



# IOWA ADMINISTRATIVE BULLETIN

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## PREFACE

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

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

The Bulletin may also contain public funds interest rates [12C.6]; workers' compensation rate filings [515A.6(7)]; usury rates [535.2(3)"a"]; and agricultural credit corporation maximum loan rates [535.12].

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

STEPHANIE A. HOFF, Administrative Code Editor

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### CITATION of Administrative Rules

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

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

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

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

NOTE: In accordance with Iowa Code section 7.17, 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 2011

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

<u>ISSUE NUMBER</u>	<u>SUBMISSION DEADLINE</u>	<u>ISSUE DATE</u>
25	Wednesday, May 25, 2011	June 15, 2011
26	Friday, June 10, 2011	June 29, 2011
1	Wednesday, June 22, 2011	July 13, 2011

**PLEASE NOTE:**

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

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

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

**ECONOMIC DEVELOPMENT, IOWA DEPARTMENT OF[261]**

Neighborhood stabilization program, 27.2, 27.3(1), 27.4 to 27.7, 27.8(6) IAB 5/18/11 <b>ARC 9503B</b> (See also <b>ARC 9504B</b> herein)	IDED Tourism Room 200 E. Grand Ave. Des Moines, Iowa	June 7, 2011 2 to 3 p.m.
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**LABOR SERVICES DIVISION[875]**

International boiler and pressure vessel codes, 90.2, 91.1(1) IAB 5/18/11 <b>ARC 9511B</b>	Capitol View Room 1000 E. Grand Ave. Des Moines, Iowa	June 8, 2011 9 a.m. (If requested)
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**NATURAL RESOURCE COMMISSION[571]**

Waterfowl and coot hunting—annual adjustment to season dates, 91.1, 91.3, 91.6 IAB 5/18/11 <b>ARC 9506B</b>	Auditorium, Second Floor Wallace State Office Bldg. Des Moines, Iowa	June 7, 2011 1 p.m.
Mourning dove season, 97.6 IAB 5/4/11 <b>ARC 9495B</b>	Auditorium, Second Floor Wallace State Office Bldg. Des Moines, Iowa	May 24, 2011 1 p.m.
Wild turkey spring hunting, 98.2(4), 98.6(2), 98.13 IAB 5/18/11 <b>ARC 9507B</b>	Auditorium, Second Floor Wallace State Office Bldg. Des Moines, Iowa	June 7, 2011 1 p.m.

**PROFESSIONAL LICENSURE DIVISION[645]**

Licensure for optometrists, 180.5, 180.11, 181.2, 181.3(2), 182.1, 182.3(2), 182.4(1), 183.2(11) IAB 5/18/11 <b>ARC 9519B</b>	Fifth Floor Board Conference Room 526 Lucas State Office Bldg. Des Moines, Iowa	June 7, 2011 8 to 8:30 a.m.
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**PUBLIC SAFETY DEPARTMENT[661]**

Electrician and electrical contractor licensing program; electrical inspection program, 500.2, 502.2, ch 505, 551.2 IAB 5/18/11 <b>ARC 9515B</b>	First Floor Public Conference Room Public Safety Headquarters Bldg. 215 E. 7th St. Des Moines, Iowa	June 30, 2011 10 a.m.
Statewide interoperable communications system board, ch 600 IAB 5/18/11 <b>ARC 9516B</b>	City Council Chambers West Des Moines City Hall 4200 George Mills Civic Parkway West Des Moines, Iowa	June 29, 2011 10:30 a.m.

**REAL ESTATE COMMISSION[193E]**

License discipline reporting, 5.11 IAB 5/4/11 <b>ARC 9486B</b>	Professional Licensing Conference Room Second Floor 1920 S.E. Hulsizer Rd. Ankeny, Iowa	May 24, 2011 9 a.m.
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Eligibility of Gold Star parents for admission to state veterans home, amendments to ch 10 IAB 5/4/11 <b>ARC 9492B</b>	Ford Memorial Conference Room Iowa Veterans Home 1301 Summit Marshalltown, Iowa	May 25, 2011 10 a.m. (If requested)
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The following list will be updated as changes occur.

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

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

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

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**ARC 9503B****ECONOMIC DEVELOPMENT, IOWA DEPARTMENT OF[261]****Notice of Intended Action**

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

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

Pursuant to the authority of Iowa Code sections 15.104 and 15.106, the Iowa Department of Economic Development gives Notice of Intended Action to adopt amendments to Chapter 27, “Neighborhood Stabilization Program,” Iowa Administrative Code.

The Neighborhood Stabilization Program is a 100 percent federally funded program whose intent is to address the economic housing crisis. The initial funding was created by the Housing and Economic Recovery Act in 2008. The State of Iowa received \$21,607,197 from the first allocation. The primary goal of the Neighborhood Stabilization Program is to put foreclosed or abandoned residential properties back into productive use. The program also allows for demolition of blighted properties that are no longer productive or safe.

The proposed amendments address changes made to the Neighborhood Stabilization Program in the third allocation of funding (NSP3). The State of Iowa will be receiving \$5 million from the third allocation. The State of Iowa has amended the application pool of eligible subrecipients based upon the aggressive expenditure deadlines mandated for NSP3 and new eligibility criteria provided by the U.S. Department of Housing and Urban Development (HUD). Also, the NSP3 Notice of Funds Availability redefined some eligible activities and implemented activity expenditure limits.

Public comments concerning the proposed amendments will be accepted until 4:30 p.m. on June 7, 2011. Interested persons may submit written or oral comments by contacting Elyse Shindelar, Iowa Department of Economic Development, 200 East Grand Avenue, Des Moines, Iowa 50309; telephone (515)229-6172; or E-mail [Elyse.Shindelar@iowa.gov](mailto:Elyse.Shindelar@iowa.gov).

The Department will hold a public hearing on Tuesday, June 7, 2011, from 2 to 3 p.m. to receive comments on these amendments. The public hearing will be held in the Tourism Room, Iowa Department of Economic Development, 200 East Grand Avenue, Des Moines, Iowa.

These amendments were also Adopted and Filed Emergency and are published herein as **ARC 9504B**. The content of that submission is incorporated by reference. The Adopted and Filed Emergency amendments became effective on April 22, 2011, but in order to allow for public comment, the amendments are also published under Notice of Intended Action.

As required under Executive Order Number 71, the jobs impact statement for this rule making is as follows:

- There will be no cost incurred for entities implementing and complying with this rule making.
- The proposed rule making will positively impact job creation in the private sector. The primary activities include acquisition, rehabilitation, demolition and redevelopment. Throughout Iowa these activities are primarily performed on an open bid process. Any cleared contractor may bid on the projects.
  - The categories of jobs and employment opportunities as a result of this rule making will be to the real estate, construction, development, suppliers, skilled trades and finance/insurance fields. An estimated 60-70 residential units will be assisted with NSP3, which could result in the service or supplies of over 200 individuals/companies. Eligible communities for NSP3 funding: Des Moines, Waterloo, Sioux City, Council Bluffs, Davenport, Burlington, Perry, Cedar Rapids, Boone, Guthrie Center and Shenandoah.
- The rule making is unlikely to incur additional costs to the employer on a per-employee basis. These amendments are intended to implement Iowa Code chapter 15.

**ARC 9518B****HUMAN SERVICES DEPARTMENT[441]****Notice of Intended Action**

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

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

Pursuant to the authority of Iowa Code section 234.6, the Department of Human Services proposes to amend Chapter 170, “Child Care Services,” Iowa Administrative Code.

The proposed amendments make changes to the rules for child care assistance (CCA) as follows:

- Add AmeriCorps payments, cash payments, casino profits, railroad retirement, permanent disability insurance and strike pay to the types of income considered.
- Clarify how income is projected.
- Exclude from countable income emergency and major disaster assistance.
- Clarify that, for two-parent homes, assistance will be approved only for the parents’ coinciding hours of participation in any approved activity (employment, training, or job search).
- Clarify that assistance will be paid for actual travel time between the location of the child care and the training facility or place of employment.
- Prohibit payment of child care for education in a field in which the participant will not be able to be employed because of known criminal convictions or founded child or dependent adult abuse.
- Add a definition for “on-line or distance learning” and clarify that on-line or distance learning is not approvable when it is completed in the parent’s home and there are no specified times for attendance.
- Clarify that in order to qualify for assistance based on medical incapacity, the parent must already have been determined eligible for assistance based on either the employment or training need for service.
- Clarify that assistance during a job search is limited to 30 consecutive days.
- Clarify that FIP families who need child care for employment do not need to meet the 28-hour weekly employment requirement.
- Clarify that only general (nonfinancial) eligibility requirements are reviewed for PROMISE JOBS families and families receiving assistance for protective needs.
- Clarify that a review form is not required for PROMISE JOBS participants, protective cases and families receiving assistance during a 30-day job search.
- Clarify that the Department can pay for no more than the number of units authorized on the Department’s notice of decision regarding the family’s eligibility.
- Clarify that the Department may deny or cancel a provider agreement when a provider does not meet the criteria to be an eligible provider under subrule 170.4(3).
- Remove obsolete forms, references, and requirements.

These changes are intended to ensure that the rules comply with federal Child Care Development Block Grant regulations, are congruent with rules for related programs such as PROMISE JOBS and the Family Investment Program, and reflect current procedures.

These amendments do not provide for waivers in specified situations because, to the extent that the amendments change current practice, the changes are beneficial to applicants and recipients. Requests for the waiver of any rule may be submitted under the Department’s general rule on exceptions at 441—1.8(17A,217).

Any interested person may make written comments on the proposed amendments on or before June 7, 2011. Comments should be directed to Mary Ellen Imlau, Bureau of Policy Coordination, Department of Human Services, Hoover State Office Building, 1305 East Walnut Street, Des Moines, Iowa 50319-0114. Comments may be sent by fax to (515)281-4980 or by E-mail to [policyanalysis@dhs.state.ia.us](mailto:policyanalysis@dhs.state.ia.us).

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

These amendments are intended to implement Iowa Code section 237A.13.

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

The following amendments are proposed.

ITEM 1. Amend rule **441—170.1(237A)**, definition of “PROMISE JOBS,” as follows:

“*PROMISE JOBS*” means the department’s training program, promoting independence and self-sufficiency through employment job opportunities and basic skills, as described in 441—Chapter 93, ~~Division II~~.

ITEM 2. Adopt the following **new** definition of “On-line or distance learning” in rule **441—170.1(237A)**:

“*On-line or distance learning*” means training such as, but not limited to, training conducted over the Iowa communications network, on-line courses, or Web conferencing. The training includes:

1. Interaction between the instructor and the student, such as required chats or message boards;
2. Mechanisms for evaluation and measurement of student achievement.

ITEM 3. Amend paragraph **170.2(1)“c”** as follows:

*c. Determining gross income.* Eligibility shall be determined using a projection of income based on the best estimate of future income. In determining a family’s gross monthly income, the department shall consider all income received by a family member from sources identified by the U.S. Census Bureau in computing median income, unless excluded under paragraph 170.2(1)“d.”

(1) Income considered shall include wages or salary, net profit from farm or nonfarm self-employment, social security, dividends, interest, income from estates or trusts, net rental income and royalties, public assistance or welfare payments, pensions and annuities, unemployment compensation, workers’ compensation, alimony, child support, ~~and veterans pensions, cash payments, casino profits, railroad retirement, permanent disability insurance, strike pay and living allowance payments made to participants of the AmeriCorps program.~~ “Net profit from self-employment” means gross income less the costs of producing the income other than depreciation. A net loss in self-employment income cannot be offset from other earned or unearned income.

(2) No change.

(3) When income received weekly or once every two weeks is projected for future months, income shall be projected by adding all income received in the period being used for the projection and dividing the result by the number of instances of income received in that period. The result shall be multiplied by four if the income is received weekly, or by two if the income is received biweekly, regardless of the number of weekly or biweekly payments to be made in future months.

ITEM 4. Amend subparagraph **170.2(1)“d”(17)** as follows:

(17) Earnings received by any youth under ~~Title III, Part C—Youth Employment Demonstration Program of the Comprehensive Employment and Training Act of 1973~~ the Workforce Investment Act (WIA).

ITEM 5. Adopt the following **new** subparagraph **170.2(1)“d”(37)**:

(37) Payments for major disaster and emergency assistance provided under the Disaster Relief Act of 1974 as amended by Public Law 100-707, the Disaster Relief and Emergency Assistance Amendments of 1988.

ITEM 6. Amend subrule 170.2(2) as follows:

**170.2(2) General eligibility requirements.** In addition to meeting financial requirements, the child needing services must meet age, citizenship, and residency requirements. Each parent in the household must have at least one need for service and shall cooperate with the department’s quality control review and with investigations conducted by the department of inspections and appeals.

*a.* No change.

*b. Need for service.* Except for assistance provided under subparagraph 170.2(2)“b”(3), assistance shall be provided to a two-parent family only during the parents’ coinciding hours of participation in training, employment, or job search. Each parent in the household shall meet one or more of the following requirements:

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

(1) The parent is in academic or vocational training. Child care services may be provided for the parent's hours of participation in the academic or vocational training and for actual travel time between the child care location and the training facility.

1. Child care provided while the parent participates in postsecondary education leading up to and including a baccalaureate degree program or vocational training shall be limited to a 24-month lifetime limit. A month is defined as a fiscal month or part thereof and shall generally have starting and ending dates that fall within two adjacent calendar months but shall only count as one month. Time spent in high school completion, adult basic education, GED, or English as a second language does not count toward the 24-month limit. PROMISE JOBS child care allowances provided while the parent is a recipient of the family investment program and participating in PROMISE JOBS components in postsecondary education or training shall count toward the 24-month lifetime limit.

2. Payment shall not be approved for child care during training in the following circumstances:

• 1. ~~When labor~~ Labor market statistics for a local area indicate low employment potential for workers with that training. Exceptions may be made when the ~~client~~ parent has a job offer prior to before entering the training or if a ~~client~~ parent is willing to relocate after training to an area where there is employment potential. ~~Clients~~ Parents willing to relocate must provide documentation from the department of workforce development, private employment agencies, or employers that jobs paying at least minimum wage for which training is being requested are available in the locale specified by the ~~client~~ parent.

• 2. ~~Jobs~~ The training is for jobs paying less than minimum wage.

• 3. ~~College coursework for a client~~ A parent who possesses a baccalaureate degree wants to take additional coursework unless the coursework is to obtain a teaching certificate or complete continuing education units.

• 4. The course or training is one that the ~~client~~ parent has previously completed.

• 5. ~~When the client~~ The parent was previously unable to maintain the cumulative grade point average required by the training or academic facility in the same training for which application is now being made. This does not apply to parents under the age of 18 who are enrolled in high school completion activities.

• The education is in a field in which the parent will not be able to be employed due to known criminal convictions or founded child or dependent adult abuse.

• The parent wants to participate in on-line or distance learning from the parent's own home, and the training facility does not require specified hours of attendance.

PROMISE JOBS child care allowances provided while the parent is a recipient of the family investment program and participating in PROMISE JOBS components in postsecondary education or training shall count toward the 24-month lifetime limit.

(2) ~~The parent is employed 28 or more hours per week or an average of 28 or more hours per week during the month. Child care services may be provided for the hours of employment of a single parent or the coinciding hours of employment of both parents in a two-parent home and for actual travel time between home, the child care facility, location and the place of employment. If the parent works a shift consisting of at least six hours of employment between the hours of 8 p.m. and 6 a.m. and needs to sleep during daytime hours, child care services may also be provided to allow the parent to sleep during daytime hours.~~

(3) The parent has a child with protective needs for child care.

(4) ~~The person who normally cares for the child~~ parent is absent from the home due to inpatient hospitalization or outpatient treatment because of physical or mental illness, or is present but due to medical incapacity is unable to care for the child or participate in work or training, as verified by a physician. ~~Care under this paragraph is limited to a maximum of one month, unless extenuating circumstances are justified and approved after case review by the service area manager or designee.~~

1. Eligibility under this paragraph is limited to parents who become medically incapacitated while eligible for child care assistance based on the need criteria in subparagraph 170.2(2) "b"(1) or 170.2(2) "b"(2).

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

2. Child care assistance shall continue to be available for up to 30 consecutive days after the parent becomes medically incapacitated. Assistance beyond 30 days may be approved by the service area manager or designee if extenuating circumstances are verified by a physician.

3. The number of units of service authorized shall be determined as follows:

• For a single-parent family or for a two-parent family where both parents are incapacitated, the number of units authorized for the period of incapacity shall not exceed the number of units authorized for the family before the onset of incapacity.

• For a two-parent family where only one parent is incapacitated, the units of service authorized shall be based on the need of the parent who is not incapacitated.

(5) The parent is looking for employment. Child care for job search hours shall be limited to only those hours the parent is actually looking for employment including travel time.

1. A job search plan shall be approved by the department and be limited to a maximum of 30 working consecutive calendar days in a 12-month period. EXCEPTION: Additional job search hours may be paid for PROMISE JOBS recipients if approved by the PROMISE JOBS worker.

2. ~~Child care in two-parent families may be provided only during the coinciding hours of both parents' looking for employment, or during one parent's employment and one parent's looking for employment.~~ Documentation of job search contacts shall be furnished to the department. The department may enter into a nonfinancial coordination agreement for information exchange concerning job search documentation.

~~EXCEPTION: Additional hours may be paid for job search for PROMISE JOBS recipients if approved by the PROMISE JOBS worker.~~

(6) ~~The person is participating parent needs child care services due to participation in activities approved under the PROMISE JOBS program and there is a need for child care services.~~

(7) The family is part of the family investment program and there is a need for child care services due to employment or participation in vocational training or education. A family who meets this requirement due to employment is not required to work a minimum number of hours. If a parent in a family investment program household remains in the home, child care assistance can be paid if that parent receives Supplemental Security Income.

c. No change.

d. *Citizenship.* As a condition of eligibility, the applicant shall attest to the child's citizenship or alien status by signing Form 470-3624 or 470-3624(S), Child Care Assistance Application, or Form 470-0462 or 470-0466 470-0462(S), Health and Financial Support Application. Child care assistance payments may be made only for a child who:

(1) and (2) No change.

e. No change.

ITEM 7. Amend subparagraph **170.3(1)"a"(2)** as follows:

(2) Form 470-0462 or ~~470-0466~~ 470-0462(S), Health and Financial Support Application, or

ITEM 8. Amend subrule 170.3(5) as follows:

**170.3(5) Review and redetermination.** The department shall redetermine a family's financial and general eligibility for child care assistance at least every six months. EXCEPTION: The department shall redetermine only general eligibility for recipients of the family investment program (FIP),<sup>2</sup> and for those persons whose earned income was taken into account in determining the needs of FIP recipients, and parents who have children with protective needs, because these people families are deemed financially eligible so long as the FIP eligibility or need for protective services continues.

a. If FIP or protective services eligibility ends, the department shall redetermine financial and general eligibility for child care assistance according to the requirements in rule 441—170.2(237A,239B). The redetermination of eligibility shall be completed within 30 days.

b. The department shall use information gathered on Form 470-4377 or 470-4377(S), Child Care Assistance Review, to redetermine eligibility, except when the family is not required to complete a review form as provided in paragraph 170.3(5)"c."

(1) and (2) No change.

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

c. Families who have children with protective needs and families who are receiving child care assistance because the parent is participating in activities under the PROMISE JOBS program are not required to complete Form 470-4377 or 470-4377(S).

(1) The department shall issue a notice of expiration for the child care assistance certification period on the notice of decision when the department approves the family's certification period.

(2) The department shall gather information needed to redetermine general eligibility. If the department needs information from the family, the department will send a written request to the family. If the family does not return the requested information by the due date, the family must reapply for child care assistance, except as provided in paragraph 170.3(6) "b."

d. Families who are receiving child care assistance because the parent is seeking employment are not subject to review requirements because eligibility is limited to 30 consecutive calendar days. This waiver of the review requirement applies only when the parent who is seeking employment does not have another need for service.

ITEM 9. Amend subparagraph **170.4(3)"h"(2)** as follows:

(2) If any of the individuals would be prohibited from registration, employment, or residence, the person shall not provide child care and is not eligible to receive public funds to do so. The department's designee shall notify the applicant, and shall forward a copy of that notification to the county attorney, the department worker, and the PROMISE JOBS worker, if applicable.

ITEM 10. Amend subrule **170.4(7)**, introductory paragraph, as follows:

**170.4(7) Payment.** The department shall make payment for child care provided to an eligible families family when the family reports its choice of provider to the department and the provider has a completed Form 470-3871 or 470-3871(S), Child Care Assistance Provider Agreement, on file with the department. Both the child care provider and the department worker or PROMISE JOBS worker shall sign this form.

ITEM 11. Amend paragraph **170.4(7)"g"** as follows:

g. Submission of claims. The department shall issue payment when the provider submits correctly completed documentation of attendance and charges. The department shall pay ~~only~~ for no more than the number of units of service authorized in the notice of decision issued pursuant to subrule 170.3(3). Providers shall submit a claim in one of the following ways:

(1) Using Form 470-0020, Purchase of Services Provider Invoice, or Form 470-4466 or 470-4466(S), Child Care Provider Claim, accompanied by Form 470-3872, Child Care Assistance Attendance Sheet, signed by the parent;

(2) Using Form 470-3896, PROMISE JOBS Child Care Attendance and Invoice;

(3) (1) Using Form 470-4534, Child Care Assistance Billing/Attendance; or

(4) (2) Using an electronic request for payment submitted through the KinderTrack system.

Providers using this method shall print Form 470-4535, Child Care Assistance Billing/Attendance Provider Record, to be signed by the provider and the parent. The provider shall keep the signed Form 470-4535 for a period of five years after the billing date.

ITEM 12. Amend subrule 170.5(1) as follows:

**170.5(1) Provider agreement.** The department may refuse to enter into or may revoke the Child Care Assistance Provider Agreement, Form 470-3871 or 470-3871(S), if any of the following occur:

a. The department finds a hazard to the safety and well-being of a child, and the provider cannot or refuses to correct the hazards; or hazard.

b. The provider has submitted claims for payment for which the provider is not entitled; or

c. No change.

d. The provider does not meet one of the applicable requirements set forth in subrule 170.4(3).

ITEM 13. Amend paragraph **170.9(6)"b"** as follows:

b. The department of inspections and appeals shall initiate recoupment by notifying the debtor of the overpayment using one of the following forms: on Form 470-4530, Notice of Child Care Assistance Overpayment.

HUMAN SERVICES DEPARTMENT[441](cont'd)

- (1) ~~Form 470-3627, Demand Letter for Child Care Assistance Provider Error Overissuance; or~~  
 (2) ~~Form 470-3628, Demand Letter for Child Care Assistance Agency Error Overissuance;~~  
 (3) ~~Form 470-3807, Demand Letter for Child Care Assistance Client Error Benefit Overissuance;~~  
 or  
 (4) ~~Form 470-4530, Notice of Child Care Assistance Overpayment.~~

**ARC 9514B**

## **INSPECTIONS AND APPEALS DEPARTMENT[481]**

### **Notice of Intended Action**

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

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

Pursuant to the authority of Iowa Code sections 10A.104(5) and 10A.801(7), the Department of Inspections and Appeals hereby gives Notice of Intended Action to amend Chapter 10, “Contested Case Hearings,” Iowa Administrative Code.

The proposed amendment to rule 481—10.14(10A,17A) clarifies the methods by which an agency subpoena may be requested from an administrative law judge, the information to be provided to the administrative law judge in the request for a subpoena, and the method by which the subpoena shall be transmitted to the requestor. Additionally, the proposed amendment increases the time period from three days to seven calendar days in which a request for a subpoena must be received by the Division of Administrative Hearings prior to a scheduled hearing.

The Department does not believe that the proposed amendment imposes any financial hardship on any regulated entity, body, or individual. Rather, adoption of the proposed amendment simply clarifies the process to be used when an agency subpoena is requested as part of a contested case hearing.

Any interested person may make written suggestions or comments on the proposed amendment on or before June 7, 2011. Such written materials should be addressed to the Director, Department of Inspections and Appeals, Lucas State Office Building, 321 East 12th Street, Des Moines, Iowa 50319-0083; faxed to (515)242-6863; or E-mailed to [david.werning@dia.iowa.gov](mailto:david.werning@dia.iowa.gov).

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

This amendment is intended to implement Iowa Code sections 10A.104(6) and 17A.13.

The following amendment is proposed.

Amend subrules 10.14(1) and 10.14(2) as follows:

#### **10.14(1) Issuance.**

*a.* Pursuant to Iowa Code subsection 17A.13(1), the division shall issue an agency subpoena ~~shall be issued to a party on request unless subrule 10.14(1), paragraph “d,” applies otherwise excluded pursuant to this rule. A request may be either oral or for a subpoena shall be in writing. The request may be made in person, or by mail, fax, or electronic mail. The request shall include the names of the parties, the case number, the name and address of the requested witness, and a description or list of any documents or other items requested. A written request to for a subpoena shall be received by the division for a subpoena must be received at least three seven calendar days before the scheduled hearing. The request shall include the name, address and telephone number of the requesting party.~~

*b.* The division shall provide the subpoena to the requesting party by regular mail, fax, or electronic mail or allow for pick up during the department’s regular business hours. Parties are responsible for service of their own subpoenas and payment of witness fees and mileage expenses.

*c.* When authorized by law, an administrative law judge (ALJ) may issue a subpoena on the ALJ’s own motion.

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

*d.* When there is reasonable ground to believe a subpoena is requested for the purpose of harassment, or that the subpoena ~~is irrelevant~~ requests irrelevant evidence or is untimely, the administrative law judge ALJ may refuse to issue the subpoena, ~~or~~. The ALJ may require the requesting party to provide a statement of testimony expected to be elicited from the subpoenaed witness and a showing of relevancy. If the ALJ refuses to issue a subpoena, the ALJ shall provide, ~~upon request~~, a written statement of the ground for refusal. A party to whom a refusal is issued may obtain a prompt hearing regarding the refusal by filing a written request with the division.

**10.14(2) Motion to quash or modify.**

*a.* A subpoena may be quashed or modified upon motion for any lawful ground in accordance with the Iowa Rules of Civil Procedure.

*b.* A motion to quash or modify a subpoena shall be served on all parties of record.

*c.* The motion shall may be set for argument ~~promptly~~ at the discretion of the ALJ.

**ARC 9511B****LABOR SERVICES DIVISION[875]****Notice of Intended Action**

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

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

Pursuant to the authority of Iowa Code section 89.14(5), the Boiler and Pressure Vessel Board proposes to amend Chapter 90, “Administration of the Boiler and Pressure Vessel Program,” and Chapter 91, “General Requirements for All Objects,” Iowa Administrative Code.

The proposed amendments rescind paragraph 91.1(1)“c” relating to international boiler and pressure vessel codes and make conforming changes.

The purposes of these amendments are to protect the safety of the public and implement legislative intent.

No variance procedures are included in these rules. Applicable variance procedures are set forth in 875—Chapter 81.

If requested in accordance with Iowa Code section 17A.4(1)“b” by the close of business on June 7, 2011, a public hearing will be held on June 8, 2011, at 9 a.m. in the Capitol View Room at 1000 East Grand Avenue, Des Moines, Iowa. Interested persons will be given the opportunity to make oral statements and file documents concerning the proposed amendments. The facility for the oral presentations is accessible to and functional for persons with physical disabilities. Persons who have special requirements should call (515)281-5915 in advance to arrange access or other needed services.

Interested persons shall submit written data, views, or arguments to be considered in adoption no later than June 8, 2011, to Division of Labor Services, 1000 East Grand Avenue, Des Moines, Iowa 50319-0209. Comments may be sent electronically to [kathleen.uehling@iwd.iowa.gov](mailto:kathleen.uehling@iwd.iowa.gov).

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

These amendments are intended to implement Iowa Code chapter 89.

The following amendments are proposed.

ITEM 1. Rescind the definitions of “BSI,” “CSA,” “DIN” and “JIS” in rule **875—90.2(89,261,252J,272D)**.

ITEM 2. Amend rule **875—90.2(89,261,252J,272D)**, definition of “Construction or installation code,” as follows:

“*Construction or installation code*” means the applicable ~~recognized national or international~~ standard for construction or installation in effect at the time of installation ~~such as ASME, DIN, BSI, JIS or CSA.~~

LABOR SERVICES DIVISION[875](cont'd)

ITEM 3. Rescind and reserve paragraph 91.1(1)“c.”

**ARC 9506B**

**NATURAL RESOURCE COMMISSION[571]**

**Notice of Intended Action**

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

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

Pursuant to the authority of Iowa Code subsection 455A.5(6), the Natural Resource Commission hereby gives Notice of Intended Action to amend Chapter 91, “Waterfowl and Coot Hunting Seasons,” Iowa Administrative Code.

These rules give the regulations for hunting waterfowl and coot and include season dates, bag limits, possession limits, shooting hours, and areas open to hunting.

The proposed amendments make annual adjustments to the season dates to comply with federal regulations and to ensure that the seasons open on a weekend.

Any interested person may make written suggestions or comments on the proposed amendments on or before June 7, 2011. Written comments may be directed to Bureau Chief, Wildlife Bureau, Wallace State Office Building, 502 E. 9th Street, Des Moines, Iowa 50319-0034; by E-mail at [wildlife@dnr.iowa.gov](mailto:wildlife@dnr.iowa.gov); or by fax at (515)281-6794. Persons who wish to convey their comments orally may contact the Wildlife Bureau by telephone at (515)281-5034 or by visiting the fourth floor of the Wallace State Office Building during regular business hours.

There will be a public hearing on June 7, 2011, at 1 p.m. in the auditorium on the second floor of the Wallace State Office Building. At the public hearing, persons may present their views either orally or in writing. Participants will be asked to give their names and addresses for the record and to confine their remarks to the subject of the amendments.

Any persons who intend to attend the public hearing and have special requirements, such as those related to hearing or mobility impairments, should contact the Department of Natural Resources and request specific accommodations.

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

These amendments are intended to implement Iowa Code sections 481A.38, 481A.39, and 481A.48. The following amendments are proposed.

ITEM 1. Amend subrules 91.1(1) to 91.1(3) as follows:

**91.1(1) Zone boundaries.** The north duck hunting zone is that part of Iowa north of a line beginning on the ~~Nebraska-Iowa border at~~ South Dakota-Iowa border at Interstate 29, southeast to Woodbury County Road D38, east to Woodbury County Road K45, southeast to State Highway 175, east to State Highway 37, southeast to State Highway 183, northeast to State Highway 141, east to U.S. Highway 30, and along U.S. Highway 30 to the Iowa-Illinois border. The south duck hunting zone is the remainder of the state.

**91.1(2) Season dates - north zone.** For all ducks: September ~~18~~ 17 through September ~~22~~ 21 and October ~~16~~ 15 through December ~~9~~ 8.

**91.1(3) Season dates - south zone.** For all ducks: September ~~18~~ 17 through September ~~22~~ 21 and October ~~23~~ 22 through December ~~16~~ 15.

ITEM 2. Amend subrules 91.3(1) to 91.3(3), 91.3(7) and 91.3(9) to 91.3(11) as follows:

**91.3(1) Zone boundaries.** The north goose hunting zone is that part of Iowa north of a line beginning on the ~~Nebraska-Iowa border at~~ South Dakota-Iowa border at Interstate 29, southeast to Woodbury County Road D38, east to Woodbury County Road K45, southeast to State Highway 175, east to State Highway 37, southeast to State Highway 183, northeast to State Highway 141, east to U.S. Highway 30,

## NATURAL RESOURCE COMMISSION[571](cont'd)

and along U.S. Highway 30 to the Iowa-Illinois border. The south goose hunting zone is the remainder of the state.

**91.3(2) Season dates - north zone.** Canada geese and brant: September ~~25~~ 24 through October ~~10~~ 9 and October ~~16~~ 15 through January ~~5, 2011~~ 4, 2012. White-fronted geese: September ~~25~~ 24 through December ~~5~~ 4. Light geese (white and blue-phase snow geese and Ross' geese): September ~~25~~ 24 through January ~~9, 2011~~ 8, 2012.

**91.3(3) Season dates - south zone.** Canada geese and brant: October ~~2~~ 1 through October ~~17~~ 16 and October ~~23~~ 22 through January ~~12, 2011~~ 11, 2012. White-fronted geese: October ~~2~~ 1 through December ~~12~~ 11. Light geese (white and blue-phase snow geese and Ross' geese): October ~~2~~ 1 through January ~~14, 2011~~ 13, 2012.

**91.3(7) Light goose conservation order season.** Only light geese (white and blue-phase snow geese and Ross' geese) may be taken under a conservation order from the U.S. Fish and Wildlife Service from January ~~15, 2011~~ 14, 2012, through April 15, ~~2011~~ 2012.

a. to e. No change.

**91.3(9) Cedar Rapids/Iowa City goose hunting zone.**

a. Season dates. September 4 ~~3~~ through September ~~12~~ 11.

b. to d. No change.

**91.3(10) Des Moines goose hunting zone.**

a. Season dates. September 4 ~~3~~ through September ~~12~~ 11.

b. to d. No change.

**91.3(11) Cedar Falls/Waterloo goose hunting zone.**

a. Season dates. September 4 ~~3~~ through September ~~12~~ 11.

b. to d. No change.

ITEM 3. Amend rule 571—91.6(481A) as follows:

**571—91.6(481A) Youth waterfowl hunt.** A special youth waterfowl hunt will be held on October ~~2 and 3, 2010~~ 1 and 2, 2011, in the north duck hunting zone and October ~~9 and 10, 2010~~ 8 and 9, 2011, in the south duck hunting zone. Youth hunters must be residents of Iowa as defined in Iowa Code section 483A.1A and less than 16 years old. Each youth hunter must be accompanied by an adult 18 years old or older. The youth hunter does not need to have a hunting license or stamps. The adult must have a valid hunting license and habitat stamp if normally required to have them to hunt and a state waterfowl stamp. Only the youth hunter may shoot ducks and coots. The adult may hunt for any other game birds for which the season is open. The daily bag and possession limits are the same as for the regular waterfowl season, as defined in rule 571—91.1(481A). All other hunting regulations in effect for the regular waterfowl season apply to the youth hunt.

**ARC 9507B**

## NATURAL RESOURCE COMMISSION[571]

### Notice of Intended Action

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

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

Pursuant to the authority of Iowa Code subsection 455A.5(6), the Natural Resource Commission hereby gives Notice of Intended Action to amend Chapter 98, “Wild Turkey Spring Hunting,” Iowa Administrative Code.

## NATURAL RESOURCE COMMISSION[571](cont'd)

Chapter 98 regulates hunting wild turkeys during the spring and includes season dates, bag limits, possession limits, shooting hours, areas open to hunting, licensing procedures, means and method of take, and transportation tag requirements.

The proposed amendments lengthen the youth season from three to nine days and change the starting date for the regular turkey season from the Monday closest to April 13 to the Monday closest to April 15. This provides more time for youth hunters to hunt during the youth season and moves the regular turkey seasons back an average of three days. The proposed amendments also provide that the cost of the preference point for a nonresident who was unsuccessful in the draw be refunded if the hunter buys a license that was left over after the drawing in a different zone or season.

Any interested person may make written suggestions or comments on the proposed amendments on or before June 7, 2011. Written comments may be directed to Bureau Chief, Wildlife Bureau, Wallace State Office Building, 502 E. 9th Street, Des Moines, Iowa 50319-0034; by E-mail at [wildlife@dnr.iowa.gov](mailto:wildlife@dnr.iowa.gov); or by fax at (515)281-6794. Persons who wish to convey their comments orally may contact the Wildlife Bureau by telephone at (515)281-5034 or by visiting the fourth floor of the Wallace State Office Building during regular business hours.

There will be a public hearing on June 7, 2011, at 1 p.m. in the auditorium on the second floor of the Wallace State Office Building. At the public hearing, persons may present their views either orally or in writing. Participants will be asked to give their names and addresses for the record and to confine their remarks to the subject of the amendments.

Any persons who intend to attend the public hearing and have special requirements, such as those related to hearing or mobility impairments, should contact the Department of Natural Resources and request specific accommodations.

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

These amendments are intended to implement Iowa Code sections 481A.38, 481A.39, 481A.48, 483A.1, 483A.7 and 483A.24.

The following amendments are proposed.

ITEM 1. Amend subrule 98.2(4) as follows:

**98.2(4) Seasons.** Seasons will be established in accordance with the type of license issued.

*a. Combination shotgun-or-archery licenses.* Consecutive seasons are 4, 5, 7, and 19 days, respectively, with the first season beginning on the Monday closest to April ~~13~~ 15. These seasons shall be designated as seasons 1, 2, 3 and 4, respectively.

*b. Archery-only licenses.* The season shall be 35 days beginning on the Monday closest to April ~~13~~ 15.

ITEM 2. Amend subrule 98.6(2) as follows:

**98.6(2) Youth season dates.** The youth turkey hunting license shall be valid during the ~~Friday, Saturday and Sunday~~ nine days immediately before the first turkey season.

ITEM 3. Amend rule ~~571—98.13(483A)~~, first unnumbered paragraph, as follows:

Each individual applicant who is unsuccessful in the drawing will be assigned one preference point for each year in which the individual applies and is unsuccessful. If a person who was unsuccessful in the drawing purchases a leftover license within four weeks, the person will receive a refund for the cost of the preference point. Preference points will not accrue in a year in which an applicant fails to apply, but the applicant will retain any preference points previously earned. Once an applicant receives a license, all preference points will be erased. Preference points will apply to any zone or season for which a hunter applies. The first license drawing each year will be made from the pool of applicants with the most preference points. If licenses are still available after the first drawing, subsequent drawings will be made from pools of applicants with successively fewer preference points and continue until the license quota is reached or all applicants have received licenses. Applicants who apply as a group will be included in a pool of applicants with the same number of preference points as that of the member of the group with the fewest preference points assigned.

**ARC 9519B****PROFESSIONAL LICENSURE DIVISION[645]****Notice of Intended Action**

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

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

Pursuant to the authority of Iowa Code section 147.76, the Board of Optometry hereby gives Notice of Intended Action to amend Chapter 180, “Licensure of Optometrists,” Chapter 181, “Continuing Education for Optometrists,” Chapter 182, “Practice of Optometrists,” and Chapter 183, “Discipline for Optometrists,” Iowa Administrative Code.

The proposed amendments update requirements for optometry licensure to be consistent with Iowa Code chapters 147 and 154 and remove outdated language.

Any interested person may make written comments on the proposed amendments no later than June 7, 2011, addressed to Judy Manning, Professional Licensure Division, Department of Public Health, Lucas State Office Building, Des Moines, Iowa 50319-0075; E-mail [judith.manning@idph.iowa.gov](mailto:judith.manning@idph.iowa.gov).

A public hearing will be held on June 7, 2011, from 8 to 8:30 a.m. in the Fifth Floor Board Conference Room 526, Lucas State Office Building, Des Moines, Iowa, at which time persons may present their views either orally or in writing. At the hearing, persons will be asked to give their names and addresses for the record and to confine their remarks to the subject of the proposed amendments.

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

These amendments are intended to implement Iowa Code chapters 21, 147, 154 and 272C.

The following amendments are proposed.

ITEM 1. Amend subrule 180.5(1) as follows:

**180.5(1)** The biennial license renewal period for a license to practice optometry shall begin on July 1 of an even-numbered year and end on June 30 two years later. ~~The board shall send a renewal notice by regular mail to each licensee at the address on record at least 60 days prior to the expiration of the license.~~ The licensee is responsible for renewing the license prior to its expiration. Failure of the licensee to receive ~~the notice from the board~~ from the board does not relieve the licensee of the responsibility for renewing the license.

ITEM 2. Amend subrule 180.5(7) as follows:

**180.5(7)** Late renewal. The license shall become late when the license has not been renewed by the expiration date on the wallet card. The licensee shall be assessed a late fee as specified in 645—subrule ~~184.4(3)~~ 5.12(3). To renew a late license, the licensee shall complete the renewal requirements and submit the late fee within the grace period.

ITEM 3. Amend subrule 180.11(2) as follows:

**180.11(2)** Pay the reactivation fee that is due as specified in ~~645—Chapter 184 rule 645—5.12(147,154)~~.

ITEM 4. Amend subparagraph **180.11(3)“a”(2)** as follows:

(2) Verification of completion of ~~30~~ 50 hours of continuing education ~~for a diagnostically certified optometrist or 50 hours for a therapeutically certified optometrist~~ within two years of application for reactivation unless the applicant provides proof of current CELMO certification. Proof of current CELMO certification satisfies continuing education requirements for the purpose of reactivation.

ITEM 5. Amend subparagraph **180.11(3)“b”(2)** as follows:

(2) Verification of completion of ~~60~~ 100 hours of continuing education ~~for a diagnostically certified optometrist or 100 hours for a therapeutically certified optometrist~~ within two years of application for reactivation unless the applicant provides proof of current CELMO certification. If the ~~therapeutically~~

## PROFESSIONAL LICENSURE DIVISION[645](cont'd)

~~certified optometrist applicant~~ provides proof of current CELMO certification, the applicant must also verify completion of an additional 50 hours of continuing education within two years of application for reactivation.

ITEM 6. Amend subrule 181.2(1) as follows:

**181.2(1)** The biennial continuing education compliance period shall extend for a two-year period beginning on July 1 and ending on June 30 of each even-numbered year. Each biennium, each person who is licensed to practice as an optometrist in this state shall be required to complete a minimum of 50 hours of continuing education approved by the board.

~~a. Requirements for nontherapeutic licensees. Each biennium, each person who is licensed to practice as an optometrist in this state and who is not therapeutically certified shall be required to complete a minimum of 30 hours of continuing education approved by the board. Nontherapeutic licensees must comply with Iowa continuing education rules for license renewal and reactivation by meeting the continuing education requirements in the state of practice.~~

~~b. Requirements for therapeutic licensees. Each biennium, each person who is licensed to practice as a therapeutic licensee in this state shall be required to complete a minimum of 50 hours of continuing education approved by the board.~~

ITEM 7. Amend paragraph **181.3(2)“c”** as follows:

~~c. Required continuing education hours. Beginning with the July 1, 2008, biennium, therapeutic licensees~~ Licensees shall provide proof of continuing education in the following areas:

(1) and (2) No change.

ITEM 8. Amend rule 645—182.1(154) as follows:

**645—182.1(154) Code of ethics.** The board hereby adopts by reference the Code of Ethics of the American Optometric Association as published by the American Optometric Association, 243 North Lindbergh Boulevard, St. Louis, Missouri 63141, ~~revised 1944~~ modified June 2007.

ITEM 9. Amend paragraph **182.3(2)“b”** as follows:

~~b. A practitioner choosing to issue an oral prescription shall furnish the same information required for the written prescription except for the written signature and address of the practitioner. An oral prescription may be released by an O.D. to any dispensing person who is a licensed professional with the O.D., M.D., D.O., or R.Ph. degree or a person under direct supervision of those licensed under Iowa Code chapter 148, 150, 150A, 154 or 155A.~~

ITEM 10. Amend subrule 182.4(1) as follows:

**182.4(1)** Written prescription drug orders shall contain:

~~a. to d.~~ No change.

~~e.~~ The name, address, and written signature of the practitioner issuing the prescription; and

~~f.~~ The federal drug enforcement administration number, if required under Iowa Code chapter 124; and

~~g.~~ The title “Therapeutically Certified Optometrist” following the name of the practitioner issuing the prescription.

ITEM 11. Amend subrule 183.2(11) as follows:

**183.2(11)** Conviction of a ~~felony crime~~ related to the profession or occupation of the licensee or the conviction of any ~~felony crime~~ that would affect the licensee’s ability to practice within the profession, regardless of whether the judgment of conviction or sentence was deferred. A copy of the record of conviction or plea of guilty shall be conclusive evidence.

**ARC 9515B****PUBLIC SAFETY DEPARTMENT[661]****Notice of Intended Action**

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

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

Pursuant to the authority of Iowa Code section 103.6, the Electrical Examining Board hereby gives Notice of Intended Action to amend Chapter 500, “Electrician and Electrical Contractor Licensing Program—Organization and Administration,” and Chapter 502, “Electrician and Electrical Contractor Licensing Program—Licensing Requirements, Procedures, and Fees”; to rescind Chapter 505, “Electrician and Electrical Contractor Licensing Program—Continuing Education,” and adopt new Chapter 505, “Electrician and Electrical Contractor Licensing Program—Education”; and to amend Chapter 551, “Electrical Inspection Program—Definitions,” Iowa Administrative Code.

Iowa Code chapter 103 establishes the Electrical Examining Board and assigns it responsibility to establish and operate the statewide electrician and electrical contractor licensing program and the statewide electrical inspection program. Included in Iowa Code chapter 103 is the authority to adopt rules for the two programs. The amendments proposed herein add a definition of “registered apprenticeship program,” which will clarify that completion of an apprenticeship program registered at the state level satisfies the apprenticeship requirement for Iowa electrician licensing; correct references to dates related to Class “B” electrician licenses (licenses based on experience with no testing) to be consistent with the related statutory language in Iowa Code chapter 103; add language to clarify that a person who holds any license issued by the Electrical Examining Board, except for those who hold certain special electrician licenses, is not required to hold an unclassified person license to work as an unclassified person (electrician’s helper); adopt language codifying board procedures and standards for postsecondary electrician education programs; and adopt for the electrical inspection program a definition of “residential electrical work” that is consistent with the definition previously adopted for the electrician and electrical contractor licensing program.

Any interested person may comment on these proposed amendments via E-mail to [admrule@dps.state.ia.us](mailto:admrule@dps.state.ia.us), by fax sent to the Agency Rules Administrator at (515)725-6195, or by regular mail to Agency Rules Administrator, Iowa Department of Public Safety, State Public Safety Headquarters Building, 215 East 7th Street, Des Moines, Iowa 50319. Comments should be submitted no later than 4:30 p.m. on June 29, 2011, or may be submitted at the public hearing.

A public hearing will be held to receive comments regarding these proposed amendments during the meeting of the Electrical Examining Board, at 10 a.m. on June 30, 2011, in the First Floor Public Conference Room, State Public Safety Headquarters Building, 215 East 7th Street, Des Moines, Iowa.

The amendments proposed herein are subject to waiver provisions which apply generally to rules of the Electrical Examining Board, found in rule 661—501.5(17A).

Any fiscal impact of these proposed amendments is anticipated to be less than \$100,000 annually.

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

These amendments are intended to implement Iowa Code chapter 103.

The following amendments are proposed.

ITEM 1. Adopt the following **new** definition in rule **661—500.2(103)**:

“*Registered apprenticeship program*” means an electrical apprenticeship program registered with the Bureau of Apprenticeship and Training of the United States Department of Labor or an electrical apprenticeship program registered with a state agency whose registration program is accepted by the Bureau of Apprenticeship and Training in lieu of direct registration with the Bureau of Apprenticeship and Training.

## PUBLIC SAFETY DEPARTMENT[661](cont'd)

ITEM 2. Amend subrule 502.2(4) as follows:

**502.2(4)** A class B master electrician license may be issued to a person who submits to the board a completed application with the applicable fee; who is not disqualified from holding a license pursuant to rule 661—502.4(103); who presents credible evidence of having worked for a total of ~~eight years~~ (16,000 hours of cumulative experience) as a master electrician ~~since 1989~~, of which at least 8,000 hours shall have been worked since January 1, 1998; and whose experience as a master electrician began on or before ~~December 31, 1989~~ January 1, 1998.

ITEM 3. Amend paragraph **502.2(6)“a”** as follows:

a. Has successfully completed an a registered apprenticeship program registered by the Bureau of Apprenticeship and Training of the United States Department of Labor, has passed a supervised written examination for journeyman electrician approved by the board with a score of 75 or higher, and has completed four years of experience as an apprentice electrician; or

ITEM 4. Amend subrule 502.2(7) as follows:

**502.2(7)** A class B journeyman electrician license may be issued to a person who submits to the board a completed application with the applicable fee; who is not disqualified from holding a license pursuant to rule 661—502.4(103); who presents credible evidence of having worked for a total of ~~eight years~~ (16,000 hours of cumulative experience) as a journeyman electrician or master electrician ~~since 1989~~, of which at least 8,000 hours shall have been worked since January 1, 1998; and whose experience as a journeyman electrician or master electrician began on or before ~~December 31, 1990~~ January 1, 1998.

ITEM 5. Amend subrule 502.2(11) as follows:

**502.2(11)** A license as an unclassified person may be issued to a person who submits a completed application to the board with the applicable fee, who is not disqualified pursuant to rule 661—502.4(103), and who is employed by a licensed electrical contractor. Any person who holds a current license issued by the board, including a special residential electrician license, but excluding other special electrician licenses, may work as an unclassified person without holding an unclassified person license.

ITEM 6. Rescind 661—Chapter 505 and adopt the following **new** chapter in lieu thereof:

## CHAPTER 505

## ELECTRICIAN AND ELECTRICAL CONTRACTOR LICENSING PROGRAM—EDUCATION

**661—505.1 to 505.100** Reserved.

## DIVISION I

## POSTSECONDARY ELECTRICAL EDUCATION PROGRAMS

**661—505.101(103) Program approval.**

**505.101(1)** Any institution that plans to offer a postsecondary electrical education program to prepare students to be licensed by the board shall submit an application to the board office on a form specified by the board. Only applications from institutions which are currently accredited by recognized regional or national educational accrediting organizations shall be approved.

**505.101(2)** For any postsecondary electrical education program for which approval is sought on or after [insert effective date of this rule], approval by the board shall be obtained prior to student participation in the postsecondary electrical education program.

**505.101(3)** An application for initial approval of a postsecondary electrical education program shall be submitted to the board not less than 120 days prior to student participation in the program.

**505.101(4)** Approval of a postsecondary electrical education program is normally for five years, although approval may be withdrawn for cause prior to the expiration of the five-year period.

**505.101(5)** Applications for renewal of approval of postsecondary electrical education programs shall be submitted to the board at least 120 days prior to the expiration of the five-year approval period.

## PUBLIC SAFETY DEPARTMENT[661](cont'd)

**505.101(6)** Information regarding approved postsecondary electrical education programs may be obtained by contacting the board office. A list of approved postsecondary electrical education programs shall be posted on the board's Web site.

**661—505.102(103) Standards for postsecondary electrical education programs.** A postsecondary electrical education program shall not be approved unless it meets all of the following requirements:

**505.102(1)** The program shall include coverage of subject matter areas listed in the document "Required Subjects for Postsecondary Electrical Education Programs," approved and published by the board and available on request from the board office and from the board Web site. Included in addition to technical electrical subjects shall be at least 4 hours of instruction on the Iowa electrical statute, Iowa Code chapter 103, with a minimum of 1 hour on Iowa electrical licensing requirements.

**505.102(2)** Completion of the course of study shall require a minimum of 2,000 contact hours between the student and instructors, of which a minimum of 1,600 hours shall cover technical electrical subjects. Between 30 and 40 percent of the 2,000 hours shall be lecture hours, and the balance shall be laboratory or shop hours.

**505.102(3)** The program shall have an attendance policy which requires that a student attend at least 95 percent of each required program course to receive credit for the course.

**505.102(4)** Each instructor shall possess one of the following qualifications:

*a.* Hold a current license as a class A master electrician or class A journeyman electrician issued by the board; or

*b.* Hold a bachelor of science degree or equivalent or higher degree in electrical engineering and have completed 4,000 hours of experience performing electrical work; or

*c.* Hold an associate of applied science or equivalent or higher degree in electrical construction or maintenance or both and have completed 8,000 hours of experience performing electrical work.

**505.102(5)** For each course limited to a specialized technical or general education area, the instructor shall possess evidence of related specialized technical knowledge, including completion of training, certification, or accreditation in the specialized subject matter.

**661—505.103 to 505.200** Reserved.

DIVISION II  
CONTINUING EDUCATION

**661—505.201(103) Continuing education requirements.** Each holder of a three-year license, other than a special electrician license, shall complete 18 hours of continuing education approved by the board between the time of issuance of the license and prior to issuance of a renewal license.

EXCEPTION: A holder of a license in a category which may be issued for a three-year period whose license is issued for less than a three-year period shall complete at least 6 hours of continuing education prior to renewal of the license for each year or portion of a year for which the license has been issued.

**661—505.202(103) Course approval.**

**505.202(1)** Any person or institution that plans to offer continuing education courses to meet the requirements of rule 661—505.201(103) shall submit an application to the board office on a form specified by the board.

**505.202(2)** Approval by the board shall be obtained prior to a course's being offered to a licensee in order to meet the requirements of rule 661—505.201(103).

**505.202(3)** An application for initial approval of a continuing education course shall be submitted to the board not less than 45 days prior to student participation in the course.

**505.202(4)** Approval of a continuing education course is normally for the duration of the three-year licensing period during which approval is received, although approval may be withdrawn for cause prior to the expiration of the licensing period.

**505.202(5)** Applications for renewal of approval of continuing education courses shall be submitted to the board at least 45 days prior to the expiration of the three-year licensing period. For purposes of

## PUBLIC SAFETY DEPARTMENT[661](cont'd)

this subrule, “renewal” may include the updating of course material in a course previously approved for delivery by the same instructor.

**505.202(6)** Information regarding approved continuing education courses may be obtained by contacting the board office. A list of approved continuing education courses shall be posted on the board Web site.

**661—505.203(103) Requirements for continuing education programs.** A continuing education program shall be approved by the board only if the following requirements are met:

**505.203(1)** The instructor or institution applying for approval of a continuing education course shall provide at least three letters from educational institutions or government agencies attesting to the instructor’s knowledge of and qualifications to teach the subject matter of the course for which approval is sought.

**505.203(2)** Each instructor shall:

- a. Verify course approval prior to delivery of the course.
- b. Facilitate auditing of the course by any board member or member of the staff of the board. No board or staff member shall receive continuing education credit for an audited course.
- c. Issue a certificate of completion to each student who completes the course.
- d. Submit a class roster, indicating which students completed the course, to the board office within 30 days of completion of the course.

These rules are intended to implement Iowa Code chapter 103.

ITEM 7. Rescind the definition of “Residential installation” in rule **661—551.2(103)**.

ITEM 8. Adopt the following **new** definition in rule **661—551.2(103)**:

“*Residential electrical work*” means electrical work in a residence in which there are no more than four living units within the same building and includes work to connect and work within accessory structures, which are structures no greater than 3,000 square feet in floor area, not more than two stories in height, the use of which is incidental to the use of the dwelling unit or units, and located on the same lot as the dwelling unit or units.

**ARC 9516B**

**PUBLIC SAFETY DEPARTMENT[661]**

**Notice of Intended Action**

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

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

Pursuant to the authority of Iowa Code section 17A.3, the Statewide Interoperable Communications System Board hereby gives Notice of Intended Action to adopt Chapter 600, “Statewide Interoperable Communications System Board,” Iowa Administrative Code.

Iowa Code section 80.28 establishes the Statewide Interoperable Communications System Board and Iowa Code section 80.29 specifies the responsibilities of the Board. The rules proposed herein establish the procedures of the Board, including procedures for meetings, election of officers, awarding of grants, entering into of contracts, and selection of the Statewide Interoperability Coordinator.

There will be a public hearing on these proposed rules on June 29, 2011, at 10:30 a.m. in the City Council Chambers, West Des Moines City Hall, 4200 George Mills Civic Parkway, West Des Moines, Iowa. Any interested person may attend and participate in the hearing. Persons wishing to speak at the hearing should notify the Agency Rules Administrator, Iowa Department of Public Safety, by E-mail at

## PUBLIC SAFETY DEPARTMENT[661](cont'd)

[admrule@dps.state.ia.us](mailto:admrule@dps.state.ia.us) or by telephone at (515)725-6185 at least one day prior to the public hearing. The site of the hearing is fully accessible.

Any person who wishes to participate in the public hearing but who is unable to attend in person may request information on how to access the hearing remotely by telephone. Such requests should be sent to the Agency Rules Administrator by electronic mail to [admrule@dps.state.ia.us](mailto:admrule@dps.state.ia.us) and must be received no later than 12 noon on June 22, 2011.

Any person may also submit comments in writing at the public hearing, by E-mail to [admrule@dps.state.ia.us](mailto:admrule@dps.state.ia.us), by fax to (515)725-6195, or by mail to Agency Rules Administrator, Iowa Department of Public Safety, 215 East 7th Street, Des Moines, Iowa 50319. Comments must be received no later than 4:30 p.m. on June 21, 2011, unless submitted at the public hearing.

The procedure for requesting waivers of the rules is included in the Department of Public Safety's 661—Chapter 10, which is adopted by reference herein in rule 661—600.5(80).

These proposed rules are not anticipated to have any fiscal impact.

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

These rules are intended to implement Iowa Code section 80.29.

The following amendment is proposed.

Adopt the following **new** 661—Chapter 600:

## CHAPTER 600

## STATEWIDE INTEROPERABLE COMMUNICATIONS SYSTEM BOARD

**661—600.1(80) Establishment of board.** The Iowa statewide interoperable communications system board is established in Iowa Code section 80.28, under the joint purview of the department of public safety and the department of transportation. The board is charged to develop, implement, and oversee policy, operations, and fiscal components of communications interoperability efforts at the state and local levels, and to coordinate with similar efforts at the federal level, with the ultimate objective of developing and overseeing the operation of a statewide integrated public safety interoperable communications system.

**661—600.2(80) Definitions.** The following definitions apply to the rules in this chapter:

“*Board*” means the statewide interoperable communications system board established in Iowa Code section 80.28.

“*Interoperability*” means the ability of public safety and public services personnel to communicate and to share data on an immediate basis, on demand, when needed, and when authorized.

“*Legal counsel to the board*” means the assistant attorney general assigned to provide legal advice and representation to the board.

“*Quorum*” means two-thirds or more of the current voting members of the board, as provided in Iowa Code section 17A.2, subsection 1. “Current voting members” does not include any board positions which are vacant.

**661—600.3(80) Statewide interoperability coordinator.** The board shall select and appoint a person who is not a member of the board as the statewide interoperability coordinator (or “SWIC”) to coordinate work performed on behalf of the board and to complete tasks related to the mission of the board as assigned by the board or by the chairperson of the board with board approval.

**661—600.4(80) Board procedures.** The board shall operate under the following procedures:

**600.4(1) Membership.** The board shall include 15 voting members and 4 ex officio, nonvoting members who are members of the Iowa general assembly, as provided in Iowa Code section 80.28.

**600.4(2) Meetings.**

*a.* The board shall meet at least once a quarter at a time and place determined by the board. Additional meetings may be called by:

(1) The chairperson,

## PUBLIC SAFETY DEPARTMENT[661](cont'd)

- (2) The vice chairperson, or
- (3) By the statewide interoperability coordinator, at the request of five or more voting members of the board.

*b.* If a quorum is not present at a scheduled meeting of the board, the members of the board who are present may convene, may take testimony and public comment, and may engage in discussion of board business but shall not take any action other than to adjourn.

*c.* Notice of all meetings of the board shall be given in accordance with the provisions of Iowa Code section 21.4. In addition, notice of any scheduled board meeting and a tentative agenda of that meeting shall be posted on the Web site of the board prior to the scheduled time of the meeting.

*d.* All meetings of the board are public meetings and shall be conducted in accordance with Iowa Code section 21.3.

(1) A portion of any board meeting may be closed to the public for any of the reasons enumerated in Iowa Code section 21.5 and only subsequent to the procedures specified in Iowa Code section 21.5 to be followed by a public body in order to close a meeting to the public. If a board meeting has been closed to the public, the board shall not adjourn while in closed session, but may do so only after the meeting has been reopened to the public.

(2) The chairperson or vice chairperson may extend invitations to subject matter experts or other parties to address items on the agenda of the board at meetings of the board.

(3) Members of the public shall be afforded an opportunity to address the board at each regular meeting during a period labeled “public comment period” on the agenda, subject to reasonable time limits established by the person presiding at the meeting.

(4) Remote telephonic access to a meeting of the board may be provided at the request of a board member or a member of the public.

*e.* Meetings of the board shall be conducted in accordance with Roberts Rules of Order, 10th edition.

**600.4(3) *Officers.*** Officers of the board shall be a chairperson and a vice chairperson.

*a.* Election of the chairperson and the vice chairperson shall take place at a regular meeting of the board.

*b.* The chairperson and the vice chairperson shall each be elected for a two-year term, commencing at the conclusion of the meeting at which the election takes place.

*c.* The chairperson and the vice chairperson shall each be a voting member of the board.

*d.* If the chairperson or the vice chairperson ceases to be a voting member of the board, or if the chairperson or the vice chairperson resigns from the position, the position shall become vacant. If the position of the chairperson becomes vacant, the vice chairperson shall become chairperson and shall serve the remainder of the two-year term to which the chairperson had been elected, and the position of vice chairperson shall become vacant. If the position of vice chairperson has become vacant, an election to fill the remainder of the two-year term shall be conducted at the next regular meeting of the board following the occurrence of the vacancy.

*e.* Election to the position of chairperson or vice chairperson shall require a majority of the voting members of the board who are present and voting at a meeting at which a quorum of the board is in attendance.

*f.* If the board fails to elect a chairperson or a vice chairperson at the board meeting when a term of office ends, the incumbent chairperson or vice chairperson shall continue to serve until a successor is elected.

**661—600.5(80) Administrative procedures.** 661 Iowa Administrative Code Chapter 10 is hereby adopted by reference, with the following amendment:

**600.5(1)** Wherever the term “department,” “department of public safety,” “commissioner,” or “commissioner of public safety” appears, substitute the term “board.”

**600.5(2)** Reserved.

## PUBLIC SAFETY DEPARTMENT[661](cont'd)

**661—600.6(80) Committees.**

**600.6(1) *Standing committees.*** A standing committee may be created or disbanded by majority vote of the voting members of the board present at any board meeting.

- a. The chairperson of each standing committee shall be a voting member of the board.
- b. Persons who are not voting members of the board may serve on a standing committee.
- c. The chairperson of the board, with approval of the board, shall appoint members of the standing committee.

**600.6(2) *Ad hoc committees.*** The chairperson may establish ad hoc committees for specific purposes and terms and may appoint persons to those committees in an advisory capacity based upon their expertise in the subject matter.

**661—600.7(80) Board finances.** Operational expenses of the board and of the statewide interoperability coordinator shall be paid from funds available to the department of public safety or the department of transportation, pursuant to an agreement between those agencies, except that expenses related to participation on the board by employees of state agencies shall be borne by their respective agencies.

**661—600.8(80) Contracts.** The board may enter into contracts with other entities to carry out tasks in pursuit of the board's purpose. Any such contract shall be entered into subject to approval of the legal counsel to the board and shall comply with the rules of the department of administrative services and any other applicable state laws regarding purchases by state agencies.

**661—600.9(80) Competitive grants.** If funds are available to the board to award grants on a competitive basis for projects to further the purposes of the board, the chairperson shall appoint an advisory committee to review grant applications. The chairperson of the advisory committee shall be a voting member of the board, although other members may be members of the board or other persons with expertise helpful in evaluating grant applications. The statewide interoperability coordinator shall, prior to the solicitation of applications for the grant funds and with the approval of the board, develop a grant application form and an evaluation methodology which shall be understandable and made available to any prospective applicant. The availability of grant funds shall be made known as widely as practicable prior to the deadline for accepting applications.

**661—600.10(80) Additional information.** Additional descriptive and explanatory information about the board and its procedures and about interoperability issues may be found on the Web site of the board.

NOTE: The board Web site may be found at <http://isicsb.iowa.gov/index.html>.

These rules are intended to implement Iowa Code section 80.29.

## REVENUE DEPARTMENT

### Notice of Electric and Natural Gas Delivery Tax Rate Changes

Pursuant to the authority of Iowa Code sections 437A.4 and 437A.5, the Director of Revenue hereby gives notice of the changes to the electric and the natural gas delivery tax rates. These rates will be used in conjunction with the number of kilowatt hours of electricity and the number of therms of natural gas delivered to consumers in calendar year 2010 by each taxpayer, for replacement taxes payable in the 2011-2012 fiscal year.

## REVENUE DEPARTMENT(cont'd)

**2010 ELECTRIC DELIVERY TAX RATES BY SERVICE AREA**

<b>CO. #</b>	<b>MUNICIPAL ELECTRICS</b>	<b>DELIVERY TAX RATE</b>
3226	Akron Municipal Utilities	0.00005587
3227	Anthon Municipal Electric Utility	0.00012866
3074	Aurelia Mun. Electric Utility	0.00007585
3211	Bancroft Municipal Utilities	0.00087760
3221	Cedar Falls Municipal Elec. Utility	0.00030278
3230	City of Fredericksburg	0.00000478
3236	Coggon Municipal Light Plant	0.00004355
3095	Greenfield Municipal Utilities	0.00115220
3099	Hinton Municipal Electric/Water	0.00006822
3267	Hopkinton Municipal Utilities	0.00000787
3112	Manning Municipal Electric	0.00022167
3291	Milford Municipal Utilities	0.00017400
3234	Onawa Municipal Utilities	0.00009815
3315	Primghar Municipal Light Plant	0.00001643
3321	Sioux Center Municipal Utilities	0.00000087
3228	Sumner Municipal Light Plant	0.00023250
3332	Traer Municipal Utilities	0.00063892
3342	Webster City Municipal Utilities	0.00034708

<b>CO. #</b>	<b>IOU's — ELECTRICS</b>	<b>DELIVERY TAX RATE</b>
7248	Eldridge Electric & Water Utilities	0.00055028

<b>CO. #</b>	<b>REC's</b>	<b>DELIVERY TAX RATE</b>
4218	Butler County REC	0.00065735
4220	Cass Electric Coop	0.00004365
4249	Farmers Electric Coop - Kalona	0.00040105
4253	Franklin Rural Electric Coop	0.00081420
4254	Freeborn-Mower Cooperative	0.00101444
4259	Grundy County REC	0.00089244
4261	Guthrie County REC	0.00125682
4262	Hancock Co. REC	0.00119414
4265	Harrison County REC	0.00078253
4266	Hawkeye Tri-County Electric Coop	0.00052286
4223	Heartland Power Coop	0.00035300
4273	Iowa Lakes Electric Coop	0.00060175

REVENUE DEPARTMENT(cont'd)

CO. #	REC's	DELIVERY TAX RATE
4279	Linn County REC	0.00145026
4280	Lyon Rural Electric Coop	0.00065736
4290	Midland Power Cooperative	0.00116065
4299	Nishnabotna Valley REC	0.00064658
4300	North West Rural Electric Coop	0.00034172
4352	Woodbury County REC	0.00110627

**2010 NATURAL GAS DELIVERY TAX RATES BY SERVICE AREA**

CO. #	MUNICIPAL GAS	DELIVERY TAX RATE
5215	Brighton Gas	0.00691321
5238	Coon Rapids Municipal Gas	0.00004091
5241	Corning Municipal Gas	0.00000647
5275	Lamoni Municipal Gas	0.00088799
5281	Manilla Municipal Gas	0.00040673
5283	Manning Municipal Gas	0.00014984
5306	Osage Municipal Gas	0.00004004
5344	West Bend Municipal Gas	0.00002511

CO. #	IOU's — GAS	DELIVERY TAX RATE
5270	IES Utilities	0.00778056
5272	Interstate Power	0.00258695
5312	Peoples Natural Gas	0.00682869
5335	United Cities Gas	0.01541873

**TREASURER OF STATE**

**Notice—Public Funds Interest Rates**

In compliance with Iowa Code chapter 74A and section 12C.6, the committee composed of Treasurer of State Michael L. Fitzgerald, Superintendent of Credit Unions JoAnn Johnson, Superintendent of Banking James M. Schipper, and Auditor of State David A. Vaudt have established today the following rates of interest for public obligations and special assessments. The usury rate for May is 5.50%.

**INTEREST RATES FOR PUBLIC OBLIGATIONS AND ASSESSMENTS**

74A.2 Unpaid Warrants .....	Maximum 6.0%
74A.4 Special Assessments .....	Maximum 9.0%

RECOMMENDED Rates for Public Obligations (74A.3) and School District Warrants (74A.7). A rate equal to 75% of the Federal Reserve monthly published indices for U.S. Government securities of comparable maturities. All Iowa Banks and Iowa Savings Associations as defined by Iowa Code section 12C.1 are eligible for public fund deposits as defined by Iowa Code section 12C.6A.

TREASURER OF STATE(cont'd)

The rate of interest has been determined by a committee of the state of Iowa to be the minimum interest rate that shall be paid on public funds deposited in approved financial institutions. To be eligible to accept deposits of public funds of the state of Iowa, a financial institution shall demonstrate a commitment to serve the needs of the local community in which it is chartered to do business. These needs include credit services as well as deposit services. All such financial institutions are required to provide the committee with a written description of their commitment to provide credit services in the community. This statement is available for examination by citizens.

New official state interest rates, effective May 10, 2011, setting the minimums that may be paid by Iowa depositories on public funds are listed below.

TIME DEPOSITS

7-31 days .....	Minimum .05%
32-89 days .....	Minimum .05%
90-179 days .....	Minimum .05%
180-364 days .....	Minimum .05%
One year to 397 days .....	Minimum .20%
More than 397 days .....	Minimum .65%

These are minimum rates only. The one year and less are four-tenths of a percent below average rates. Public body treasurers and their depositories may negotiate a higher rate according to money market rates and conditions.

Inquiries may be sent to Michael L. Fitzgerald, Treasurer of State, State Capitol, Des Moines, Iowa 50319.

**ARC 9504B****ECONOMIC DEVELOPMENT, IOWA DEPARTMENT OF[261]****Adopted and Filed Emergency**

Pursuant to the authority of Iowa Code sections 15.104 and 15.106, the Iowa Department of Economic Development adopts amendments to Chapter 27, "Neighborhood Stabilization Program," Iowa Administrative Code.

The Neighborhood Stabilization Program is a 100 percent federally funded program whose intent is to address the economic housing crisis. The initial funding was created by the Housing and Economic Recovery Act in 2008. The State of Iowa received \$21,607,197 from the first allocation. The primary goal of the Neighborhood Stabilization Program is to put foreclosed or abandoned residential properties back into productive use. The program also allows for demolition of blighted properties that are no longer productive or safe.

These amendments address changes made to the Neighborhood Stabilization Program in the third allocation of funding (NSP3). The State of Iowa will be receiving \$5 million from the third allocation. The State of Iowa has amended the application pool of eligible subrecipients based upon the aggressive expenditure deadlines mandated for NSP3 and new eligibility criteria provided by the U.S. Department of Housing and Urban Development (HUD). Also, the NSP3 Notice of Funds Availability redefined some eligible activities and implemented activity expenditure limits.

In compliance with Iowa Code section 17A.4(3), the Department finds that notice and public participation are impracticable because of the immediate need for the amendments to implement new funding guidelines for the federal Neighborhood Stabilization Program. The federal regulations governing the program require that 50 percent of the funding be expended by March 1, 2013, and that all funds be expended by March 1, 2014. In order to meet these deadlines, communities will need to begin their activities as soon as possible. The application process consisted of a Substantial Amendment to the Consolidated Plan submitted to HUD for review. Prior to submission, the Substantial Amendment was posted on the IDED Web site to request public comment for more than 15 days.

The Department also finds, pursuant to Iowa Code section 17A.5(2)"b"(2), that the normal effective date of these amendments should be waived and the amendments should be made effective upon filing with the Administrative Rules Coordinator on April 22, 2011, as they confer a benefit upon cities that apply for the NSP3 funding.

These amendments are also published herein under Notice of Intended Action as **ARC 9503B** to allow for public comment. This emergency filing permits the Department to implement new funding guidelines for the federal Neighborhood Stabilization Program.

The Iowa Economic Development Board adopted these amendments on April 21, 2011.

As required under Executive Order Number 71, the jobs impact statement for this rule making is as follows:

- There will be no cost incurred for entities implementing and complying with this rule making.
- The rule making will positively impact job creation in the private sector. The primary activities include acquisition, rehabilitation, demolition and redevelopment. Throughout Iowa these activities are primarily performed on an open bid process. Any cleared contractor may bid on the projects.
- The categories of jobs and employment opportunities as a result of this rule making will be to the real estate, construction, development, suppliers, skilled trades and finance/insurance fields. An estimated 60-70 residential units will be assisted with NSP3, which could result in the service or supplies of over 200 individuals/companies. Eligible communities for NSP3 funding: Des Moines, Waterloo, Sioux City, Council Bluffs, Davenport, Burlington, Perry, Cedar Rapids, Boone, Guthrie Center and Shenandoah.

- The rule making is unlikely to incur additional costs to the employer on a per-employee basis.

These amendments are intended to implement Iowa Code chapter 15.

These amendments became effective April 22, 2011.

The following amendments are adopted.

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

ITEM 1. Rescind the definitions of “Entitlement community” and “Non-entitlement community” in rule **261—27.2(15)**.

ITEM 2. Amend subrule 27.3(1) as follows:

**27.3(1) Eligible applicants.** Eligible applicants are those communities within the state with the greatest need, as determined by IDEED using the methodology specified by HUD, which would include the following factors: areas with the greatest number and percentage of home foreclosures, areas with the highest number and percentage of homes financed by a subprime mortgage-related loan, and areas likely to face a significant rise in the rate of home foreclosures with the highest number and percentage of homes in default or delinquency.

ITEM 3. Amend rule 261—27.4(15) as follows:

**261—27.4(15) Allocation of funding.** ~~IDEED will allocate the available federal funding between the large entitlement communities and the smaller non-entitlement communities based on measurable statistics relating to the three factors required by federal law relating to the determination of need as described in 27.3(1). After that division of funding has been determined, IDEED will determine an amount to be allocated to each of the entitlement communities based upon the need factors for each of the respective communities. If allocation results in an amount of funding to a community or communities that is too small to result in an effective program, IDEED may reallocate those funds to the other entitlement communities according to the percentages calculated based on the need factors. The funding available to the smaller non-entitlement communities will be distributed on a competitive basis, upon receipt and review of applications from each community. The maximum award to a non-entitlement community will be \$1 million.~~

ITEM 4. Amend rule 261—27.5(15) as follows:

**261—27.5(15) Application procedures.**

~~**27.5(1) Application procedures for entitlement communities.** Eligible entitlement communities shall submit to IDEED a neighborhood stabilization plan that provides details on their proposed activities, includes a project budget, and demonstrates compliance with federal rules and regulations governing the program.~~

~~**27.5(2) Application procedures for non-entitlement communities.** Non-entitlement communities Communities requesting funds must complete and submit an application similar in content to the plan submitted by the entitlement communities.~~

~~**27.5(3) Application/plan contents.** The plan submitted by the entitlement communities, and the application submitted by the non-entitlement communities, which shall include at least the following information:~~

- ~~a. 1. General project description;~~
- ~~b. 2. Budget for all activities;~~
- ~~c. 3. Projected start and end dates;~~
- ~~d. 4. Demonstration of how the project will meet all federal requirements, including the requirements to benefit households with incomes of less than 120 percent of area median income and that at least 25 percent of the funding will benefit households with incomes of less than 50 percent of area median income;~~
- ~~e. 5. Targeted geographical area of the community for the proposed activities;~~
- ~~f. 6. Additional detail on each of the separate proposed activities.~~

ITEM 5. Amend rule 261—27.6(15) as follows:

**261—27.6(15) Plan and application review process.**

~~**27.6(1) Entitlement communities.** IDEED will review each plan from an entitlement community eligible applicants to ensure that the proposed activities are eligible activities and that the plan as proposed is in conformance with federal law and regulations. Plans that meet both tests will be~~

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

~~approved.~~ Applications will be reviewed on a competitive basis. Each application will be reviewed, rated, and ranked by an IDEED review committee on the following factors:

1. Need for assistance;
2. Impact of the proposed activities;
3. Degree of targeting of the activities within the community;
4. Timeliness of the proposed project;
5. Degree to which green development concepts are incorporated into the proposal.

~~27.6(2) Non-entitlement communities.~~ Applications from non-entitlement communities will be reviewed on a competitive basis. Each application will be reviewed, rated, and ranked by an IDEED review committee on the following factors:

- a. ~~Need for assistance;~~
- b. ~~Impact of the proposed activities;~~
- c. ~~Degree of targeting of the activities within the community;~~
- d. ~~Timeliness of the proposed project;~~
- e. ~~Degree to which green development concepts are incorporated into the proposal.~~

ITEM 6. Amend rule 261—27.7(15) as follows:

**261—27.7(15) Award process.** Upon award decisions, each community that submitted a ~~plan or~~ an application will be notified in writing of the department's decision. Successful applicants will be required to execute a contract with IDEED, which will include the proposed activities and budget, the terms of fund disbursement, the reporting requirements, and the federal and state compliance requirements.

ITEM 7. Amend subrule 27.8(6) as follows:

**27.8(6) Compliance with federal, state and local laws and regulations.** Recipients shall comply with all applicable laws and rules, including the applicable federal CDBG<sub>2</sub> and HERA and Frank-Dodd regulations, any provisions of the Iowa Code governing activities performed under this program, and with applicable local regulations.

[Filed Emergency 4/22/11, effective 4/22/11]

[Published 5/18/11]

EDITOR'S NOTE: For replacement pages for IAC, see IAC Supplement 5/18/11.

**ARC 9510B****DENTAL BOARD[650]****Adopted and Filed**

Pursuant to the authority of Iowa Code sections 147.76 and 153.33(8), the Dental Board hereby adopts amendments to Chapter 11, "Licensure to Practice Dentistry or Dental Hygiene," and Chapter 12, "Dental and Dental Hygiene Examinations," Iowa Administrative Code.

Notice of Intended Action was published in the December 1, 2010, Iowa Administrative Bulletin as **ARC 9243B**.

The Iowa Dental Board is the state agency that licenses dentists and dental hygienists and registers dental assistants. The Board is comprised of nine members: five dentists, two dental hygienists, and two members that represent the public. Under Iowa law, Iowa Code section 147.34, the dentists on the Board determine, by rule, what examination is required for dental licensure in Iowa. The Dental Hygiene Committee established in Iowa Code section 153.33A determines what examination is accepted for an Iowa dental hygiene license.

There are currently two ways to become licensed in Iowa as a dentist or dental hygienist: "licensure by examination" (taking and passing a clinical examination accepted by the Iowa Dental Board) or "licensure by credentials" (licensed in another state and practiced for at least three years).

These amendments apply to applicants seeking licensure by examination. These amendments establish the Central Regional Dental Testing Service, Inc. (CRDTS) as the examination the Dental Board will recognize for a dentist or dental hygienist applying for licensure by examination in Iowa. CRDTS is the independent regional testing agency that administers clinical competency examinations in dentistry and dental hygiene on behalf of its members and participating states. Iowa has been a member of CRDTS for many years.

For many years, individual state dental boards, including the Iowa Dental Board, administered an annual clinical examination to evaluate competency to practice dentistry. The American Dental Association reports that beginning in the late 1960s state dental licensing boards "realized that the clinical examinations could be improved by increasing and standardizing examiners and by making the examination available at a number of sites and on a number of dates throughout the year." Regional clinical testing organizations were formed. There are five regional testing organizations recognized across the country: Central Regional Dental Testing Service, Inc. (CRDTS), Council of Interstate Testing Agencies (CITA), Northeast Regional Board of Dental Examiners (NERB), Southern Regional Testing Agency (SRTA), and Western Regional Examining Board (WREB). These regional testing agencies are the method by which the required clinical competency examination is administered. The members of state dental licensing boards became members of one or more regional testing organizations. A few states continue to administer their own clinical examinations. While there has been some discussion about moving toward a national standardized clinical examination, one does not yet exist.

The purpose of the clinical examination is to assess the candidate's "professional knowledge, skills, abilities and judgment as applied in clinical treatment procedures that are a representative sample of the services that are provided in the practice of general dentistry" (from the 2011 CRDTS Dental Candidate Manual). A clinical examination involves live patients who participate in the testing with the dentist and dental hygienist graduate. As part of the clinical examination, the dentist's and dental hygienist's work is evaluated by licensed dentists and dental hygienists; these evaluators are referred to as "examiners." For example, a dentist demonstrates knowledge and ability by examining the patient, developing a treatment plan and then performing dental work such as filling a cavity. The candidate's work is evaluated by the examiner for the regional testing agency.

To become licensed by examination in Iowa, a dentist or dental hygienist must: (1) graduate from an accredited school, (2) pass the written National Board Dental Examinations developed by the Joint Commission on National Dental Examinations, and (3) pass a clinical competency examination administered by a regional testing agency acceptable to the Iowa Dental Board. These amendments establish the clinical examination administered by CRDTS as the examination that will be accepted for

## DENTAL BOARD[650](cont'd)

“licensure by examination” in Iowa. Dentists and dental hygienists who have passed a different clinical examination may apply for a license through the “licensure by credentials” process described later in this preamble.

The CRDTS Examination Review Committees develop and revise the clinical examination. These committees include representatives from various member states, dental educators and special consultants. Members of the Iowa Dental Board participate on these committees and are involved in the development of the CRDTS clinical examination. The members of the Dental Board, through this active participation in the development of the examination and serving as examiners for CRDTS examinations given in multiple states, ensure that the clinical examination accepted for licensure in Iowa protects public health and safety.

Dentists and dental hygienists who are licensed in another state are eligible to apply for an Iowa license under the “licensure by credentials” procedure. Recently enacted legislation, 2011 Iowa Acts, Senate File 438, expands the options available for applicants seeking licensure by credentials. 2011 Iowa Acts, Senate File 438, makes changes to the licensure by credentials process and will provide an alternate route for applicants to be licensed by credentials. An applicant may either have: (1) held a license in another state and practiced three years, or (2) held a license in another state and taken a clinical examination approved by the Dental Board. For the second option there is no three-year practice requirement. The Board intends to propose amendments to expand the list of clinical examinations the Board will accept for licensure by credentials to include the five regional examinations recognized across the country: CRDTS, WREB, SRTA, CITA, and NERB. These two actions (this rule making and the statutory change) address the primary concerns raised during the comment period about restricting newer dentists and dental hygienists from practicing in Iowa.

During the public comment period, the Board received numerous comments about the proposed amendments. Comments were sought by posting the Notice of Intended Action on the Board’s Web site and providing for comments to be submitted electronically. Board members also met with the trustees of the Iowa Dental Association (IDA) and communicated with the Dean and other representatives of the University of Iowa College of Dentistry about the proposed amendments. A public hearing was held on December 21, 2010. Written and oral comments were received from the IDA, dental students, professors, practitioners, former Board members and other interested parties. All of the comments were compiled, posted on the Board’s Web site, and reviewed by the Board.

Some commenters supported the proposed amendments and recognized that CRDTS was the examination with which the Board members are actively involved. The Board members’ active participation in the development of the examination and as examiners was viewed as protecting the quality of the clinical examination given in Iowa and protecting the citizens of Iowa.

Commenters opposed to the proposed amendments raised the following concerns: the potential adverse impact the change in examination requirements would have on current fourth-year dental students who had prepared for and made a financial commitment to take the WREB examination in spring 2011; the negative impact on access to care due to limiting the number of dentists and dental hygienists who could be licensed in Iowa if they had taken a different clinical examination; the asserted lack of evidence to support the conclusion that one regional testing agency’s clinical examination is a better prediction of competency; and the impact of the change in examination on the ability to encourage dentists to stay in the state after graduation or to return to Iowa.

The Board reviewed the comments and recognized the unintended consequence of potentially limiting new licensees’ receipt of an Iowa license if they did not take CRDTS. This would have been due to the fact that there is a statutory requirement that a person licensed out of state must practice three years before applying for an Iowa license through the “licensure by credentials” process. The Board worked with the IDA to get the law changed. 2011 Iowa Acts, Senate File 438, has been signed by the Governor and will become effective July 1, 2011. This law, as described above, will expand the options available for applicants seeking licensure by credentials.

The following changes have been made in the adopted amendments:

1. To accommodate fourth-year students of the University of Iowa College of Dentistry who have taken, or intend to take, the WREB examination prior to September 1, 2011, the amendments include a

## DENTAL BOARD[650](cont'd)

transition provision. Applicants that successfully pass WREB (or American Board of Dental Examiners (ADEX), an examination currently only administered by two testing agencies, NERB and Nevada) by September 1, 2011, are eligible to apply for an Iowa license based on licensure by examination. This will permit the current senior dental students to proceed with existing plans to take WREB at the University of Iowa College of Dentistry.

2. Minor formatting changes were made. Catchwords were added to subrules 11.2(2) and 11.5(2) and to the subrules in rules 650—12.1(147,153) and 650—12.3(147,153) to make it easier to identify licensure application requirements.

3. The amendments update the name of the Board from the “Board of Dental Examiners” to the “Iowa Dental Board.”

These rules are subject to waiver or variance. Special cases that fall outside these rules may be addressed through the Board’s rule waiver procedures located in 650—Chapter 7.

The Iowa Dental Board adopted these amendments on April 12, 2011.

These amendments will become effective June 22, 2011.

These amendments are intended to implement Iowa Code sections 153.33 and 153.34.

The following amendments are adopted.

ITEM 1. Amend subrule 11.2(2) as follows:

**11.2(2)** Applications for licensure must be filed with the board along with:

a. Documentation of graduation from dental college. Satisfactory evidence of graduation with a DDS or DMD from an accredited dental college approved by the board or satisfactory evidence of meeting the requirements specified in rule 650—11.4(153).

b. Certification of good standing from dean or designee. Certification by the dean or other authorized representative of the dental school that the applicant has been a student in good standing while attending that dental school.

c. Certification of good standing in each state where licensed. If the applicant is a dentist licensed by another jurisdiction, the applicant shall furnish certification from the board of dental examiners of that jurisdiction that the applicant is a licensed dentist in good standing.

d. Documentation of passage of national dental examination. Evidence of successful completion of Part I and Part II of the examination, with resulting scores, administered by the Joint Commission on National Dental Examinations. At the discretion of the board, any dentist who has lawfully practiced dentistry in another state or territory for five years may be exempted from presenting this evidence.

e. Documentation of passage of a regional clinical examination.

(1) Successful passage of CRDTS. Evidence of successful completion of the examination taken in the last five years, with resulting scores, administered by ~~the American Board of Dental Examiners, Inc., the Central Regional Dental Testing Service, Inc. (CRDTS), or the Western Regional Examining Board, Inc. (WREB).~~

(2) Special transition period for dentists passing WREB or ADEX examination prior to September 1, 2011. An applicant who has successfully taken and passed the WREB or ADEX examination within the five years prior to September 1, 2011, may apply for licensure by examination by submitting evidence of successful completion of the WREB or ADEX examination.

f. Explanation of any legal or administrative actions. A statement disclosing and explaining any disciplinary actions, investigations, complaints, malpractice claims, judgments, settlements, or criminal charges, including the results of a self-query of the National Practitioners Data Bank (NPDB) and the Healthcare Integrity and Protection Data Bank (HIPDB).

g. Payment of application, fingerprint and background check fees. The nonrefundable application fee, plus the fee for the evaluation of the fingerprint packet and the criminal history background checks by the Iowa division of criminal investigation (DCI) and the Federal Bureau of Investigation (FBI), as specified in 650—Chapter 15.

h. Documentation of passage of jurisprudence examination. Evidence of successful completion of the jurisprudence examination administered by the Iowa dental board ~~of dental examiners.~~

DENTAL BOARD[650](cont'd)

- i. Current CPR certification.* Evidence that the applicant possesses a valid certificate in a nationally recognized course in cardiopulmonary resuscitation.
- j. Current photograph.* A photograph of the applicant suitable for positive identification.
- k. Completed fingerprint packet.* A completed fingerprint packet to facilitate a criminal history background check by the DCI and FBI.

ITEM 2. Amend subrule 11.5(2) as follows:

**11.5(2)** Applications for licensure must be filed with the dental hygiene committee along with:

- a. Documentation of graduation from dental hygiene school.* Satisfactory evidence of graduation from an accredited school of dental hygiene approved by the dental hygiene committee.
- b. Certification of good standing from dean or designee.* Certification by the dean or other authorized representative of the school of dental hygiene that the applicant has been a student in good standing while attending that dental hygiene school.
- c. Certification of good standing in each state where licensed.* If the applicant is licensed as a dental hygienist by another jurisdiction, the applicant shall furnish certification from the appropriate examining board of that jurisdiction that the applicant is a licensed dental hygienist in good standing.
- d. Documentation of completion of national examination.* Evidence of successful completion of the examination, with resulting scores, administered by the Joint Commission on National Dental Examinations.
- e. Passage of regional clinical examination.*
  - (1) Successful passage of CRDTS. Evidence of successful completion of the examination taken in the last five years, with resulting scores, administered by the Central Regional Dental Testing Service, Inc. (CRDTS) ~~or the Western Regional Examining Board, Inc.~~
  - (2) Special transition period for dental hygienists passing WREB examination prior to September 1, 2011. An applicant who has successfully taken and passed the WREB examination within the five years prior to September 1, 2011, may apply for licensure by examination by submitting evidence of successful completion of the WREB examination.
- f. Payment of application, fingerprint and background check fees.* The nonrefundable application fee, plus the fee for the evaluation of the fingerprint packet and the criminal history background checks by the Iowa division of criminal investigation (DCI) and the Federal Bureau of Investigation (FBI), as specified in 650—Chapter 15.
- g. Documentation of passage of jurisprudence examination.* Evidence of successful completion of the jurisprudence examination administered by the dental hygiene committee.
- h. Current CPR certification.* Evidence that the applicant possesses a valid certificate in a nationally recognized course in cardiopulmonary resuscitation.
- i. Explanation of any legal or administrative actions.* A statement disclosing and explaining any disciplinary actions, investigations, complaints, malpractice claims, judgments, settlements, or criminal charges, including the results of a self-query of the National Practitioners Data Bank (NPDB) and the Healthcare Integrity and Protection Data Bank (HIPDB).
- j. Current photograph.* A photograph of the applicant suitable for positive identification.
- k. Completed fingerprint packet.* A completed fingerprint packet to facilitate a criminal history background check by the DCI and FBI.

ITEM 3. Amend rule 650—12.1(147,153) as follows:

**650—12.1(147,153) Clinical examination procedure for dentistry.**

**12.1(1)** Completion of regional clinical examination required.

- a. CRDTS accepted for licensure by examination.* To meet the requirements for dental licensure by examination, applicants shall complete the examination administered by ~~the American Board of Dental Examiners, Inc. (ADEX), the Central Regional Dental Testing Service, Inc. (CRDTS), or the Western Regional Examining Board, Inc. (WREB).~~

DENTAL BOARD[650](cont'd)

b. Special transition period for dentists passing WREB or ADEX examination prior to September 1, 2011. An applicant who has successfully passed the WREB or ADEX examination prior to September 1, 2011, may apply for licensure by examination.

**12.1(2) Compliance with testing requirements and procedures.**

a. CRDTS. Examinees shall meet the requirements for testing and follow the procedures established by the American Board of Dental Examiners, Inc., the Central Regional Dental Testing Service, Inc., or the Western Regional Examining Board, Inc.

b. Special transition period for dentists passing WREB or ADEX examination prior to September 1, 2011. Examinees who have completed the WREB or ADEX examination prior to September 1, 2011, shall meet the requirements for testing and follow the procedures established by WREB or ADEX.

**12.1(3) Scoring requirements.**

a. Prior to April 1, 1995, the examinee must attain an average grade of not less than 70 percent on each clinical portion of the examination and 70 percent on the written portion of the examination.

b. Between April 1, 1995, and December 31, 2000, the examinee must attain an average grade of not less than 75 percent on each clinical portion of the examination and 75 percent on the written portion of the examination.

c. Effective Between January 1, 2001, and June 22, 2011, the examinee must attain a comprehensive score that meets the standard for passing established by ADEX, CRDTS, or WREB.

d. Post-June 22, 2011, and special transition period.

(1) Effective June 22, 2011, the examinee must attain a comprehensive score that meets the standard for passing established by CRDTS.

(2) Special transition period for dentists passing WREB or ADEX. Examinees who successfully complete the WREB or ADEX examination by September 1, 2011, must attain a comprehensive score that meets the standard for passing established by WREB or ADEX.

**12.1(4) Compliance with performance clinical operations requirements.**

a. Each examinee shall be required to perform such clinical operations as may be required by the American Board of Dental Examiners, Inc., the Central Regional Dental Testing Service, Inc., or the Western Regional Examining Board, Inc. (WREB) for the purpose of sufficiently evaluating and testing the fitness of the examinee to practice dentistry.

b. Special transition period for dentists passing WREB or ADEX. Examinees who successfully complete the WREB or ADEX examination by September 1, 2011, shall be required to perform such clinical operations as may be required by WREB or ADEX for the purpose of sufficiently evaluating and testing the fitness of the examinee to practice dentistry.

ITEM 4. Amend subrule 12.2(5) as follows:

**12.2(5) Failures of other examinations.** If a dental examinee applies for the American Board of Dental Examiners, Inc., the Central Regional Dental Testing Service, Inc., or the Western Regional Examining Board, Inc., examination after having failed any other state or regional examination, the failures failure shall be considered ADEX, a CRDTS, or WREB failures failure for the purposes of retakes.

ITEM 5. Amend rule 650—12.3(147,153) as follows:

**650—12.3(147,153) Clinical examination procedure for dental hygiene.**

**12.3(1) Completion of regional clinical examination required.**

a. CRDTS accepted for licensure by examination. To meet the requirements for dental hygiene licensure by examination, applicants shall complete the examination administered by either the Central Regional Dental Testing Service, Inc. (CRDTS) or the Western Regional Examining Board, Inc. (WREB).

b. Special transition period for dentists passing WREB examination prior to September 1, 2011. An applicant who has successfully passed the WREB examination prior to September 1, 2011, may apply for licensure by examination.

DENTAL BOARD[650](cont'd)

**12.3(2) *Compliance with testing requirements and procedures.***

*a. CRDTS.* Examinees shall meet the requirements for testing and follow the procedures established by either the Central Regional Dental Testing Service, Inc. or the Western Regional Examining Board, Inc.

*b. Special transition period for dentists passing WREB examination prior to September 1, 2011.* Examinees who successfully complete the WREB examination prior to September 1, 2011, shall meet the requirements for testing and follow the procedures established by WREB.

**12.3(3) *Scoring requirements.***

*a.* Prior to December 31, 2003, the examinee must attain an average grade of 70 percent on the examination.

*b. Effective Between January 1, 2004, and June 22, 2011,* the examinee must attain a comprehensive score that meets the standard for passing established by CRDTS or WREB.

*c. Post-June 22, 2011, and special transition period.*

(1) Effective June 22, 2011, the examinee must attain a comprehensive score that meets the standard for passing established by CRDTS.

(2) Special transition period for dental hygienists passing WREB. Examinees who successfully complete the WREB examination by September 1, 2011, must attain a comprehensive score that meets the standard for passing established by WREB.

**12.3(4) *Practical demonstrations.*** Each examinee shall be required to perform such practical demonstrations as may be required by the Central Regional Dental Testing Service, Inc. or the Western Regional Examining Board, Inc., for the purpose of sufficiently evaluating and testing the fitness of the examinee to practice dental hygiene.

ITEM 6. Amend paragraph **12.4(1)“a”** as follows:

*a.* For the purposes of counting examination failures, the board shall utilize the policies adopted by CRDTS or WREB.

ITEM 7. Amend subrule 12.4(5) as follows:

**12.4(5) *Failures of other examinations.*** If a dental hygiene examinee applies for the Central Regional Dental Testing Service, Inc. or the Western Regional Examining Board, Inc. examination after having failed any other state or regional examination, the failures failure shall be considered a CRDTS or WREB failures failure for the purposes of retakes.

[Filed 4/26/11, effective 6/22/11]

[Published 5/18/11]

EDITOR'S NOTE: For replacement pages for IAC, see IAC Supplement 5/18/11.

**ARC 9502B**

## **PHARMACY BOARD[657]**

**Adopted and Filed**

Pursuant to the authority of Iowa Code sections 147.76 and 155A.6A, the Board of Pharmacy hereby amends Chapter 3, “Pharmacy Technicians,” Iowa Administrative Code.

The amendment identifies the technical functions that may be delegated by a supervising pharmacist to a pharmacy technician trainee or an uncertified pharmacy technician and clarifies that the functions that are identified in Chapter 5 that may be delegated to a pharmacy support person may also be delegated to a pharmacy technician.

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

Notice of Intended Action was published in the December 29, 2010, Iowa Administrative Bulletin as **ARC 9297B**. The Board received no written comments regarding the proposed amendment. The adopted amendment is identical to that published under Notice.

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

The amendment was approved during the March 8, 2011, meeting of the Board of Pharmacy.

This amendment will become effective on June 22, 2011.

This amendment is intended to implement Iowa Code section 155A.6A.

The following amendment is adopted.

Amend rule 657—3.22(155A) as follows:

**657—3.22(155A) Technical functions.** At the discretion of the supervising pharmacist, the following technical functions, in addition to any of the functions authorized for a pharmacy support person pursuant to 657—Chapter 5, may be delegated to a pharmacy technician as specified in the following subrules.

**3.22(1) Certified pharmacy technician.** Under the supervision of a pharmacist, a certified pharmacy technician may perform technical functions delegated by the supervising pharmacist including, but not limited to, the following:

- a. Perform packaging, manipulative, or repetitive tasks relating to the processing of a prescription or medication order in a licensed pharmacy.
- b. Accept prescription refill authorizations communicated to a pharmacy by a prescriber or by the prescriber's office.
- c. Contact prescribers to obtain prescription refill authorizations.
- d. Process pertinent patient information, including information regarding allergies and disease state.
- e. Enter prescription and patient information into the pharmacy computer system.
- f. Inspect drug supplies provided and controlled by an Iowa-licensed pharmacy but located or maintained outside the pharmacy department, including but not limited to drug supplies maintained in an ambulance or other emergency medical service vehicle, a long-term care facility, a hospital patient care unit, or a hospice facility.
- g. Affix required prescription labels upon any container of drugs sold or dispensed pursuant to the prescription of an authorized prescriber.
- h. Prepackage or label multidose and single-dose packages of drugs, including dose picks for unit dose cart or AMDS fills for hospital or long-term care facility patients.
- i. Perform drug compounding processes for nonsterile compounding as provided in 657—Chapter 20.
- j. Perform drug compounding processes for sterile compounding as provided in 657—Chapter 13.
- k. As provided in rule 657—3.24(155A), accept new prescription drug orders or medication orders communicated to the pharmacy by a prescriber or by the prescriber's agent.

**3.22(2) Pharmacy technician trainee and uncertified pharmacy technician.** Under the supervision of a pharmacist, a pharmacy technician trainee or an uncertified pharmacy technician may perform only the following technical functions delegated by the supervising pharmacist:

- a. Perform packaging, manipulative, or repetitive tasks relating to the processing of a prescription or medication order in a licensed pharmacy.
- b. Accept prescription refill authorizations communicated to a pharmacy by a prescriber or by the prescriber's office.
- c. Contact prescribers to obtain prescription refill authorizations.
- d. Process pertinent patient information, including information regarding allergies and disease state.
- e. Enter prescription and patient information into the pharmacy computer system.
- f. Affix required prescription labels upon any container of drugs sold or dispensed pursuant to the prescription of an authorized prescriber.
- g. Prepackage or label multidose and single-dose packages of drugs, including dose picks for unit dose cart or AMDS fills for hospital or long-term care facility patients.
- h. Under the supervision of a pharmacist who provides training and evaluates and monitors trainee competence in the compounding processes, perform drug compounding processes for nonsterile compounding as provided in 657—Chapter 20.

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

*i.* Under the supervision of a pharmacist who provides training and evaluates and monitors trainees, and contingent on successful completion of appropriate media fill testing processes, perform drug compounding processes for sterile compounding as provided in 657—Chapter 13.

~~3.22(3) *Uncertified pharmacy technician.* Under the supervision of a pharmacist, an uncertified pharmacy technician may perform technical functions delegated by the supervising pharmacist limited to the following:~~

~~*a.*—Select the appropriate stock supply of a prescription drug from the pharmacy drug supply shelves to process a prescription drug order.~~

~~*b.*—Count dosage forms of prescription drugs into appropriate prescription vials or containers pursuant to prescription drug orders. Uncertified pharmacy technicians shall not prepackage or label multidose and single-dose packages of drugs, including dose picks for unit dose cart or AMDS fills for hospital or long-term care facility patients.~~

~~*c.*—Affix required prescription labels upon any container of drugs sold or dispensed pursuant to the prescription of an authorized prescriber.~~

~~*d.*—Return or place stock supplies of prescription drugs in the appropriate locations on the pharmacy drug supply shelves.~~

[Filed 4/21/11, effective 6/22/11]

[Published 5/18/11]

EDITOR'S NOTE: For replacement pages for IAC, see IAC Supplement 5/18/11.

**ARC 9513B**

**PROFESSIONAL LICENSURE DIVISION[645]**

**Adopted and Filed**

Pursuant to the authority of Iowa Code section 147.76, the Board of Chiropractic hereby amends Chapter 41, "Licensure of Chiropractic Physicians," Iowa Administrative Code.

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

Notice of Intended Action was published in the Iowa Administrative Bulletin on February 9, 2011, as **ARC 9354B**. A public hearing was held on March 1, 2011, from 1:30 to 2 p.m. in the Fifth Floor Board Conference Room, Lucas State Office Building. No public comments were received. No changes were made to the amendment published under Notice.

This amendment was adopted by the Board of Chiropractic on April 12, 2011.

This amendment will become effective June 22, 2011.

This amendment is intended to implement Iowa Code chapters 21, 147, 151 and 272C.

The following amendment is adopted.

Amend subrule 41.8(1) as follows:

**41.8(1)** The biennial license renewal period for a license to practice as a chiropractic physician shall begin on July 1 of an even-numbered year and end on June 30 of the next even-numbered year. ~~The board shall send a renewal notice by regular mail to each licensee at the address on record at least 60 days prior to the expiration of the license.~~ The licensee is responsible for renewing the license prior to its expiration. Failure of the licensee to receive ~~the notice~~ from the board does not relieve the licensee of the responsibility for renewing the license.

[Filed 4/28/11, effective 6/22/11]

[Published 5/18/11]

EDITOR'S NOTE: For replacement pages for IAC, see IAC Supplement 5/18/11.

**ARC 9509B****PROFESSIONAL LICENSURE DIVISION[645]****Adopted and Filed**

Pursuant to the authority of Iowa Code section 147.76, the Board of Podiatry hereby adopts an amendment to Chapter 220, "Licensure of Podiatrists," Iowa Administrative Code.

The amendment removes the requirement in subrule 220.9(1) for the Board to send a renewal notice to the licensee. This change makes licensure requirements consistent with Code of Iowa changes.

Notice of Intended Action was published in the March 9, 2011, Iowa Administrative Bulletin as **ARC 9401B**. A public hearing was held on March 29, 2011, from 1 to 1:30 p.m. in the Fifth Floor Board Conference Room, Room 526, at the Lucas State Office Building, Des Moines, Iowa. No public comments were received. No changes were made to the amendment published under Notice.

The Iowa Board of Podiatry adopted this amendment on April 13, 2011.

This amendment is intended to implement Iowa Code chapters 21, 147, 149 and 272C.

This amendment will become effective on June 22, 2011.

The following amendment is adopted.

Amend subrule 220.9(1) as follows:

**220.9(1)** The biennial license renewal period for a license to practice podiatry shall begin on July 1 of an even-numbered year and end on June 30 of the next even-numbered year. ~~The board shall send a renewal notice by regular mail to each licensee at the address on record at least 60 days prior to the expiration of the license.~~ The licensee is responsible for renewing the license prior to its expiration. Failure of the licensee to receive the notice from the board does not relieve the licensee of the responsibility for renewing the license.

[Filed 4/26/11, effective 6/22/11]

[Published 5/18/11]

EDITOR'S NOTE: For replacement pages for IAC, see IAC Supplement 5/18/11.

**ARC 9508B****PROFESSIONAL LICENSURE DIVISION[645]****Adopted and Filed**

Pursuant to the authority of Iowa Code section 147.76, the Board of Podiatry hereby adopts an amendment to Chapter 224, "Discipline for Podiatrists," Iowa Administrative Code.

The amendment changes the word "felony" to "crime" in subrule 224.2(12). This change is being made to make licensure requirements consistent with Code of Iowa changes.

Notice of Intended Action for this amendment was published in the March 9, 2011, Iowa Administrative Bulletin as **ARC 9405B**. A public hearing was held on March 29, 2011, from 1 to 1:30 p.m. in the Fifth Floor Board Conference Room, Room 526, at the Lucas State Office Building, Des Moines, Iowa. No public comments were received. This amendment is identical to that published under Notice of Intended Action.

The Iowa Board of Podiatry adopted this amendment on April 13, 2011.

This amendment is intended to implement Iowa Code chapters 21, 147, 149 and 272C.

This amendment will become effective on June 22, 2011.

The following amendment is adopted.

## PROFESSIONAL LICENSURE DIVISION[645](cont'd)

Amend subrule 224.2(12) as follows:

**224.2(12)** Conviction of a ~~felony~~ crime related to the profession or occupation of the licensee or the conviction of any ~~felony~~ crime that would affect the licensee's ability to practice within the profession. A copy of the record of conviction or plea of guilty shall be conclusive evidence.

[Filed 4/26/11, effective 6/22/11]

[Published 5/18/11]

EDITOR'S NOTE: For replacement pages for IAC, see IAC Supplement 5/18/11.

**ARC 9517B**

**PROFESSIONAL LICENSURE DIVISION[645]**

**Adopted and Filed**

Pursuant to the authority of Iowa Code section 147.76, the Board of Physician Assistants hereby amends Chapter 328, "Continuing Education for Physician Assistants," Iowa Administrative Code.

The amendments clarify renewal application requirements regarding Category I and Category II continuing education credit.

Notice of Intended Action was published in the February 9, 2011, Iowa Administrative Bulletin as **ARC 9360B**.

A public hearing was held on March 1, 2011, from 2 to 2:30 p.m. in the Fifth Floor Board Conference Room, Lucas State Office Building. Public comments were received that indicated that the rule making needed additional clarification to state that "current certification" meant current at the time of the audit and that current certification was for both Category I and Category II continuing education credit. In response, the Board revised Item 1 and added the phrase "for the time period being reviewed or audited" to new Item 2 to further clarify the term "current certification" and to clarify that the issue of current certification applies to both Category I and Category II continuing education credit.

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

These amendments will become effective June 22, 2011.

The following amendments are adopted.

ITEM 1. Amend paragraph **328.3(2)"b"** as follows:

*b.* For the remaining 50 hours of required continuing medical education (CME), Category I or Category II (~~elective~~) credit, as accepted by the National Commission on Certification for Physician Assistants (NCCPA), shall satisfy the CME requirements. In case of audit, licensees shall provide evidence of NCCPA certification during the time period being audited or an activity log for all Category II credits for which a certificate of completion is not available. The activity log shall list for each activity the date and type of activity and number of hours claimed per activity.

ITEM 2. Amend paragraph **328.3(2)"c"** as follows:

*c.* Licensees who maintain certification by the National Commission on Certification for Physician Assistants (NCCPA) may show proof of meeting the board's CME requirements by providing proof of current certification by the NCCPA for the time period being reviewed or audited.

[Filed 4/29/11, effective 6/22/11]

[Published 5/18/11]

EDITOR'S NOTE: For replacement pages for IAC, see IAC Supplement 5/18/11.

**ARC 9505B****REAL ESTATE COMMISSION[193E]****Adopted and Filed**

Pursuant to the authority of Iowa Code sections 543B.9 and 543B.18, the Real Estate Commission hereby amends Chapter 11, “Brokerage Agreements and Listings,” Iowa Administrative Code.

The amendment to rule 193E—11.2(543B) requires that a licensee furnish to an owner both by regular mail and certified mail, return receipt requested, a list of names and addresses of persons to whom the property was presented during the active term of the listing and for whom protection is sought.

Notice of Intended Action was published in the Iowa Administrative Bulletin as **ARC 9389B** on February 23, 2011. No comments were received from the public. This amendment is identical to that published under Notice.

This amendment was adopted by the Commission on April 21, 2011.

This amendment shall become effective on June 22, 2011.

This amendment is intended to implement Iowa Code chapter 543B.

The following amendment is adopted.

Amend rule 193E—11.2(543B) as follows:

**193E—11.2(543B) Enforcing a protective clause.** To enforce a protective clause beyond the expiration of an exclusive listing contract, there must be a provision for the protective clause in the listing contract which establishes a definite protection period, ~~and the~~. The broker must furnish to the owner in writing, by both regular mail and certified mail, return receipt requested, and prior to the expiration of the listing the names and addresses of persons to whom the property was presented during the active term of the listing and for whom protection is sought.

[Filed 4/25/11, effective 6/22/11]

[Published 5/18/11]

EDITOR’S NOTE: For replacement pages for IAC, see IAC Supplement 5/18/11.

**ARC 9501B****UTILITIES DIVISION[199]****Adopted and Filed**

Pursuant to Iowa Code sections 17A.4, 476.1, 476.1A, 476.1B, 476.1C, 476.2, and 476A.12 and chapters 478 and 479, the Utilities Board (Board) gives notice that on April 19, 2011, the Board issued an order in Docket No. RMU-2011-0001, In re: Electric and Gas Technical Standards—Updates, “Order Adopting Rules.” The Board is adopting amendments to 199 IAC 10.12(1), 10.17, 19.2(5)“g,” 19.5(2), 20.3(9), 20.5(2), 20.18(5)“b”(2), 25.1(3), and 25.2(4).

The amendments are primarily updates of technical standards, which are incorporated by reference in current rules. For example, federal pipeline safety standards have been updated to include new federal reporting forms, control center standards, and distribution integrity management regulations. The Board’s federal pipeline safety grant is dependent, in part, on timely adoption of these changes.

Corrective changes are also made. For example, the amendment to 199 IAC 20.3(9) reflects the Board’s adoption and implementation of electronic filing. Also, a more substantive change is made in new subrule 25.1(3). The definition of utility is expanded in the new subrule to include all electric facility owners, which would include transmission-only operators and wind farms that are not utilities under Iowa Code chapter 476. The definitions used in 199 IAC 25 implicitly included such nontraditional electric facility owners; the new subrule makes the definition explicit.

Notice of Intended Action in Docket No. RMU-2011-0001 was published in IAB Vol. XXXIII, No. 17 (2/23/2011), p. 1203, as **ARC 9394B**. Written comments were received from Interstate Power

## UTILITIES DIVISION[199](cont'd)

and Light Company (IPL), the Consumer Advocate Division of the Department of Justice (Consumer Advocate), and MidAmerican Energy Company (MidAmerican). None of the commenters requested an oral presentation.

All three commenters supported the rules, but MidAmerican expressed concern that some of the rules contained the wording “[insert the effective date of this amendment].” MidAmerican suggested that specific effective dates be inserted.

The Board agrees, and the adopted rules will contain the date these amendments are effective. The language used in the noticed amendments was merely a placeholder for the date the amendments become effective, which was not known at the time the amendments were noticed. This practice ensures that the Board adopts the most current amendments to federal standards and is consistent with prior rule makings. Unlike technical standards formulated by private or industry bodies that are utilized in the Board’s rules, federal regulations are not identified by edition number so the Board uses the federal regulations as they exist on the effective date of the Board’s rules. “June 22, 2011” replaces the phrase “[insert the effective date of this amendment]” wherever it appeared in these amendments.

The Board does not find it necessary to adopt a separate waiver provision in this rule making. The Board’s general waiver provision in 199 IAC 1.3 is applicable to these amendments.

There are no substantive changes to the amendments published under Notice. Therefore, no additional notice was necessary prior to adoption of these amendments.

These amendments are intended to implement Iowa Code sections 476.1, 476.1A, 476.1B, 476.1C, 476.2, and 476A.12 and chapters 478 and 479.

These amendments will become effective on June 22, 2011.

The following amendments are adopted.

ITEM 1. Amend subrule 10.12(1) as follows:

**10.12(1)** All pipelines, underground storage facilities, and equipment used in connection therewith shall be designed, constructed, operated, and maintained in accordance with the following standards:

*a.* 49 CFR Part 191, “Transportation of Natural and Other Gas by Pipeline; Annual Reports, Incident Reports, and Safety-Related Condition Reports,” as amended through ~~August 19, 2009~~ June 22, 2011.

*b.* 49 CFR Part 192, “Transportation of Natural and Other Gas by Pipeline: Minimum Federal Safety Standards,” as amended through ~~August 19, 2009~~ June 22, 2011.

*c.* 49 CFR Part 199, “Drug and Alcohol Testing,” as amended through ~~August 19, 2009~~ June 22, 2011.

*d.* ASME B31.8 - 2007, “Gas Transmission and Distribution Piping Systems.”

*e.* ~~199 IAC 9 199—Chapter 9~~, “Restoration of Agricultural Lands During and After Pipeline Construction.”

*f.* At railroad crossings, ~~199 IAC 42.7(476)~~ 199—42.7(476), “Engineering standards for pipelines.”

Conflicts between the standards established in paragraphs 10.12(1)“*a*” through “*f*” or between the requirements of rule 199—10.12(479) and other requirements which are shown to exist by appropriate written documentation filed with the board shall be resolved by the board.

ITEM 2. Amend rule 199—10.17(479) as follows:

**199—10.17(479) Accidents and incidents.** Any pipeline incident or accident which is reportable to the U.S. Department of Transportation under 49 CFR Part 191 as amended through ~~August 19, 2009~~ June 22, 2011, shall also be reported to the board, except that the minimum economic threshold of damage required for reporting to the board is \$15,000. Duplicate copies of any written accident reports and safety-related condition reports submitted to the U.S. Department of Transportation shall be provided to the board.

ITEM 3. Amend paragraph **19.2(5)“g”** as follows:

*g. Reports to federal agencies.* Copies of reports submitted pursuant to 49 CFR Part 191 as amended through ~~August 19, 2009~~ June 22, 2011, “Transportation of Natural and Other Gas by Pipeline;

## UTILITIES DIVISION[199](cont'd)

Annual Reports, Incident Reports, and Safety-Related Condition Reports,” shall be filed with the board. Utilities operating in other states shall provide to the board data for Iowa only.

ITEM 4. Amend subrule 19.5(2) as follows:

**19.5(2) Standards incorporated by reference.**

a. The design, construction, operation, and maintenance of gas systems and liquefied natural gas facilities shall be in accordance with the following standards where applicable:

(1) 49 CFR Part 191, “Transportation of Natural and Other Gas by Pipeline; Annual Reports, Incident Reports, and Safety-Related Condition Reports,” as amended through ~~August 19, 2009~~ June 22, 2011.

(2) 49 CFR Part 192, “Transportation of Natural and Other Gas by Pipeline: Minimum Federal Safety Standards,” as amended through ~~August 19, 2009~~ June 22, 2011.

(3) 49 CFR Part 193, “Liquefied Natural Gas Facilities: Federal Safety Standards,” as amended through ~~August 19, 2009~~ June 22, 2011.

(4) 49 CFR Part 199, “Drug and Alcohol Testing,” as amended through ~~August 19, 2009~~ June 22, 2011.

(5) ASME B31.8 - 2007, “Gas Transmission and Distribution Piping Systems.”

(6) NFPA 59-2008, “Utility LP-Gas Plant Code.”

(7) At railroad crossings, ~~199 IAC 42.7(476)~~ 199—42.7(476), “Engineering standards for pipelines.”

b. The following publications are adopted as standards of accepted good practice for gas utilities:

(1) ANSI Z223.1/NFPA 54-2009, “National Fuel Gas Code.”

(2) NFPA 501A-2009, “Standard for Fire Safety Criteria for Manufactured Home Installations, Sites, and Communities.”

ITEM 5. Amend subrule 20.3(9) as follows:

**20.3(9) Petition for modification of service area and answers.** An exclusive service area is subject to modification through a contested case proceeding which may be commenced by filing a petition for modification of service area with the board. The board may commence a service area modification proceeding on its own motion.

Any electric utility or municipal corporation may file a petition for modification of service area which shall contain a legal description of the service area desired, a designation of the utilities involved in each boundary section, and a justification for the proposed service area modification. The justification shall include a detailed statement of why the proposed modification is in the public interest. A map showing the affected areas which complies with ~~subrule paragraph~~ paragraph 20.3(11) “a” shall be attached to the petition as an exhibit. ~~The petition shall be delivered by the United States Postal Service or personal service and shall be considered as filed with the agency on the date of the postmark or the date of personal service.~~

~~Copies of the petition shall be served on all utilities involved and the consumer advocate. Those utilities and the consumer advocate shall be parties of record to the proceeding. Filing of the petition with the board, and service to other parties, shall be in accordance with 199—Chapter 14.~~

All parties shall file an answer which complies with 199—subrule 7.5(1).

ITEM 6. Amend subrule 20.5(2) as follows:

**20.5(2) Standards incorporated by reference.** The utility shall use the applicable provisions in the publications listed below as standards of accepted good practice unless otherwise ordered by the board.

a. Iowa Electrical Safety Code, as defined in ~~199 IAC Chapter 25~~ 199—Chapter 25.

b. National Electrical Code, ANSI/NFPA 70-2008.

c. American National Standard Requirements for Instrument Transformers, ANSI/IEEE C57.13.1-2006; and C57.13.3-~~2006~~ 2005.

d. American National Standard for Electric Power Systems and Equipment Voltage Ratings (60 Hertz), ANSI C84.1-2006.

e. Grounding of Industrial and Commercial Power Systems, IEEE 142-2007.

f. IEEE Standard 1159-~~1995~~ 2009, IEEE Recommended Practice for Monitoring Electric Power Quality or any successor standard.

## UTILITIES DIVISION[199](cont'd)

g. IEEE Standard 519-1992, IEEE Recommended Practices and Requirements for Harmonic Control in Electrical Power Systems or its successor standard.

h. At railroad crossings, ~~199 IAC 42.6(476)~~ 199—42.6(476), “Engineering standards for electric and communications lines.”

ITEM 7. Amend subparagraph **20.18(5)“b”(2)** as follows:

(2) When recording interruptions, each electric utility, other than those providing only wholesale electric service, shall use detailed standard codes for interruption analysis recommended by the United States Department of Agriculture, Rural Utilities Service (RUS) Bulletin ~~461-1~~ 1730A-119, Tables 1 and 2, including the major cause categories of equipment or installation, age or deterioration, weather, birds or animals, member (or public), and unknown. The utility shall also include the subcategories recommended by RUS for each of these major cause categories.

ITEM 8. Adopt the following **new** subrule 25.1(3):

**25.1(3) Definition of utility.** For the purpose of this chapter, a utility is any owner or operator of electric or communications facilities subject to the safety jurisdiction of the board.

ITEM 9. Amend paragraph **25.2(4)“a”** as follows:

a. *Joint-use construction.* Where it is mutually agreeable between ~~the electric supply company and the~~ an electric utility and a communication or cable television company, communication circuits or cables may be buried in the same trench or attached to the same supporting structure, provided this joint use is permitted by, and is constructed in compliance with, the Iowa electrical safety code.

[Filed 4/21/11, effective 6/22/11]

[Published 5/18/11]

EDITOR’S NOTE: For replacement pages for IAC, see IAC Supplement 5/18/11.

**ARC 9512B****VETERINARY MEDICINE BOARD[811]****Adopted and Filed**

Pursuant to the authority of Iowa Code section 169.5, the Iowa Board of Veterinary Medicine hereby amends Chapter 5, “Public Records and Fair Information Practices,” and Chapter 13, “Child Support Collection Procedures,” Iowa Administrative Code.

These amendments authorize licensing sanctions for the collection of a debt placed with the Department of Revenue. These sanctions are required by Iowa Code chapter 272D.

Notice of Intended Action was published in the Iowa Administrative Bulletin as **ARC 9429B** on March 23, 2011. No written comments were received from the public. No changes were made to the Notice of Intended Action.

These amendments are intended to implement Iowa Code chapter 272D.

These amendments will become effective June 22, 2011.

EDITOR’S NOTE: Pursuant to recommendation of the Administrative Rules Review Committee published in the Iowa Administrative Bulletin, September 10, 1986, the text of these amendments [amendments to Chs 5, 13] is being omitted. These amendments are identical to those published under Notice as **ARC 9429B**, IAB 3/23/11.

[Filed 4/27/11, effective 6/22/11]

[Published 5/18/11]

[For replacement pages for IAC, see IAC Supplement 5/18/11.]

**FEMA-1977-DR-IA**

The Department of Homeland Security, Federal Emergency Management Agency (FEMA) hereby gives notice to the public of its intent to reimburse State and local governments and agencies, and eligible private non-profit organizations for eligible costs incurred to repair and/or replace facilities damaged by severe storms, tornadoes, and straight-line winds during the period of April 9-10, 2011. This Notice applies to the Public Assistance (PA) and Hazard Mitigation Grant (HMGP) programs implemented under the authority of the Robert T. Stafford Disaster Relief and Emergency Assistance Act, 42 USC §§ 5121-5206, as amended.

Under a major disaster declaration (FEMA-1977-DR-IA) signed by the President on May 5, 2011, the following counties in the State of Iowa have been designated for Public Assistance: Buena Vista, Cherokee, Ida, Monona, Pocahontas, and Sac Counties.

This public notice concerns public assistance activities that may affect historic properties, activities that are located in or affect wetland areas or the 100-Year Floodplain (areas determined to have a one percent probability of flooding in any given year), and critical actions within the 500-Year Floodplain. Such activities may adversely affect the historic property, floodplain or wetland, or may result in continuing vulnerability to flood damage.

Such activities may include restoring facilities located in a floodplain with eligible damage to pre-disaster condition. Examples of such activities include, but are not limited to, the following:

1. Non-emergency debris removal and disposal;
2. Non-emergency protective measures;
3. Repair/replacement of roads, including streets, culverts, and bridges;
4. Repair/replacement of public dams, reservoirs and channels;
5. Repair/replacement of public buildings and related equipment;
6. Repair/replacement of public water control facilities, pipes and distribution systems;
7. Repair/replacement of public utilities, including sewage treatment plants, sewers and electrical power distribution systems; and
8. Repair/replacement of eligible private, non-profit facilities (hospitals, educational centers, emergency and custodial care services, etc.).

The President's Executive Order 11988, Floodplain Management, and Executive Order 11990, Protection of Wetlands, require that all Federal actions in or affecting the 100-Year floodplain or wetland areas be reviewed for opportunities to move the facility out of the floodplain or wetland and to reduce the risk of future damage or loss from flooding and minimize harms to wetlands. However, FEMA has determined that in certain situations, there are no alternatives to restoring an eligible facility located in the floodplain to its pre-disaster condition. These situations meet all of the following criteria:

1. The FEMA estimated cost of repairs is less than 50 percent of the estimated cost to replace the facility and the replacement cost of the facility is less than \$100,000.
2. The facility is not located in a floodway or coastal high hazard area.
3. The facility has not sustained structural damage in a previous presidentially declared flood disaster or emergency.
4. The facility is not defined as critical (e.g., hospital, generating plant, contains dangerous materials, emergency operation center, etc.).

FEMA will provide assistance to restore the facilities described above to their pre-disaster condition except when measures to mitigate the effects of future flooding may be incorporated into the restoration work. For example, insufficient waterway openings under culverts and bridges may cause water back up to wash out the structures. The water back up could wash out the facility and could damage other facilities in the area. Increasing the size of the waterway opening would mitigate, or lessen, the potential for this damage. Additional examples of mitigation measures include providing erosion protection at bridge abutments or levees, and extending entrance tubes on sewage lift stations.

Disaster assistance projects to restore facilities, which do not meet the criteria listed above, must undergo a detailed review. The review will include a study to determine if the facility can be moved out

of the floodplain. The public is invited to participate in the review. The public may identify alternatives for restoring the facility and may participate in analyzing the impact of the alternatives on the facility and the floodplain. An address and phone number for obtaining information about specific assistance projects is provided at the end of this Notice. The final determination regarding the restoration of these facilities in a floodplain will be announced in future Public Notices.

Due to the urgent need for and/or use of the certain facilities in a floodplain, actions to restore the facility may have started before the Federal inspector visits the site. Some of these facilities may meet the criteria for a detailed review to determine if they should be relocated. Generally, facilities may be restored in their original location where at least one of the following conditions applies:

1. The facility, such as a flood control device or bridge, is functionally dependent on its floodplain location.
2. The facilities, such as a park or other open-use space, already represent sound floodplain management and, therefore, there is no need to change it.
3. The facility, such as a road or a utility, is an integral part of a larger network that could not be relocated economically.
4. Emergency action is needed to address a threat to public health and safety.

The effects of not relocating the facilities will be examined. In each case, the examination must show an overriding public need for the facility at its original location that clearly outweighed the requirements in the Executive Order to relocate the facility out of the floodplain. FEMA will also consult State and local officials to make certain that no actions taken will violate either State or local floodplain protection standards. The restoration of these facilities may also incorporate certain measures designed to mitigate the effects of future flooding. This will be the only Notice to the public concerning these facilities.

FEMA also intends to provide Hazard Mitigation Grant Program (HMGP) funding under Section 404 of the Stafford Act to the State of Iowa for the purposes of mitigating future disaster damages. Hazard mitigation projects may involve the construction of a new facility (e.g., retention pond, or debris dam), modification of an existing undamaged facility (e.g., improving waterway openings of bridges or culverts), and the relocation of facilities out of the floodplain. Subsequent Notices will provide more specific information as project proposals are developed.

Information about assistance projects may be obtained by submitting a written request to the Regional Director, DHS-FEMA Region VII; 9221 Ward Parkway, Suite 300; Kansas City, MO 64114-3372. The information may also be obtained by calling: (816)283-7060, between the hours of 8 a.m. and 4:30 p.m., Monday through Friday. Comments should be sent in writing to the Regional Director, at the above address, within 15 days of the date of publication of this Notice.