proposes to amend Chapter 634, "Driver Education," Iowa Administrative Code.

*Legal Authority for Rule Making*

This rule making is proposed under the authority provided in Iowa Code sections 307.12 and 321.178.

*State or Federal Law Implemented*

This rule making implements, in whole or in part, Iowa Code section 321.178.

*Purpose and Summary*

This proposed rule making updates Chapter 634 to build flexibility into the rule related to the timing of the completion of the classroom and laboratory portions of a driver's education course.

The current administrative rule requires the laboratory portion of the course to conclude no later than 30 days after the classroom portion of the course has been completed. However, during the COVID-19 pandemic, and in other situations of medical necessity unrelated to COVID-19 that are beyond the student's control, it has become a somewhat regular occurrence for students to need additional time beyond the 30-day time period allowed in the current rule to complete the laboratory portion of the course. An example of this kind of medical necessity is a sports injury when a student's right foot is broken and is required to be in a cast for eight weeks followed by two to four weeks of recovery during which the student cannot drive because the right foot is needed to depress the gas and brake pedals. To address these circumstances, the proposed amendment allows the laboratory portion of the course to conclude within 45 days after classroom instruction has been completed, or if the driver's education course provider determines there is good cause for delay, within 90 days after the classroom instruction has been completed. In the Department's experience, most students are able to fully complete the remainder of the laboratory instruction within a 90-day time frame, most often during the provider's next available course offering.

Other proposed amendments remove references to 2021 Iowa Acts, House File 380 and Senate File 546, because this legislation has been codified.



TRANSPORTATION DEPARTMENT[761](cont'd)

*Fiscal Impact*

This rule making has no fiscal impact to the State of Iowa.

*Jobs Impact*

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

*Waivers*

Any person who believes that the application of the discretionary provisions of this rule making would result in hardship or injustice to that person may petition the Department for a waiver of the discretionary provisions, if any, pursuant to 761—Chapter 11.

*Public Comment*

Any interested person may submit written comments concerning this proposed rule making or may submit a written request to make an oral presentation at a public hearing. Written comments or requests to present oral comments in response to this rule making must be received by the Department no later than 4:30 p.m. on April 26, 2022. Comments should be directed to:

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

*Public Hearing*

If requested, a public hearing to hear requested oral presentations will be held on April 28, 2022, via conference call at 9 a.m. Persons who wish to participate in the conference call should contact Tracy George before 4:30 p.m. on April 26, 2022, to facilitate an orderly hearing. A conference call number will be provided to participants prior to the hearing.

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

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

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

*Review by Administrative Rules Review Committee*

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

The following rule-making actions are proposed:

ITEM 1. Amend paragraph **634.4(2)“b”** as follows:

*b.* Each student shall be scheduled to receive classroom or laboratory instruction each week of the course ~~but in no case shall~~. Except upon showing of good cause, laboratory instruction shall not conclude later than 30 45 days after classroom instruction is has been completed. When the driver education course provider determines there is good cause, the laboratory instruction shall not conclude later than 90 days after classroom instruction has been completed. For the purpose of this paragraph, “good cause” means

TRANSPORTATION DEPARTMENT[761](cont'd)

an unanticipated event causing a delay in the student's ability to complete the laboratory instruction if the event is beyond the student's control.

ITEM 2. Amend subrule **634.11(1)**, definition of "Teaching parent," as follows:

"*Teaching parent*" means the same as defined in Iowa Code section 321.178A ~~as amended by 2021 Iowa Acts, Senate File 546, section 10.~~

ITEM 3. Amend **761—Chapter 634**, implementation sentence, as follows:

These rules are intended to implement Iowa Code sections 321.178, ~~as amended by 2021 Iowa Acts, House File 380, section 1, and Senate File 546, section 9;~~ 321.178A, ~~as amended by 2021 Iowa Acts, House File 380, section 2, and Senate File 546, sections 10 to 15;~~ 321.180B and 321.194.

**ARC 6290C**

## **VETERANS AFFAIRS, IOWA DEPARTMENT OF[801]**

### **Notice of Intended Action**

#### **Proposing rule making related to veterans trust fund and providing an opportunity for public comment**

The Iowa Department of Veterans Affairs hereby proposes to amend Chapter 14, "Veterans Trust Fund," Iowa Administrative Code.

#### *Legal Authority for Rule Making*

This rule making is proposed under the authority provided in Iowa Code section 35A.13.

#### *State or Federal Law Implemented*

This rule making implements, in whole or in part, Iowa Code chapter 35A.

#### *Purpose and Summary*

This proposed rule making amends Chapter 14 to make the rules more flexible for veterans and their families.

#### *Fiscal Impact*

This rule making has no fiscal impact to the State of Iowa.

#### *Jobs Impact*

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

#### *Waivers*

Any person who believes that the application of the discretionary provisions of this rule making would result in hardship or injustice to that person may petition the Department for a waiver of the discretionary provisions, if any.

#### *Public Comment*

Any interested person may submit written comments concerning this proposed rule making. Written comments in response to this rule making must be received by the Department no later than 4:30 p.m. on April 26, 2022. Comments should be directed to:

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

Melissa Miller  
Iowa Department of Veterans Affairs  
Camp Dodge, Bldg. #3465  
7105 NW 70th Avenue  
Johnston, Iowa 50131  
Email: [melissa.miller2@iowa.gov](mailto:melissa.miller2@iowa.gov)

*Public Hearing*

No public hearing is scheduled at this time. As provided in Iowa Code section 17A.4(1)“b,” an oral presentation regarding this rule making may be demanded by 25 interested persons, a governmental subdivision, the Administrative Rules Review Committee, an agency, or an association having 25 or more members.

*Review by Administrative Rules Review Committee*

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

The following rule-making actions are proposed:

ITEM 1. Amend rule 801—14.3(35A) as follows:

**801—14.3(35A) Eligibility.** Veterans, their spouses, ~~and~~ their dependents, and unremarried spouses of deceased veterans applying for benefits available under subrules 14.4(1) through 14.4(9) must meet the following threshold requirements. Regarding funding from other sources, applications shall not be approved if the applicant is eligible to receive aid from other sources to meet the purposes authorized in this chapter.

**14.3(1) Income.** The department may not pay benefits under this chapter if the available liquid assets of a veteran are in excess of \$20,000. For the purposes of this chapter, an applicant’s household income, including VA pension benefits, service-connected disability income, and social security income, shall not exceed 300 percent of the federal poverty guidelines for the number of family members living in the primary residence in effect on the date the application is received by the county director of veterans affairs. Federal poverty guidelines shall be those guidelines established by the Iowa department of human services for the veteran’s family size. The commission shall adjust the guidelines on July 1 of each year to reflect the most recent federal poverty guidelines. ~~The commission may waive the income threshold if all income is from a fixed source and all other sources of assistance have been exhausted.~~

**14.3(2)** No change.

~~**14.3(3) Funding from other sources.** Applications shall not be approved if the applicant is eligible to receive aid from other sources to meet the purposes authorized in this chapter.~~

~~**14.3(4) 14.3(3) Additional requirements and limitations.** Applicants must meet any additional requirements and are subject to any limitations which may be set out in this chapter or which may be established for a particular benefit.~~

ITEM 2. Amend rule 801—14.4(35A) as follows:

**801—14.4(35A) Benefits available.** Applications may be approved for any of the following purposes. By a majority vote, the commission may suspend some or all of these benefits for payment.

**14.4(1) Travel expenses for wounded veterans, their spouses ~~and their dependents~~ or a caregiver, directly related to medical care.** Travel expenses under this subrule include the unreimbursed cost of airfare, lodging, and a per diem of \$50 per day for required medical appointments from the veteran’s home. Spouses may be reimbursed for in-state lodging and a per diem of \$50 per day when visiting a

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

veteran who is in a hospital for medical care related to an injury or disability. The veteran or the veteran's spouse shall provide such evidence as the commission may require, which includes but is not limited to evidence the injury or disability is service-connected, the necessity of treatment in a particular facility, and documentation of expenses. The maximum amount for travel expense reimbursement shall be \$90 ~~\$150~~ for in-state lodging. The maximum amount of aid payable in a consecutive 12-month period under this subrule is ~~\$1,000~~ \$1,800.

**14.4(2)** No change.

**14.4(3)** *Unemployment or underemployment assistance during a period of unemployment or underemployment due to ~~prolonged physical or mental illness resulting from military service~~ connection or disability resulting from military service (must be provide a doctor's note stating the person is physically and mentally able to return to work).* The commission may provide subsistence payments only to a veteran who has suffered a loss of income due to prolonged physical or mental illness resulting from military service or disability resulting from military service. The commission may provide subsistence payments of up to \$500 per month of unemployment or underemployment to a veteran. A veteran must provide documentation of assistance from Iowa workforce development and vocational rehabilitation, if eligible. No payment may be made under this subrule if the veteran has other assets or income available to meet basic subsistence needs. A period of unemployment implies that it is possible for the veteran to be employed in the future. A rating from the VA of 100 percent due to individual unemployability (IU) rated permanent and total indicates that a veteran is unemployable and will not qualify for assistance under this subrule. The veteran shall provide such evidence as the commission may require, which includes but is not limited to evidence that the veteran is unemployed or underemployed for the period of payments. To qualify as underemployed, the applicant must be currently working at an income that is below 150 percent of federal poverty guidelines. The maximum amount of aid payable in a consecutive 12-month period under this subrule is \$3,000 and a lifetime maximum of \$6,000.

**14.4(4)** *Expenses related to hearing care, dental care, vision care, or prescription drugs.*

a. and b. No change.

c. The commission shall not provide health care aid under this subrule unless the aid recipient's health care provider agrees to accept, as full payment for the health care provided, the amount of the payment; and the amount of the recipient's health insurance or other third-party payments, if any; ~~and the amount that the commission determines the veteran is capable of paying.~~ Payment under this subrule will be provided directly to the health care provider.

d. No change.

**14.4(5)** *Expenses relating to the purchase of durable equipment or services to allow a veteran, the veteran's spouse or dependents, or the unremarried spouse of a deceased veteran to remain in their home.*

a. No change.

b. Individuals requesting reimbursement under this subrule will be required to provide verification of the purchase and installation of the equipment and information relating to the need for the equipment. Individuals may also provide a product and installation cost estimate to the commission for approval, with the understanding that the commission will pay no more than the cost estimate to the supplier or installer. Applicants needing in need of durable equipment as a medical necessity should provide information from a physician. Applicants must provide a denial from other available programs, such as the Home Improvements and Structural Alterations (HISA) benefits program.

c. No change.

**14.4(6)** No change.

**14.4(7)** *Expenses relating to ambulance and emergency room services for veterans and emergency lodging for immediate family members.*

a. to c. No change.

d. Incurred medical debt that is over six months old will not be accepted from the date of service, or the date of the denial, or the latter of the two.

**14.4(8)** *Emergency expenses related to vehicle repair or a one-time replacement vehicle, housing repair, or temporary housing assistance.*

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

- a. No change.
- b. Assistance for vehicle repair is limited to expenses that are required for continued use of the vehicle. This assistance will only be granted in cases where the vehicle is needed for travel to and from work-related activities, ~~the applicant is over the age of 65,~~ or substantial hardship will occur if the vehicle is not repaired. Assistance may be provided in situations where the applicant does not have sufficient means to pay an insurance deductible. Assistance ~~may~~ will be paid directly to the entity performing the maintenance or the insurance company owed the deductible. ~~In certain circumstances, reimbursement may be made to the veteran or to the unremarried spouse of a deceased veteran in order for the vehicle to be released from the entity providing the service.~~ Assistance will not be provided for damage caused during the commission of a crime, for cosmetic needs, for damage resulting in an auto accident when automobile insurance has not been purchased, or for routine maintenance. ~~Vehicle replacement is a one-time use not exceeding \$5,000 (proof of "bill of sale," proof of salvage, or proof of the vehicle's replacement), vehicle repairs and housing repairs cannot exceed \$10,000 or the value of the vehicle at the time of the request.~~
- c. Assistance for home repair is limited to repairs that are required to improve the conditions and integrity of the home and are necessary for the safety and security of the residents. Applicants with homeowners insurance may request assistance for payment of a deductible. Assistance may be provided for applicants in disaster situations, home accidents, vandalism, or other situations as determined by the commission. ~~In situations where a home is damaged beyond repair, assistance under this subrule is available to assist the applicant in purchasing a new home. Proof of homeowners insurance is required as well as an insurance claim, if applicable.~~
- d. No change.
- e. The maximum amount that may be paid under this subrule for any consecutive 12-month period may not exceed \$1,000 for transitional housing. Lifetime maximum benefit for housing repair and vehicle repair or vehicle replacement: \$10,000 each.

**14.4(9)** *Expenses related to establishing whether a minor child is a dependent of a deceased veteran.*

a. to c. No change.

~~d. The commission may waive the income threshold for this benefit.~~

**14.4(10)** *Family support group programs, survivor outreach services, or programs for children of members of the military.*

a. and b. No change.

~~e. The maximum amount of aid payable in a consecutive 12-month period under this subrule to a family readiness/support group is \$500.~~

**14.4(11)** *Honor guard services.*

a. The commission may reimburse veterans organizations for providing military funeral honors as follows:

(1) If a single veterans organization provides basic honors, ~~\$25~~ \$50.

(2) If a single veterans organization provides full honors, ~~\$50~~ \$100.

(3) and (4) No change.

b. No change.

c. The maximum amount of aid payable in a calendar year under this subrule to a veterans organization is ~~\$1,000~~ \$2,000.

d. No change.

**14.4(12)** No change.ITEM 3. Amend paragraph **14.5(3)"a"** as follows:

a. The county director of veterans affairs ~~or members of the county commission~~ shall make a recommendation to the Iowa commission of veterans affairs as to whether to approve or deny the application. The Iowa commission of veterans affairs or ~~a subcommittee appointed by the chair~~ shall three or more commissioners may approve or deny all applications, to include emergency applications. Applications submitted to the Iowa commission of veterans affairs will be processed at its ~~quarterly~~ monthly meetings as set forth in 801—paragraph 1.2(2)"a" or during a conference call for the purpose

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

of voting on a trust fund expenditure. ~~Applications must be approved by a majority vote of the commission membership or appointed subcommittee.~~ The ~~director~~ trust fund administrator of the Iowa department of veterans affairs shall notify an applicant within 15 days of the commission's decision. An explanation of the reasons for rejection of an application will accompany denials.

ITEM 4. Amend subrule 14.7(1) as follows:

**14.7(1)** *Subcommittee Appeal action.* An applicant may appeal the initial decision ~~of the subcommittee~~ to the full Iowa commission of veterans affairs. The applicant shall appeal the decision of the subcommittee to the commission in writing within 30 days of receiving the written denial and shall provide relevant new information to substantiate the appeal.

ITEM 5. Amend **801—Chapter 14**, implementation sentence, as follows:

These rules are intended to implement Iowa Code section 35A.13 ~~as amended by 2007 Iowa Acts, House File 817, section 7.~~

**ARC 6271C**

**ENVIRONMENTAL PROTECTION COMMISSION[567]**

**Adopted and Filed**

**Rule making related to air quality**

The Environmental Protection Commission (Commission) hereby amends Chapter 20, “Scope of Title—Definitions,” Chapter 21, “Compliance,” and Chapter 22, “Controlling Pollution,” Iowa Administrative Code.

*Legal Authority for Rule Making*

This rule making is adopted under the authority provided in Iowa Code sections 455B.133 and 455B.134.

*State or Federal Law Implemented*

This rule making implements, in whole or in part, Iowa Code sections 455B.133 and 455B.134.

*Purpose and Summary*

Collectively, Chapters 20 through 22 regulate air pollution. This rule making requires the electronic submittal of all air emissions reporting, air permit applications, and other air quality documents. In brief, electronic submittals will increase government efficiencies and reduce programmatic costs of the Department of Natural Resources (Department). Electronic submittals allow permit applications and emissions inventories to be filed from any location at any time. Electronic submittals also enable Department staff to timely review and process the submittals regardless of the staff’s work location. In tandem, this change removes the delays and costs inherent in mailing and scanning paper documents.

In more detail, under the rule making, minor sources of air emissions are required to file emissions data into the State and Local Emissions Inventory System (SLEIS). SLEIS is a well-utilized resource already, with approximately 70 percent of minor sources choosing to submit their 2020 emissions data through the system (complete emissions reporting data for 2021 is not yet available). Major sources have been required to use SLEIS since 2019.

Emissions inventory data collection and analysis are critical to understanding and improving Iowa’s air quality. Having all emissions data in one electronic system makes it easier for the Department to track data, report to the national emissions inventory, and respond to external and internal requests for emissions data. For several years, all paper emissions inventories have been manually entered into SLEIS by Department staff. Staff data entry of paper inventories can be time consuming and costly. A fully electronic submission system will eliminate the need for manual entry, freeing up support staff to work on other tasks.

Similarly, under the rule making, both major and minor sources of air emissions are required to use the Iowa Environmental Application System for Air (Iowa EASY Air) for all air construction and Title V operating permit applications. Iowa EASY Air is also a popular resource and has been since its release in 2019. Over the past year, approximately 88 percent of Title V new and renewal permits and approximately 80 percent of construction permit applications have been voluntarily submitted through the system.

Iowa EASY Air makes air construction and Title V operating permit application preparation and other submissions easier and more efficient for the regulated community. The Department issues over 2,000 air quality permits every year. Over time, Iowa EASY Air has increased the Department’s permit review and issuance rate and data accuracy, thereby cutting costs for both applicants and the Department. Additionally, data available in Iowa EASY Air supplies the Department’s downstream electronic systems, helping to lessen the data entry burden by industry and the Department.

The Department will continue to offer training, outreach, and help desk assistance to all system users.

## ENVIRONMENTAL PROTECTION COMMISSION[567](cont'd)

*Public Comment and Changes to Rule Making*

Notice of Intended Action for this rule making was published in the Iowa Administrative Bulletin on January 12, 2022, as **ARC 6144C**. A public hearing was held on February 14, 2022, at 1 p.m. via video/conference call. No one attended the public hearing.

The Department received one written comment prior to the February 14, 2022, deadline for public comments. The commenter had no objections to the proposed amendments, but requested that the Commission also revise Chapters 20 and 25 in order to allow stack test reports and notifications to be submitted electronically. The Commission is not making the additional suggested rule changes at this time because, in the case of stack test reports, reviewing these reports electronically would add significant time and effort to the Department's review process. The Department's public participation responsiveness summary is available from the Department upon request.

One change from the Notice has been made to correct an outdated address in subrule 22.105(1) (Item 4).

*Adoption of Rule Making*

This rule making was adopted by the Commission on March 15, 2022.

*Fiscal Impact*

This rule making has no fiscal impact to the State of Iowa. A copy of the fiscal impact statement is available from the Department upon request.

*Jobs Impact*

After analysis and review of this rule making, no impact on jobs has been found. A copy of the jobs impact statement is available from the Department upon request.

*Waivers*

Any person who believes that the application of the discretionary provisions of this rule making would result in hardship or injustice to that person may petition the Department for a waiver of the discretionary provisions, if any, pursuant to 561—Chapter 10.

*Review by Administrative Rules Review Committee*

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

*Effective Date*

This rule making will become effective on May 11, 2022.

The following rule-making actions are adopted:

ITEM 1. Amend rule **567—20.2(455B)**, definition of "Electronic format," as follows:

"*Electronic format,*" "*electronic submittal,*" and "*electronic submittal format,*" for purposes of the rules in 567—Chapters 20 through 35, mean a software, Internet-based, or other electronic means specified by the department for submitting air quality information or fees to the department related to, but not limited to, applications, certifications, determination requests, emissions inventories, forms, notifications, payments, permit applications and registrations. References to these information submittal methods in 567—Chapters 20 through 35 may, as specified by the department, include electronic submittal as stated in the applicable administrative rules.



## ENVIRONMENTAL PROTECTION COMMISSION[567](cont'd)

ITEM 2. Amend subrule 21.1(3) as follows:

**21.1(3) Emissions inventory.** The person responsible for equipment as defined herein shall provide information on fuel use, materials processed, air contaminants emitted (including greenhouse gases as “greenhouse gas” is defined in rule 567—20.2(455B)), estimated rate of emissions, periods of emissions or other air pollution information to the director upon the director’s written request for use in compiling and maintaining an emissions inventory for evaluation of the air pollution situation in the state and its various parts. ~~The~~ Until December 31, 2022, the information requested shall be submitted on forms or by electronic format specified by the department. On or after January 1, 2023, the information requested shall be submitted in the electronic format specified by the department, if electronic submittal is provided. All information in regard to both actual and allowable emissions shall be public records, and any publication of such data shall be limited to actual and allowable air contaminant emissions.

ITEM 3. Amend subrule 22.1(3), introductory paragraph, as follows:

**22.1(3) Construction permits.** The owner or operator of a new or modified stationary source shall apply for a construction permit. ~~One~~ Until December 31, 2022, one copy of a construction permit application for a new or modified stationary source shall be presented or mailed to the air quality bureau of the department of natural resources. Application submission methods may include, but are not limited to, U.S. Postal Service, private parcel delivery services, and hand delivery. Applications are not required to be submitted by certified mail. Alternatively, the owner or operator may apply for a construction permit for a new or modified stationary source through the electronic submittal format specified by the department. References to “application(s),” “certification(s),” “determination request(s),” “emissions inventory(ies),” “fees,” “form(s),” “notification(s),” “payment(s),” “permit application(s),” and “registration(s)” in rules 567—22.1(455B) through 567—22.10(455B) may, as specified by the department, include electronic submittal. ~~An owner or operator applying for a permit as required pursuant to rule 567—31.3(455B) (nonattainment new source review) or rule 567—33.3(455B) (prevention of significant deterioration (PSD)) shall present or mail to the department one hard copy of a construction permit application to the address specified above and, upon request from the department, shall also submit one electronic copy and one additional hard copy of the application. Application submission methods may include, but are not limited to, U.S. Postal Service, private parcel delivery services, and hand delivery. Applications are not required to be submitted by certified mail. The owner or operator of any new or modified industrial anaerobic lagoon shall apply for a construction permit as specified in this subrule and as provided in 567—Chapter 22. The owner or operator of a new or modified anaerobic lagoon for an animal feeding operation shall apply for a construction permit as provided in 567—Chapter 65.~~

Until December 31, 2022, an owner or operator applying for a permit as required pursuant to rule 567—31.3(455B) (nonattainment new source review) or rule 567—33.3(455B) (prevention of significant deterioration (PSD)) shall present or mail to the department one hard copy of a construction permit application to the address specified above and, upon request from the department, shall also submit one electronic copy and one additional hard copy of the application. Alternatively, the owner or operator may apply for a permit as required pursuant to rule 567—31.3(455B) or rule 567—33.3(455B) through the electronic submittal format specified by the department.

The owner or operator of any new or modified industrial anaerobic lagoon shall apply for a construction permit as specified in this subrule and as provided in 567—Chapter 22. The owner or operator of a new or modified anaerobic lagoon for an animal feeding operation shall apply for a construction permit as provided in 567—Chapter 65.

On or after January 1, 2023, construction permit applications, including the information referenced above and in rules 567—22.1(455B) through 567—22.10(455B), shall be submitted in the electronic format specified by the department, if electronic submittal is provided.

ITEM 4. Amend rule 567—22.105(455B) as follows:

**567—22.105(455B) Title V permit applications.**

## ENVIRONMENTAL PROTECTION COMMISSION[567](cont'd)

**22.105(1) *Duty to apply.*** For each source required to obtain a Title V operating permit, the owner or operator or designated representative, where applicable, shall, until December 31, 2022, present or mail a complete and timely permit application in accordance with this rule to the following locations: Iowa Department of Natural Resources, Air Quality Bureau, 502 East 9th Street, Des Moines, Iowa 50319 (one copy); and U.S. EPA Region VII, 11201 Renner Boulevard, Lenexa, Kansas 66219 (one copy); and, if applicable, the local permitting authority, which is either Linn County Public Health Department, ~~Air Quality Division, 501 13th Street NW, Cedar Rapids, Iowa 52405~~ Air Quality Branch, 1020 6th Street SE, Cedar Rapids, Iowa 52401 (one copy); or Polk County Public Works, Air Quality Division, 5885 NE 14th Street, Des Moines, Iowa 50313 (one copy). Application submission methods may include, but are not limited to, U.S. Postal Service, private parcel delivery services, or hand delivery. Applications are not required to be submitted by certified mail. Alternatively, an owner or operator may submit a complete and timely application through the electronic submittal format specified by the department. An owner or operator of a source required to obtain a Title V permit pursuant to subrule 22.101(1) shall submit all required fees as required in 567—Chapter 30.

On or after January 1, 2023, Title V operating permit applications, including the information referenced above and in rules 567—22.100(455B) through 567—22.116(455B), shall be submitted in the electronic format specified by the department, if electronic submittal is provided. An owner or operator of a source required to obtain a Title V permit pursuant to subrule 22.101(1) shall submit all required fees as required in 567—Chapter 30.

*a. and b.* No change.

**22.105(2) *Standard application form and required information.*** To apply for a Title V permit, applicants shall, until December 31, 2022, complete the standard permit application form available only from the department and supply all information required by the filing instructions found on that form. ~~The information submitted must be sufficient to evaluate the source and its application and to determine all applicable requirements and to evaluate the fee amount required by rule 567—30.4(455B). If a source is not a major source and is applying for a Title V operating permit solely because of a requirement imposed by paragraphs 22.101(1)“c” and “d,” then the information provided in the operating permit application may cover only the emissions units that trigger Title V applicability. The applicant shall submit the information called for by the application form for each emissions unit to be permitted, except for activities which are insignificant according to the provisions of rule 567—22.103(455B). The applicant shall provide a list of all insignificant activities and specify the basis for the determination of insignificance for each activity. Nationally standardized forms shall be used for the acid rain portions of permit applications and compliance plans, as required by regulations promulgated under Title IV of the Act. The standard application form and any attachments shall require that the following information be provided:~~ Alternatively, an owner or operator may submit a complete and timely application through the electronic submittal format specified by the department.

On or after January 1, 2023, the standard application form shall be submitted in the electronic format specified by the department, if electronic submittal is provided.

The information submitted must be sufficient to evaluate the source and its application and to determine all applicable requirements and to evaluate the fee amount required by rule 567—30.4(455B). If a source is not a major source and is applying for a Title V operating permit solely because of a requirement imposed by paragraphs 22.101(1)“c” and “d,” then the information provided in the operating permit application may cover only the emissions units that trigger Title V applicability. The applicant shall submit the information called for by the application form for each emissions unit to be permitted, except for activities which are insignificant according to the provisions of rule 567—22.103(455B). The applicant shall provide a list of all insignificant activities and specify the basis for the determination of insignificance for each activity.

Unless otherwise specified in subrule 22.128(4), nationally standardized forms shall be used for the acid rain portions of permit applications and compliance plans, as required by regulations promulgated under Title IV of the Act. The standard application form and any attachments shall require that the following information be provided:

*a. to j.* No change.

ENVIRONMENTAL PROTECTION COMMISSION[567](cont'd)

**22.105(3) to 22.105(5)** No change.

ITEM 5. Amend subrule 22.128(4) as follows:

**22.128(4)** *Submission of copies.* One copy of all permit applications shall, until December 31, 2022, be presented or mailed to the air quality bureau of the department of natural resources. Alternatively On or after January 1, 2023, the designated representative may, as specified by the department, submit the application through electronic submittal shall submit the application in the electronic format specified by the department, if electronic submittal is provided.

[Filed 3/15/22, effective 5/11/22]

[Published 4/6/22]

EDITOR'S NOTE: For replacement pages for IAC, see IAC Supplement 4/6/22.

**ARC 6272C**

## **HUMAN SERVICES DEPARTMENT[441]**

**Adopted and Filed**

### **Rule making related to volunteer services**

The Human Services Department hereby rescinds Chapter 12, "Volunteer Services," Iowa Administrative Code.

#### *Legal Authority for Rule Making*

This rule making is adopted under the authority provided in Iowa Code section 234.6.

#### *State or Federal Law Implemented*

This rule making implements, in whole or in part, Iowa Code sections 234.6 and 669.24.

#### *Purpose and Summary*

Volunteer Services is a program designed for individuals who volunteer at state institutions and in local county offices. This rule chapter has not been updated since 1991. After discussions with the Attorney General's office, it was determined that Iowa Code section 234.6 provides the legal framework for requirements for volunteers used by the Department. Liability protection is granted to volunteers on the same basis as state employees under Iowa Code section 669.24. A separate chapter is not necessary, and Chapter 12 is being rescinded.

#### *Public Comment and Changes to Rule Making*

Notice of Intended Action for this rule making was published in the Iowa Administrative Bulletin on January 26, 2022, as **ARC 6151C**. No public comments were received. No changes from the Notice have been made.

#### *Adoption of Rule Making*

This rule making was adopted by the Council on Human Services on March 10, 2022.

#### *Fiscal Impact*

This rule making has no fiscal impact to the State of Iowa.

#### *Jobs Impact*

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

HUMAN SERVICES DEPARTMENT[441](cont'd)

*Waivers*

Any person who believes that the application of the discretionary provisions of this rule making would result in hardship or injustice to that person may petition the Department for a waiver of the discretionary provisions, if any, pursuant to rule 441—1.8(17A,217).

*Review by Administrative Rules Review Committee*

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

*Effective Date*

This rule making will become effective on June 1, 2022.

The following rule-making action is adopted:

Rescind and reserve **441—Chapter 12**.

[Filed 3/15/22, effective 6/1/22]

[Published 4/6/22]

EDITOR'S NOTE: For replacement pages for IAC, see IAC Supplement 4/6/22.

**ARC 6273C**

**HUMAN SERVICES DEPARTMENT[441]**

**Adopted and Filed**

**Rule making related to mental health institutes**

The Human Services Department hereby amends Chapter 29, "Mental Health Institutes," Iowa Administrative Code.

*Legal Authority for Rule Making*

This rule making is adopted under the authority provided in Iowa Code section 218.4.

*State or Federal Law Implemented*

This rule making implements, in whole or in part, Iowa Code chapter 226.

*Purpose and Summary*

The Department is updating the administrative rules for mental health institutes in Chapter 29 to bring the rules into alignment with current practices. References to four catchment areas are removed. Administrative rules listing specific visiting hours are revised to say that visiting hours shall be posted in each facility. References to the central point of coordination are removed because that terminology is no longer in use. References to a separate application for voluntary admission for substance abuse treatment are removed because that application is no longer used.

*Public Comment and Changes to Rule Making*

Notice of Intended Action for this rule making was published in the Iowa Administrative Bulletin on January 26, 2022, as **ARC 6157C**. No public comments were received. No changes from the Notice have been made.

HUMAN SERVICES DEPARTMENT[441](cont'd)

*Adoption of Rule Making*

This rule making was adopted by the Council on Human Services on March 10, 2022.

*Fiscal Impact*

This rule making has no fiscal impact to the State of Iowa.

*Jobs Impact*

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

*Waivers*

Any person who believes that the application of the discretionary provisions of this rule making would result in hardship or injustice to that person may petition the Department for a waiver of the discretionary provisions, if any, pursuant to rule 441—1.8(17A,217).

*Review by Administrative Rules Review Committee*

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

*Effective Date*

This rule making will become effective on June 1, 2022.

The following rule-making actions are adopted:

ITEM 1. Rescind rule **441—29.1(218)**.

ITEM 2. Renumber rules **441—29.2(218,229)** to **441—29.7(218)** as **441—29.1(218,229)** to **441—29.6(218)**.

ITEM 3. Amend renumbered subrule 29.1(1) as follows:

**29.1(1) Application form.** Any individual who has symptoms of mental illness may apply for voluntary inpatient treatment or voluntary outpatient or day treatment using Form 470-0420, Application for Voluntary Admission to a Mental Health Institute.

~~a. Any individual who has symptoms of mental illness may apply for voluntary inpatient treatment or voluntary outpatient or day treatment using Form 470-0420, Application for Voluntary Admission to a Mental Health Institute.~~

~~b. Any individual requesting substance abuse treatment shall complete Form 470-0425, Application for Voluntary Admission—Substance Abuse.~~

ITEM 4. Amend renumbered subrule 29.2(1) as follows:

**29.2(1) Certification data.** By the end of the next working day following a non-Medicaid payment-eligible adult individual's admission, the facility shall send a copy of Form 470-4161, DHS MHI Admission Core Data, by facsimile to ~~the central point of coordination or~~ the regional administrator for the county of admission.

ITEM 5. Amend renumbered rule 441—29.3(218,230), introductory paragraph, as follows:

**441—29.3(218,230) Charges for care.** The rates for cost of hospitalization are established by the division administrator and shall be available by contacting the business manager of the mental health institute ~~that serves the catchment area in which the individual's county of residence is located.~~

HUMAN SERVICES DEPARTMENT[441](cont'd)

ITEM 6. Amend renumbered subrule 29.3(1) as follows:

**29.3(1)** Individuals requesting voluntary admission without going through the ~~central point of coordination or~~ regional administrator process shall be required to pay the cost of hospitalization in advance. This cost shall be computed at 30 times the last per diem rate and shall be collected weekly in advance upon admission. The weekly amount due shall be determined by dividing the monthly rate by 4.3.

ITEM 7. Amend renumbered subrule 29.5(2) as follows:

**29.5(2)** *Care and treatment.* An individual receiving care from a state mental health institute shall have the right to:

*a. to e.* No change.

~~*f.* Work, when available and desired and as appropriate to the individual's plan of treatment, and be compensated for that work in accordance with federal and state laws.~~

~~*g. f.* Have an individualized posthospitalization plan.~~

ITEM 8. Amend renumbered subrule 29.5(3) as follows:

**29.5(3)** *Living conditions.* An individual receiving care from a state mental health institute shall have the right to:

*a. to d.* No change.

~~*e.* Share a room with a spouse when both live on a long-term basis in the same facility.~~

~~*f. e.* Be free from unnecessary drugs, restraints, and seclusion except when necessary to protect the immediate health or safety of the individual or others.~~

~~*g. f.* Be free from physical, psychological, sexual, or verbal abuse, neglect and exploitation.~~

ITEM 9. Amend renumbered subrule 29.6(1) as follows:

**29.6(1)** ~~Visiting hours on Monday through Friday are from 12 noon to 8 p.m. and are from 10 a.m. to 8 p.m. on Saturday, Sunday, and holidays.~~ Visiting hours shall be posted in each facility.

The physician may designate exceptions for special hours on an individual or ward basis. Therapy for the individual shall take precedence over visiting. Visiting shall not interfere with the individual's treatment program or meals.

[Filed 3/15/22, effective 6/1/22]

[Published 4/6/22]

EDITOR'S NOTE: For replacement pages for IAC, see IAC Supplement 4/6/22.

**ARC 6274C**

**HUMAN SERVICES DEPARTMENT[441]**

**Adopted and Filed**

**Rule making related to state resource centers**

The Human Services Department hereby amends Chapter 30, "State Resource Centers," Iowa Administrative Code.

*Legal Authority for Rule Making*

This rule making is adopted under the authority provided in Iowa Code section 218.4.

*State or Federal Law Implemented*

This rule making implements, in whole or in part, Iowa Code sections 222.6 and 222.13.

HUMAN SERVICES DEPARTMENT[441](cont'd)

*Purpose and Summary*

The Department is amending the rules in Chapter 30 to update information on application processing and the admissions process. The catchment areas for the two state resource centers are identified in the current rules. The rules are amended to state that individuals may be admitted to a state resource center in another catchment area if the state resource center in another catchment area has a more suitable opening. References to the central point of coordination are removed because that terminology is no longer in use.

*Public Comment and Changes to Rule Making*

Notice of Intended Action for this rule making was published in the Iowa Administrative Bulletin on January 26, 2022, as **ARC 6152C**. No public comments were received. No changes from the Notice have been made.

*Adoption of Rule Making*

This rule making was adopted by the Council on Human Services on March 10, 2022.

*Fiscal Impact*

This rule making has no fiscal impact to the State of Iowa.

*Jobs Impact*

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

*Waivers*

Any person who believes that the application of the discretionary provisions of this rule making would result in hardship or injustice to that person may petition the Department for a waiver of the discretionary provisions, if any, pursuant to rule 441—1.8(17A,217).

*Review by Administrative Rules Review Committee*

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

*Effective Date*

This rule making will become effective on June 1, 2022.

The following rule-making actions are adopted:

ITEM 1. Amend rule 441—30.1(218,222) as follows:

**441—30.1(218,222) Catchment areas.** The catchment areas for the two state resource centers shall be as follows.

**30.1(1) Glenwood.** Adair, Adams, Appanoose, Audubon, Benton, Carroll, Cass, Cedar, Cherokee, Clarke, Clinton, Crawford, Davis, Decatur, Des Moines, Fremont, Greene, Guthrie, Harrison, Henry, Ida, Iowa, Jefferson, Johnson, Jones, Keokuk, Lee, Linn, Louisa, Lucas, Lyon, Mahaska, Mills, Monona, Monroe, Montgomery, Muscatine, Page, Plymouth, Pottawattamie, Ringgold, Sac, Scott, Shelby, Sioux, Taylor, Union, Van Buren, Wapello, Washington, Wayne, and Woodbury Counties form the catchment area for the Glenwood resource center. An individual may be admitted to a state resource center in another catchment area if the state resource center in another catchment area has a more suitable opening.

## HUMAN SERVICES DEPARTMENT[441](cont'd)

**30.1(2) Woodward.** Allamakee, Black Hawk, Boone, Bremer, Buchanan, Buena Vista, Butler, Calhoun, Cerro Gordo, Chickasaw, Clay, Clayton, Dallas, Delaware, Dickinson, Dubuque, Emmet, Fayette, Floyd, Franklin, Grundy, Hamilton, Hancock, Hardin, Howard, Humboldt, Jackson, Jasper, Kossuth, Madison, Marion, Marshall, Mitchell, O'Brien, Osceola, Palo Alto, Pocahontas, Polk, Poweshiek, Story, Tama, Warren, Webster, Winnebago, Winneshiek, Worth, and Wright Counties form the catchment area for the Woodward resource center. An individual may be admitted to a state resource center in another catchment area if the state resource center in another catchment area has a more suitable opening.

This rule is intended to implement Iowa Code section 222.6.

ITEM 2. Amend subrule 30.2(1), introductory paragraph, as follows:

**30.2(1) Application for an adult.** Applications for the care, treatment, or evaluation of an adult individual by a resource center shall be made through the ~~central point of coordination or the~~ regional administrator for the board of supervisors of the individual's county of residence. Authorization for the submission of the application shall be provided by the signature of one or more officially designated agents for the county board of supervisors.

ITEM 3. Adopt the following **new** implementation sentence in **441—Chapter 30**:

These rules are intended to implement Iowa Code chapter 222.

[Filed 3/15/22, effective 6/1/22]

[Published 4/6/22]

EDITOR'S NOTE: For replacement pages for IAC, see IAC Supplement 4/6/22.

**ARC 6275C**

**HUMAN SERVICES DEPARTMENT[441]**

**Adopted and Filed**

**Rule making related to the civil commitment unit for sexual offenders**

The Human Services Department hereby amends Chapter 31, "Civil Commitment Unit," Iowa Administrative Code.

*Legal Authority for Rule Making*

This rule making is adopted under the authority provided in Iowa Code section 218.4.

*State or Federal Law Implemented*

This rule making implements, in whole or in part, Iowa Code chapter 229A.

*Purpose and Summary*

The Department is updating the rules in Chapter 31 for the Civil Commitment Unit for Sexual Offenders (CCUSO) to align with the Iowa Code and CCUSO policies. Changes include adding the facility administrator's designee to those who are authorized to approve visits outside the facility. The rule on gifts or bequests of value is updated to state that if the value of such an item is \$50 or more, the gift or bequest shall be reported to the Iowa Ethics and Campaign Board within 20 days of receipt of the gift or bequest to align with Iowa Code section 8.7. Paragraph 31.2(5)"c" stating food items may not be brought into the visiting area is rescinded as it conflicts with paragraph 31.2(6)"1."



HUMAN SERVICES DEPARTMENT[441](cont'd)

*Public Comment and Changes to Rule Making*

Notice of Intended Action for this rule making was published in the Iowa Administrative Bulletin on January 26, 2022, as **ARC 6153C**. No public comments were received. No changes from the Notice have been made.

*Adoption of Rule Making*

This rule making was adopted by the Council on Human Services on March 10, 2022.

*Fiscal Impact*

This rule making has no fiscal impact to the State of Iowa.

*Jobs Impact*

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

*Waivers*

Any person who believes that the application of the discretionary provisions of this rule making would result in hardship or injustice to that person may petition the Department for a waiver of the discretionary provisions, if any, pursuant to rule 441—1.8(17A,217).

*Review by Administrative Rules Review Committee*

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

*Effective Date*

This rule making will become effective on June 1, 2022.

The following rule-making actions are adopted:

ITEM 1. Amend **441—Chapter 31**, title, as follows:

**CIVIL COMMITMENT UNIT FOR SEXUAL OFFENDERS**

ITEM 2. Rescind paragraph **31.2(5)“c.”**

ITEM 3. Amend paragraph **31.2(9)“b,”** introductory paragraph, as follows:

*b.* The visit receives the approval of the facility administrator or the facility administrator's designee. Such approval shall be granted only when:

ITEM 4. Amend paragraph **31.9(2)“b”** as follows:

*b.* All gifts or bequests, ~~regardless of value,~~ with a value of \$50 or more shall be reported to the Iowa ethics and campaign disclosure board within 20 days of receipt of the gift or bequest using the board's Form-GB.

[Filed 3/15/22, effective 6/1/22]

[Published 4/6/22]

EDITOR'S NOTE: For replacement pages for IAC, see IAC Supplement 4/6/22.

**ARC 6276C****HUMAN SERVICES DEPARTMENT[441]****Adopted and Filed****Rule making related to state training school**

The Human Services Department hereby amends Chapter 103, “State Training School,” Iowa Administrative Code.

*Legal Authority for Rule Making*

This rule making is adopted under the authority provided in Iowa Code section 218.4.

*State or Federal Law Implemented*

This rule making implements, in whole or in part, Iowa Code chapter 233A.

*Purpose and Summary*

The Department is updating the rules in Chapter 103 for the State Training School to align with the Iowa Code and current policies. Changes include removing Toledo as a listed facility. The rule on gifts and bequests of value is updated to state that if the value of such item is \$50 or more, the gift or bequest shall be reported to the Iowa Ethics and Campaign Board within 20 days of receipt of the gift or bequest to align with Iowa Code section 8.7.

*Public Comment and Changes to Rule Making*

Notice of Intended Action for this rule making was published in the Iowa Administrative Bulletin on January 26, 2022, as **ARC 6155C**. No public comments were received. No changes from the Notice have been made.

*Adoption of Rule Making*

This rule making was adopted by the Council on Human Services on March 10, 2022.

*Fiscal Impact*

This rule making has no fiscal impact to the State of Iowa.

*Jobs Impact*

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

*Waivers*

Any person who believes that the application of the discretionary provisions of this rule making would result in hardship or injustice to that person may petition the Department for a waiver of the discretionary provisions, if any, pursuant to rule 441—1.8(17A,217).

*Review by Administrative Rules Review Committee*

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

HUMAN SERVICES DEPARTMENT[441](cont'd)

*Effective Date*

This rule making will become effective on June 1, 2022.

The following rule-making actions are adopted:

ITEM 1. Amend rule **441—103.1(218)**, definitions of “Individual,” “Iowa sex offender registry” and “State training school,” as follows:

“*Individual*,” as used in this chapter, means any child who is committed to the director of the department of human services and is admitted to and receives services from the state training school. The terms “student,” “resident,” “juvenile,” and “youth” are synonymous with the term “individual.” For purposes of the state training school, the term shall also include a person whose stay is extended beyond the age of 18 under the provisions of ~~2009 Iowa Code Supplement~~ Iowa Code sections 232.53(2) and 232.53(4).

“*Iowa sex offender registry*” means a central registry of sex offenders established under ~~2009 Iowa Code Supplement~~ Iowa Code chapter 692A that is maintained by the department of public safety.

“*State training school*” means the ~~units unit~~ unit for juvenile delinquents at the Eldora ~~and Toledo facilities~~ facility as defined in Iowa Code section 233A.1(2).

ITEM 2. Strike “2009 Iowa Code Supplement” wherever it appears in rule **441—103.9(692A)** and insert “Iowa Code” in lieu thereof.

ITEM 3. Amend paragraph **103.13(2)“b”** as follows:

*b.* All gifts or bequests, ~~regardless of value,~~ with a value of \$50 or more shall be reported to the Iowa ethics and campaign disclosure board within 20 days of receipt of the gift or bequest using the board’s Form-GB. One copy of the completed form shall be sent to the division administrator.

[Filed 3/15/22, effective 6/1/22]

[Published 4/6/22]

EDITOR’S NOTE: For replacement pages for IAC, see IAC Supplement 4/6/22.

**ARC 6277C**

**HUMAN SERVICES DEPARTMENT[441]**

**Adopted and Filed**

**Rule making related to child care programs**

The Human Services Department hereby amends Chapter 118, “Child Care Quality Rating System,” Iowa Administrative Code.

*Legal Authority for Rule Making*

This rule making is adopted under the authority provided in Iowa Code section 237A.12.

*State or Federal Law Implemented*

This rule making implements, in whole or in part, Iowa Code section 237A.30.

*Purpose and Summary*

Iowa established a voluntary Quality Rating System (QRS) for child care programs in 2006 to provide an opportunity for child care providers to meet ongoing standards for quality ratings based on the type of child care program and meet the applicable criteria for each rating level. Achievement bonuses could be awarded as providers met the ratings standards.

Iowa began to redesign the QRS in 2015. A QRS oversight team, which included partners from a variety of state agencies, provider organizations and child care providers, gathered feedback and

## HUMAN SERVICES DEPARTMENT[441](cont'd)

provided advice to the Department on ways to strengthen the QRS program. Statewide focus groups were conducted to gather specific input, and an extensive literature review of other states' efforts was conducted. Surveys were used to gather input.

An increased effort toward evidence-based practices was developed with a comprehensive approach to supporting all providers. A continuous quality improvement approach was developed. The QRS was redesigned into a Quality Rating and Improvement System (QRIS) and rebranded as Iowa Quality for Kids (IQ4K). A new electronic data system was also developed to support the new program. Achievement bonuses may be awarded as funds are available. New administrative rules are required to guide the work.

The rules currently in effect (Division I) will continue to support the current QRS program until the program sunsets after the ratings for all providers for the current QRS program will have expired and when those providers will no longer be eligible for that QRS program but may apply for the IQ4K quality rating.

The new rules for IQ4K (Division II) will apply for all child care programs applying to IQ4K, the new QRIS program. Child care programs will no longer be able to apply to the current QRS program (Division I) once the rules for IQ4K in Division II are in effect as of June 1, 2022.

*Public Comment and Changes to Rule Making*

Notice of Intended Action for this rule making was published in the Iowa Administrative Bulletin on January 26, 2022, as **ARC 6161C**. No public comments were received.

The Department has made the following changes from the Notice to provide additional clarity:

1. The words "or programs operating under the authority of an accredited school district or nonpublic school" were removed from the definition of "eligible applicants" in rule 441—118.9(237A) because those words are included in the definition of "facility." The definition now reads as follows:

*"Eligible applicants" means programs meeting the definition of "facility."*

2. In the definition of "social-emotional-behavioral mental health" in rule 441—118.9(237A), the word "positive" was added before "SEBMH" in the last sentence, which now reads as follows:

*"Foundational knowledge and skills that promote positive SEBMH include self-awareness, self-management, responsible decision-making, social awareness, and relationship skills that support positive well-being and academic success."*

3. The catchwords of rule 441—118.32(237A) was revised to add the word "registered" in reference to child development homes.

4. The words "registered child development home" were substituted for the word "facility" in the introductory paragraphs of rule 441—118.35(237A), rule 441—118.36(237A), and subrule 118.37(1). In addition, the word "program" was substituted for the word "facility" in paragraph 118.37(1)"a."

*Adoption of Rule Making*

This rule making was adopted by the Council on Human Services on March 10, 2022.

*Fiscal Impact*

The new IQ4K program involves more stringent criteria at each level that providers must meet to be eligible. Increases in the achievement bonuses help cover the additional costs to the providers, and the bonuses offer financial incentives for providers to invest the time, effort and money to meet the criteria. The program continues to be voluntary, and the Department's goal is to improve the quality of care offered by child care providers. The increases in the achievement bonuses to be awarded are to be funded with American Rescue Plan Act (ARPA) funds from June 1, 2022, through September 20, 2023, at which time it is the end of the obligation period for the ARPA funds. After that, the anticipated ongoing balance of the federal Child Care Development Fund (CCDF) is expected to cover the cost through at least SFY 2026 based on status quo funding.

HUMAN SERVICES DEPARTMENT[441](cont'd)

*Jobs Impact*

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

*Waivers*

Any person who believes that the application of the discretionary provisions of this rule making would result in hardship or injustice to that person may petition the Department for a waiver of the discretionary provisions, if any, pursuant to rule 441—1.8(17A,217).

*Review by Administrative Rules Review Committee*

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

*Effective Date*

This rule making will become effective on June 1, 2022.

The following rule-making actions are adopted:

ITEM 1. Adopt the following **new** Division I heading preceding **441—Chapter 118**, preamble:

DIVISION I  
QUALITY RATING SYSTEM (QRS)

ITEM 2. Amend **441—Chapter 118**, Division I preamble, as follows:

PREAMBLE

~~This Division I of this chapter~~ establishes rules for the child care quality rating system, which is designed for child care programs that primarily serve children between birth and the age of 12. Participation in the quality rating system is voluntary. ~~The chapter Division I~~ includes application procedures and standards for the quality rating. Rules 441—118.1(237A) through 441—118.8(237A) are in effect until Division I sunsets, when all providers approved for this program are no longer eligible under Division I. As of June 1, 2022, child care programs applying for a new rating will apply to the Iowa quality for kids (IQ4K) quality rating improvement system outlined in Division II.

ITEM 3. Amend subrule 118.2(2) as follows:

**118.2(2) Ongoing standards.** ~~Until August 1, 2011, eligible applicants have the choice of applying under this subrule or under subrule 118.2(1). Effective August 1, 2011, all eligible applicants must apply for a quality rating under this subrule.~~ Effective June 1, 2022, for new applications, child care programs applying for a new rating will apply to the Iowa quality for kids (IQ4K) quality rating system outlined in Division II.

*a. and b.* No change.

ITEM 4. Adopt the following **new 441—Chapter 118**, Division II heading:

DIVISION II  
IOWA QUALITY FOR KIDS (IQ4K)

ITEM 5. Adopt the following **new 441—Chapter 118**, Division II preamble:

PREAMBLE

Division II of this chapter establishes rules for the IQ4K rating system and Iowa's quality rating and improvement system (QRIS) for child care providers. Participation in IQ4K is voluntary. Division II

## HUMAN SERVICES DEPARTMENT[441](cont'd)

includes application procedures and standards to guide the quality rating process. The rules in Division II are in effect for new applications for child care providers applying for the IQ4K program.

ITEM 6. Adopt the following new rules 441—118.9(237A) to 441—118.39(237A):

**441—118.9(237A) Definitions.**

“*Action plan*” means a written, detailed sequence of steps taken or activities performed to reach one or more goals.

“*All staff*” means program administrator or director, assistant program administrator or assistant director, on-site supervisor, lead teacher and staff counted as part of the staff-to-child ratio.

“*Area education agency*” or “*AEA*” means an agency working as an educational partner with public and accredited nonpublic schools to help learners, school staff, parents and communities. AEAs provide early intervention services, special education support services, media and technology services, a variety of instructional services, professional development and leadership to promote school improvement as established in Iowa Code chapter 273.

“*Assessment tool*” means a tool used to gather and provide educators, parents, guardians, and caretakers with critical information about a child’s educational growth and development. Assessment tools are used to determine what children in care know, understand and are able to do. Assessment results drive the ways teachers support and assess children’s learning, plan their curriculum to support each child, monitor progress and identify next steps.

“*Assistant program administrator*” or “*assistant director*” means the staff member working directly under the administrator or director and assisting with program planning, managing, marketing and directing.

“*Assistant teacher*” means any staff member working under the supervision of a lead teacher or other licensed personnel who has the ultimate responsibility for the design and implementation of education and related service programs. Other terms used may include paraprofessional, educational aide, associate, or instructional aide.

“*Caring for our children*” or “*CFOC*” means the national health and safety performance standard guidelines for early care and education programs representing the best practices based on evidence, expertise, and experience for quality health and safety policies for early care and education settings.

“*Child and adult care food program*” or “*CACFP*” means a federal United States Department of Agriculture (USDA) CNP that provides a subsidy for serving nutritious meals and snacks to eligible children and adults who are enrolled at participating child care centers, homes, and adult day care centers. CACFP also provides reimbursements for meals served to children and youth participating in afterschool care programs, children residing in emergency shelters, and adults over the age of 60 or living with a disability and enrolled in adult day care facilities. In order to qualify for reimbursement, the meals served must meet federal guidelines.

“*Child care experience*” means knowledge and skills learned through employment or volunteer work in a licensed child care center, a school-aged only program, a preschool, a registered child development home or as a child care home provider.

“*Child care nurse consultant*” or “*CCNC*” means a registered nurse licensed in the state of Iowa who has completed training incorporating the nationally approved child care health competencies for health and safety in child care and early education. The CCNC provides on-site consultation, technical assistance, care planning for children with special health needs and training to child care and early education providers regarding health and safety. The CCNC is employed by or has a written agreement with the local Title V maternal and child health agency or the Iowa department of public health (IDPH) for service delivery directly through the state-level Title V maternal and child health program administered by the IDPH bureau of family health.

“*Child care resource and referral*” or “*CCR&R*” means the statewide (regionally based) agency focused on supporting quality child care throughout the state of Iowa. CCR&R serves as the starting point for all IQ4K applications and provides free technical assistance and consultation to providers throughout the IQ4K application process.

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*“Child development associate credential”* or *“CDA”* means a nationally recognized credential earned by individuals working in the early child care and education field. The CDA credential is based on a core set of competency standards and includes an assessment process by the Council for Professional Recognition.

*“Child development home”* means a person or program registered under Iowa Code section 237A.3A that may provide child care to seven or more children at any one time.

*“ChildNet certification”* means a verified completion of the 25-hour ChildNet training series and completion of the certification process.

*“ChildNet training”* means the 25-hour training series offered through CCR&R focused on areas specifically designed for child development home providers.

*“Child nutrition programs”* or *“CNP”* means federally funded programs administered by the Food and Nutrition Service (FNS). The programs are designed to help ensure that children receive nutritious meals and snacks to assist in promoting health and educational readiness. Programs serving nutritious meals and snacks are reimbursed for participating.

*“Classroom assessment scoring system”* or *“CLASS”* means an observation instrument that assesses the quality of teacher-child interactions in center-based classrooms.

*“Community resources”* means the various people, places or services that offer support to child care programs and the children and families they serve.

*“Coprovider”* means a second approved provider in a Category C registered child development home.

*“Culturally sensitive”* means the knowledge, skills, attributes and beliefs that enable people to work well with, respond effectively to and be supportive of people in a cross-cultural setting.

*“Curriculum”* means a written plan that outlines how students shall be taught. The curriculum consists of the plans for the learning experiences through which children acquire knowledge, skills, abilities, and understanding. The curriculum may include lessons, instructional materials, teaching techniques, or activities.

*“Department”* means the Iowa department of human services.

*“Developmental screening tool”* means a research-based questionnaire or checklist that asks questions about a child’s development, including but not limited to language, movement, thinking, behavior and emotions. Developmental screening shall not be used to establish a diagnosis for a child but rather to help educators, parents, guardians or caretakers determine whether more in-depth assessment may be the next appropriate step.

*“Early childhood-positive behavioral interventions and supports”* or *“EC-PBIS”* means Iowa’s pyramid model initiative which offers early childhood programs a comprehensive, evidence-based approach to promoting social-emotional development and addressing challenging behaviors among young children. EC-PBIS creates nurturing environments for children equipped with supported staff trained to respond to challenging behaviors to support the goal of fostering positive mental health at a young age.

*“EC-PBIS module training”* means a series of training intended for staff working with young children. The training teaches the pyramid model, which is a framework of evidence-based practices for promoting young children’s healthy social and emotional development. There are different versions of the training depending on what setting and what age group the staff member is working with. Versions include:

1. EC-PBIS for Preschool (modules 1-3) intended for staff working in classroom-based programs with ages three to five.
2. EC-PBIS for Infants and Toddlers (modules 1-3) intended for staff working in classroom-based programs with ages zero to three.
3. EC-PBIS for Family Child Care (modules 1-2) intended for staff working with multiple ages of children in family child care settings.

*“Eligible applicants”* means programs meeting the definition of “facility.”

*“Environment rating scale”* or *“ERS”* means a set of early childhood tools or scales developed through the Frank Porter Graham Child Development Institute of the University of North Carolina

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at Chapel Hill. The scales are used to measure classroom and program quality through assessments by a trained, independent observer. The scales may also be used for self-assessment and program improvement. Four scales are available based on the type of program and ages of children in the classroom assessed:

1. Family child care environment rating scale (FCCERS) for programs in a family child care or child development home setting for children from infancy through school age.
2. Infant and toddler environment rating scale (ITERS) for groups of children in center-based care from birth up to three years of age.
3. Early childhood environment rating scale (ECERS) for center-based care with groups of children aged three through five years.
4. School-age care environment rating scale (SACERS) for center-based programs with groups of school-age children aged 5 through 12 years.

*“ERS assessment”* means an evaluation conducted through an on-site observation of an early childhood care and education classroom or program using one of the environment rating scales: FCCERS, ITERS, ECERS, or SACERS. The assessment is completed by a trained assessor and administered by entities approved by the department or the department’s designee.

*“ERS improvement plan”* means the action plan created by a program or classroom to lay out ideas for improving program quality. It uses a framework based on ERS criteria and definitions. The ERS improvement plan follows and builds upon a completed ERS classroom or program self-assessment using the appropriate ERS.

*“ERS score sheet”* means the form used to evaluate and score a program or classroom based on the ERS items and indicators.

*“Facility”* means a licensed child care center, a preschool, a program operating under the authority of an accredited school district or nonpublic school, or a registered child development home.

*“Full-time child care experience”* means knowledge and skills learned through employment or volunteer work, at least 30 hours per week or 130 hours per month, in a licensed child care center, a school-aged only program, a preschool, or a registered child development home or as a child care home provider.

*“Head Start program performance standards”* means the mandatory regulations that grantees and delegate agencies must implement in order to operate a Head Start program. The performance standards are designed to ensure that Head Start goals and objectives are implemented successfully.

*“Health and safety checklist for early care and education (ECE) programs”* means the nationally recognized quality assessment tool, conducted by a CCNC or another designee as approved by the department, that uses key observable health and safety standards from CFOC. If followed, these standards are most likely to prevent adverse outcomes for children and staff in ECE settings. For the health and safety checklist, “observable” is defined as the following:

1. Requires interaction with the staff or director only to ask where to find an item or identify products.
2. Able to observe when walking through a program over a two-hour period of time.
3. The standard or item can be seen and evaluated in an objective way.
4. Observation may include opening windows, taking measurements (for example, measuring the depth of an impact surface or height of equipment), smelling for odors and reading labels (for example, checking dates on medication labels).
5. Does not require checking records or documents, such as child immunizations, professional development records or written program policies.

*“Internal coach”* means the staff member, identified by the program administrator, responsible for going into classrooms and supporting staff on the implementation of the EC-PBIS policies and practices. The internal coach shall be a member of the program’s positive behavioral interventions and supports (PBIS) leadership team.

*“Iowa early care and education program administrator roles career pathway”* means the statewide professional development path ([www.ecieducationpathway.org](http://www.ecieducationpathway.org)) designed to assist early childhood center



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administrators or other early childhood leaders to develop a personal professional development plan as an early childhood educator II or early childhood educator III.

*“Iowa early care and education teaching roles career pathway”* means the statewide professional development path ([www.ecieducationpathway.org](http://www.ecieducationpathway.org)) designed to assist early childhood teachers in a licensed center or a child development home to develop a personal professional development plan as an early childhood educator I, an early childhood educator II or an early childhood educator III.

*“Iowa early learning standards”* or *“IELS”* means a comprehensive resource tool developed to support and enhance children’s learning and development. The IELS provides descriptions of the knowledge, behaviors and skills that children from birth through age five may demonstrate and can be used to share information with anyone who cares for or works with children during the first 2,000 days of life.

*“Iowa quality preschool program standards”* means standards developed by the Iowa department of education based on the ten standards of the National Association for the Education of Young Children accreditation.

*“IQ4K teaching staff qualifications worksheet”* means the tool used to calculate an average score in the area of teaching staff qualification using a combination of the educational background and related work experience of identified teaching staff members.

*“Leadership team”* means the team of people that is working to implement a programwide EC-PBIS. The team is composed of program administrators, teachers and a coach. The leadership team is responsible for guiding the programwide process and making decisions on how to support implementation of the EC-PBIS practices throughout the whole program.

*“Lead teacher”* means the staff member responsible for providing a safe and developmentally appropriate classroom that complies with legislation, policies, and procedures. The lead teacher nurtures children, plans and provides instruction and other activities, ensures student safety, directs the work of other teachers in the classroom, communicates with parents and guardians, is familiar with emergency procedures, and ensures children with diverse needs are included and have their needs met at all times.

*“Meals”* means any breakfasts, lunches, snacks and suppers the child care program serves to children while in care.

*“National Administrator Credential”* or *“NAC”* means the 40-hour comprehensive training for child care and education administrators and successful completion of the certification process offered through the National Early Childhood Program Accreditation (NECPA) Commission.

*“National School Lunch Program”* or *“NSLP”* means a federal CNP operating in public and nonprofit private schools and residential child care institutions. The NSLP provides nutritionally balanced, low-cost or no-cost lunches to children each school day.

*“On-site supervisor”* means the individual responsible for the daily supervision of the program who must be on site daily, either during the hours of operation that children are present or at a minimum of eight hours of the program’s hours of operation.

*“Prevent-Teach-Reinforce for Young Children”* or *“PTR-YC”* means the training based on the PTR-YC process for use in early childhood care and education settings including pre-K classrooms and consists of teams and goal setting, practical data collection, functional behavioral assessment, intervention planning and implementation. All steps are designed for use by early childhood providers.

*“Professional development plan”* means the individualized plan used to improve knowledge and skills. Professional development plans shall address the following:

1. Assessment of an individual’s current interests, knowledge and skills.
2. Identification of specific areas for improvement.
3. Development of strategies and resources.
4. Creation of opportunities to reflect and demonstrate an individual’s professional growth.

*“Professional development training”* means continuing education and career training offered by a department-approved training organization to child care and education providers to help them develop new skills, stay up to date on current trends and advance their careers.

*“Program”* refers to the complete operation of an eligible facility applying for an IQ4K rating.

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*“Program administrator or director”* means a department-approved staff member responsible for overseeing the day-to-day operations of a child care program. The person is in charge of all aspects of running the program, including scheduling trainings, planning educational activities, hiring and managing properly trained staff, handling the budget, and establishing well-defined policies and procedures. The person is responsible for everything that takes place within the program and acts as the main communication hub between parents, teachers and children.

*“Programwide PBIS training”* or *“PW PBIS training”* means the training intended for leadership teams of classroom-based early childhood programs. The purpose of the training is to help guide and support the leadership team through the programwide EC-PBIS process.

*“Provider”* means the person or program that applies for registration to provide child care and is approved as a child development home.

*“Quality rating oversight team”* means the workgroup convened to provide oversight and guidance to the department regarding Iowa’s QRIS.

*“School-aged only program”* means an eligible facility providing care primarily to children aged 5 through 12 when school is not in session, including but not limited to before school, after school, out-of-school days during the school year and summer break.

*“Seamless summer option”* or *“SSO”* means a federal CNP which allows school food authorities participating in the National School Lunch or School Breakfast Program to serve meals free of charge to children 18 years and under from low-income areas.

*“Self-assessment”* means an evaluation of current program policies, practices and procedures in comparison to best-practice standards based on the most up-to-date research.

*“Social-emotional-behavioral mental health”* or *“SEBMH”* means the way in which an individual thinks, feels, communicates, acts and learns. These skills contribute to resilience and to how individuals relate to others, respond to stress and emotions, and make choices. Foundational knowledge and skills that promote positive SEBMH include self-awareness, self-management, responsible decision-making, social awareness, and relationship skills that support positive well-being and academic success.

*“Specialized track”* means a modified IQ4K application for eligible applicants who have successfully provided adequate documentation of current verification and certification in one of the department’s preapproved specialized track areas.

*“Staff”* means any individual employed by and working at the facility under the supervision of the program administrator or director or assistant program administrator or assistant director.

*“Summer food service program”* or *“SFSP”* means a federal CNP that reimburses program operators who serve free healthy meals and snacks to children 18 years and under from low-income areas.

*“Teaching staff”* means all lead teachers and assistant teachers.

**441—118.10(237A) Application for Iowa quality for kids (IQ4K) rating.** Eligible applicants shall apply for an IQ4K rating by completing the appropriate application and submitting all required supporting documentation.

**118.10(1) Standards to be used.** The quality rating will be based on the standards in rules 441—118.21(237A) through 441—118.25(237A) for a child care center, preschool, or program operating under the authority of an accredited school district or nonpublic school; rules 441—118.27(237A) through 441—118.31(237A) for school-aged only programs; and rules 441—118.33(237A) through 441—118.37(237A) for child development homes.

**118.10(2) Application for IQ4K.** All applications must be accessed, completed and submitted to the applicant’s designated CCR&R representative through the IQ4K database located at [iq4k.stateofiodawhs.org/login](http://iq4k.stateofiodawhs.org/login).

**441—118.11(237A) Application effective date.** The effective date of an approved IQ4K application shall be determined as listed in these subrules.

**118.11(1) New or nonrated applicant, Levels 1-4.** The application effective date will be the day the department certifies the application is complete and makes the appropriate award determination.

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**118.11(2)** *New or nonrated applicant, Level 5.* The application effective date will be the day the department confirms the program's scores on the ERS and subsequently makes the appropriate award determination. The effective date of a program whose assessment opportunity has been forfeited, as outlined in rule 441—118.25(237A), shall be the date the department determined the assessment opportunity was forfeited.

**118.11(3)** *Currently rated applicant, Levels 1-4.* If the program's new application is submitted prior to the IQ4K expiration date, the new application's effective date shall be the first day of the month following the program's current expiration date.

**118.11(4)** *Currently rated applicant, Level 5.* If the program's new application is submitted 30 calendar days prior to the IQ4K expiration date, the new application's effective date shall be the first day of the month following the program's current expiration date.

*a.* If the program's new application is not submitted 30 calendar days prior to the IQ4K expiration date, the new application effective date will be the day the department confirms the program's scores on the ERS and subsequently makes the appropriate award determination.

*b.* If the ERS process is not complete by the time of the program's IQ4K expiration date, the program's IQ4K rating will expire and the program will not have an IQ4K rating until the ERS process is complete and a new IQ4K rating is determined.

*c.* The effective date of a program whose assessment opportunity has been forfeited, as outlined in rule 441—118.25(237A), shall be the date the department determined the assessment opportunity was forfeited.

**118.11(5)** *Currently rated applicant, mid-rating increase to Levels 2-4.* The application effective date will be the day the department certifies the application is complete and makes the appropriate award determination.

**118.11(6)** *Currently rated applicant, mid-rating increase to Level 5.* The application effective date will be the day the department confirms the program's scores on the ERS and subsequently makes the appropriate award determination. The effective date of a program whose assessment opportunity has been forfeited, as outlined in rule 441—118.25(237A), shall be the date the department determined the assessment opportunity was forfeited.

**441—118.12(237A) Approved program's expiration date.** An approved program's IQ4K expiration date shall be the last day of the month, two years from the application's effective date.

**441—118.13(237A) Renewal application submission, Levels 1-4.** Eligible applicants may submit an application for IQ4K renewal up to 45 calendar days in advance of the current IQ4K expiration date.

**441—118.14(237A) Renewal application submission, Level 5.** Eligible applicants may submit an application for IQ4K renewal up to 60 calendar days in advance of the current IQ4K expiration date.

**441—118.15(237A) Increased rating.** Currently rated IQ4K programs may submit an application for a higher quality rating no sooner than 12 months after the effective date of the current IQ4K certificate.

**441—118.16(237A) Change in location of facility.** If the location of a rated program changes, the program must notify the department. The program's current IQ4K rating will be invalid, and the program must submit a new application. The department shall make a new determination of the appropriate rating.

**441—118.17(237A) Ongoing eligibility.** All applicants awarded an IQ4K certification level must continue to meet all eligibility requirements of the awarded level throughout the entire certification period.

**118.17(1)** Programs unable to maintain full compliance with all eligibility requirements at their awarded level may apply for a waiver of eligibility within 30 calendar days of their inability to do so.

**118.17(2)** Waivers shall be awarded at the discretion of the department, in consultation with the quality rating oversight team.

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**118.17(3)** Programs that are not able to meet all eligibility requirements of the awarded level throughout the entire certification period or that do not receive a waiver will have their IQ4K rating removed immediately.

**118.17(4)** Provisionally licensed programs are not eligible to apply for IQ4K participation.

**441—118.18(237A) Monitoring.** Programs awarded an IQ4K rating shall agree to scheduled on-site and virtual program monitoring by the department or the department's designee to confirm and review compliance with criteria of awarded IQ4K rating.

**441—118.19(237A) Professional development training.** Only training taken from a department-approved training organization shall be accepted toward professional training requirements. Secondary education credits shall count as one secondary education credit equaling 15 training hours based on ages of the children served in the program.

**441—118.20(237A) Rating standards for a child care center, a preschool, or a program operating under the authority of an accredited school district or nonpublic school.** To participate in IQ4K QRIS, a child care center, preschool, or program operating under the authority of an accredited school district or nonpublic school shall certify that its facility meets the applicable criteria as defined in rules 441—118.21(237A) through 441—118.25(237A).

**118.20(1)** Eligible applicants providing adequate documentation of current verification or certification in one of the preapproved specialized track areas shall only be required to satisfy the criteria outlined in the application consistent with their specialized track.

**118.20(2)** Programs with more than one classroom shall not be eligible to apply using a specialized track application unless over 50 percent of their eligible classrooms meet the specialized track requirements.

**118.20(3)** Eligible applicants shall be able to earn credit for participation in more than one of the specialized track areas.

**441—118.21(237A) Criteria for IQ4K—Level 1 child care center, preschool, or program operating under the authority of an accredited school district or nonpublic school.** To be rated at a Level 1, an eligible facility must satisfy all of the criteria in each of the seven designated categories listed in Level 1 or complete all of the criteria designated in its respective specialized tracks.

**118.21(1) *Nutrition and physical activity.***

*a.* All staff members who prepare meals shall complete one of the department-approved food safety trainings.

*b.* A self-assessment and action plan in the area of nutrition shall be completed for an eligible facility.

*c.* A self-assessment and action plan in the area of physical activity shall be completed for an eligible facility.

**118.21(2) *Professional development.***

*a.* All staff shall complete a professional development plan within six months of each person's hiring date and update the plan annually.

*b.* All staff shall complete one of the department-identified new staff orientation courses and must provide a valid certificate of completion. Newly hired staff shall have nine months from date of hire to complete this requirement.

**118.21(3) *Family and community partnerships.***

*a.* The program shall provide an orientation for new families.

*b.* The program shall complete one annual activity that promotes partnerships.

**118.21(4) *Teaching staff qualifications.*** All lead teachers shall show participation in Tier 1 training or meet a higher tier qualification on the Iowa early care and education teaching roles career pathway within six months of starting employment.

**118.21(5) *Teaching and learning.***

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a. The program administrator and at least one lead teacher shall complete two hours of training on the Iowa early learning standards.

b. The program shall develop and implement a comprehensive discipline and behavior policy that promotes positive relationships.

**118.21(6) Environment.**

a. The program shall develop and implement, as applicable to ages served, the following policies aligned to CFOC:

- (1) Supervision.
- (2) Safe sleep.
- (3) Playground equipment stability and fall surfacing and inspection.
- (4) Missing child.
- (5) Strangulation prevention.
- (6) Sign in and out tracking system for children and visitors.

b. The program shall submit one of the following annually:

(1) Form 470-5676: IQ4K Interaction and Relationship Self-Assessment, which shall be completed by teaching staff.

(2) CLASS assessment for the age level being served completed for each classroom by a trained observer.

(3) Teaching pyramid observation tool (TPOT) or teacher pyramid infant toddler observation scale (TPITOS) assessment tools for infants and toddlers completed for each classroom by a trained observer.

**118.21(7) Leadership and administration.**

a. All staff shall complete Form 470-5680: IQ4K Staff Self-Assessment annually.

b. The program administrator shall complete Form 470-5677: IQ4K Program Assessment annually.

**441—118.22(237A) Criteria for IQ4K—Level 2 child care center, preschool, or program operating under the authority of an accredited school district or nonpublic school.** To be rated at a Level 2, an eligible facility must satisfy all of the criteria in each of the seven designated categories listed in Levels 1 and 2 or complete all of the criteria designated in its respective specialized tracks for Levels 1 and 2.

**118.22(1) Nutrition and physical activity.**

a. The program shall choose one of the following:

- (1) The program shall actively participate in CACFP, NSLP, or another department-approved CNP.
- (2) The program shall complete all of the following as applicable to ages served:

1. Program staff and their supervisor planning the menu shall complete the CACFP Steps to Success module 2 lessons as identified by the department that cover the CACFP meal pattern.

2. Infant lead teachers and their supervisor shall complete the video “CACFP Child Care Center Infant Staff Training” or Iowa CACFP Infant Training—Steps to Success module 15, parts as identified by the department.

3. All lead teachers and their supervisors responsible for mealtime supervision shall complete the video “CACFP Child Care Center Staff Training” or the Iowa CACFP Wellness module—Meaningful Mealtimes.

b. The program shall identify and implement one physical activity goal from the completed action plan in Level 1.

**118.22(2) Professional development.**

a. All staff who administer medication shall complete the Medication Administration Skills Competency Course or other training as approved by the department and hold a valid certification of completion.

b. All staff who administer medication shall also successfully complete a competency skills evaluation assessment checklist or department-approved equivalent and hold a valid certification of completion. There shall be one person who meets these criteria present on site in the program at all times.

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*c.* All teaching staff shall complete ten annual training hours of professional development.

**118.22(3) *Family and community partnerships.***

*a.* The program shall offer one conference with each family per year to discuss each child's progress, strengths, and needs in all developmental areas.

*b.* Programs shall share child assessment information with the child's family.

*c.* The program shall complete two activities annually that promote partnerships.

**118.22(4) *Teaching staff qualifications.*** All lead teachers shall meet Tier 1, step 1 of 40 hours of training toward a CDA or shall meet a higher tier qualification on the Iowa early care and education teaching roles career pathway.

**118.22(5) *Teaching and learning.***

*a.* The program shall use a curriculum that is aligned with the Iowa early learning standards, addresses the multiple domain areas, and is specific to the ages of the children the program serves.

*b.* The program shall develop and implement a policy that eliminates or severely limits expulsion, suspension, and punitive or other exclusionary discipline.

*c.* The program shall develop and implement policies regarding the use of an approved developmental screening tool for all children within 60 days of enrollment and at least annually to identify children who may need additional evaluation and intervention strategies.

**118.22(6) *Environment.***

*a.* The program administrator or assistant administrator shall complete an ERS training, choosing between ITERS, ECERS or SACERS, and provide a certificate of completion.

*b.* The program shall provide an environment supportive to, and encouraging of, culture, age, race, ability, special needs, and gender diversity.

*c.* The program shall develop and implement a tobacco-free and nicotine-free policy aligned to the Iowa department of public health's policy guidelines.

**118.22(7) *Leadership and administration.***

*a.* The program administrator shall complete and annually update Form 470-5679: IQ4K Quality Improvement Action Plan.

*b.* All staff shall receive a written evaluation at least once a year.

*c.* The program administrator shall have at least two years of full-time experience working in the field.

**441—118.23(237A) Criteria for IQ4K—Level 3 child care center, preschool, or program operating under the authority of an accredited school district or nonpublic school.** To be rated at a Level 3, an eligible facility must satisfy all of the criteria in each of the seven designated categories listed in Levels 1, 2 and 3 or complete all of the criteria designated in its respective specialized tracks for Levels 1, 2 and 3.

**118.23(1) *Nutrition and physical activity.***

*a.* The program shall choose one of the following:

(1) The program shall actively participate in CACFP, NSLP, or another department-approved CNP.

(2) If exempt from CACFP or NSLP, the program shall identify and implement two nutrition goals from the completed action plan in Level 1.

1. Programs providing adequate documentation they provide care for four hours a day or less are exempt from the CACFP or NSLP participation requirement.

2. Nonprofit programs shall qualify for an exemption from the CACFP or NSLP requirement if they provide adequate documentation that meets one of the following criteria:

- The percentage of children enrolled in the program qualifying for free or reduced meals is five percent or less.

- The program's licensed capacity is 30 or less.

- The program serves two or fewer meals or snacks per day.

- The program is open and operating three days a week or less.

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3. For-profit programs shall qualify for an exemption from the CACFP or NSLP requirement if they are able to provide adequate documentation that the percentage of children enrolled in the program qualifying for free or reduced meals is 25 percent or less.

b. The program shall identify and implement two physical activity goals from the completed action plan in Level 1.

**118.23(2) Professional development.** All teaching staff shall complete ten annual training hours of professional development.

**118.23(3) Family and community partnerships.**

a. The program shall promote culturally sensitive practices and procedures.

b. The program shall complete three activities annually that promote partnerships.

**118.23(4) Teaching staff qualifications.** The average score for all lead teachers shall be three points or more on the IQ4K teaching staff qualifications worksheet.

**118.23(5) Teaching and learning.**

a. The program shall utilize an appropriate assessment tool throughout the year that aligns with the curriculum to gather information on each child's strengths, progress, and needs.

b. The program shall share community resources with families as needed based on the information gathered from the child's assessment.

c. The program shall develop and implement policies and procedures for inclusive practices for children with diverse needs, including those with identified disabilities, language barriers, identified behavioral needs, or specialized health needs.

**118.23(6) Environment.**

a. Thirty percent or more of lead teachers shall complete an appropriate ERS training, choosing between ITERS, ECERS or SACERS as applicable to ages served, and provide a certificate of completion.

b. The program shall participate in the completion of the health and safety checklist for early care and education programs.

c. The program shall develop and implement a policy regarding oral health aligned with CFOC.

**118.23(7) Leadership and administration.**

a. The program administrator shall complete one of the following:

(1) NAC or another DHS-approved credential.

(2) Thirty training hours (or more) in early childhood and ten training hours or more in leadership, administration, or management.

b. The program administrator shall have one of the following:

(1) Three years or more of full-time experience working in the field.

(2) One year or more full-time experience as a program administrator.

**441—118.24(237A) Criteria for IQ4K—Level 4 child care center, preschool, or program operating under the authority of an accredited school district or nonpublic school.** To be rated at a Level 4, an eligible facility must satisfy all of the criteria in each of the seven designated categories listed in Levels 1, 2, 3 and 4 or complete all of the criteria designated in its respective specialized tracks for Levels 1, 2, 3 and 4.

**118.24(1) Nutrition and physical activity.**

a. The program shall choose one of the following:

(1) The program shall actively participate in CACFP, NSLP, or another department-approved CNP and shall identify and implement one nutrition goal from the completed action plan in Level 1.

(2) If exempt from CACFP or NSLP, the program shall identify and implement three nutrition goals from the completed action plan in Level 1.

b. The program shall identify and implement three physical activity goals from the completed action plan in Level 1.

**118.24(2) Professional development.**

a. All teaching staff shall complete 12 annual hours or more of professional development.

## HUMAN SERVICES DEPARTMENT[441](cont'd)

*b.* Sixty percent or more of all lead teachers shall complete the applicable EC-PBIS trainings based on age groups served.

- (1) EC-PBIS Preschool modules 1 and 2.
- (2) EC-PBIS Infant and Toddler modules 1 and 2.

**118.24(3)** *Family and community partnerships.* The program shall complete four activities annually that promote partnerships.

**118.24(4)** *Teaching staff qualifications.* The average score for all teaching staff shall be four points or more on the IQ4K teaching staff qualification worksheet.

**118.24(5)** *Teaching and learning.*

*a.* The teaching staff shall use assessment data and information gathered about children and families to make changes in their learning environment and activities.

*b.* The teaching staff shall participate in planning with families and outside experts, as needed, for children with diverse needs, including those with identified disabilities, language barriers, identified behavioral needs, and specialized health needs.

**118.24(6)** *Environment.*

*a.* Sixty percent or more of lead teachers shall complete an appropriate ERS training choosing between ITERS, ECERS or SACERS as applicable to ages served, and provide a certificate of completion.

*b.* One-third of all classrooms shall complete the ERS scoresheet with self-assessment and improvement plan using a minimum of one classroom per scale, if applicable.

*c.* The program shall score an average of 2.5 or higher on the health and safety checklist for early care and education.

**118.24(7)** *Leadership and administration.*

*a.* The program administrator shall meet Tier 1 or higher on the Iowa early care and education program administrator roles career pathway.

*b.* The program administrator shall have two or more years of full-time experience as a program administrator.

**441—118.25(237A) Criteria for IQ4K—Level 5 child care center, preschool, or program operating under the authority of an accredited school district or nonpublic school.**

**118.25(1)** *Criteria for each category.* To be rated at Level 5, an eligible facility must satisfy all of the criteria in each of the seven designated categories listed in Levels 1, 2, 3, 4 and 5 or complete all of the criteria designated in its respective specialized tracks for Levels 1, 2, 3, 4 and 5. To be rated at a Level 5, an eligible facility must also meet the following criteria:

*a. Minimum score.* The facility must earn a minimum score of 5.0 in each assessed classroom on the appropriate ERS.

*b. Approved assessor.* An assessor approved by the department or department's designee must perform an environment rating assessment.

*c. Number of classrooms assessed.* At least one-third of the facility's classrooms must be assessed, including at least one classroom in each age group serviced by the facility.

*d. Time frame for assessment.* Programs eligible for ERS assessment must undergo their assessment within 90 days of department approval unless an extension is requested and approved by the department.

*e. Assessments not done timely.* Programs that do not undergo their assessment within 90 days of approval by the department or do not receive an approved extension from the department shall forfeit their opportunity for an assessment and will be awarded an IQ4K Level 4 rating with an effective date as outlined in rule 441—118.11(237A).

**118.25(2)** *Nutrition and physical activity.*

*a.* The program shall choose one of the following:

(1) The program shall actively participate in CACFP, NSLP, or another department-approved CNP and shall identify and implement two nutrition goals from the completed action plan in Level 1.



## HUMAN SERVICES DEPARTMENT[441](cont'd)

(2) If exempt from CACFP or NSLP, the program shall identify and implement four nutrition goals from the completed action plan in Level 1.

b. The program shall identify and implement four physical activity goals from the completed action plan in Level 1.

**118.25(3) Professional development.**

a. All teaching staff shall complete 12 annual hours or more of professional development.

b. Sixty percent or more of all lead teachers and the internal coach shall complete the EC-PBIS trainings as follows:

(1) EC-PBIS Preschool modules 3a and 3b.

(2) EC-PBIS Infant and Toddler modules 3.

(3) Prevent-Teach-Reinforce for Young Children (PTR-YC).

**118.25(4) Family and community partnerships.**

a. The program shall complete five activities annually that promote partnerships.

b. The program shall offer one additional conference with each family of preschool age children in care, per year, to discuss each child's progress, strengths, and needs in all developmental areas. Assessment information shall be shared with the family.

**118.25(5) Teaching staff qualifications.** The average score for all teaching staff shall be eight points or more on the IQ4K teaching staff qualification worksheet.

**118.25(6) Teaching and learning.**

a. The teaching staff shall work with families and other experts to implement instructional and environmental adaptations that support learning for each child, including those with diverse needs, identified disabilities, language barriers, identified behavioral health needs and specialized health needs.

b. The leadership team shall complete PW PBIS training. A leadership team must include an administrator, internal coach and teacher.

**118.25(7) Environment.**

a. Eighty percent or more of lead teachers shall complete an appropriate ERS training, choosing between ITERS, ECERS or SACERS, as applicable to ages served, and provide a certificate of completion.

b. One-third of all classrooms shall receive an overall score of five or higher on each classroom's ERS assessment when using a minimum of one classroom per scale, if applicable.

c. The program shall score an average of 2.75 or higher on the health and safety checklist for early care and education.

**118.25(8) Leadership and administration.**

a. The program administrator shall meet Tier 2 or higher on the Iowa early care and education program administrator roles career pathway.

b. The program administrator shall have three or more years of full-time experience as a program administrator.

**441—118.26(237A) Rating standards for school-aged only programs.**

**118.26(1)** To participate in IQ4K QRIS, a school-aged only program shall certify that its facility meets the applicable criteria as defined in rules 441—118.27(237A) through 441—118.31(237A).

**118.26(2)** The following program requirements apply:

a. Eligible applicants providing adequate documentation of current verification or certification in one of the preapproved specialized track areas shall only be required to satisfy the criteria outlined in the application consistent with their specialized track.

b. Programs with more than one classroom shall not be eligible to apply using a specialized track application unless over 50 percent of their eligible classrooms meet the specialized track requirements.

c. Eligible applicants shall be able to earn credit for participation in more than one of the specialized track areas.

## HUMAN SERVICES DEPARTMENT[441](cont'd)

**441—118.27(237A) Criteria for IQ4K—Level 1 school-aged only programs.** To be rated at a Level 1, an eligible facility must satisfy all of the criteria in each of the six designated categories listed in Level 1 or complete all of the criteria designated in its respective specialized tracks.

**118.27(1) Nutrition and physical activity.**

a. The program administrator and any staff members who prepare meals shall complete one of the department-approved food safety trainings.

b. A self-assessment and action plan in the area of nutrition shall be completed for an eligible facility.

c. A self-assessment and action plan in the area of physical activity shall be completed for an eligible facility.

**118.27(2) Professional development.**

a. All staff shall complete a professional development plan within six months of each person's hiring date and update the plan annually.

b. All staff shall complete one of the department-identified new staff orientation courses and must provide a valid certificate of completion. Newly hired staff shall have nine months from date of hire to complete this requirement.

**118.27(3) Family and community partnerships.**

a. The program shall provide an orientation for new families.

b. The program shall complete one annual activity that promotes partnerships.

**118.27(4) Teaching and learning.**

a. The program shall provide assistance or access to tutors to support homework or students' learning needs.

b. The program shall develop and implement a comprehensive discipline and behavior policy that promotes positive relationships.

c. The program shall develop and implement a comprehensive and age-appropriate schedule of activities.

**118.27(5) Environment.**

a. The program shall develop and implement, as applicable to ages served, the following policies aligned to CFOC:

- (1) Supervision.
- (2) Bullying prevention.
- (3) Playground equipment stability and fall surfacing and inspection.
- (4) Missing child.
- (5) Strangulation prevention.
- (6) Sign in and out tracking system for children and visitors.
- (7) Technology.

b. The program shall submit one of the following annually:

(1) Form 470-5676: IQ4K Interaction and Relationship Self-Assessment, which shall be completed by teaching staff.

(2) CLASS assessment for the age level being served and completed for each classroom by a trained observer.

**118.27(6) Leadership and administration.**

a. All staff shall complete Form 470-5680: IQ4K Staff Self-Assessment annually.

b. The program administrator shall complete Form 470-5677: IQ4K Program Assessment annually.

c. Meetings for all staff shall be conducted two or more times per year.

**441—118.28(237A) Criteria for IQ4K—Level 2 school-aged only programs.** To be rated at a Level 2, an eligible facility must satisfy all of the criteria in each of the six designated categories listed in Levels 1 and 2 or complete all of the criteria designated in its respective specialized tracks for Levels 1 and 2.

**118.28(1) Nutrition and physical activity.**

a. The program shall choose one of the following:

## HUMAN SERVICES DEPARTMENT[441](cont'd)

- (1) The program shall actively participate in CACFP, NSLP or another department-approved CNP.
- (2) The program shall complete all of the following as applicable to ages served:
  1. Program staff planning the meals and their supervisor shall complete the CACFP Steps to Success module 2 lessons as identified by the department that cover the CACFP meal pattern.
  2. All lead staff and their supervisors responsible for mealtime supervision shall complete the video "CACFP School-Age Program Staff Training."
    - b. The program shall identify and implement one physical activity goal from the completed action plan in Level 1.

**118.28(2) Professional development.**

- a. All staff who administer medication shall complete the Medication Administration Skills Competency Course or other training as approved by the department and hold a valid certification of completion.
- b. All staff who administer medication shall also successfully complete a competency skills evaluation assessment checklist or department-approved equivalent and hold a valid certification of completion. There shall be one person who meets these criteria present on site in the program at all times.
- c. All staff shall complete ten annual training hours of professional development.

**118.28(3) Family and community partnerships.**

- a. The program shall offer one conference with each family per year to discuss each child's progress, strengths, and needs in all developmental areas.
- b. The program shall complete two activities annually that promote partnerships.

**118.28(4) Teaching and learning.**

- a. The program shall develop and implement a curriculum that includes all of the following opportunities each day:
  - (1) Active physical activity.
  - (2) Creative expression.
  - (3) Cooperative games.
  - (4) Free choice with a variety of materials.
  - (5) Academic support.
- b. The program shall develop and implement a policy that eliminates or severely limits expulsion, suspension, and punitive or other exclusionary discipline.

**118.28(5) Environment.**

- a. The program administrator or assistant administrator shall complete the SACERS training and provide a certificate of completion.
- b. The program shall provide an environment supportive to and encouraging of culture, age, race, ability, special needs, and gender diversity.
- c. The program shall develop and implement a tobacco-free and nicotine-free policy aligned to the Iowa department of public health's policy guidelines.

**118.28(6) Leadership and administration.**

- a. The program administrator shall complete and annually update Form 470-5679: IQ4K Quality Improvement Action Plan.
- b. All staff shall receive a written evaluation at least once a year.
- c. The program administrator shall have at least two or more years of full-time experience working in the field.

**441—118.29(237A) Criteria for IQ4K—Level 3 school-aged only programs.** To be rated at a Level 3, an eligible facility must satisfy all of the criteria in each of the six designated categories listed in Levels 1, 2 and 3 or complete all of the criteria designated in its respective specialized tracks for Levels 1, 2 and 3.

**118.29(1) Nutrition and physical activity.**

- a. The program shall choose one of the following:
  - (1) The program shall actively participate in CACFP, NSLP or another department-approved CNP.

## HUMAN SERVICES DEPARTMENT[441](cont'd)

(2) If exempt from CACFP or NSLP, the program shall identify and implement two nutrition goals from the completed action plan in Level 1.

1. Programs providing adequate documentation that they provide care for four hours a day or less are exempt from the CACFP or NSLP participation requirement.

2. Nonprofit programs shall qualify for an exemption from the CACFP or NSLP requirement if they provide adequate documentation that meets one of the following criteria:

- The percentage of children enrolled in the program qualifying for free or reduced meals is five percent or less.

- The program's licensed capacity is 30 children or fewer.

- The program serves two or fewer meals or snacks per day.

- The program is open and operating three days a week or less.

3. For-profit programs shall qualify for an exemption from the CACFP or NSLP requirement if they are able to provide adequate documentation that the percentage of children enrolled in the program qualifying for free or reduced meals is 25 percent or less.

b. The program shall identify and implement two physical activity goals from the completed action plan in Level 1.

**118.29(2) Professional development.** All staff shall complete ten or more annual training hours of professional development.

**118.29(3) Family and community partnerships.**

a. The program shall promote culturally sensitive practices and procedures.

b. The program shall complete three activities annually that promote partnerships.

**118.29(4) Teaching and learning.**

a. Program staff shall utilize an appropriate tool throughout the year to gather information about children's strengths, progress, and needs.

b. The program shall share community resources with families as needed based on the information gathered.

c. The program shall develop and implement policies and procedures for inclusive practices for children with diverse needs, including those with identified disabilities, language barriers, identified behavioral needs, or specialized health needs.

**118.29(5) Environment.**

a. The on-site supervisor shall complete the SACERS training series and provide a certificate of completion.

b. The program shall participate in the completion of the health and safety checklist for early care and education programs.

**118.29(6) Leadership and administration.**

a. The program administrator shall complete:

(1) NAC or another department-approved credential, or

(2) Thirty training hours or more in a related field and ten training hours or more in leadership.

b. The program administrator shall have three years or more of full-time experience working in the field or one year or more of full-time experience as a program administrator.

c. The on-site supervisor shall have 30 training hours or more in a related field and two years or more of full-time experience working in the field.

**441—118.30(237A) Criteria for IQ4K—Level 4 school-aged only programs.** To be rated at a Level 4, an eligible facility must satisfy all of the criteria in each of the six designated categories listed in Levels 1, 2, 3 and 4 or complete all of the criteria designated in its respective specialized tracks for Levels 1, 2, 3 and 4.

**118.30(1) Nutrition and physical activity.**

a. The program shall choose one of the following:

(1) The program shall actively participate in CACFP, NSLP or another department-approved CNP and shall identify and implement one nutrition goal from the completed action plan in Level 1.

## HUMAN SERVICES DEPARTMENT[441](cont'd)

(2) If exempt from CACFP or NSLP, the program shall identify and implement three nutrition goals from the completed action plan in Level 1.

*b.* The program shall identify and implement three physical activity goals from the completed action plan in Level 1.

**118.30(2) Professional development.**

*a.* All staff shall complete 12 or more annual training hours of professional development.

*b.* Thirty percent or more of all staff shall complete six or more hours of department or IQ4K-approved training in the area of SEBMH.

**118.30(3) Family and community partnerships.** The program shall complete four activities annually that promote partnerships.

**118.30(4) Teaching and learning.**

*a.* Staff shall use information gathered about children and families to make changes in their learning environment and activities.

*b.* Staff shall participate in planning with families and outside experts as needed for children with diverse needs, including those with identified disabilities, language barriers, identified behavioral needs, or specialized health needs.

**118.30(5) Environment.**

*a.* One staff member or more shall complete the SACERS training series and provide a certificate of completion.

*b.* One-third of classrooms shall complete the SACERS scoresheet with self-assessment and an improvement plan with a minimum of one classroom per scale if applicable.

*c.* The program shall score an average of 2.5 or higher on the health and safety checklist for early care and education.

**118.30(6) Leadership and administration.**

*a.* The program administrator shall have 120 training hours or more in a related field and 10 training hours or more in leadership, administration or management.

*b.* The program administrator shall have two years or more of full-time experience as a program administrator.

*c.* The on-site supervisor shall have 90 training hours or more in a related field and one year or more of full-time experience as an on-site supervisor.

**441—118.31(237A) Criteria for IQ4K—Level 5 school-aged only programs.**

**118.31(1) Criteria for each category.** To be rated at a Level 5, an eligible facility must satisfy all of the criteria in each of the six designated categories listed in Levels 1, 2, 3, 4 and 5 or complete all of the criteria designated in its respective specialized tracks for Levels 1, 2, 3, 4 and 5. To be rated at a Level 5, an eligible facility must also meet the following criteria:

*a. Minimum score.* The facility must earn a minimum score of 5.0 in each assessed classroom on the SACERS assessment.

*b. Approved assessor.* An assessor approved by the department or department's designee must perform the ERS assessment.

*c. Number of classrooms assessed.* At least one-third of the facility's classrooms must be assessed, including at least one classroom in each age group served by the facility.

*d. Time frame for assessment.* Programs eligible for an ERS assessment must undergo their assessment within 90 days of department approval unless an extension is requested and approved by the department.

*e. Assessments not done timely.* Programs that do not undergo their assessment within 90 days of approval by the department or do not receive an approved extension from the department shall forfeit their opportunity for an assessment and will be awarded an IQ4K Level 4 rating with an effective date as outlined in rule 441—118.11(237A).

**118.31(2) Nutrition and physical activity.**

*a.* The program shall choose one of the following:

## HUMAN SERVICES DEPARTMENT[441](cont'd)

(1) The program shall actively participate in CACFP, NSLP or another department-approved CNP and shall identify and implement two nutrition goals from the completed action plan in Level 1.

(2) If exempt from CACFP or NSLP, the program shall identify and implement four nutrition goals from the completed action plan in Level 1.

*b.* The program shall identify and implement four physical activity goals from the completed action plan in Level 1.

**118.31(3) Professional development.**

*a.* All staff shall complete 12 or more annual training hours of professional development.

*b.* Sixty percent or more of all staff shall complete six or more hours of department-approved or IQ4K-approved training in the area of SEBMH.

**118.31(4) Family and community partnerships.** The program shall complete five activities annually that promote partnerships.

**118.31(5) Teaching and learning.** The teaching staff shall work with families and other experts to implement instructional and environmental adaptations that support the learning for each child including those with diverse needs, language barriers, identified behavioral needs, or specialized health needs.

**118.31(6) Environment.**

*a.* Eighty percent or more of lead teachers shall complete the SACERS training series and provide a certificate of completion.

*b.* One-third of classrooms shall receive an overall score of 5.0 or higher on the SACERS assessment with a minimum of one classroom per scale if applicable.

*c.* The program shall score an average of 2.75 or higher on the health and safety checklist for early care and education.

**118.31(7) Leadership and administration.**

*a.* The program administrator shall have 9 or more credit hours in a related field and 12 or more training hours in leadership, administration or management.

*b.* The program administrator shall have three or more years of full-time experience as a program administrator.

*c.* The on-site supervisor shall have six or more credit hours in a related field and two or more years of full-time experience as an on-site supervisor.

**441—118.32(237A) Rating standards for registered child development homes.** To participate in IQ4K QRIS, a registered child development home shall certify that it meets the applicable criteria as defined in rules 441—118.33(237A) through 441—118.37(237A). The following program requirements apply:

1. For Category C homes operating with an approved coprovider, both providers must satisfy the applicable criteria where designated.

2. Eligible applicants providing documentation of current verification or certification in one of the preapproved specialized track areas shall only be required to satisfy the criteria outlined in the application consistent with their specialized track.

3. Eligible applicants shall be able to earn credit for participation in more than one of the specialized track areas.

**441—118.33(237A) Criteria for IQ4K—Level 1 rating standards for registered child development homes.** To be rated at Level 1, an eligible registered child development home must satisfy all of the criteria in each of the six designated categories listed in Level 1 or complete all of the criteria designated in its respective specialized tracks for Levels 1 and 2.

**118.33(1) Nutrition and physical activity.**

*a.* The provider and coprovider, where applicable, shall complete one of the department-approved food safety trainings.

*b.* The program shall complete a self-assessment and create an action plan in the area of nutrition.

## HUMAN SERVICES DEPARTMENT[441](cont'd)

c. The program shall complete a self-assessment and create an action plan in the area of physical activity.

**118.33(2) Professional development.** The provider and coprovider, where applicable, shall complete a professional plan annually.

**118.33(3) Family and community partnerships.**

a. The program shall provide an orientation for new families.

b. The program shall complete one annual activity that promotes partnerships.

**118.33(4) Provider qualifications.** The provider and coprovider, where applicable, shall have one year or more of full-time child care experience.

**118.33(5) Teaching and learning.**

a. The provider and coprovider, where applicable, shall complete two hours of training on the Iowa early learning standards.

b. The program shall develop and implement a comprehensive discipline and behavior policy that promotes positive relationships.

**118.33(6) Environment.**

a. The program shall develop and implement, as applicable to ages served, the following policies aligned to CFOC:

(1) Supervision.

(2) Safe sleep.

(3) Missing child.

(4) Strangulation prevention.

(5) Sign in and out tracking system for children and visitors.

b. The provider and coprovider, where applicable, shall complete Form 470-5676: IQ4K Interaction and Relationship Self-Assessment.

c. The program shall annually complete Form 470-5678: IQ4K Program Assessment.

**441—118.34(237A) Criteria for IQ4K—Level 2 rating standards for registered child development homes.** To be rated at a Level 2, an eligible registered child development home must satisfy all of the criteria in each of the six designated categories listed in Levels 1 and 2 or complete all of the criteria designated in its respective specialized tracks.

**118.34(1) Nutrition and physical activity.**

a. The program shall choose one of the following:

(1) The program shall actively participate in CACFP.

(2) The provider and coprovider, where applicable, shall complete all of the following as applicable to ages served:

1. Iowa CACFP Steps to Success module 2 lessons as identified by the department that cover the CACFP Meal Pattern.

2. Iowa CACFP Infant Training—Steps to Success module 15, parts one and two.

3. Iowa CACFP Wellness module—Meaningful Mealtimes.

b. The program shall identify and implement one physical activity goal from the completed action plan in Level 1.

**118.34(2) Professional development.** There shall be one person who meets the following criteria present on site in the program at all times.

a. The provider and coprovider, where applicable, shall complete ChildNet Training.

b. The provider and coprovider, where applicable, shall complete 15 hours or more of annual training hours of professional development.

c. The provider shall complete the medication administration skills competency course or other department-approved training and hold a valid certification of completion.

d. The provider shall also successfully complete a competency skills evaluation assessment checklist or department-approved equivalent and hold a valid certification of completion.

**118.34(3) Family and community partnerships.**

## HUMAN SERVICES DEPARTMENT[441](cont'd)

a. The program shall offer one conference with each family annually to discuss each child's progress, strengths and needs in all developmental areas. Programs shall share child assessment information with the child's family.

b. The program shall complete two activities annually that promote partnerships.

**118.34(4) Provider qualifications.** The provider and coprovider, where applicable, shall meet one of the following:

a. Two years or more of full-time experience in child care.

b. Six college credit hours or more in education specific to the age group for whom care is provided.

**118.34(5) Teaching and learning.**

a. The program shall develop and implement a daily schedule with predictable routines that are developmentally appropriate for all ages served.

b. The program shall develop and implement a policy that eliminates or severely limits expulsion, suspension, and punitive or other exclusionary discipline.

c. The program shall develop and implement policies regarding the use of an approved developmental screening tool for all children in care within 60 days of enrollment and at least annually to identify children who may need additional evaluation and intervention strategies.

**118.34(6) Environment.**

a. The program shall provide an environment supportive to, and encouraging of, culture, age, race, ability, special needs, and gender diversity.

b. The program shall develop and implement a policy regarding playground equipment stability and fall surfacing and inspection which are aligned with CFOC.

c. The program shall develop and implement a tobacco-free and nicotine-free policy.

d. The program shall annually complete and update Form 470-5679: IQ4K Quality Improvement Action Plan.

**441—118.35(237A) Criteria for IQ4K—Level 3 rating standards for registered child development homes.** To be rated at a Level 3, an eligible registered child development home must satisfy all of the criteria in each of the six designated categories listed in Levels 1, 2 and 3 or complete all of the criteria designated in its respective specialized tracks for Levels 1, 2 and 3.

**118.35(1) Nutrition and physical activity.**

a. The program shall actively participate in CACFP.

b. The program shall identify and implement two physical activity goals from the completed action plan in Level 1.

**118.35(2) Professional development.**

a. The provider and coprovider, where applicable, shall complete ChildNet Certification.

b. The provider and coprovider, where applicable, shall choose one of the following trainings to complete their initial IQ4K rating:

(1) Complete one module of the Program for Infant and Toddler Care.

(2) Complete module 1 of the EC-PBIS for Family Child Care and complete the following implementation guide checklists and review with coach:

1. Relationships.

2. Environments.

3. Expectations, Activities and Feedback.

(3) Complete School Age Matters training.

c. The provider and coprovider, where applicable, shall choose one of the other trainings listed above for their subsequent IQ4K ratings until all of the trainings applicable per ages served have been completed.

d. Once the provider and coprovider, as applicable, have completed all of the age applicable trainings, the provider and coprovider shall complete 18 annual hours of approved professional development training on all subsequent IQ4K applications.

**118.35(3) Family and community partnerships.**



## HUMAN SERVICES DEPARTMENT[441](cont'd)

- a. The program shall promote culturally sensitive practices and procedures.
- b. The program shall complete three activities annually that promote partnerships.

**118.35(4) Provider qualifications.** The provider and coprovider, where applicable, shall meet one of the following:

- a. Three years or more of child care experience.
- b. Nine or more college credit hours in education, specific to the age group for whom care is provided.

**118.35(5) Teaching and learning.**

- a. The program shall utilize an appropriate assessment tool throughout the year that aligns with the curriculum to gather information on each child's strengths, progress, and needs.
- b. The program shall share community resources with families as needed, based on the information gathered from the child's assessment.
- c. The program shall develop and implement policies and procedures for inclusive practices for children with diverse needs, including those with identified disabilities, language barriers, identified behavioral needs, and specialized health needs.

**118.35(6) Environment.**

- a. The provider shall complete the FCCERS training and provide a certificate of completion.
- b. A self-assessment and action plan in the area of nutrition shall be completed for an eligible facility.
- c. A self-assessment and action plan in the area of physical activity shall be completed for an eligible facility.

**441—118.36(237A) Criteria for IQ4K—Level 4 rating standards for registered child development homes.** To be rated at Level 4, an eligible registered child development home must satisfy all of the criteria in each of the six designated categories listed in Levels 1, 2, 3 and 4 or complete all of the criteria designated in its respective specialized tracks for Levels 1, 2, 3 and 4.

**118.36(1) Nutrition and physical activity.**

- a. The program shall actively participate in CACFP.
- b. The program shall implement one nutrition goal from the completed action plan in Level 1.
- c. The program shall identify and implement three physical activity goals from the completed action plan in Level 1.

**118.36(2) Professional development.**

- a. The provider and coprovider, where applicable, shall choose one of the following trainings to complete for their initial IQ4K rating:

- (1) Complete two additional modules of the Program for Infant and Toddler Care.
- (2) Complete module 2 of the EC-PBIS for Family Child Care and complete the following implementation guide checklists and review with coach:

1. Emotions and Emotional Regulation.
2. Friendships and Problem Solving.

- b. The provider and coprovider, where applicable, shall choose one of the other trainings listed above for their subsequent IQ4K ratings until all of the trainings applicable per ages served have been completed.

- c. Once the provider and coprovider, as applicable, have completed all of the age applicable trainings, the provider and coprovider shall complete 20 annual hours of approved professional development training on all subsequent IQ4K applications.

**118.36(3) Family and community partnerships.** The program shall complete four activities annually that promote partnerships.

**118.36(4) Provider qualifications.** The provider and coprovider, where applicable, shall meet one of the following:

- a. The provider shall meet Tier 2 or higher on the Iowa early care and education teaching roles career pathway.
- b. The provider shall have three or more years of full-time child care experience.

## HUMAN SERVICES DEPARTMENT[441](cont'd)

**118.36(5) Teaching and learning.**

a. The program shall use information gathered about children and families to make changes in their learning environment and activities.

b. The program shall participate in planning with families and other experts, as needed, for children with diverse needs, including those with identified disabilities, language barriers, identified behavioral health needs and specialized health needs.

**118.36(6) Environment.**

a. The program shall complete the FCCERS scoresheet with self-assessment and improvement plan.

b. The program shall score an average of 2.5 or higher on the health and safety checklist for early care and education programs.

**441—118.37(237A) Criteria for IQ4K—Level 5 rating standards for registered child development homes.**

**118.37(1) Criteria for each category.** To be rated at a Level 5, an eligible registered child development home must satisfy all of the criteria in each of the six designated categories listed in Levels 1, 2, 3, 4 and 5 or complete all of the criteria designated in its respective specialized tracks for Levels 1, 2, 3, 4 and 5. To be rated at a Level 5 the following criteria must also be met:

a. *Minimum score.* The program must earn a minimum score of 5.0 on the FCCERS assessment.

b. *Approved assessor.* An assessor approved by the department or department's designee must perform the ERS assessment.

c. *Time frame for assessment.* Programs eligible for an ERS assessment must undergo their assessment within 90 days of department approval unless an extension is requested and approved by the department.

d. *Assessments not done timely.* Programs that do not undergo their assessment within 90 days of approval by the department or that do not receive an approved extension from the department shall forfeit their opportunity for an assessment and will be awarded an IQ4K Level 4 rating with an effective date as outlined in rule 441—118.11(237A).

**118.37(2) Nutrition and physical activity.**

a. The program shall actively participate in CACFP.

b. The program shall identify and implement two nutrition goals from the completed action plan in Level 1.

c. The program shall identify and implement four physical activity goals from the completed action plan in Level 1.

**118.37(3) Professional development.**

a. The provider shall choose one of the following trainings to complete the initial IQ4K rating:

(1) Complete two additional modules of the Program for Infant and Toddler Care.

(2) Complete EC-PBIS for Family Child Care Benchmarks of Quality and action plan for continued implementation and growth with coach. The EC-PBIS for Family Child Care must be completed.

b. The provider shall then choose one of the other trainings listed above for the subsequent IQ4K ratings until all of the trainings applicable per ages served have been completed.

c. Once the provider has completed all of the age-applicable trainings, the provider shall complete 22 annual hours of approved professional development training on all subsequent IQ4K applications.

**118.37(4) Family and community partnerships.** The program shall complete five activities annually that promote partnerships.

**118.37(5) Provider qualifications.**

a. The provider shall meet Tier 2 or higher on the Iowa early care and education teaching roles career pathway.

b. The provider shall have four or more years of full-time child care experience.

**118.37(6) Teaching and learning.** The program shall work with families and other experts to implement instructional and environmental adaptations that support the learning for each child,

HUMAN SERVICES DEPARTMENT[441](cont'd)

including those with diverse needs, identified disabilities, language barriers, identified behavioral health needs and specialized health needs.

**118.37(7) Environment.**

- a. The program shall achieve a score of 5.0 or higher on the FCCERS assessment.
- b. The program shall score an average of 2.75 or higher on the health and safety checklist for early care and education programs.

**441—118.38(237A) Award of quality rating.**

**118.38(1)** The facility shall display Form 470-5681: IQ4K QRIS rating certificate in a conspicuous place.

**118.38(2)** Achievement bonuses may be awarded as funds are available.

**441—118.39(237A) Adverse actions.**

**118.39(1)** An eligible applicant shall be notified of the right to appeal the rating decision in accordance with 441—Chapter 7.

**118.39(2)** A participant's quality rating shall be revoked if the facility no longer meets the definition of eligible applicant.

[Filed 3/15/22, effective 6/1/22]

[Published 4/6/22]

EDITOR'S NOTE: For replacement pages for IAC, see IAC Supplement 4/6/22.

**ARC 6289C**

**LABOR SERVICES DIVISION[875]**

**Adopted and Filed**

**Rule making related to community right to know**

The Labor Commissioner hereby rescinds Chapter 110, "Hazardous Chemical Risks Right to Know—General Provisions," and amends Chapter 130, "Community Right to Know," and Chapter 140, "Public Safety/Emergency Response Right to Know," Iowa Administrative Code.

*Legal Authority for Rule Making*

This rule making is adopted under the authority provided in Iowa Code section 89B.8.

*State or Federal Law Implemented*

This rule making implements, in whole or in part, Iowa Code chapter 89B.

*Purpose and Summary*

These amendments eliminate duplicative language, update obsolete references, and make editorial changes. Chapter 110 is being rescinded due to the chapter being duplicative and obsolete in relation to a federal standard that has been adopted by reference in rule 875—10.20(88). The remainder of the amendments in Chapters 130 and 140 are editorial in nature and remove obsolete language.

*Public Comment and Changes to Rule Making*

Notice of Intended Action for this rule making was published in the Iowa Administrative Bulletin on February 9, 2022, as **ARC 6177C**. No public comments were received. No changes from the Notice have been made.

LABOR SERVICES DIVISION[875](cont'd)

*Adoption of Rule Making*

This rule making was adopted by the Commissioner on March 16, 2022.

*Fiscal Impact*

This rule making has no fiscal impact to the State of Iowa.

*Jobs Impact*

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

*Waivers*

Any person who believes that the application of the discretionary provisions of this rule making would result in hardship or injustice to that person may petition the Commissioner for a waiver of the discretionary provisions, if any, pursuant to 875—Chapter 1.

*Review by Administrative Rules Review Committee*

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

*Effective Date*

This rule making will become effective on May 11, 2022.

The following rule-making actions are adopted:

ITEM 1. Rescind and reserve **875—Chapter 110**.

ITEM 2. Amend rule 875—130.2(89B) as follows:

**875—130.2(89B) Records accessibility.**

**130.2(1)** Records do not need to be accessible to the public if the information is a trade secret or the employer has notified the division in writing that certain information should not be accessible to the public ~~for reasons that~~ because the information is not relevant to public health and safety or the release of the information is proven to cause damage to the employer.

**130.2(2)** Accessible records include ~~the material~~ safety data sheets. The employer shall also provide information concerning the quantity of each hazardous chemical stored or used. Quantity information may include the manner of purchase such as in gallon containers, barrels, tankers, etc. Additionally, the employer shall provide information specifying the quantity as less than 500 pounds, between 500 pounds and 1000 pounds, between 1000 pounds and 5000 pounds, or in excess of 5000 pounds.

**130.2(3)** An employer is not required to make a copy of a ~~material~~ safety data sheet if the interested person is given an opportunity to review and make notes regarding the ~~material~~ safety data sheet.

If an employer provides a copy of a ~~material~~ safety data sheet at the request of the interested person, a reasonable fee can be charged for the actual cost of copying.

ITEM 3. Amend rule 875—130.3(89B) as follows:

**875—130.3(89B) Application for exemption.** To obtain an order from the commissioner pursuant to Iowa Code chapter 89B and rule 875—130.2(89B), an employer shall make a written application to the commissioner setting forth the specific grounds for the claimed exemption. Upon receipt of an application, the commissioner shall give the applicant notice and opportunity to be heard at a full evidentiary hearing before the commissioner.

## LABOR SERVICES DIVISION[875](cont'd)

ITEM 4. Rescind paragraph **130.4(1)“a”** and adopt the following **new** paragraph in lieu thereof:

a. The commissioner may take official notice that similar information of the employer-applicant has been deemed a trade secret for the purpose of 29 CFR 1910.1200, and may summarily grant the exemption based on the official notice.

ITEM 5. Amend paragraph **130.4(1)“b”** as follows:

b. The criteria for determining a trade secret under this ~~rule~~ chapter shall be identical to that under ~~rule 875—110.6(88,89B)~~ 29 CFR 1910.1200.

ITEM 6. Amend rule 875—130.7(89B) as follows:

**875—130.7(89B) Filing with division.** Upon receipt of application for information, the division shall determine if the applicant has a legitimate interest, and if so, the division shall make a written demand upon the employer to provide the requested information to the division. If the employer complies, the division shall forward copies to the interested person. Requests for the information under rule 875—130.6(89B) will be kept confidential. The division shall not disclose the name of the interested person to any person.

ITEM 7. Amend subrule 130.8(1) as follows:

**130.8(1)** The division has not received a reply within 30 days of the request for information pursuant to rule 875—130.7(89B); or

ITEM 8. Amend subrule 130.8(2) as follows:

**130.8(2)** The division finds on an ~~IOSH~~ occupational safety and health inspection that the employer's records materially distort the information given the public or an emergency response ~~group~~ department so as to pose a serious hazard to community health, environment, or emergency response personnel.

ITEM 9. Amend subrule 130.10(1) as follows:

**130.10(1)** If after conducting an investigation or inspection of the employer's workplace the commissioner finds that the complaint is meritorious, the commissioner shall issue an order to comply to the employer which shall set forth with specificity the employer's noncompliance with ~~the Aet Iowa Code chapter 89B~~ or rules. The commissioner shall give the employer a period of 30 days to take remedial steps for compliance. The commissioner may establish a shorter period of time if justification is provided in the order to comply.

ITEM 10. Amend subrule 140.2(3) as follows:

**140.2(3)** Procedure. The employer application ~~which~~ shall be procedurally processed in the same manner as an application for ~~exemption under 875—subrule 130.5(5)~~ waiver pursuant to 875—Chapter 1.

ITEM 11. Amend rule 875—140.3(89B) as follows:

**875—140.3(89B) Agreement between an employer and fire department.** In instances where the posting of a sign for each hazardous chemical would be ambiguous, repetitive, or where space is limited by the physical characteristics of the structure, or in situations, such as in a building, structure, or location, where a wide variety of materials may be stored having varying degrees of hazards, the identifying symbol shall indicate the most severe degree of hazard in each category except when a high hazard rating would be misleading because of the presence of an insignificant quantity of the material requiring the rating.

The employer and the local fire department may enter into a written agreement ~~with the fire chief of the local fire department which provides~~ providing for the posting of signs for the most hazardous chemical in each principal category as set forth in subrule 140.1(2). The agreement is subject to the approval of the division pursuant to the procedure for a variance, as specified in rule 875—140.2(89B). If the variance is approved, the employer shall post in the same location as the required posted signs a sign stating: “Signs not posted for all hazardous chemicals.” The sign shall be in block letters at least 3 inches in height.

LABOR SERVICES DIVISION[875](cont'd)

ITEM 12. Rescind rule 875—140.4(89B) and adopt the following new rule in lieu thereof:

**875—140.4(89B) Information submitted to local fire department.** Via certified mail, the employer shall submit to the local fire department a list of hazardous chemicals that the employer's facility consistently generates, uses, stores, or transports. The employer shall submit updated information as it becomes available to the employer.

**140.4(1)** This rule shall apply to any amount of a hazardous chemical that meets at least one of the following:

- a. Is a U.S. Department of Transportation Division 1.1, Division 1.2, or Division 1.3 explosive;
- b. Is a U.S. Department of Transportation Division 2.3 toxic gas;
- c. Is a U.S. Department of Transportation Division 6.1 toxic substance;
- d. Is a U.S. Department of Transportation Division 4.3 material;
- e. Is a U.S. Department of Transportation Radioactive Yellow III material;
- f. Has an NFPA 704-2022 health rating of greater than or equal to 3;
- g. Has an NFPA 704-2022 flammability rating of 4; or
- h. Has an NFPA 704-2022 reactivity rating of 4.

**140.4(2)** This rule shall apply to a hazardous chemical that is present in aggregate quantities of 25 gallons of liquid; 250 pounds of nonliquid; or 250 combined pounds of liquid and nonliquid, and is classified as:

- a. NFPA 704-2022 health rating of greater than or equal to 2;
- b. NFPA 704-2022 flammability rating of greater than or equal to 3; or
- c. NFPA 704-2022 reactivity rating of greater than or equal to 2.

**140.4(3)** In addition to a list of the hazardous chemicals, the employer shall provide the following:

- a. Employer's name;
- b. Name, phone number, and email address of employer's contact person;
- c. Employer's mailing address;
- d. Address of the facility where hazardous chemicals are present;
- e. NFPA numerical hazard rating in health, flammability, and reactivity for each hazardous chemical;
- f. Any information which constitutes a special hazard pursuant to NFPA 704-2022, Chapter 5, for each listed chemical; and
- g. Any other special hazard information from the safety data sheets which may be relevant.

**140.4(4)** If requested by the fire department, the employer shall provide to the fire department the information listed in this subrule, unless the fire department tours the facility annually.

- a. A diagram which shows the permanent location of each hazardous chemical within the employer's facility, as well as easily recognizable reference points such as doorways, stairs, and windows; and
- b. A copy of safety data sheets.

ITEM 13. Rescind and reserve rule **875—140.5(89B)**.

[Filed 3/17/22, effective 5/11/22]

[Published 4/6/22]

EDITOR'S NOTE: For replacement pages for IAC, see IAC Supplement 4/6/22.

**ARC 6288C****LABOR SERVICES DIVISION[875]****Adopted and Filed****Rule making related to asbestos removal**

The Labor Commissioner hereby amends Chapter 155, “Asbestos Removal and Encapsulation,” Iowa Administrative Code.

*Legal Authority for Rule Making*

This rule making is adopted under the authority provided in Iowa Code section 88B.3(2).

*State or Federal Law Implemented*

This rule making implements, in whole or in part, Iowa Code chapter 88B.

*Purpose and Summary*

Iowa Code section 88B.3(1) authorizes the Commissioner to administer Iowa Code chapter 88B. This rule making provides additional clarification for asbestos-removal professionals regarding the ten-day notice of commencement of work as well as exemptions to the notice requirement related to disaster emergency proclamations. The amendment to subrule 155.5(1) establishes a deadline for the commencement of an asbestos-removal project after notice has been given to the Division of Labor Services. This provides accurate notice to the Division as to when asbestos-removal professionals will begin work at a jobsite. The amendment to subrule 155.5(3) allows asbestos-removal professionals to provide a ten-day notice on the Division’s website. The amendment to subrule 155.5(4) ensures that asbestos-removal professionals identify the applicable disaster and disaster emergency proclamation in any notice that deviates from subrule 155.5(1) because of a disaster emergency proclamation.

*Public Comment and Changes to Rule Making*

Notice of Intended Action for this rule making was published in the Iowa Administrative Bulletin on February 9, 2022, as **ARC 6173C**. No public comments were received. No changes from the Notice have been made.

*Adoption of Rule Making*

This rule making was adopted by the Commissioner on March 16, 2022.

*Fiscal Impact*

This rule making has no fiscal impact to the State of Iowa.

*Jobs Impact*

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

*Waivers*

Any person who believes that the application of the discretionary provisions of this rule making would result in hardship or injustice to that person may petition the Commissioner for a waiver of the discretionary provisions, if any, pursuant to 875—Chapter 1.

*Review by Administrative Rules Review Committee*

The Administrative Rules Review Committee, a bipartisan legislative committee which oversees rule making by executive branch agencies, may, on its own motion or on written request by any individual or

LABOR SERVICES DIVISION[875](cont'd)

group, review this rule making at its [regular monthly meeting](#) or at a special meeting. The Committee's meetings are open to the public, and interested persons may be heard as provided in Iowa Code section 17A.8(6).

*Effective Date*

This rule making will become effective on May 11, 2022.

The following rule-making action is adopted:

Amend rule 875—155.5(88B) as follows:

**875—155.5(88B) Ten-day notices.**

**155.5(1) General.** Permittees shall notify the division at least ten working days before an asbestos project begins. A project begins when site preparations for asbestos abatement, encapsulation, or removal begin; when asbestos abatement, encapsulation, or removal begins; or when any demolition begins, whichever is sooner. Legible electronic transmissions of ten-day notices in the proper format shall be accepted. If work on the asbestos-removal project does not commence within 30 calendar days of the original start date identified in the ten-day notice given by permittees to the division, a revised ten-day notice shall be submitted to the division.

**155.5(2)** No change.

**155.5(3) Format.** The notice shall be submitted online at [www.iowadivisionoflabor.gov](http://www.iowadivisionoflabor.gov) or be on an 8½" by 11" sheet of paper and shall contain the following information:

*a.* to *g.* No change.

**155.5(4) Disaster emergency proclamations.** For structures that are both located in an area that is subject to a disaster emergency proclamation pursuant to Iowa Code section 29C.6 and damaged by circumstances related to those that caused the disaster emergency proclamation, the permittee shall file the notice described by this rule as early as possible, but not later than the working day following the initiation of the project. A description of the disaster and the disaster emergency proclamation shall be included in the notice.

[Filed 3/17/22, effective 5/11/22]

[Published 4/6/22]

EDITOR'S NOTE: For replacement pages for IAC, see IAC Supplement 4/6/22.

**ARC 6268C**

**PUBLIC HEALTH DEPARTMENT[641]**

**Adopted and Filed**

**Rule making related to diabetes education programs**

The Public Health Department hereby amends Chapter 9, "Outpatient Diabetes Education Programs," Iowa Administrative Code.

*Legal Authority for Rule Making*

This rule making is adopted under the authority provided in Iowa Code section 135.11.

*State or Federal Law Implemented*

This rule making implements, in whole or in part, Iowa Code section 135.11.



PUBLIC HEALTH DEPARTMENT[641](cont'd)

*Purpose and Summary*

The amendments reflect revisions related to an external organization's name and a credential designation. Clarifying revisions are also adopted for acronyms and a few other items.

*Public Comment and Changes to Rule Making*

Notice of Intended Action for this rule making was published in the Iowa Administrative Bulletin on January 26, 2022, as **ARC 6156C**. No public comments were received. No changes from the Notice have been made.

*Adoption of Rule Making*

This rule making was adopted by the State Board of Health on March 9, 2022.

*Fiscal Impact*

This rule making has no fiscal impact to the State of Iowa.

*Jobs Impact*

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

*Waivers*

Any person who believes that the application of the discretionary provisions of this rule making would result in hardship or injustice to that person may petition the Department for a waiver of the discretionary provisions, if any, pursuant to the Department's waiver provisions contained in 641—Chapter 178.

*Review by Administrative Rules Review Committee*

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

*Effective Date*

This rule making will become effective on May 11, 2022.

The following rule-making actions are adopted:

ITEM 1. Adopt the following **new** definitions of “ADCES” and “Certified diabetes care and education specialist” in rule **641—9.2(135)**:

“*ADCES*” means the Association of Diabetes Care and Education Specialists.

“*Certified diabetes care and education specialist*” means a person currently certified by the Certification Board for Diabetes Care and Education.

ITEM 2. Amend rule **641—9.2(135)**, definitions of “Accredited” and “Pharmacist,” as follows:

“*Accredited*” means that a program is currently accredited by the ~~American~~ Association of Diabetes Care and Education Specialists (ADCES)/American Association of Diabetes Educators (AADE).

“*Pharmacist*” means a person currently licensed to practice pharmacy under Iowa Code chapter ~~455~~ 155A.

ITEM 3. Amend subrule 9.3(1) as follows:

**9.3(1)** ~~Develop minimum standards in coordination with the American Diabetes Association for certification aligned with the National Standards for Diabetes Self-Management Education and Support published by the ADA and the American Association of Diabetes Educators ADCES/AADE.~~

PUBLIC HEALTH DEPARTMENT[641](cont'd)

ITEM 4. Amend subrule 9.3(5) as follows:

**9.3(5)** Assign a ~~program~~ site number and an expiration date and issue a certificate to each program that meets the standards. A certificate shall be valid for four years from issuance unless specified otherwise on the certificate or unless sooner revoked.

ITEM 5. Amend rules 641—9.4(135) to 641—9.10(135) as follows:

**641—9.4(135) Application procedures for American Diabetes Association-recognized and ~~American Association of Diabetes Care and Education Specialists/American Association of Diabetes Educators~~-accredited programs.** When a program is recognized by the ~~American Diabetes Association~~ ADA or accredited by the ~~American Association of Diabetes Educators~~ ADCES/AADE, the program shall apply for certification by submitting the following to the department:

**9.4(1)** A copy of the Certificate of Recognition provided by the ADA or the Certificate of Accreditation provided by ~~AADE~~ the ADCES/AADE.

**9.4(2)** The name, address and telephone number for the program.

**9.4(3)** The ~~names~~ name and email address of the program coordinator; and the names of the program physician, primary and supporting instructors, and advisory committee members.

**9.4(4)** Copies of current licenses for all Iowa-licensed professionals named in 9.4(3).

**9.4(5)** The name and a copy of both the Iowa licenses and continuing education hours of any pharmacist who serves as program staff. A pharmacist shall be a primary or supporting instructor or advisory committee member and shall meet the education requirements in 9.8(6), 9.8(7) or 9.8(8).

**641—9.5(135) Renewal procedures for American Diabetes Association-recognized and ~~American Association of Diabetes Care and Education Specialists/American Association of Diabetes Educators~~-accredited programs.** Programs shall renew their certification every four years, at least 30 days prior to the expiration date. To apply for renewal of certification, the ADA-recognized program or the ~~AADE~~ ADCES/AADE-accredited program shall submit the following to the department:

**9.5(1)** A copy of the new ADA Certificate of Recognition or ~~AADE~~ ADCES/AADE Certificate of Accreditation.

**9.5(2)** The name, address and telephone number for the program.

**9.5(3)** The ~~names~~ name and email address of the program coordinator; and the names of the program physician, primary and supporting instructors, and advisory committee members.

**9.5(4)** Copies of current licenses for all Iowa-licensed professionals named in 9.5(3).

**9.5(5)** The name and a copy of both the Iowa licenses and continuing education hours of any pharmacist who serves as program staff. A pharmacist shall be a primary or supporting instructor or advisory committee member and shall meet the continuing education requirements in 9.9(7).

**641—9.6(135) Application procedures for programs not recognized by the American Diabetes Association or accredited by the ~~American Association of Diabetes Care and Education Specialists/American Association of Diabetes Educators~~.**

**9.6(1)** Each program shall apply for certification with the department.

**9.6(2)** Applications from programs not recognized by the ADA or accredited by ~~AADE~~ the ADCES/AADE shall provide the following information:

*a.* Name, address and telephone number for the program, program physician and program coordinator and email address of the program coordinator. The names of instructional staff and advisory committee members and copies of their current Iowa licenses shall also be included.

*b.* Identification of the target population, an estimate of the program caseload, estimated number of programs to be conducted annually, minimum and maximum class size, and a calendar identifying the hours per day and number of days per week scheduled in individual or group instruction to meet the minimum course requirements.

*c.* A description of goals and objectives, participant referral mechanism, and means of coordinating between the community, physicians, and program staff.

*d.* Evaluation methods designed by individual programs and samples of documents to be used.

## PUBLIC HEALTH DEPARTMENT[641](cont'd)

e. A description of the curriculum designed to instruct the participant with diabetes how to achieve self-management competency. The curriculum shall cover the same content areas as are required by the ADA for recognition or the ~~AADE~~ ADCES/AADE for accreditation including:

(1) to (7) No change.

(8) Reducing risks: includes prevention, detection, and treatment of acute complications (including hypoglycemia, hyperglycemia, diabetic ketoacidosis, sick days, and severe weather or crisis supply management) and chronic complications; (including foot, skin eye and dental care; exams; immunizations; and kidney function testing as indicated).

(9) to (11) No change.

**641—9.7(135) Diabetes program management for programs not recognized by the American Diabetes Association or accredited by the ~~American Association of Diabetes Care and Education Specialists/American Association of Diabetes Educators.~~**

**9.7(1) to 9.7(4)** No change.

**641—9.8(135) Program staff for programs not recognized by the American Diabetes Association or accredited by the ~~American Association of Diabetes Care and Education Specialists/American Association of Diabetes Educators.~~**

**9.8(1) to 9.8(5)** No change.

**9.8(6)** All primary instructors shall show evidence of knowledge about the disease process of diabetes and the treatment and management of people with diabetes by documentation of one or more of the following:

a. Within the last four years, completion of a minimum of 32 hours of continuing education in diabetes, diabetes management, or diabetes education; ~~or.~~

b. Equivalent training or experience including, but not limited to, endocrinology fellowship training or masters level preparation in diabetes nursing/nutrition. Unsupervised teaching of patients is not an acceptable equivalent.

c. Current certification as a certified diabetes care and education specialist/certified diabetes educator.

**9.8(7)** All supporting instructors shall show evidence of knowledge about the disease process of diabetes and the treatment and management of people with diabetes by documentation of completion of a minimum of 16 hours of continuing education in diabetes, diabetes management, or diabetes education within the last four years or have current certification as a certified diabetes care and education specialist/certified diabetes educator.

**9.8(8) to 9.8(10)** No change.

**641—9.9(135) Renewal application procedures for programs not recognized by the American Diabetes Association or accredited by the ~~American Association of Diabetes Care and Education Specialists/American Association of Diabetes Educators.~~** Every four years, programs shall provide the following information to the department at least 30 days prior to the expiration date.

**9.9(1)** Name, address and telephone number of the program, program physician and program coordinator, ~~with;~~ email address of the program coordinator; and names of instructional staff and advisory committee members and copies of current licenses for all Iowa-licensed professionals.

**9.9(2) to 9.9(7)** No change.

**641—9.10(135) Annual report.** Summary data shall be completed annually by each program and sent to the department at a time determined by the department. The data shall include but not be limited

PUBLIC HEALTH DEPARTMENT[641](cont'd)

to the number of times the program was presented, the number of outpatients that participated, and a summarized description of program participants including type of diabetes, age, race and sex.

[Filed 3/14/22, effective 5/11/22]

[Published 4/6/22]

EDITOR'S NOTE: For replacement pages for IAC, see IAC Supplement 4/6/22.

**ARC 6269C**

**PUBLIC HEALTH DEPARTMENT[641]**

**Adopted and Filed**

**Rule making related to the personal responsibility education program and the Title V state sexual risk avoidance grant program**

The Public Health Department hereby adopts new Chapter 78, "Personal Responsibility Education Program and Title V State Sexual Risk Avoidance Education Grant Program Funding and Restrictions," Iowa Administrative Code.

*Legal Authority for Rule Making*

This rule making is adopted under the authority provided in 2019 Iowa Acts, House File 766, section 99.

*State or Federal Law Implemented*

This rule making implements, in whole or in part, 2019 Iowa Acts, House File 766, section 99.

*Purpose and Summary*

The purpose of Chapter 78 is to adopt the requirements of 2019 Iowa Acts, House File 766, section 99, to exclude, as an eligible applicant, any entity that performs abortions, promotes abortions, maintains or operates a facility where abortions are performed or promoted, contracts or subcontracts with an entity that performs or promotes abortions, becomes or continues to be an affiliate of any entity that performs or promotes abortions, or regularly makes referrals to an entity that provides or promotes abortions or maintains or operates a facility where abortions are performed. However, this prohibition shall not be interpreted to include a nonpublic entity that is a distinct location of a nonprofit health care delivery system, if the distinct location provides programming through the Personal Responsibility Education Program (PREP) or the Title V State Sexual Risk Avoidance Education Grant Program (SRAE) but does not perform abortions or maintain or operate as a facility where abortions are performed.

*Public Comment and Changes to Rule Making*

Notice of Intended Action for this rule making was published in the Iowa Administrative Bulletin on January 26, 2022, as **ARC 6160C**. No public comments were received. No changes from the Notice have been made.

*Adoption of Rule Making*

This rule making was adopted by the State Board of Health on March 9, 2022.

*Fiscal Impact*

This rule making has no fiscal impact to the State of Iowa.

PUBLIC HEALTH DEPARTMENT[641](cont'd)

*Jobs Impact*

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

*Waivers*

Any person who believes that the application of the discretionary provisions of this rule making would result in hardship or injustice to that person may petition the Department for a waiver of the discretionary provisions, if any, pursuant to the Department's waiver provisions contained in 641—Chapter 178.

*Review by Administrative Rules Review Committee*

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

*Effective Date*

This rule making will become effective on May 11, 2022.

The following rule-making action is adopted:

Adopt the following **new** 641—Chapter 78:

## CHAPTER 78

## PERSONAL RESPONSIBILITY EDUCATION PROGRAM AND TITLE V STATE SEXUAL RISK AVOIDANCE EDUCATION GRANT PROGRAM FUNDING AND RESTRICTIONS

**641—78.1(88GA,HF766) Purpose.** The purpose of this chapter is to set forth guidelines and limitations for the use of funds from the Personal Responsibility Education Program (PREP) and the Title V State Sexual Risk Avoidance Education Grant Program (SRAE).

**641—78.2(88GA,HF766) Definitions.**

*“Administer”* means to implement PREP or SRAE through contracts entered into by the department and selected private, governmental, and nonprofit organizations to provide programming directly to youth participants. *“Administer”* does not mean the evaluation of PREP or SRAE or the management of federal performance measures data collection for PREP or SRAE programming. *“Administer”* also does not mean providing training and technical assistance.

*“Affiliate”* means a business, corporate, or financial relationship in which an entity is controlled by or under common control with an entity that performs or promotes abortions.

*“Department”* means the Iowa department of public health.

*“Nonprofit health care delivery system”* means an Iowa nonprofit corporation that controls, directly or indirectly, a regional health care network consisting of hospital facilities and various ambulatory and clinic locations that provide a range of primary, secondary, and tertiary inpatient, outpatient, and physician services.

*“PREP”* means the Personal Responsibility Education Program as specified in 42 U.S.C. Section 713.

*“Regularly”* means recurring, routine, and conducted in conformity with established or prescribed rules or policy.

*“SRAE”* means the Sexual Risk Avoidance Education Grant Program authorized pursuant to Section 510 of Title V of the federal Social Security Act, 42 U.S.C. Section 710 as amended by Section 50502 of the federal Bipartisan Budget Act of 2018, Public Law 115-123, and as further amended by Division S, Title VII, Section 701 of the federal Consolidated Appropriations Act of 2018, Public Law 115-141.

PUBLIC HEALTH DEPARTMENT[641](cont'd)

**641—78.3(88GA, HF766) Distribution of grant funds.** Distribution of grant funds shall be made in a manner that continues access to PREP and SRAE programming.

**78.3(1) Priority.** The department shall distribute all grant funds received to eligible private, governmental, and nonprofit organizations or agencies that are able to deliver services to a county or counties as defined and prioritized by the department.

**78.3(2) Funds restrictions—abortion.**

*a.* Any contract entered into on or after July 1, 2019, by the department to administer PREP or SRAE shall exclude as an eligible applicant any applicant entity that performs abortions, promotes abortions, maintains or operates a facility where abortions are performed or promoted, contracts or subcontracts with an entity that performs or promotes abortions, becomes or continues to be an affiliate of any entity that performs or promotes abortions, or regularly makes referrals to an entity that provides or promotes abortions or maintains or operates a facility where abortions are performed.

*b.* This prohibition shall not be interpreted to include a nonpublic entity that is a distinct location of a nonprofit health care delivery system, if the distinct location provides programming through PREP or SRAE but does not perform abortions or maintain or operate a facility where abortions are performed.

*c.* For the purposes of these rules, “abortion” does not include any of the following:

(1) The treatment of a woman for a physical disorder, physical injury, or physical illness, including a life-endangering physical condition caused by or arising from the pregnancy itself, that would, as certified by a physician, place the woman in danger of death.

(2) The treatment of a woman for a spontaneous abortion, commonly known as a miscarriage, when not all of the products of human conception are expelled.

**78.3(3) Distinct provider identification number and attestation.**

*a.* Each distinct location of a nonprofit health care delivery system receiving funds from the department under these rules shall be assigned a unique identification number by the department.

*b.* Each distinct location of a nonprofit health care delivery system receiving funds from the department under these rules to administer PREP or SRAE shall provide to the department, on forms provided by the department, a signed attestation that abortions are not performed at the distinct location. The attestation will be completed annually during the application process.

These rules are intended to implement 2019 Iowa Acts, House File 766, section 99.

[Filed 3/14/22, effective 5/11/22]

[Published 4/6/22]

EDITOR’S NOTE: For replacement pages for IAC, see IAC Supplement 4/6/22.

**ARC 6270C**

**PUBLIC HEALTH DEPARTMENT[641]**

**Adopted and Filed**

**Rule making related to local public health services**

The Public Health Department hereby rescinds Chapter 80, “Local Public Health Services,” Iowa Administrative Code, and adopts a new Chapter 80 with the same title.

*Legal Authority for Rule Making*

This rule making is adopted under the authority provided in Iowa Code section 135.11(13).

*State or Federal Law Implemented*

This rule making implements, in whole or in part, Iowa Code section 135.11(13).

PUBLIC HEALTH DEPARTMENT[641](cont'd)

*Purpose and Summary*

The amendment streamlines Chapter 80 by focusing the use of local public health services (LPHS) funds on public health systems work and emphasizing core public health functions, essential services, and public health interventions. Revisions incorporated in new Chapter 80 serve to advance the health of the population through a systems-level approach while providing opportunities to protect and improve the health of every Iowan.

*Public Comment and Changes to Rule Making*

Notice of Intended Action for this rule making was published in the Iowa Administrative Bulletin on January 26, 2022, as **ARC 6158C**. One public comment was received, expressing appreciation of the streamlined and focused nature of the new rules. No changes from the Notice have been made.

*Adoption of Rule Making*

This rule making was adopted by the State Board of Health on March 9, 2022.

*Fiscal Impact*

This rule making has no fiscal impact to the State of Iowa.

*Jobs Impact*

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

*Waivers*

Any person who believes that the application of the discretionary provisions of this rule making would result in hardship or injustice to that person may petition the Department for a waiver of the discretionary provisions, if any, pursuant to the Department's waiver provisions contained in 641—Chapter 178.

*Review by Administrative Rules Review Committee*

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

*Effective Date*

This rule making will become effective on July 1, 2022.

The following rule-making action is adopted:

Rescind 641—Chapter 80 and adopt the following **new** chapter in lieu thereof:

CHAPTER 80  
LOCAL PUBLIC HEALTH SERVICES

**641—80.1(135) Purpose.** The purpose of the local public health services (LPHS) contract is to assure core public health functions are met, to assure essential public health services are delivered, and to increase the capacity of local boards of health to meet the unique needs of the population while promoting healthy people in healthy communities throughout their life spans.

**641—80.2(135) Definitions.** For the purposes of these rules, the following definitions apply:

“*Allocation*” means the process to distribute funds.

## PUBLIC HEALTH DEPARTMENT[641](cont'd)

*“Appropriation”* means the funding amount approved in the state budget.

*“Community”* means the aggregate of persons with common characteristics such as race, ethnicity, age, occupation, or other similarities such as location.

*“Contractor”* means a local board of health (LBOH).

*“Core public health functions”* means the functions of assessment, policy development, and assurance:

1. Assessment means regular collection, analysis, interpretation, and communication of information about health conditions, risks, and assets in a community.

2. Policy development means formulation, implementation, and evaluation of plans and policies, for public health in general and priority health needs in particular, in a manner that incorporates scientific information and community values in accordance with state public health policy.

3. Assurance means that programs and interventions, which maintain and improve health, are carried out by encouragement, regulation, or direct action.

*“Department”* means the Iowa department of public health.

*“Elderly”* means an individual aged 60 years and older.

*“Essential public health services”* means a framework for public health to promote and protect the health of all people in all communities.

*“Formula”* means the mathematical calculation applied to the state appropriation and granted to each local board of health pursuant to Iowa Code section 135.11(13) to determine the amount of available funds to be distributed to each county.

*“Local board of health”* or *“LBOH”* means a county or district board of health as defined in Iowa Code chapter 137.

*“Low income”* means the U.S. Census Bureau’s small area income and poverty estimates (SAIPE) used to determine low income.

*“LPHS”* means local public health services.

*“Public health intervention”* means an organized effort to promote behaviors and habits that can improve physical, mental, and emotional health for specific groups of people.

*“Work plan”* means the plan established by the contractor to identify the details for implementing core functions and essential public health services.

**641—80.3(135) Contractor assurances.**

**80.3(1)** The contractor may directly provide or subcontract all or part of the delivery of essential public health services and public health interventions.

**80.3(2)** The contractor shall make certain the following:

*a.* A work plan is submitted annually through an application process that identifies the intended public health interventions and essential public health services for the designated fiscal year;

*b.* Staff are available to meet the core public health functions, deliver essential public health services, and implement the public health interventions outlined in the work plan;

*c.* As applicable, contractors will assure that policies and procedures are available for public health interventions and essential public health services identified in the work plan;

*d.* Fiscal accountability of funds is monitored;

*e.* Contract-required documentation, including performance metrics, is submitted by the established deadline;

*f.* A local appeal process is available for public health interventions identified in the work plan; and

*g.* All applicable local, state, and federal requirements are met.

**641—80.4(135) Utilization of LPHS contract funding.** The contractor may bill the department for staff time, salaries and benefits, and other necessary costs to implement the approved work plan.

**80.4(1) Planning process.** Annually, the contractor shall conduct a planning process to identify the utilization of LPHS contract funding that considers the unique and changing needs of the communities served.



PUBLIC HEALTH DEPARTMENT[641](cont'd)

**80.4(2) Reallocation.** The department will annually determine the potential for unused funds from contracts. Reallocation of the funds shall be at the discretion of the department.

**641—80.5(135) LPHS funds.**

**80.5(1) Allocation for LPHS funds.** Allocation for LPHS funds to each contractor is determined by the following formula:

*a.* Eighteen percent of the total LPHS funds shall be divided so that an equal amount is available for use in each county in the state.

*b.* Eight percent of the total LPHS funds shall be allocated to each county according to the county's population based upon the published data of the U.S. Census Bureau, which is the most recent data available three months prior to the release of the LPHS application.

*c.* Forty-four percent of the total LPHS funds shall be allocated according to the proportion of state residents who are elderly persons living in a county based upon the bridged-race population estimates produced by the U.S. Census Bureau in collaboration with the National Center for Health Statistics (NCHS).

*d.* Thirty percent of the total LPHS funds shall be allocated according to the proportion of state residents who are low-income persons living in a county based upon the U.S. Census Bureau's small area income and poverty estimates (SAIPE).

**80.5(2) Reserved.**

These rules are intended to implement Iowa Code section 135.11(13).

[Filed 3/14/22, effective 7/1/22]

[Published 4/6/22]

EDITOR'S NOTE: For replacement pages for IAC, see IAC Supplement 4/6/22.

**ARC 6267C**

**REVENUE DEPARTMENT[701]**

**Adopted and Filed**

**Rule making related to Hoover presidential library tax credit**

The Revenue Department hereby amends Chapter 42, "Adjustments to Computed Tax and Tax Credits," Chapter 52, "Filing Returns, Payment of Tax, Penalty and Interest, and Tax Credits," and Chapter 58, "Filing Returns, Payment of Tax, Penalty and Interest, and Tax Credits," Iowa Administrative Code.

*Legal Authority for Rule Making*

This rule making is adopted under the authority provided in Iowa Code section 422.68.

*State or Federal Law Implemented*

This rule making implements, in whole or in part, 2021 Iowa Acts, House File 588.

*Purpose and Summary*

This rule making implements 2021 Iowa Acts, House File 588, which created a Hoover Presidential Library Tax Credit for donations made to the Hoover Presidential Foundation for the Hoover Presidential Library and Museum Renovation Project Fund. The credit is available against a number of different tax types for donations made on or after July 1, 2021, and during tax years beginning on or after January 1, 2021, but before January 1, 2024.

The Economic Development Authority authorizes and controls the distribution of tax credits. The aggregate amount of tax credits that the Economic Development Authority may authorize is \$5 million.

## REVENUE DEPARTMENT[701](cont'd)

These rules describe requirements for claiming the tax credit, including tax credit certificate issuances, carryforward, and other claim restrictions and requirements.

*Public Comment and Changes to Rule Making*

Notice of Intended Action for this rule making was published in the Iowa Administrative Bulletin on October 20, 2021, as **ARC 5986C**. No public comments were received. No changes from the Notice have been made.

*Adoption of Rule Making*

This rule making was adopted by the Department on March 1, 2022.

*Fiscal Impact*

This rule making has no fiscal impact to the State of Iowa beyond that of the legislation it is intended to implement.

*Jobs Impact*

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

*Waivers*

Any person who believes that the application of the discretionary provisions of this rule making would result in hardship or injustice to that person may petition the Department for a waiver of the discretionary provisions, if any, pursuant to rule 701—7.28(17A).

*Review by Administrative Rules Review Committee*

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

*Effective Date*

This rule making will become effective on May 11, 2022.

The following rule-making actions are adopted:

ITEM 1. Adopt the following **new** rule 701—42.57(15E,422):

**701—42.57(15E,422) Hoover presidential library tax credit.**

**42.57(1) In general.**

*a.* A taxpayer who makes an unconditional charitable donation to the Hoover presidential foundation for the Hoover presidential library and museum renovation project fund may qualify for a Hoover presidential library tax credit, subject to the availability of the credit and approval by the economic development authority.

*b.* The credit is equal to 25 percent of a donor's unconditional charitable donation that meets both of the following requirements:

(1) The donation is made on or after July 1, 2021.

(2) The donation is made during a donor's tax year beginning on or after January 1, 2021, but before January 1, 2024.

*c.* The amount of the donation for which the tax credit is claimed is not deductible in determining taxable income for Iowa tax purposes.

## REVENUE DEPARTMENT[701](cont'd)

d. The administrative rules for the economic development authority's administration of this program are found in 261—Chapter 43 and describe the tax credit program cap limitations including reserved amounts, donor cap limitations, the application process and waitlist, and other requirements.

**42.57(2) Claiming the credit.**

a. *Issuance of tax credit certificates.* The economic development authority shall issue a tax credit certificate to each taxpayer who makes a qualifying donation and whose tax credit application has been approved. The tax credit certificate, designed by the department, will contain the name, address, and tax identification number of the taxpayer; the amount and date the contribution was made; the amount of the credit; the tax year to which the credit may be applied; the tax credit certificate number; and any other information required by the department. The tax credit certificate must be included with the tax return for the tax year during which the tax credit is claimed.

b. *Year of claim.* The tax credit shall be claimed for the tax year during which the donation is made. However, for a donor who has an application placed on the waitlist described in 261—subrule 43.5(3) and later has the waitlisted application approved for a reserved tax credit amount, the waitlisted donor shall claim the tax credit for the tax year during which the tax credit certificate is issued.

c. *Allocation of credit to owners of a business entity or to beneficiaries of an estate or trust.* If the taxpayer claiming the Hoover presidential library tax credit is a partnership, limited liability company, S corporation, estate, or trust electing to have income taxed directly to the individual, an individual may claim the credit. The amount claimed by the individual shall be based upon the pro rata share of the individual's earnings from the partnership, limited liability company, S corporation, estate, or trust.

d. *Carryforward.* Any tax credit in excess of the donor's tax liability for the tax year is not refundable but may be credited to the tax liability for the following five years or until depleted, whichever occurs first. A tax credit shall not be carried back to a tax year prior to the tax year for which the donor claims the tax credit.

e. *Transferability.* The credit may not be transferred to any other person.

This rule is intended to implement Iowa Code sections 15E.364 and 422.11T as enacted by 2021 Iowa Acts, House File 588, sections 1 and 2.

ITEM 2. Adopt the following **new** rule 701—52.50(15E,422):

**701—52.50(15E,422) Hoover presidential library tax credit.** A Hoover presidential library tax credit is available according to the same requirements, conditions, and limitations as described in rule 701—42.57(15E,422) and 261—Chapter 43.

This rule is intended to implement Iowa Code sections 15E.364 and 422.33(31) as enacted by 2021 Iowa Acts, House File 588, sections 1 and 3.

ITEM 3. Adopt the following **new** rule 701—58.25(15E,422):

**701—58.25(15E,422) Hoover presidential library tax credit.** A Hoover presidential library tax credit is available according to the same requirements, conditions, and limitations as described in rule 701—42.57(15E,422) and 261—Chapter 43.

This rule is intended to implement Iowa Code sections 15E.364 and 422.60(14) as enacted by 2021 Iowa Acts, House File 588, sections 1 and 4.

[Filed 3/11/22, effective 5/11/22]

[Published 4/6/22]

EDITOR'S NOTE: For replacement pages for IAC, see IAC Supplement 4/6/22.

ARC 6287C

## TRANSPORTATION DEPARTMENT[761]

Adopted and Filed

## Rule making related to motor vehicle registration and certificates of title

The Transportation Department hereby amends Chapter 400, “Vehicle Registration and Certificate of Title,” Iowa Administrative Code.

*Legal Authority for Rule Making*

This rule making is adopted under the authority provided in Iowa Code sections 307.12, 321.20, 321.34 and 435.26B.

*State or Federal Law Implemented*

This rule making implements, in whole or in part, Iowa Code sections 321.19, 321.20, 321.25, 321.34, 321.37, 321.50, 321.103, 321.126, 321.129, 321.170, 435.26B and 554D.103(8).

*Purpose and Summary*

This rule making relates to the vehicle registration and certificate of title process and aligns with existing legal authority and Department practice. It also eliminates outdated or irrelevant requirements or options and accommodates modern electronic procedures and terminology. The following paragraphs describe the specific amendments:

**Contiguous county registration.** The amendments add a new definition of “contiguous county” and update the rules addressing where an applicant shall apply for vehicle registration and title to conform with Iowa Code section 321.20(4), which requires the Department to implement a process that allows a person to register and title a vehicle in a county that is contiguous to the person’s county of residence.

**Electronic lien and title.** The amendments add a new definition of “electronic lien and title” or “ELT” as well as a new rule about ELT, which is a system that facilitates the electronic security interest process intended in Iowa Code section 321.50(4). The rule aligns with the current Department practice of providing a security interest holder with an electronic record of a title when a security interest has been delivered to the Department by electronic means.

**Registration products and plates for exempt vehicles.** The amendments update the general provisions for issuing vehicle registration and a certificate of title to identify all the products that are distributed during the registration transaction, namely, the vehicle registration, certificate of title, receipt, validation sticker and license plates. The amendments also add new subrule 400.2(10), which conforms with the current Department practice for issuing registration plates to exempted vehicles, including issuing regular registration plates to certain eligible agencies under Iowa Code section 321.19(1)“c.”

**Title and registration application and supporting documents.** The amendments update the rules related to vehicle registration and title application requirements and supporting documents as follows:

- Specify that if there are two or more owners of a vehicle, all owner signatures are required on the application.
- Comply with existing Department practice of requiring a lessor to include the leasing number on the application for a leased vehicle, if applicable.
- Update the rules to encompass the use of electronic registration and titling (ERT) by a dealer when delivering a vehicle to another dealer for sale to a customer. This change is meant to address the way the rule currently reads, which makes it appear to allow use of ERT only when the dealer is selling a vehicle directly to a customer. This will allow flexibility in the submission process for the vehicle owner’s written authorization.
- Align with the current Department practice of comparing the security interest listed on the certificate of title with the security interest listed on the reverse side of the manufacturer’s certificate of origin

## TRANSPORTATION DEPARTMENT[761](cont'd)

(MCO) and more accurately reflecting Iowa Code, which allows a final-stage vehicle manufacturer to assign an incomplete MCO to retail buyers.

- Clarify that a signature, unless otherwise specified, includes an ink signature or an electronic signature, which also aligns with the new definition of signature included in this rule making.

**Bonded titles.** The amendments update the bonded title process rules to align with current Department practice and provide further detail as to what steps the Department will take if an owner of record or security interest is found during a records search for a vehicle subject to the bonded title process.

**Temporary registration.** The amendments update the rule governing temporary use of a vehicle without license plates or a registration card to align with Iowa Code section 321.25, which states a person may operate a vehicle with a temporary registration for 45 days from the date the vehicle was delivered, rather than the date when the vehicle was purchased.

**Voluntary contributions to anatomical gift fund.** The amendments address voluntary contributions made to the Anatomical Gift Public Awareness and Transplantation Fund during a vehicle registration transaction to clarify that funds are transferred monthly rather than quarterly.

**Manufactured or mobile homes.** The amendments update the rule encompassing certificate of title requirements in a situation where a manufactured or mobile home is converted to or from real property to align with the Iowa Code and Department of Revenue rules addressing the scenarios that can occur at the time of conversion. Specifically, the amendments address what the secured party, owner, assessor, or county treasurer should do in each of those scenarios. Ensuring that a proper initial conversion process is followed will help streamline the reconversion process. Also, new subrule 400.40(3) conforms the rules with Iowa Code section 435.26B. The subrule outlines the current Department practice of utilizing Form 411186 when an owner is surrendering a certificate of title for a manufactured or mobile home, and it sets a records search fee of \$5 as authorized by Iowa Code section 435.26B.

**Fee refunds and credits.** The amendments update the rule related to fee refunds and credits to allow a statement of nonuse to be used for vehicles registered under the International Registration Plan pursuant to Iowa Code chapter 326. In addition, these amendments align the refund process for annual registration fees with the requirements set forth in Iowa Code section 321.126, and they also outline how the Department will round credits in the uncommon scenario where a customer may be receiving credit from two registration years.

**Notice of vehicle registration suspension or revocation.** The amendments more clearly outline the notice requirements when issuing a vehicle registration suspension or revocation, including specifying the basis for the suspension or revocation and providing information regarding how a person subject to suspension or revocation may come back into compliance and have the suspension or revocation lifted.

**License plate stickers and surrender of plates.** The amendments update the rules addressing license plate stickers to clarify that because of the design of the “flying our colors” license plate, a person with that plate who also has a persons with disabilities sticker or special truck sticker must affix the sticker to the lower left corner of the plate rather than the lower right corner so as to not obscure the plate text. These amendments also update the rule related to disposal of surrendered registration plates by requiring the county treasurer to return surrendered plates to Iowa Prison Industries rather than destroy the plates, which will help ensure credit is received for the returned plates.

*Public Comment and Changes to Rule Making*

Notice of Intended Action for this rule making was published in the Iowa Administrative Bulletin on February 9, 2022, as **ARC 6175C**. No public comments were received. No changes from the Notice have been made.

*Adoption of Rule Making*

This rule making was adopted by the Department on March 16, 2022.

TRANSPORTATION DEPARTMENT[761](cont'd)

*Fiscal Impact*

This rule making has minimal fiscal impact to the State of Iowa. The \$5 fee for the Department to complete the records search required to process the affidavit in lieu of surrender of title for mobile homes under subrule 400.40(3) will impact approximately 15 transactions per year, and will result in approximately \$75 (15 x \$5) of additional funds being deposited into the Road Use Tax Fund annually.

*Jobs Impact*

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

*Waivers*

Any person who believes that the application of the discretionary provisions of this rule making would result in hardship or injustice to that person may petition the Department for a waiver of the discretionary provisions, if any, pursuant to 761—Chapter 11.

*Review by Administrative Rules Review Committee*

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

*Effective Date*

This rule making will become effective on May 11, 2022.

The following rule-making actions are adopted:

ITEM 1. Amend rule **761—400.1(321)**, parenthetical implementation statute, as follows:

**761—400.1(321,322,544) Definitions.**

ITEM 2. Adopt the following **new** definitions of “Contiguous county,” “Electronic lien and title” and “Signature” in rule **761—400.1(321)**:

“*Contiguous county*” means any county in Iowa that directly borders an adjacent Iowa county, including sharing a common corner or corners.

“*Electronic lien and title*” or “*ELT*” means an information technology system authorized by the department for the purpose of providing an electronic record of the certificate of title to a security interest holder in order to subject a vehicle to an electronic lien and to allow for the submission and receipt of forms related to security interests through electronic means as described in Iowa Code section 321.50.

“*Signature*,” unless otherwise specified, shall include a signature in ink or an electronic signature as provided in Iowa Code section 554D.103(9). A requirement to sign a document unless otherwise specified shall allow for a signature in ink or an electronic signature.

ITEM 3. Amend rule **761—400.1(321)**, definition of “Manufacturer’s certificate of origin,” as follows:

“*Manufacturer’s certificate of origin*” means a certification signed by the manufacturer, distributor or importer that the vehicle described has been transferred to the person or dealer named and that the transfer is the first transfer of the vehicle in ordinary trade and commerce.

1. and 2. No change.

3. For 1992 and subsequent model year vehicles, the form used for manufacturers’ certificates of origin shall be the universal form adopted in 1990 by the American Association of Motor Vehicle Administrators (AAMVA). This requirement does not apply to trailer-type vehicles. A copy of this

## TRANSPORTATION DEPARTMENT[761](cont'd)

universal form may be obtained from the motor vehicle and motor carrier services bureau division at the address in subrule 400.6(1).

ITEM 4. Amend rule ~~761—400.1(321)~~, implementation sentence, as follows:

This rule is intended to implement Iowa Code chapter 554D and sections 321.1, 321.8, 321.20, 321.23, 321.24, 321.40, 321.45, 321.50, 321.116, 321.117, 321.123, 321.134, 321.157 and 322.2.

ITEM 5. Amend rule 761—400.2(321) as follows:

**761—400.2(321,322) Vehicle registration, and certificate of title, receipt, validation sticker and registration plates—general provisions.**

**400.2(1)** No change.

**400.2(2)** *Vehicles exempt from titling or registration.* A certificate of title shall not be issued for a vehicle which is exempt from the titling or registration provisions of Iowa Code chapter 321, unless issuance of a certificate of title is specifically authorized in Iowa Code chapter 321 or as provided in 761—Chapter 410.

**400.2(3)** *Issuance of a certificate of title, receipt, validation sticker and registration plates upon payment of registration fees.* Except as otherwise provided in Iowa Code chapter 321 or this chapter of rules, the current year registration fee and any delinquent registration fees and penalties, if any, shall be paid prior to issuance of a certificate of title, receipt, validation sticker and registration plates.

**400.2(4) to 400.2(9)** No change.

**400.2(10)** *Plates for exempted vehicles.* Upon application, the department shall issue plates for exempted vehicles under subrules 400.2(5), 400.2(6) and 400.2(8) in accordance with the requirements in Iowa Code sections 321.18, 321.19, 321.22 and 321.170, as applicable, and this chapter. As authorized by Iowa Code sections 8A.361 and 8A.362(7), the Iowa department of administrative services may order the issuance of regular registration plates for exempted vehicles assigned to the Iowa department of administrative services. The following process applies to regular registration plates issued to an exempted vehicle under Iowa Code section 321.19(1)“c”:

*a.* The requesting agency under Iowa Code section 321.19(1)“c,” other than the Iowa department of administrative services, shall file an application with the department in the form and manner prescribed by the department and shall certify the authorized purpose for which issuance of the registration plates for an exempted vehicle is requested.

*b.* The Iowa department of administrative services or the department may order the issuance of regular registration plates for exempted vehicles as authorized by Iowa Code section 321.19(1)“c.” The plates shall be assigned to a specific vehicle. The requesting agency shall notify the department within ten days of assigning the plate to another vehicle.

*c.* In accordance with Iowa Code section 321.19, the department shall maintain separate records of regular registration plates issued to exempted vehicles, which shall be available in a manner that allows law enforcement and other persons authorized by Iowa Code section 321.11(3) to query vehicle and owner information by the registration plate number.

*d.* If a vehicle to which regular registration plates are assigned under this subrule is no longer used for an exempted purpose, the requesting agency shall surrender the plates to the department and the department shall cancel the plates. The department may revoke the plates and require the agency to surrender the plates pursuant to Iowa Code section 321.103 if the department determines use of the plates is no longer authorized.

This rule is intended to implement Iowa Code sections 321.18 ~~to~~ through 321.22, 321.24, 321.34, 321.103, 321.123, 321.170 and 322C.2(19).

ITEM 6. Amend subrule 400.3(10) as follows:

**400.3(10)** *Signature of applicant.* The owner shall sign the application form ~~in ink, unless submitted electronically.~~ If there are two or more owners, all owner signatures are necessary.

ITEM 7. Amend subrule 400.3(14) as follows:

**400.3(14)** *Leased vehicle.* As required by Iowa Code section 423.26, the lessor shall list the lease price of the vehicle and the lessor’s leasing number, if applicable, on the application form.

TRANSPORTATION DEPARTMENT[761](cont'd)

ITEM 8. Amend paragraph **400.3(17)“k”** as follows:

*k.* An end user that is a motor vehicle dealer licensed by the department under Iowa Code chapter 322 or 322C and that electronically submits an application on behalf of the ~~person~~ owner or owners to whom the dealer is transferring or delivering the vehicle shall disclose to ~~the person~~ all owners or, if there is more than one owner and the title application uses “or” between the names of the owners, at least one owner, that the application will be submitted electronically and shall obtain ~~the person’s~~ written authorization from all owners, or if there is more than one owner and the title application uses “or” between the names of the owners, written authorization from at least one owner, to submit the application on the ~~person’s~~ owner’s behalf. The written authorization shall be retained at the motor vehicle dealer’s principal place of business for a period of six months from the date of application and shall be available for inspection by the department at the department’s request. The motor vehicle dealer shall also review with and disclose to the ~~person~~ owner or owners all details of the application, before submitting the application, and shall provide a complete, true, and accurate copy of the application to the ~~person~~ owner or owners immediately after submitting the application. The written authorization shall be submitted ~~electronically as a scanned document with the electronic application~~ in the form and manner required by the department.

ITEM 9. Amend subrule 400.4(1) as follows:

**400.4(1) *New vehicle.*** If application is made for a new vehicle, a manufacturer’s certificate of origin, properly assigned to the applicant, shall be submitted. A manufacturer’s certificate of origin shall not be accepted if the assignment to the applicant is made by any person other than the manufacturer, importer or distributor, a licensed motor vehicle dealer franchised to sell that line-make of vehicle, or a final-stage manufacturer motor vehicle dealer licensed under rule 761—425.11(322).

*a.* No change.

*b.* An uncanceled security interest noted on the reverse side of a manufacturer’s certificate of origin (MCO) shall be noted as a separate security interest on the certificate of title, in addition to any security interest acknowledged by the applicant, unless the ~~applicant indicates in the security interest area on the title application that~~ security interest acknowledged by the applicant is the same as the one noted on the reverse side of the MCO.

*c.* No change.

*d.* If a final-stage manufacturer is a motor vehicle dealer licensed under rule 761—425.11(322), the final-stage manufacturer may reassign the original manufacturer’s certificate of origin or an incomplete or intermediate MCO to the retail buyer.

ITEM 10. Amend rule 761—400.5(321) as follows:

**761—400.5(321) Where to apply for registration or certificate of title.**

**400.5(1)** Except as otherwise provided, application for the registration of a vehicle or a certificate of title for a vehicle, or transfers thereof, shall be made to the county treasurer as described in Iowa Code chapter 321, including, when applicable, the county treasurer of a contiguous county to the county designated for the owner under Iowa Code section 321.20(1) for registration and issuance of a certificate of title. When none of the primary users of a non-resident-owned vehicle are located in Iowa, the vehicle may be registered by the county treasurer of any county.

**400.5(2)** Application shall be made to the department’s motor vehicle ~~and motor carrier services bureau~~ division for the following:

*a. to g.* No change.

**400.5(3)** Application for a certificate of title for a vehicle subject to apportioned registration under Iowa Code chapter 326 may be made to either the county treasurer or to the department’s motor vehicle ~~and motor carrier services bureau~~ division.

**400.5(4)** Application for apportioned registration shall be made to the department’s motor vehicle ~~and motor carrier services bureau~~ division. See 761—Chapter 500.

This rule is intended to implement Iowa Code sections 321.18 ~~to~~ through 321.23, 321.46(2), and 321.170.



## TRANSPORTATION DEPARTMENT[761](cont'd)

ITEM 11. Amend subrule 400.6(1) as follows:

**400.6(1)** Information and forms for vehicle registration, certificate of title, or other procedures covered under Iowa Code sections 321.18 ~~to~~ through 321.173 may be obtained from the county treasurer or by mail from the Motor Vehicle and Motor Carrier Services Bureau Division, Iowa Department of Transportation, P.O. Box 9278, Des Moines, Iowa 50306-9278; in person at Iowa Department of Transportation, 6310 SE Convenience Blvd., Ankeny, Iowa 50021; by telephone at ~~(515)237-3264~~ (515)237-3110; or on the department's website at www.iowadot.gov.

ITEM 12. Amend subrule 400.13(1) as follows:

**400.13(1) Procedures.** This subrule describes the procedures to be followed to obtain a "bonded" certificate of title. The procedures described are in addition to the regular procedures for titling and registering a vehicle.

*a.* The applicant shall submit a bond application to the motor vehicle and motor carrier services bureau division on a form prescribed by the department. The application shall be accompanied by evidence of ownership of the vehicle.

*b.* The department shall search the state files to determine if there is an owner of record or security interest for the vehicle and if the vehicle has been reported stolen or embezzled.

(1) ~~If a an owner of record is found, the applicant shall complete a request for release of personal information form explaining that the applicant is the current owner and is requesting a duplicate title. The department shall mail the a release letter by first-class mail to the owner of record, at the owner's last-known address. The release letter shall notify the owner of the right to claim ownership of the vehicle or to waive all rights or claims.~~

(2) ~~If the owner of record makes a claim, a motor vehicle investigator shall review the claim.~~

(2) (3) ~~If the department receives no response from the owner of record within ten days after the date of mailing or the owner of record does not want the owner's personal information released, the owner of record waives all rights or claims; or if the letter is returned as undeliverable, the department will shall continue processing the bond application.~~

(4) ~~If one or more security interests are found and can be identified, the department shall send a certified letter and application for cancellation of security interest to a lienholder to the last-known address of that lienholder. If a lienholder releases the lien, the department shall continue to process the application. If a lienholder responds with a request to claim the vehicle, the department will review the claim. If the certified letter is returned as undeliverable, the department shall continue to process the application.~~

(5) ~~If one or more security interests is found but a lienholder cannot be identified because the record is held by another jurisdiction, the department shall return the application to the applicant and inform the applicant which jurisdiction holds the record(s) to the vehicle.~~

*c. to e.* No change.

ITEM 13. Amend paragraph **400.16(2)"a"** as follows:

*a.* The applicant shall apply to the county treasurer for a certificate of title and registration, including, when applicable, the county treasurer of a contiguous county to the county designated for the owner under Iowa Code section 321.20(1) for registration and issuance of a certificate of title. The county treasurer, upon receiving an application that indicates the vehicle is a specially constructed, reconstructed, street rod or replica motor vehicle, shall forward the application to a motor vehicle investigator of the department.

ITEM 14. Amend rule 761—400.19(321) as follows:

**761—400.19(321) Temporary use of vehicle without plates or registration card.**

**400.19(1)** No change.

**400.19(2) Temporary use of vehicle without registration card.** A person who acquires a vehicle which is currently registered or in a dealer's inventory at the time of sale and who has possession of plates which may be attached to the vehicle acquired may operate or permit the operation of the vehicle not to

## TRANSPORTATION DEPARTMENT[761](cont'd)

exceed 45 days from the date of ~~purchase~~ delivery or transfer without a registration card, if ownership evidence is carried in the vehicle.

**400.19(3)** No change.

This rule is intended to implement Iowa Code sections 321.25, ~~321.33~~ and 321.46.

ITEM 15. Amend rule 761—400.26(321) as follows:

**761—400.26(321) Anatomical gift.** Voluntary contributions collected by the county treasurer or the department to the anatomical gift public awareness and transplantation fund shall be in whole dollar amounts. The county treasurer and the department shall remit contributions collected ~~to the department of public health quarterly~~ monthly to the funds specified in Iowa Code section 321.44A.

This rule is intended to implement Iowa Code section 321.44A.

ITEM 16. Amend rule 761—400.40(321) as follows:

**761—400.40(321) Manufactured or mobile home converted to or from real property.**

**400.40(1)** *Conversion to real property.* When a manufactured or mobile home is converted to real property under Iowa Code section 435.26, ~~the assessor shall collect its vehicle certificate of title.~~ the process shall be as follows:

a. If a security interest is noted on the title and the secured party is given a mortgage for the land on which the home is located, the assessor shall collect the certificate of title as provided in rule 701—74.5(435).

b. If a security interest is noted on the title and the secured party is not given a mortgage for the land on which the home is located, the secured party shall retain the certificate of title as provided in Iowa Code section 435.26. At the time the security interest is released, the secured party may surrender the certificate of title to the county treasurer, who shall cancel the title as converted to real estate and destroy the title.

c. If there is no security interest noted on the title, the owner shall surrender the certificate of title to the assessor. The assessor shall note the conversion on the face of the certificate of title above the assessor's signature, date the notation and deliver the title to the county treasurer. The county treasurer shall note the conversion on the vehicle record and then cancel the title as converted to real estate and ~~retain~~ destroy the certificate of title.

d. If the assessor identifies in the county records a security interest no longer exists that would prevent the title to the home and the title to the land to merge under Iowa Code section 435.26 and the county treasurer verifies there is no lien on the certificate of title, the title to the home and the title to the land shall merge, and the county treasurer shall cancel the title as converted to real estate and destroy the certificate of title.

**400.40(2)** No change.

**400.40(3)** *Affidavit for surrender of certificate of title.*

a. As provided in Iowa Code section 435.26B, an owner may effectuate a surrender of the certificate of title by recording with the county recorder Form 411186 if all of the following requirements are met:

(1) There is no record that a certificate of title has been issued or surrendered for a manufactured or mobile home that is located outside a manufactured home community or mobile home park.

(2) The manufactured home or mobile home has been converted to real estate by being placed on a permanent foundation.

(3) The manufactured or mobile home is entered on the tax rolls.

b. The fee for the duties performed by the department pursuant to Iowa Code section 435.26B(1) "i"(2) shall be \$5.

This rule is intended to implement Iowa Code sections 321.1, 435.1, 435.26, 435.26A, 435.26B and 435.27.

## TRANSPORTATION DEPARTMENT[761](cont'd)

ITEM 17. Amend subrule 400.44(5) as follows:

**400.44(5) *Statement of nonuse.*** If the owner of a vehicle, on which the registration fees have not been paid for more than three complete registration years, certifies to the county treasurer of the owner's residence, or to the department in a form and manner prescribed by the department if a vehicle is registered under Iowa Code chapter 326, that the vehicle has not been moved or operated upon the highway since the year it was last registered, ~~the county treasurer may register~~ the vehicle may be registered upon payment of the current year's registration fee.

ITEM 18. Amend subrule 400.45(1) as follows:

**400.45(1)** The department shall suspend or revoke registration and plates under Iowa Code section 321.101 when a written request is received from a peace officer or the county treasurer's office that issued the registration ~~and~~ or plates.

*a.* The notice of suspension or revocation shall contain the following:

(1) The basis of the request for suspension or revocation.

(2) Information regarding how the person may satisfy the violation and have the suspension or revocation removed, if applicable.

(3) Information notifying the person of the right to appeal the suspension or revocation in accordance with rule 761—400.56(321).

~~*b.*~~ A request from a peace officer shall be submitted on a form prescribed by the department.

~~*c.*~~ A request from a county treasurer's office shall be signed by the county treasurer or designee.

ITEM 19. Amend rule 761—400.50(321,326) as follows:

**761—400.50(321,326) Refund of registration fees.**

**400.50(1) *Vehicles registered by county treasurer.***

*a.* The department shall refund annual registration fees for vehicles registered by the county treasurer pursuant to Iowa Code section 321.126.

*b.* ~~A claim for refund shall be made on a form prescribed by the department.~~ Except as provided in Iowa Code section 321.126, ~~the claim may be submitted~~ the owner may submit a claim for refund to the county treasurer's office in any county.

*c.* and *d.* No change.

*e.* If the claim for refund is for excess credit or no replacement vehicle:

(1) No change.

(2) The claim for refund shall be approved or denied by the motor vehicle and motor carrier services bureau division.

*f.* ~~All~~ The county treasurer shall forward all other claims for refund shall be forwarded to the motor vehicle and motor carrier services bureau division for processing in the form and manner prescribed by the department.

**400.50(2) *Vehicles registered by the department.*** Forms and instructions for claiming a refund on apportioned registration fees under Iowa Code section 326.15 may be obtained from the motor vehicle and motor carrier services bureau division at the address in subrule 400.6(1). The claim for refund shall be filed at the same address.

This rule is intended to implement Iowa Code sections 25.1, ~~321.126 to 321.128~~ 321.126 through 321.129 and 326.15.

ITEM 20. Amend rule 761—400.53(321) as follows:

**761—400.53(321) Stickers.**

**400.53(1) and 400.53(2)** No change.

**400.53(3) *Persons with disabilities parking sticker.*** A persons with disabilities special registration plate parking sticker shall be affixed to the lower right corner of the rear registration plate. A flying our colors plate sticker shall be affixed to the lower left corner of the rear registration plate and above the validation sticker to allow for full view of all numerals and letters printed on the plate pursuant to Iowa Code section 321.37.

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**400.53(4) *Special truck sticker.*** An owner of a special truck, registered pursuant to Iowa Code section 321.121, who has been issued either regular registration plates or special registration plates other than special truck registration plates must obtain from the county treasurer a sticker which distinguishes the vehicle as a special truck. The sticker shall be affixed to the lower right corner of the rear registration plate. EXCEPTION: If the vehicle displays front and rear plates, two stickers shall be issued with one sticker affixed to the lower right corner of the front plate and rear plate. For natural resources plates and flying our colors plates, the stickers must be affixed to the lower left corner of the front and rear plates.

This rule is intended to implement Iowa Code sections 321.34, 321.37, 321.40, 321.41, 321.121 and 321.166.

ITEM 21. Amend rule 761—400.56(321) as follows:

**761—400.56(321) Hearings.** The department shall send notice by certified mail to a person whose certificate of title, vehicle registration, license, or permit is to be revoked, suspended, canceled, or denied. The notice shall be mailed to the person's mailing address as shown on departmental records and shall become effective 20 days from the date mailed. A person who is aggrieved by a decision of the department and who is entitled to a hearing may contest the decision in accordance with 761—Chapter 13. The request shall be submitted in writing to the director of the motor vehicle and motor carrier services bureau division at the address in subrule 400.6(1). The request for a contested case shall be deemed timely submitted if it is delivered or postmarked on or before the effective date specified in the notice of revocation, suspension, cancellation, or denial.

This rule is intended to implement Iowa Code sections 17A.10 ~~to~~ through 17A.19, 321.101 and 321.102.

ITEM 22. Amend rule 761—400.60(321) as follows:

**761—400.60(321) Credit of registration fees.**

**400.60(1) and 400.60(2)** No change.

**400.60(3) *Credit from/to apportioned registration.***

*a.* No change.

*b.* Pursuant to Iowa Code sections 321.126 and 321.127, the owner or lessee of a motor vehicle may claim credit for the apportioned registration fees due when changing the vehicle's registration from registration by the county treasurer to apportioned registration. Application for apportioned registration shall be submitted to the department's motor vehicle and motor carrier services bureau division; see 761—Chapter 500.

**400.60(4)** No change.

**400.60(5) *Rounding.*** If credit from two registration years or two registration fees, or some combination of both, is available, the credits shall first be added together, then it shall be determined whether the sum meets the minimum required under Iowa Code section 321.46(3) "c," and then the sum shall be rounded to the nearest whole dollar.

This rule is intended to implement Iowa Code sections 321.46, 321.46A, 321.48, 321.116, 321.117, 321.126 and 321.127.

ITEM 23. Amend rule 761—400.63(321) as follows:

**761—400.63(321) Disposal of surrendered registration plates.** The county treasurer shall ~~either destroy return~~ plates that have been surrendered to the county treasurer ~~or return the surrendered plates~~ to Iowa state prison industries for recycling.

This rule is intended to implement Iowa Code sections 321.5 and 321.171.

ITEM 24. Adopt the following new rule 761—400.72(321):

**761—400.72(321) Electronic lien and title.**

**400.72(1)** The department may authorize the use of an electronic lien and title (ELT) system to provide an electronic record of the certificate of title to a security interest holder, to subject a vehicle

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to an electronic lien, and to allow for the submission and receipt of forms related to security interests through electronic means.

*a.* The department shall authorize ELT providers for transmission of vehicle data, title data and forms necessary to process security interest transactions through electronic means. The department may establish application forms and approval processes as necessary for ELT providers.

*b.* The department may authorize an ELT lender to participate in the ELT system if the ELT lender has first established a service relationship with an authorized ELT provider. The department may establish application forms and approval processes as necessary for ELT lenders.

**400.72(2)** For each individual transaction, an authorized ELT lender may choose to use either the ELT process or the paper security interest process as provided in Iowa Code section 321.50 and rules 761—400.8(321) and 761—400.10(321).

**400.72(3)** If a security interest is released through ELT and there are no other secured parties, but the ELT lender does not request a paper title to be printed and provided to the owner, or the ELT lender does not otherwise provide a paper title to the owner, then the owner of the vehicle may apply to the county treasurer or the department for a certificate of title to be printed and provided to the owner by submitting an application form in the form and manner prescribed by the department.

*a.* If there is more than one owner of the vehicle, any owner may apply to the department or the county treasurer, as applicable, for the certificate of title to be printed and provided to whomever the owner specifies.

*b.* If an owner is deceased, the signatures and documents specified in subrules 400.14(4) and 400.14(5) shall be required. A person entitled to vehicle ownership under the laws of descent and distribution shall sign the required forms and shall insert the words “heir at law” following the signature on the application form.

This rule is intended to implement Iowa Code section 321.50.

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EDITOR’S NOTE: For replacement pages for IAC, see IAC Supplement 4/6/22.

**ARC 6266C**

## UTILITIES DIVISION[199]

**Adopted and Filed**

### **Rule making related to federally registered planning authority transmission projects**

The Utilities Board hereby amends Chapter 11, “Electric Lines,” Iowa Administrative Code.

#### *Legal Authority for Rule Making*

This rule making is adopted under the authority provided in Iowa Code section 478.16.

#### *State or Federal Law Implemented*

This rule making implements, in whole or in part, Iowa Code chapter 478.

#### *Purpose and Summary*

The Board is adopting this rule making to implement the requirements of Iowa Code section 478.16. This rule making establishes the process for when and how an incumbent electric transmission owner notifies the Board of the owner’s decision to construct an electric transmission line approved by a federally registered planning authority. The Board is adopting a rule to describe the process should two or more incumbent electric transmission owners seek to build the approved line. The Board’s adopted rule also establishes the process by which an incumbent electric transmission owner notifies the

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Board of the owner's intent not to construct the approved electric transmission line. Lastly, the Board's adopted rule establishes the process for filing reports with the Board regarding the cost of the project consistent with Iowa Code section 478.16(4). On March 4, 2022, the Board issued an order adopting new rule. The order is available on the Board's electronic filing system, [efs.iowa.gov](https://efs.iowa.gov), under Docket No. RMU-2021-1114.

#### *Public Comment and Changes to Rule Making*

Notice of Intended Action for this rule making was published in the Iowa Administrative Bulletin on November 3, 2021, as **ARC 6016C**. A public hearing was held on December 7, 2021, at 10 a.m. in the Board Hearing Room, 1375 East Court Avenue, Des Moines, Iowa.

The Board received comments at the public hearing from the Office of Consumer Advocate (OCA), a division of the Iowa Department of Justice; MidAmerican Energy Company (MidAmerican); ITC Midwest LLC (ITC Midwest); and LS Power Midcontinent, LLC, and Southwest Transmission, LLC (collectively "LS Power"), relating to the scope of the rule as well as other technical changes throughout the rule.

On November 19, 2021, Missouri River Energy Services filed comments regarding the Notice. On November 23, 2021, OCA, MidAmerican, ITC Midwest, and LS Power filed comments regarding the Notice. On December 17, 2021, the Board issued an order requesting stakeholder comment. On January 6, 2022, ITC Midwest filed its comments in response to the Board's December 17, 2021, order. On January 10, 2022, OCA, MidAmerican, Resale Power Group of Iowa, and Large Energy Group filed their comments in response to the Board's December 17, 2021, order requesting stakeholder comments. The comments addressed issues raised at the oral presentation as well as the last remaining issues stakeholders had regarding the rule making.

One change from the Notice has been made. Specifically, to provide for better clarity, the Board inserted the word "other" in subrule 11.14(6).

#### *Adoption of Rule Making*

This rule making was adopted by the Board on March 4, 2022.

#### *Fiscal Impact*

This rule making has no fiscal impact to the State of Iowa.

#### *Jobs Impact*

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

#### *Waivers*

No waiver provision is included in the amendments because the Board has a general waiver provision in rule 199—1.3(17A,474,476) that provides procedures for requesting a waiver of the rules in Chapter 11.

#### *Review by Administrative Rules Review Committee*

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

#### *Effective Date*

This rule making will become effective on May 11, 2022.

## UTILITIES DIVISION[199](cont'd)

The following rule-making action is adopted:

Adopt the following **new** rule 199—11.14(478):

**199—11.14(478) Federally registered planning authority transmission projects.**

**11.14(1) Purpose.** The purpose of this rule is to implement the requirements of Iowa Code section 478.16.

**11.14(2) Definitions.** For the administration and interpretation of this rule, the following words and terms, when used in this rule, shall have the following meanings:

“*Electric transmission line*” means a high-voltage electric transmission line with a capacity of 100 kilovolts or more and any associated electric transmission facility, including any substation or other equipment.

“*Electric transmission owner*” means an individual or entity who, as of July 1, 2020, owns and maintains an electric transmission line that is required for rate-regulated electric utilities, municipal electric utilities, and rural electric cooperatives in this state to provide electric service to the public for compensation.

“*Federally registered planning authority*” means any independent system operator or regional transmission organization approved by the Federal Energy Regulatory Commission.

“*Incumbent electric transmission owner*” means any of the following:

1. A public utility or a municipally owned utility that owns, operates, and maintains an electric transmission line in this state.

2. An electric cooperative corporation or association or municipally owned utility that owns an electric transmission facility in this state and has turned over the functional control of such facility to a federally approved authority.

3. An electric transmission owner.

**11.14(3) Notification of decision of incumbent transmission owner.**

a. Upon approval of an electric transmission line, in a federally registered planning authority transmission plan, which connects to a transmission facility owned by an incumbent transmission line owner, the incumbent electric transmission owner shall notify the board in writing within 90 days of its intent to construct, own, and maintain the approved electric transmission line.

b. If the incumbent electric transmission owner does not intend to construct, own, or maintain an electric transmission line approved in a federally registered planning authority transmission plan, the incumbent electric transmission owner shall notify the board in writing within 90 days of the date the federally registered planning authority approves the transmission line.

c. If an electric transmission line approved by a federally registered planning authority connects to two or more incumbent electric transmission owners’ facilities, all incumbent electric transmission owners shall notify the board within 90 days of their intent to construct, own, and maintain the approved electric transmission line individually and equally.

d. In the event where two or more incumbent electric transmission owners may construct an electric transmission line approved by a federally registered planning authority but one incumbent electric transmission owner notifies the board of its intent not to construct, own, or maintain the approved electric transmission line, the other incumbent electric transmission owner or owners shall notify the board of their intent to construct the entire project within 90 days of federally registered planning authority’s approval of the transmission line.

**11.14(4) Effect of incumbent’s decision to decline to construct.** Upon receipt by the board of notice of the incumbent electric transmission owner’s intent not to construct, operate, or maintain the electric transmission line approved by a federally registered planning authority, or the failure of the incumbent electric transmission owner to provide such notice, the board may issue a franchise to another person to construct the electric transmission line approved by a federally registered planning authority subject to the requirements of Iowa Code chapter 478.

**11.14(5) Reports to the board.**

## UTILITIES DIVISION[199](cont'd)

*a.* Within 30 days of the issuance of a franchise, the electric transmission owner who is constructing, owning, and maintaining the electric transmission line approved by a federally registered planning authority shall file with the board the estimated cost to construct the electric transmission line.

*b.* Until construction of the electric transmission line approved by a federally registered planning authority is complete, the electric transmission owner who is constructing, owning, and maintaining the electric transmission line approved by a federally registered planning authority shall provide quarterly reports to the board detailing the estimated cost to construct the electric transmission line approved by a federally registered planning authority. If the estimated cost to construct the electric transmission line approved by a federally registered planning authority changes from the last report, the electric transmission owner who is constructing, owning, and maintaining the electric transmission line approved by a federally registered planning authority shall provide an explanation as to the change.

**11.14(6)** *Compliance with board rules.* Nothing in this rule shall modify or alter any other requirements established in this chapter of the board's rules.

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