



# IOWA ADMINISTRATIVE BULLETIN

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## PREFACE

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

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

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

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

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### CITATION of Administrative Rules

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

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

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

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

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

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

## Schedule for Rule Making 2022

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

<u>ISSUE NUMBER</u>	<u>SUBMISSION DEADLINE</u>	<u>ISSUE DATE</u>
1	Wednesday, June 22, 2022	July 13, 2022
2	Friday, July 8, 2022	July 27, 2022
3	Friday, July 22, 2022	August 10, 2022

**PLEASE NOTE:**

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

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

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

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

**EDUCATION DEPARTMENT[281]**

Iowa vocational rehabilitation services, ch 56 IAB 6/15/22 ARC 6373C	Iowa Vocational Rehabilitation Services Mitchell Training Room 510 E. 12th St. Des Moines, Iowa Via videoconference: <a href="https://idoe.zoom.us/j/95809640090?pwd=SXVBVjE1VGRNUTRSSzJvQ0l5OGl0UT09">IDOE.zoom.us/j/95809640090?pwd=SXVBVjE1VGRNUTRSSzJvQ0l5OGl0UT09</a>	July 5, 2022 2 to 3 p.m.
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**ENVIRONMENTAL PROTECTION COMMISSION[567]**

NPDES general permit nos. 5, 6, 7, 8, and 9, 64.15 IAB 6/15/22 ARC 6358C	Via video/conference call Contact David Schelling Email: <a href="mailto:david.schelling@dnr.iowa.gov">david.schelling@dnr.iowa.gov</a>	July 6, 2022 1 to 2 p.m.
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**IOWA PUBLIC INFORMATION BOARD[497]**

Complaints; contested case withdrawals; public records, amend chs 2, 4; adopt ch 11 IAB 6/15/22 ARC 6360C	Iowa Public Information Board Conference Room Wallace State Office Bldg., Third Floor Des Moines, Iowa	July 11, 2022 3 p.m.
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**PHARMACY BOARD[657]**

Compounding practices—records, 20.23 IAB 6/1/22 ARC 6333C	Health Professions Board Room 400 S.W. 8th Street, Suite H Des Moines, Iowa	June 23, 2022 10 a.m.
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**TRANSPORTATION DEPARTMENT[761]**

Vehicle recyclers—licensing, regulation, 400.23, 431.1 to 431.3 IAB 6/15/22 ARC 6361C	Via conference call Contact Tracy George Email: <a href="mailto:tracy.george@iowadot.us">tracy.george@iowadot.us</a>	July 7, 2022 10 a.m. (If requested)
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Motor vehicle leasing licenses—contact information, definition of “engage in the business,” 430.1 IAB 6/1/22 ARC 6342C	Via conference call Contact Tracy George Email: <a href="mailto:tracy.george@iowadot.us">tracy.george@iowadot.us</a>	June 23, 2022 10 a.m. (If requested)
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Access to affiliate records, requirements for annual filings, and asset and service transfers—review of rules, 31.1, 31.3, 31.5(2) IAB 6/1/22 ARC 6339C	Board Hearing Room 1375 E. Court Ave. Des Moines, Iowa	June 23, 2022 10 a.m. to 12 noon
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Nonutility activities—recordkeeping and cost allocations, amendments to ch 33 IAB 6/1/22 ARC 6340C	Board Hearing Room 1375 E. Court Ave. Des Moines, Iowa	June 23, 2022 1:30 to 3:30 p.m.
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The following list will be updated as changes occur.

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

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

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

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## ADMINISTRATIVE SERVICES DEPARTMENT

### Public Notice

NOTICE OF OFFICIAL PUBLICATION RATE INCREASE FOR THE FISCAL YEAR  
COMMENCING JULY 1, 2022, AND ENDING JUNE 30, 2023

In accordance with Iowa Code section 618.11, the Iowa Department of Administrative Services Director hereby publishes the lineage rate\* for newspaper publications of any order, citation, or other publication required or allowed by law (also known as official publications) for the period commencing on July 1, 2022, and ending on June 30, 2023, in the following amounts:

\* Lineage rate: "...each line of eight point type two inches in length, or its equivalent." (Iowa Code section 618.11)

One insertion = 56.7 cents  
Each subsequent insertion = 38.2 cents

The rate becomes effective on July 1, 2022. The rate was determined by applying the formula specified in the statute. According to the federal Department of Labor, Bureau of Labor Statistics, the consumer price index for all urban consumers increased 8.3% for the 12 months ended April 2022. The April index was the most recent index available as of May 11, 2022, the date this notice was submitted for publication.

Pursuant to Iowa Code section 618.11, the calculation and publication of the rate by the Director of the Department of Administrative Services shall be exempt from the provisions of chapters 17A and 25B.

If you have questions regarding this notice, please contact:

Adam Steen, Director  
Department of Administrative Services  
1305 E. Walnut St., Third Floor  
Des Moines, Iowa 50319  
Telephone: 515.720.6176  
Email: [adam.steen@iowa.gov](mailto:adam.steen@iowa.gov)

**ARC 6359C**

## ECONOMIC DEVELOPMENT AUTHORITY[261]

### Notice of Intended Action

#### Proposing rule making related to workforce housing tax incentives program and providing an opportunity for public comment

The Economic Development Authority (IEDA) hereby proposes to amend Chapter 48, "Workforce Housing Tax Incentives Program," Iowa Administrative Code.

*Legal Authority for Rule Making*

This rule making is proposed under the authority provided in Iowa Code sections 15.106A and 15.336.



## ECONOMIC DEVELOPMENT AUTHORITY[261](cont'd)

*State or Federal Law Implemented*

This rule making implements, in whole or in part, 2022 Iowa Acts, Senate File 2325.

*Purpose and Summary*

2022 Iowa Acts, Senate File 2325, amends Iowa Code sections 15.352, 15.353, and 15.354 relating to the Workforce Housing Tax Incentives Program. The proposed amendments make the following changes to the program: (1) amend the definition of “small city” and add a corresponding definition of “urban area,” (2) allow the IEDA Board to set maximum average dwelling unit costs for different project types based on the United States Census Bureau building permit survey and historical program data, (3) allow IEDA to approve a second extension of a project’s completion deadline of up to 12 months, and (4) allow projects that exceed the maximum average dwelling unit costs by up to 150 percent to receive a reduced tax incentive award (raised from 110 percent).

Except for the section relating to extensions, which was effective as of March 23, 2022, the sections of the legislation relating to the Program apply retroactively to July 1, 2021, regarding all eligible housing businesses that have not been notified of the amount the business may claim as a refund of the sales and use tax or have not been issued a tax credit certificate.

The proposed amendments reflect the changes made to the Iowa Code.

*Fiscal Impact*

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

*Jobs Impact*

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

*Waivers*

Any person who believes that the application of the discretionary provisions of this rule making would result in hardship or injustice to that person may petition IEDA for a waiver of the discretionary provisions, if any, pursuant to 261—Chapter 199.

*Public Comment*

Any interested person may submit written or oral comments concerning this proposed rule making. Written or oral comments in response to this rule making must be received by IEDA no later than 4:30 p.m. on July 5, 2022. Comments should be directed to:

Lisa Connell  
Iowa Economic Development Authority  
1963 Bell Avenue, Suite 200  
Des Moines, Iowa 50315  
Phone: 515.348.6163  
Email: [lisa.connell@iowaeda.com](mailto:lisa.connell@iowaeda.com)

*Public Hearing*

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

## ECONOMIC DEVELOPMENT AUTHORITY[261](cont'd)

*Review by Administrative Rules Review Committee*

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

The following rule-making actions are proposed:

ITEM 1. Rescind rule **261—48.1(15)**.

ITEM 2. Renumber rules **261—48.2(15)** and **261—48.3(15)** as **261—48.1(15)** and **261—48.2(15)**.

ITEM 3. Amend renumbered rule 261—48.1(15) as follows:

**261—48.1(15) Purpose Authority and purpose.** The workforce housing tax incentives program is administered pursuant to Iowa Code sections 15.351 to 15.356 and 2022 Iowa Acts, Senate File 2325, sections 7 to 13. The purpose of the program is to assist the development of workforce housing in Iowa communities by providing incentives for housing projects that are targeted at middle-income households and that focus on the redevelopment or repurposing of existing structures.

ITEM 4. Amend renumbered rule 261—48.2(15) as follows:

**261—48.2(15) Definitions.** As used in this chapter, unless the context otherwise requires:

*“Authority”* means the economic development authority created in Iowa Code section 15.105.

*“Average dwelling unit cost”* means the costs directly related to the housing project divided by the total number of dwelling units in the housing project.

*“Board”* means the members of the economic development authority appointed by the governor and in whom the powers of the authority are vested pursuant to Iowa Code section 15.105.

*“Brownfield site”* means an abandoned, idled, or underutilized property where expansion or redevelopment is complicated by real or perceived environmental contamination. A brownfield site includes property contiguous with the site on which the property is located. A brownfield site does not include property which has been placed, or is proposed for placement, on the national priorities list established pursuant to the federal Comprehensive Environmental Response, Compensation, and Liability Act, 42 U.S.C. §9601 et seq. In order to administer similar programs in a similar manner, the authority will attempt to apply this definition in substantially the same way as similar definitions are applied by the brownfield advisory council established in Iowa Code section 15.294 and may consult members of the council or other staff as necessary.

*“Community”* means a city or county.

*“Costs directly related”* means expenditures that are incurred for construction of a housing project to the extent that they are attributable directly to the improvement of the property or its structures. “Costs directly related” includes expenditures for site preparation work, surveying, construction materials, construction labor, architectural services, and engineering services. “Costs directly related” does not include expenditures for property acquisition, building permits, building inspection fees, furnishings, appliances, accounting services, legal services, loan origination and other financing costs including interest on construction loans, syndication fees and related costs, developer fees, or the costs associated with selling or renting the dwelling units whether incurred before or after completion of the housing project.

*“Disaster recovery housing project”* means a qualified housing project located in a county that has been declared a major disaster by the President of the United States on or after March 12, 2019, and that is also a county in which individuals are eligible for federal individual assistance.

*“Grayfield site”* means a property meeting all of the following requirements:

## ECONOMIC DEVELOPMENT AUTHORITY[261](cont'd)

(1) The property has been developed and has infrastructure in place but the property's current use is outdated or prevents a better or more efficient use of the property. Such property includes vacant, blighted, obsolete, or otherwise underutilized property.

(2) The property's improvements and infrastructure are at least 25 years old and one or more of the following conditions exists:

1. Thirty percent or more of a building located on the property that is available for occupancy has been vacant or unoccupied for a period of 12 months or more.

2. The assessed value of the improvements on the property has decreased by 25 percent or more.

3. The property is currently being used as a parking lot.

4. The improvements on the property no longer exist.

In administering the program, the authority will attempt to apply this definition in substantially the same manner as similar definitions are applied by the brownfield advisory council established in Iowa Code section 15.294.

*"Greenfield site"* means a site that does not meet the definition of a brownfield site or grayfield site. A project proposed at a site located on previously undeveloped or agricultural land shall be presumed to be a greenfield site.

*"Housing business"* means a business that is a housing developer, housing contractor, or nonprofit organization that completes a housing project in the state.

*"Housing project"* means a project located in this state meeting the requirements of rule 261—48.4(15).

*"Laborshed area"* means the same as defined in 261—Chapter 173.

*"Laborshed wage"* means the same as defined in 261—Chapter 173.

*"Multi-use building"* means a building whose street-level ground story is used for a purpose that is other than residential, and whose upper story or stories are currently used primarily for a residential purpose, or will be used primarily for a residential purpose after completion of the housing project associated with the building.

*"New dwelling units"* means dwelling units that are made available for occupancy in a community as a result of a housing project and that were not available for occupancy as residential housing in the community for a period of at least six months prior to the date on which application is made to the authority under the program. If a dwelling unit has served as residential housing and been occupied during the six months preceding the date on which application is made to the authority under the program, then the dwelling unit shall be presumed not to be a new dwelling unit.

*"Program"* means the workforce housing tax incentives program administered under this chapter.

*"Project completion"* means the same as defined in Iowa Code section 15.355(2).

*"Qualifying new investment"* means costs that are directly related to the acquisition, repair, rehabilitation, or redevelopment of a housing project in this state. For purposes of this rule, "costs directly related to acquisition" includes the costs associated with the purchase of real property or other structures.

~~(1) "Qualifying new investment" includes costs that are directly related to new construction of dwelling units if the new construction occurs in a distressed workforce housing community.~~

~~(2) (1)~~ The amount of costs that may be used to compute "qualifying new investment" shall not exceed the costs used for the first \$150,000 of value for each dwelling unit that is part of a housing project.

~~(3) (2)~~ "Qualifying new investment" does not include the following:

1. The portion of the total cost of a housing project that is financed by federal, state, or local government tax credits, grants, forgivable loans, or other forms of financial assistance that do not require repayment, excluding the tax incentives provided under this program.

2. If a housing project includes the rehabilitation, repair, or redevelopment of an existing multi-use building, the portion of the total acquisition costs of the multi-use building, including a proportionate share of the total acquisition costs of the land upon which the multi-use building is situated, that are attributable to the street-level ground story that is used for a purpose that is other than residential.

## ECONOMIC DEVELOPMENT AUTHORITY[261](cont'd)

3. Any costs, including acquisition costs, incurred before the housing project is approved by the authority.

“Refund notice” means a notice provided by the authority of the amount that an eligible housing business may claim as a refund of the sales and use tax under Iowa Code section 15.355(2).

“Rehabilitation, repair, or redevelopment” means construction or development activities associated with a housing project that are undertaken for the purpose of reusing or repurposing existing buildings or structures as new dwelling units. Rehabilitation, repair, or redevelopment does not include new construction of dwelling units at a greenfield site. Rehabilitation, repair, or redevelopment includes new structures at a qualified grayfield site.

“Small city” means any city or township located in this state, except those located wholly within one or more of the 11 most populous counties in the state, as determined by the most recent population estimates issued by the United States Bureau of Census a city that meets the applicable criteria in rule 261—48.3(15).

“Tax credit certificate” means a certificate issued by the authority stating the amount of workforce housing investment tax credits under Iowa Code section 15.355(3) an eligible housing business may claim.

“Urban area” means any city or township, except for a small city, that is wholly located within 1 or more of the 11 most populous counties in the state, as determined by either the most recent population estimate produced by the United States Bureau of Census or the most recent decennial census released by the United States Bureau of Census.

ITEM 5. Adopt the following new rule 261—48.3(15):

**261—48.3(15) Small cities.** For the purposes of this chapter, the following subrules will determine which cities and townships will be considered small cities.

**48.3(1)** For projects that received a refund notice or tax credit certificate on or before June 30, 2021, a small city is any city or township located in this state, except those located wholly within 1 or more of the 11 most populous counties in the state, as determined by the most recent population estimates issued by the United States Bureau of Census.

**48.3(2)** For projects that received a refund notice or tax credit certificate on or after July 1, 2021, a small city is any city or township located in this state, except those located wholly within 1 or more of the 11 most populous counties in the state, as determined by either the most recent population estimate produced by the United States Bureau of Census or the most recent decennial census released by the United States Bureau of Census.

**48.3(3)** On or after July 1, 2021, any city or township located wholly within 1 or more of the 11 most populous counties in the state, as determined pursuant to subrule 48.3(2), may be considered a small city if the city meets all of the following requirements:

*a.* The city or township has a population less than or equal to 2,500 as determined by either the most recent population estimate produced by the United States Bureau of Census or the most recent decennial census released by the United States Bureau of Census.

*b.* The city or township had population growth of less than 30 percent as calculated by comparing the population in the most recent decennial census released by the United States Bureau of Census to the population in the decennial census released ten years prior.

ITEM 6. Amend subrule 48.4(1) as follows:

**48.4(1) ~~Minimum requirements~~ Eligible project types.** To receive workforce housing tax incentives pursuant to the program, a proposed housing project shall meet all of the following requirements:

*a.* The project includes at least one of the following:

(1) Four or more single-family dwelling units, except for a project located in a small city, then two or more single-family dwelling units.

(2) One or more multiple dwelling unit buildings each containing three or more individual dwelling units.

(3) Two or more dwelling units located in the upper story of an existing multi-use building.

## ECONOMIC DEVELOPMENT AUTHORITY[261](cont'd)

- b.* The project consists of any of the following:
- (1) Rehabilitation, repair, or redevelopment at a brownfield site or grayfield site that results in new dwelling units.
  - (2) The rehabilitation, repair, or redevelopment of dilapidated dwelling units.
  - (3) The rehabilitation, repair, or redevelopment of dwelling units located in the upper story of an existing multi-use building.
  - ~~(4) The new construction, rehabilitation, repair, or redevelopment of dwelling units in a distressed workforce housing community. The authority will determine whether a community is considered a distressed workforce housing community pursuant to subrule 48.4(2).~~
  - ~~(5) (4) For a project located in a small city that meets the minimum housing project requirements under this subrule, development at a greenfield site, if the project meets the requirements of paragraph 48.4(1) "a" and is located in a small city. A project located in a small city is not required to complete the distressed workforce housing community application pursuant to subrule 48.4(2).~~
- e.* ~~(1) Except as provided in subparagraphs (2) and (3) below, the average dwelling unit cost does not exceed \$200,000 per dwelling unit. For purposes of this rule, the average dwelling unit cost equals the costs directly related to the housing project divided by the total number of dwelling units in the housing project.~~
- ~~(2) The average dwelling unit cost does not exceed \$250,000 per dwelling unit if the project involves the rehabilitation, repair, redevelopment, or preservation of eligible property, as that term is defined in Iowa Code section 404A.1(8) "a."~~
- ~~(3) The average dwelling unit cost does not exceed \$215,000 per dwelling unit if the project is located in a small city.~~

*d. c.* The dwelling units, when completed and made available for occupancy, meet the U.S. Department of Housing and Urban Development's housing quality standards and all applicable local safety standards.

*e. d.* The project is not located in a 100-year floodplain.

ITEM 7. Rescind subrule 48.4(2) and adopt the following **new** subrule in lieu thereof:

**48.4(2) Maximum cost.** Except as provided in subrules 48.4(3) and 48.4(4) below, the average dwelling unit cost does not exceed the maximum amount established by the board for each fiscal year for the applicable project type and project location. The board shall establish the maximum average dwelling unit cost for the project types set forth in paragraphs 48.4(2) "a" through "d." In establishing each maximum average dwelling unit cost, the board shall primarily consider the most recent annual United States Bureau of Census building permits survey and historical program data.

- a.* Single-family dwelling units located in a small city.
- b.* Single-family dwelling units located in an urban area.
- c.* Multiple dwelling unit buildings located in a small city.
- d.* Multiple dwelling unit buildings located in an urban area.

ITEM 8. Rescind subrule 48.4(3) and adopt the following **new** subrule in lieu thereof:

**48.4(3) Maximum cost for historic projects.** If the project is a qualified rehabilitation project, as that term is defined in Iowa Code section 404A.1(8) "a," the average dwelling unit cost shall not exceed 125 percent of the maximum average dwelling unit cost established by the board for the applicable project type and project location as provided in subrule 48.4(2).

ITEM 9. Adopt the following **new** subrule 48.4(4):

**48.4(4) Maximum cost on or before June 30, 2021.** For projects that received a refund notice or tax credit certificate on or before June 30, 2021, the average dwelling unit cost shall not exceed \$200,000 per dwelling unit. If the project involves the rehabilitation, repair, redevelopment, or preservation of eligible property, as that term is defined in Iowa Code section 404A.1(8) "a," the average dwelling unit cost does not exceed \$250,000 per dwelling unit.

ITEM 10. Amend subrule 48.5(3) as follows:

**48.5(3) Agreement and fees.**

## ECONOMIC DEVELOPMENT AUTHORITY[261](cont'd)

*a.* Upon receiving a tax incentive award for a housing project, the housing business shall enter into an agreement with the authority for the successful completion of all requirements of the program. The agreement shall identify the tax incentive amount, the tax incentive award date, the project completion deadline and the total costs of the housing project.

*b.* The compliance cost fees imposed in Iowa Code section 15.330(12) shall apply to all agreements entered into under this program and shall be collected by the authority in the same manner and to the same extent as described in that provision.

*c.* Housing project completion deadline.

(1) Except as provided in subparagraph 48.5(3)“*c*”(2), a housing business shall complete its housing project within three years from the date the housing project is registered by the authority.

(2) The authority may for good cause within the discretion of the authority extend a housing project’s completion deadline ~~one~~ by up to 12 months upon application by the housing business, which application shall be made prior to the expiration of the three-year completion deadline in subparagraph 48.5(3)“*c*”(1) in the manner and form prescribed by the authority. The authority may approve a second extension of up to 12 months if prior to the expiration of the first 12-month extension the housing business applies and substantiates to the satisfaction of the authority that the second extension is warranted due to extenuating circumstances outside the control of the housing business. An application by a housing business shall be made in the manner and form prescribed by the authority.

*d.* Upon completion of a housing project, a housing business shall submit all of the following to the authority:

(1) An examination of the project in accordance with the American Institute of Certified Public Accountants’ statements on standards for attestation engagements, completed by a certified public accountant (CPA) authorized to practice in this state. The attestation applicable to this examination is SSAE No. 10 (as amended by SSAE Nos. 11, 12, 14), AT section 101 and AT section 601. The procedures used by the CPA to conduct the examination should allow the CPA to conclude that, in the CPA’s professional judgment, the expenditures claimed are eligible pursuant to the agreement; Iowa Code chapter 15, subchapter II, part 17; and all rules adopted pursuant to Iowa Code chapter 15, subchapter II, part 17, in all material respects. Within ten business days of a request by the authority, the housing business shall make available to the authority the documents reviewed by the CPA unless good cause is shown.

(2) A statement of the final amount of qualifying new investment for the housing project.

(3) Any information the authority deems necessary to ensure compliance with the agreement signed by the housing business pursuant to paragraph 48.5(3)“*a*”; the requirements of Iowa Code chapter 15, subchapter II, part 17; and these rules and rules adopted by the department of revenue pursuant to Iowa Code section 15.356.

*e.* Upon review of the examination, verification of the amount of the qualifying new investment, and review of any other information submitted pursuant to subparagraph 48.5(3)“*d*”(3), the authority may notify the housing business of the amount that the housing business may claim as a refund of the sales and use taxes under subrule 48.6(2) and may issue a tax credit certificate to the housing business stating the amount of workforce housing investment tax credits under rule 261—48.6(15) that the eligible housing business may claim. The sum of the amount that the housing business may claim as a refund of the sales and use tax and the amount of the tax credit certificate shall not exceed the amount of the tax incentive award.

*f.* If, upon review of the examination in paragraph 48.5(3)“*d*,” the authority determines that a housing project has incurred project costs in excess of the amount submitted in the application and identified in the agreement, the authority shall do one of the following for projects that received a refund notice or tax credit certificate on or after July 1, 2021:

(1) If the project costs do not cause the housing project’s average dwelling unit cost to exceed the applicable maximum amount authorized in ~~subrule 48.4(1) rule 261—48.4(15)~~, the authority may consider the agreement fulfilled and may issue a tax credit certificate.

(2) If the project costs cause the housing project’s average dwelling cost to exceed the applicable maximum amount authorized in ~~paragraph 48.4(1)“*e*” rule 261—48.4(15)~~ but do not cause the average

## ECONOMIC DEVELOPMENT AUTHORITY[261](cont'd)

dwelling unit cost to exceed ~~40~~ 150 percent of such applicable amount, the authority shall reduce the tax incentive award and the corresponding amount of tax incentives the eligible project may claim under rule 261—48.6(15) by the same percentage that the housing project's average dwelling cost exceeds the applicable maximum amount under ~~paragraph 48.4(1)“e,”~~ rule 261—48.4(15), and such tax incentive reduction shall be reflected on the tax credit certificate. If the authority issues a certificate pursuant to this subrule, the department of revenue shall accept the certificate notwithstanding that the housing project's average dwelling unit cost exceeds the maximum amount specified in ~~paragraph 48.4(1)“e.”~~ rule 261—48.4(15).

(3) If the project costs cause the housing project's average dwelling unit cost to exceed ~~40~~ 150 percent of the applicable maximum amount authorized in ~~paragraph 48.4(1)“e,”~~ rule 261—48.4(15), the authority shall determine the eligible housing business to be in default under the agreement, shall revoke the tax incentive award and shall not issue a tax credit certificate. The housing business shall not be allowed a refund of sales and use tax under rule 261—48.6(15).

ITEM 11. Amend rule 261—48.9(15) as follows:

**261—48.9(15) Housing project minimum requirements.** To receive disaster recovery housing tax incentives pursuant to the program, a proposed disaster recovery housing project shall meet all of the following requirements:

**48.9(1)** The project includes at least one of the following:

- a. Four or more single-family dwelling units, except for a project located in a small city, then two or more single-family dwelling units.
- b. One or more multiple dwelling unit buildings each containing three or more individual dwelling units.
- c. Two or more dwelling units located in the upper story of an existing multi-use building.

**48.9(2)** The project consists of any of the following:

- a. Rehabilitation, repair, or redevelopment at a brownfield site or grayfield site that results in new dwelling units.
- b. The rehabilitation, repair, or redevelopment of dilapidated dwelling units.
- c. The rehabilitation, repair, or redevelopment of dwelling units located in the upper story of an existing multi-use building.
- d. ~~The new construction, rehabilitation, repair, or redevelopment of dwelling units in a distressed workforce housing community. The authority will determine whether a community is considered a distressed workforce housing community pursuant to subrule 48.4(2).~~

~~e. d.~~ For a project located in a small city that meets the minimum housing project requirements under this subrule, development at a greenfield site. ~~A project located in a small city is not required to complete the distressed workforce housing community application pursuant to subrule 48.4(2).~~

~~f. e.~~ For a disaster recovery housing project, development at a greenfield site.

**48.9(3)** ~~Except as provided in subrules 48.9(4) and 48.9(5) below, the~~ The average dwelling unit cost does not exceed \$200,000 per dwelling unit. For purposes of this rule, ~~the average dwelling unit cost equals the costs directly related to the housing project divided by the total number of dwelling units in the housing project~~ the applicable maximum amount established by the board pursuant to rule 261—48.4(15).

~~**48.9(4)** The average dwelling unit cost does not exceed \$250,000 per dwelling unit if the project involves the rehabilitation, repair, redevelopment, or preservation of eligible property, as that term is defined in Iowa Code section 404A.1(8)“a.”~~

~~**48.9(5)** The average dwelling unit cost does not exceed \$215,000 per dwelling unit if the project is located in a small city.~~

~~**48.9(6)**~~ **48.9(4)** The dwelling units, when completed and made available for occupancy, meet the U.S. Department of Housing and Urban Development's housing quality standards and all applicable local safety standards.

~~**48.9(7)**~~ **48.9(5)** The project is not located in a 100-year floodplain.

## ECONOMIC DEVELOPMENT AUTHORITY[261](cont'd)

ITEM 12. Amend subrule 48.10(3) as follows:

**48.10(3) Agreement and fees.**

a. Upon receipt of a tax incentive award to the disaster recovery housing project, the housing business shall enter into an agreement with the authority for the successful completion of all requirements of the disaster recovery housing program. The agreement shall identify the tax incentive award amount, the tax incentive award date, the project completion deadline, and the total costs of the disaster recovery housing project.

b. The compliance cost fees imposed in Iowa Code section 15.330(12) shall apply to all agreements entered into under the program and shall be collected by the authority in the same manner and to the same extent as described in Iowa Code section 15.330(12).

c. A housing business shall complete its disaster recovery housing project within three years from the date incentives are awarded by the authority to the disaster recovery housing project. The authority may extend a housing project's completion deadline as described in subparagraph 48.5(3) "c"(2).

d. Upon completion of a disaster recovery housing project, a housing business shall submit all of the following to the authority:

(1) An examination of the project in accordance with the American Institute of Certified Public Accountants' statements on standards for attestation engagements, completed by a certified public accountant (CPA) authorized to practice in this state. The attestation applicable to this examination is SSAE No. 10 (as amended by SSAE Nos. 11, 12, 14), AT section 101 and AT section 601. The procedures used by the CPA to conduct the examination should allow the CPA to conclude that, in the CPA's professional judgment, the expenditures claimed are eligible pursuant to the agreement; Iowa Code chapter 15, subchapter II, part 17; and all rules adopted pursuant to Iowa Code chapter 15, subchapter II, part 17, in all material respects. Within ten business days of a request by the authority, the housing business shall make available to the authority the documents reviewed by the CPA unless good cause is shown.

(2) A statement of the final amount of qualifying new investment for the housing project.

(3) Any information the authority deems necessary to ensure compliance with the agreement signed by the housing business pursuant to paragraph 48.10(3) "a"; the requirements of Iowa Code chapter 15, subchapter II, part 17; and these rules and rules adopted by the department of revenue pursuant to Iowa Code section 15.356.

e. Upon review of the examination as described in paragraph 48.10(3) "d," verification of the amount of the qualifying new investment, and review of any other information submitted pursuant to subparagraph 48.10(3) "d"(3), the authority may notify the housing business of the amount that the housing business may claim as a refund of the sales and use tax under Iowa Code section 15.355(2), and may issue a tax credit certificate to the housing business stating the amount of disaster recovery housing investment tax credits under rule 261—48.11(15) that the eligible housing business may claim. The sum of the amount that the housing business may claim as a refund of the sales and use tax and the amount of the tax credit certificate shall not exceed the amount of the tax incentive award.

f. If, upon review of the examination in paragraph 48.10(3) "d," the authority determines that a housing project has incurred project costs in excess of the amount submitted in the application and identified in the agreement, the authority shall proceed as described in paragraph 48.5(4) "f."

ITEM 13. Amend **261—Chapter 48**, implementation sentence, as follows:

These rules are intended to implement Iowa Code sections 15.351 ~~to~~ through 15.356 and 2022 Iowa Acts, Senate File 2325, sections 7 through 13.



**ARC 6373C****EDUCATION DEPARTMENT[281]****Notice of Intended Action****Proposing rule making related to Iowa vocational rehabilitation services and providing an opportunity for public comment**

The State Board of Education hereby proposes to rescind Chapter 56, “Iowa Vocational Rehabilitation Services,” Iowa Administrative Code, and to adopt a new Chapter 56 with the same title.

*Legal Authority for Rule Making*

This rule making is proposed under the authority provided in Iowa Code section 259.3.

*State or Federal Law Implemented*

This rule making implements, in whole or in part, Iowa Code chapter 259.

*Purpose and Summary*

In addition to fulfilling the requirement that state agencies review their rules every five years, Iowa Vocational Rehabilitation Services (IVRS) rules need updates for other reasons. When the federal Workforce Innovation and Opportunity Act was passed in 2014, the rules were updated with the initial interpretation of the federal regulatory guidance. Since then, the Rehabilitation Services Administration (RSA), the federal governing body, has implemented its interpretation and issued additional information, which caused existing rules to be out of compliance.

Additionally, IVRS has focused on innovation of services over the last five years. This has led to the implementation of changes to a variety of services that are more equitable for the individuals with disabilities IVRS serves. IVRS has spent the last three years updating all policies within the IVRS policy and procedures manual, so an update to the rules in this chapter is also timely.

The proposed updates to the rules include a change in the organization to make them more in alignment with the flow of IVRS services. IVRS also proposes reducing overall the amount of explanation the rules include of certain services. This will make for easier reading as well as a guarantee that the rules will not be impacted by minor changes to policies.

*Fiscal Impact*

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

*Jobs Impact*

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

*Waivers*

Any person who believes that the application of the discretionary provisions of this rule making would result in hardship or injustice to that person may petition the State Board for a waiver of the discretionary provisions, if any, pursuant to 281—Chapter 4.

*Public Comment*

Any interested person may submit written or oral comments concerning this proposed rule making. Written or oral comments in response to this rule making must be received by the State Board no later than 4:30 p.m. on July 5, 2022. Comments should be directed to:

EDUCATION DEPARTMENT[281](cont'd)

Kelley Rice  
 Iowa Department of Education  
 Iowa Vocational Rehabilitation Services  
 510 East 12th Street  
 Des Moines, Iowa 50319  
 Phone: 515.281.4146  
 Fax: 515.281.4703  
 Email: [kelley.rice@iowa.gov](mailto:kelley.rice@iowa.gov)

*Public Hearing*

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

July 5, 2022  
 2 to 3 p.m.

Iowa Vocational Rehabilitation Services  
 Mitchell Training Room  
 510 East 12th Street  
 Des Moines, Iowa  
 Via videoconference:  
[IDOE.zoom.us/j/95809640090?pwd=SXVBVjE1VGRNUTRSSzJvQ015OGI0UT09](https://doe.zoom.us/j/95809640090?pwd=SXVBVjE1VGRNUTRSSzJvQ015OGI0UT09)

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

Any persons who intend to attend the public hearing and have special requirements, such as those related to hearing or mobility impairments, should contact the State Board and advise of specific needs by calling 515.281.5295.

*Review by Administrative Rules Review Committee*

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

The following rule-making action is proposed:

Rescind 281—Chapter 56 and adopt the following **new** chapter in lieu thereof:

CHAPTER 56  
 IOWA VOCATIONAL REHABILITATION SERVICES

**281—56.1(259) Nature and responsibility of division.** The division of vocational rehabilitation services is established in the department of education and is responsible for providing services to potentially eligible and eligible individuals with disabilities leading to competitive integrated employment in accordance with Iowa Code chapter 259, the federal Rehabilitation Act of 1973 as amended, the federal Social Security Act (42 U.S.C. Section 301, et seq.), and the corresponding federal regulations.

**281—56.2(259) Nondiscrimination.** The division shall not discriminate on the basis of age, race, creed, color, gender, sexual orientation, gender identity, national origin, religion, duration of residency, or disability in the determination of a person's eligibility for rehabilitation services and in the provision of necessary rehabilitation services.

## EDUCATION DEPARTMENT[281](cont'd)

**281—56.3(259) Definitions.** For the purpose of this chapter, the indicated terms are defined as follows:

“*Act*” means the federal Rehabilitation Act of 1973 as amended and codified at 29 U.S.C. Section 701, et seq.

“*Aggregate data*” means information about one or more aspects of division job candidates, or from some specific subgroup of division job candidates, but from which personally identifiable information on any individual cannot be discerned.

“*Applicant*” means an individual or the individual’s representative, as appropriate, who has completed the IVRS Application for Services (R-412), a common intake application form through a one-stop center requesting IVRS services, or has otherwise requested services from IVRS; has provided to IVRS information necessary to initiate an assessment to determine eligibility and priority for services; is available to complete the assessment process; and has reviewed and signed the Rights and Responsibilities (IPE-1).

“*Appropriate modes of communication*” means specialized aids and supports that enable an individual with a disability to comprehend and respond to information that is being communicated.

“*Assessment for determining eligibility or in the development of an IPE*” means a review of existing data and, to the extent necessary, the provision of appropriate assessment activities to obtain additional information to make a determination and to assign the priority for services or development of an IPE.

“*Assistive technology device*” means the same as defined in Section 3 of the Assistive Technology Act of 1998, as amended.

“*Assistive technology service*” means the same as defined in Section 3 of the Assistive Technology Act of 1998, as amended.

“*Benefits planning*” means assistance provided to an individual who is interested in becoming employed, but is uncertain of the impact work income may have on any disability benefits and entitlements being received, and is or is not aware of benefits, such as access to health care, that might be available to support employment efforts.

“*Case record*” means the file of personally identifiable information, whether written or electronic in form, on an individual that is collected to carry out the purposes of the division as defined in the Act. This information remains a part of the case record and is subject to these rules even when temporarily physically removed, either in whole or in part, from the file folder in which it is normally kept.

“*Community rehabilitation program*” or “*CRP*” means an approved program (agency, organization, or institution, or unit of any one of these, that provides directly or facilitates the provision of vocational rehabilitation services as one of its major functions) that provides directly or facilitates the provision of one or more of the following vocational rehabilitation services to individuals with disabilities to enable those individuals to maximize their opportunities for employment, including career advancement:

1. Medical, psychiatric, psychological, social, and vocational services that are provided under one management.

2. Testing, fitting, or training in the use of prosthetic and orthotic devices.

3. Recreational therapy.

4. Speech, language and hearing therapy.

5. Psychiatric, psychological, and social services, including positive behavior management.

6. Assessment for determining eligibility and vocational rehabilitation needs.

7. Rehabilitation technology.

8. Job development, placement, and retention services.

9. Evaluation or control of specific disabilities.

10. Orientation and mobility services for individuals who are blind.

11. Extended employment.

12. Psychosocial rehabilitation services.

13. Supported employment services and extended services.

14. Customized employment.

15. Services to family members if necessary to enable the applicant to achieve an employment outcome.

16. Personal assistance services.

## EDUCATION DEPARTMENT[281](cont'd)

## 17. Other similar services.

*"Comparable services and benefits"* means services and benefits including accommodations and auxiliary aids and services that are provided or paid for in whole or in part by other federal, state, or local public agencies, by health insurance or by employee benefits; are available to the individual at the time needed to ensure the individual's progress toward achieving an employment outcome in accordance with the individual's IPE; and are commensurate to the services that the individual would otherwise receive from the division. For purposes of this definition, comparable benefits do not include educational awards and scholarships based on merit.

*"Competitive integrated employment"* means work in the competitive labor market that:

1. Is performed on a full-time or part-time basis, including self-employment, in an integrated setting and for which the job candidate is compensated at a rate that:

- Shall not be less than the higher of the rate specified in Section 6(a)(1) of the Fair Labor Standards Act of 1938 or the rate specified in the applicable state or local minimum wage law;
- Is not less than the customary rate paid by the employer for the same or similar work performed by other employees who are not individuals with disabilities and who are similarly situated in similar occupations by the same employer and who have similar training, experience, and skills;
- Is eligible for the level of benefits provided to other employees; and
- A self-employed individual with a disability in the start-up phase of a business venture who is making less than the applicable minimum wage can meet the definition of "competitive integrated employment."

2. Is at a location where the employee interacts for the purpose of performing the duties of the position with other employees within the particular work unit and the entire work site, and, as appropriate to the work performed, other persons (e.g., customers and vendors) who are not individuals with disabilities (not including supervisory personnel or individuals providing services to such employee) to the same extent that individuals who are not individuals with disabilities and who are in comparable positions interact with other persons; and

3. As appropriate, presents opportunities for advancement that are similar to those for other employees who are not individuals with disabilities who have similar positions.

*"Competitive integrated work setting,"* with respect to the provision of services, means a setting typically found in the community, in which applicants or eligible individuals interact with nondisabled individuals, other than nondisabled individuals who are providing services to those applicants or eligible individuals, and said interaction is consistent with the quality of interaction that would normally occur in the performance of work by the nondisabled coworkers.

*"Customized employment"* means competitive integrated employment, for an individual with a significant disability, that is based on an individualized determination of the unique strengths, needs, and interests of the individual with a significant disability; is designed to meet the specific abilities of the individual with a disability and the business needs of the employer; and is carried out through flexible strategies.

*"Department"* means the department of education.

*"Designated representative"* means any representative chosen by an applicant or eligible individual, as appropriate, including a parent, guardian, other family member, or advocate, unless a representative has been appointed by a court to represent the individual, in which case the court-appointed representative is the designated representative.

*"Designated state unit"* or *"DSU"* means Iowa vocational rehabilitation services.

*"Division"* or *"IVRS"* means Iowa vocational rehabilitation services.

*"Eligible individual"* means an applicant for services from the division who meets the eligibility requirements.

*"Employment outcome"* means, with respect to an individual, entering, advancing in, or retraining full-time or, if appropriate, part-time competitive integrated employment; supported employment; or any other type of employment, including customized employment, self-employment, telecommuting, or business ownership, that is consistent with an individual's strengths, resources, priorities, concerns, abilities, capabilities, interests and informed choice.

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*“Extended employment”* means work in a nonintegrated or sheltered setting for a public or private nonprofit agency or organization that provides compensation in accordance with the Fair Labor Standards Act.

*“Extended services”* means ongoing support services and other appropriate services that are needed to support and maintain an individual with a most significant disability in supported employment and that are:

1. Provided singly or in combination and are organized and made available in such a way as to assist an eligible individual in maintaining supported employment;
2. Organized or made available singly or in combination with other services to assist an eligible individual in maintaining supported employment;
3. Based on a determination of the needs of an eligible individual, as specified in the individual’s IPE;
4. Provided by an appropriate source after an individual has made the transition from support provided by the DSU; and
5. Provided to a youth with a most significant disability by the DSU for a period not to exceed four years, or at such a time that a youth reaches age 25 and no longer meets the definition of a youth with a disability, whichever occurs first. The DSU may not provide extended services to an individual with a most significant disability who is not a youth with a most significant disability.

*“Family income,”* for purposes of calculating the financial participation rate for services, means those who are financially responsible for the support of the job candidate and may involve individuals who live in the same or separate households including partners and spouses.

*“Family member,”* for purposes of vocational rehabilitation services, means any individual who lives with the individual with a disability and has a vested interest in the welfare of that individual whether by marriage, birth, or choice. A family member is an individual who either (1) is a relative or guardian of an applicant or job candidate, or (2) lives in the same household as an applicant or job candidate, who has a substantial interest in the well-being of the applicant or job candidate, and whose receipt of vocational rehabilitation services is necessary to enable the applicant or job candidate to achieve an employment outcome.

*“IDEA”* means the Individuals with Disabilities Education Act (20 U.S.C. Section 1400 et seq.).

*“Impartial hearing officer”* or *“IHO”* means an individual who:

1. Is not an employee of a public agency (other than an administrative law judge, hearing examiner, or employee of an institution of higher education);
2. Is not a member of the state rehabilitation council for the designated state unit;
3. Has not been involved previously in the vocational rehabilitation of the applicant or recipient of services;
4. Has knowledge of the delivery of vocational rehabilitation services, the vocational rehabilitation services portion of the unified or combined state plan, and the federal and state regulations governing the provision of services;
5. Has received training with respect to the performance of official duties; and
6. Has no personal, professional, or financial interest that could affect the objectivity of the individual.

An individual is not considered to be an employee of a public agency for the purposes of this definition solely because the individual is paid by the agency to serve as a hearing officer.

*“Independent living services”* or *“IL services”* means services authorized under Title VII, chapter 1, part B of the Rehabilitation Act of 1973, as amended.

*“Individualized plan for employment”* or *“IPE”* means a plan that specifies the services needed by an eligible individual and the responsibilities of the individual with a disability and other payers. An IPE includes specifics regarding the services needed to lead toward competitive integrated employment, including the following provisions:

1. Includes a description of the specific employment outcome that is chosen by the eligible individual and is consistent with the individual’s unique strengths, resources, priorities, concerns, abilities, capabilities, career interests, and informed choices consistent with the general goal of

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competitive integrated employment (except that in the case of an eligible individual who is a student or a youth with a disability, the description may be of the individual's projected postschool employment outcome);

2. Includes a description of the specific rehabilitation services needed to achieve the employment outcome and for a student or youth with a disability, the specific transition services and supports needed to achieve the individual's employment outcome or projected postschool employment outcome;

3. Provides for services in the most integrated setting that is appropriate for the services involved and is consistent with the informed choice of the eligible individual;

4. Includes timelines for the achievement of the employment outcome and initiation of services;

5. Includes a description of the entity or entities chosen by the eligible individual or, as appropriate, the individual's representative that will provide the vocational rehabilitation services and the methods used to procure those services;

6. Includes a description of the criteria that will be used to evaluate the progress toward achievement of the employment outcome; and

7. Includes the terms and conditions for the IPE, including, as appropriate, information describing the responsibilities of the DSU; the responsibilities of the eligible individual in relation to achieving the employment outcome and extent of financial participation (if applicable) as outlined in subrule 56.6(5), as well as the responsibility of the individual to apply for and secure comparable benefits and services; and the responsibilities of other entities as the result of arrangements made pursuant to the comparable benefits and services requirements.

*"Individual with a disability"* means an individual who has a physical or mental impairment, whose impairment constitutes a substantial impediment to employment, and who can benefit in terms of an employment outcome from the provision of vocational rehabilitation services.

*"Individual with a most significant disability"* means an individual who is seriously limited in three or more functional capacities (such as mobility, communication, self-care, self-direction, interpersonal skills, work tolerance, or work skills) in terms of an employment outcome.

*"Individual with a significant disability"* means an individual who has a significant physical or mental impairment that seriously limits one or more functional capacities (such as mobility, communication, self-care, self-direction, interpersonal skills, work tolerance, or work skills) in terms of an employment outcome or who is a recipient of SSDI, SSI, or both due to the individual's disability.

*"Institution of higher education"* or *"IHE"* means the same as defined in Section 102(a) of the Higher Education Act of 1965.

*"Job candidate"* means an applicant or eligible individual applying for or receiving benefits or services from any part of the division and shall include former job candidates of the division whose files or records are retained by the division.

*"Job retention waiting list release"* means the mechanism used to remove a job candidate from the division waiting list when the individual is at immediate risk of losing the job and requires vocational rehabilitation service(s) or good(s) in order to maintain employment. This applies only for those service(s) or good(s) that will allow the individual to maintain employment. After the individual receives said service(s) or good(s), the individual's file will be closed if the individual is satisfied with the services provided and requires no further services. If there are additional services needed, the individual will return to the waiting list, if necessary, until that point where the individual's priority of service is being served.

*"Maintenance"* means monetary support provided to a job candidate for expenses, such as food, shelter, and clothing, that are in excess of the normal expenses of the job candidate and that are necessitated by the job candidate's participation in an assessment for determining eligibility and vocational rehabilitation needs or the job candidate's receipt of vocational rehabilitation services under an IPE.

*"Mediation"* means the act or process of using an independent third party to act as a mediator, intermediary, or conciliator to assist persons or parties in settling differences or disputes prior to pursuing formal administrative or other legal remedies.

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*“Menu of services”* means the services provided by community partners to assist an individual with a disability in achieving an employment outcome. Menu of services refers to various services that the division is able to purchase from an approved CRP or other approved provider on behalf of a job candidate. The services are selected and jointly agreed upon by the counselor and job candidate of the division. Payments for services are made based on a fee structure that is published and updated annually, and there is no financial needs assessment applied toward the costs of these purchased services from the community partner.

*“Ongoing support services”* means services that are written in the IPE; are needed to support and maintain individuals with the most significant disabilities in supported employment; are provided by the division from the time of job placement until transition to extended services, unless postemployment services are provided following transition, and thereafter by one or more extended services providers throughout the individual’s term of employment in a particular job placement; are provided, at a minimum, twice monthly to make an assessment regarding the employment situation at the work site and coordinate provision of specific intensive services needed to maintain stability; are provided by skilled job trainers who accompany the individual for intensive job skill training at the work site; include social skills training, assessment and evaluation of progress, job development and retention, placement services, and follow-up services with the business and the individual’s representatives; and facilitate development of natural supports or any other service(s) needed to maintain employment.

*“Personal assistance services”* means a range of services provided by one or more persons, including, among other things, training in managing, supervising, and directing personal assistance services, that are designed to assist an individual with a disability to perform, on or off the job, daily living activities that the individual would typically perform without assistance if the individual did not have a disability. Such services shall be designed to increase the individual’s control in life and ability to perform everyday activities on or off the job, necessary to the achievement of an employment outcome, and provided only while the individual is receiving other vocational rehabilitation services.

*“Physical or mental impairment”* includes:

1. Any physiological disorder or condition, cosmetic disfigurement, or anatomical loss affecting one or more of the following body systems: neurological, musculoskeletal, special sense organs, respiratory (including speech organs), cardiovascular, reproductive, digestive, genitourinary, hemic and lymphatic, skin, or endocrine; or
2. Any mental or psychological disorder such as an intellectual disability, organic brain syndrome, emotional or mental illness, or specific learning disabilities.

*“Physical or mental restoration services”* means:

1. Corrective surgery or therapeutic treatment that is likely, within a reasonable period of time, to correct or modify substantially a stable or slowly progressive physical or mental impairment that constitutes a substantial impediment to employment;

2. Diagnosis and treatment of a physical, mental or cognitive disorder by qualified personnel in accordance with state licensure laws to include:

- Dentistry;
- Nursing services;
- Necessary hospitalization (either inpatient or outpatient) in connection with surgery or treatment and clinical services;
- Drugs and supplies;
- Prosthetic and orthotic devices;
- Eyeglasses and visual services, including visual training, and the examination and services necessary for the prescription and provision of eyeglasses, contact lenses, microscopic lenses, telescope lenses, and other special visual aids prescribed by personnel who are qualified in accordance with state licensure laws;
- Podiatry;
- Physical therapy;
- Occupational therapy;
- Speech or hearing therapy;

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- Mental health services;
- Treatment of either acute or chronic medical complications and emergencies that are associated with or arise out of the provision of physical or mental restoration services, or that are inherent in the condition under treatment;
  - Special services for the treatment of individuals with end-stage renal disease, including transplantation, dialysis, artificial kidneys, and supplies; and
  - Other medical or medically related rehabilitation services.

*“Plan for natural supports”* means a plan initiated prior to the implementation of the supported employment program that describes the natural supports to be used on the job; the training provided to the supervisor and mentor on the job site; the technology used in the performance of the work; the rehabilitation strategies and trainings that will be taught to the mentor in order to support and direct the job candidate on the job; the supports needed outside of work for the job candidate to be successful; and the methods by which the employer can connect with the job candidate’s job coach/IVRS staff member, or the training program when the need arises.

*“Postemployment services”* means one or more services that are intended to ensure that the employment outcome remains consistent with the individual’s unique strengths, resources, priorities, concerns, abilities, capabilities, interests, and informed choice. These services are available to meet the rehabilitation needs that do not require a complex and comprehensive provision of services and, thus, are limited in scope and duration.

*“Potentially eligible”* for the purposes of preemployment transition services means all students with disabilities. A student is considered potentially eligible until the student has applied for services and an eligibility decision has been determined.

*“Preemployment transition services”* or *“pre-ETS”* means those services specified in 34 CFR Section 361.48(a).

*“Recognized educational program”* includes secondary education programs, nontraditional or alternative secondary education programs (including homeschooling), postsecondary education programs, and other recognized educational programs such as those offered through the juvenile justice system.

*“Rehabilitation technology”* means the systematic application of technologies, engineering methodologies, or scientific principles to meet the needs of, and address the barriers confronted by, individuals with disabilities in areas that include education, rehabilitation, employment, transportation, independent living, and recreation. The term includes rehabilitation engineering, assistive technology devices, and assistive technology services.

*“Satisfactory employment”* means stable employment in a competitive integrated employment setting that is consistent with the individual’s IPE and acceptable to both the individual and the employer.

*“Self-employment services”* means services to assist individuals with disabilities to achieve a self-employment outcome consistent with the individual’s abilities, preferences and needs. Self-employment is a vocational option through the division that is available only to for-profit businesses intended for operation within the state of Iowa. The division provides two options within the program, which include the full self-employment program and micro-enterprise development. These services provide information, strategies and resources to help the business become self-sustaining while assisting the individual in assuring all necessary supports are in place for long-term success.

*“Status”* means the existing condition or position of a case. The specific case statuses are as follows:

1. 00-0 Referral for services.
2. 01-0 Potentially eligible student.
3. 01-1 Closed from potentially eligible.
4. 02-0 Applicant.
5. 04-0 Waiting list.
6. 08-0 Closed before acceptance (from Status 02-0).
7. 10-0 Accepted for services (plan development) adults.
8. 10-1 Accepted for services (plan development) high school students.



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9. 14-0 Counseling and guidance.
10. 16-0 Physical and mental restoration.
11. 18-\_\_ Training.
  - 18-1 Work adjustment training/assessment.
  - 18-2 On-the-job training.
  - 18-3 Vocational-technical training.
  - 18-4 Academic training.
  - 18-5 Secondary education.
  - 18-6 Supported employment.
  - 18-7 Other types of training (including nonsupported employment job coaching, job development, ISE).
12. 20-0 Ready for employment.
13. 22-0 Employed.
14. 24-0 Services interrupted.
15. 26-0 Closed rehabilitated.
16. 28-0 Closed after IPE initiated (from Status 14-0 through 24-0).
17. 30-0 Closed before IPE initiated (from Status 10-\_\_).
18. 32-0 Postemployment services (from Status 26-0).
19. 33-\_\_ Closed after postemployment services (from Status 32-0).
  - 33-1 Individual is returned to suitable employment or the employment situation is stabilized.
  - 33-2 The case has been reopened for comprehensive vocational rehabilitation services.
  - 33-3 The postemployment services are no longer assisting the individual and further services would be of no assistance.

20. 38-0 Closed from Status 04-0 (individual does not meet one of the waiting list categories, and the individual no longer wants to remain on the waiting list or fails to respond when contacted because individual's name is at the top of the waiting list).

*"Student with a disability"* means an individual with a disability in a secondary, postsecondary, or other recognized education program who is not younger than 14 years of age and not older than 21 years of age; and is eligible for, and receiving, special education or related services under Part B of the Individuals with Disabilities Education Act or is a student who is an individual with a disability, for purposes of Section 504.

*"Substantial impediment to employment"* means a physical or mental impairment (in light of attendant medical, psychological, vocational, educational, communication, and other related factors) that hinders an individual from preparing for, entering into, engaging in, or retaining competitive integrated employment consistent with the individual's abilities and capacities.

*"Supported employment"* means competitive integrated employment, including customized employment, or employment in an integrated work setting in which an individual with a most significant disability is working on a short-term basis toward competitive integrated employment. Such employment is individualized consistent with the strengths, abilities, interests, and informed choice of the individual who is receiving ongoing support services for individuals with the most significant disabilities for whom competitive integrated employment has not historically occurred, or for whom competitive integrated employment has been interrupted or intermittent as a result of a significant disability; and who, because of the nature and severity of the individual's disabilities, needs intensive supported employment services and extended services after the transition from support provided by the division in order to perform this work.

*"Supported employment services"* means ongoing support services, including customized employment, and other appropriate services needed to support and maintain an individual with a most significant disability in supported employment, that are organized and made available, singly or in combination, in such a way as to assist an eligible individual to achieve competitive integrated employment; based on a determination of the needs of an eligible individual, as specified in an IPE; provided by IVRS for a period of time not to exceed 24 months, unless under special circumstances the eligible individual and rehabilitation counselor jointly agree to extend the time to achieve the

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employment outcome identified in the IPE; and following transition, as postemployment services that are unavailable from an extended services provider and that are necessary to maintain or regain the job placement or advance in employment.

*“Transition services”* means a coordinated set of activities provided to a student or youth with a disability and designed within an outcome-oriented process that promotes movement from school to postschool activities. Postschool activities include postsecondary education, vocational training, competitive integrated employment including supported employment, continuing and adult education, adult services, independent living, and community participation. The coordinated set of activities must be based upon the individual student’s or youth’s needs, taking into account the student’s or youth’s preferences and interests, and must include instruction, community experiences, the development of employment and other postschool adult living objectives, and, if appropriate, acquisition of daily living skills and functional vocational evaluation. Transition services must promote or facilitate the achievement of the employment outcome identified in the student’s or youth’s IPE. Transition services must also include outreach to and engagement of the parents or other representatives, as appropriate.

*“Transportation”* means travel and related expenses that are necessary to enable an applicant or eligible individual to participate in a vocational rehabilitation service, including expenses for training in the use of public transportation vehicles and systems.

*“Vocational rehabilitation services”* means those services identified under 34 CFR Section 361.48. For the benefit of groups of individuals, “vocational rehabilitation services” means those services listed in 34 CFR Section 361.49.

*“Waiting list”* means the listings of eligible individuals for vocational rehabilitation services who are not in a category being served, otherwise known as “order of selection” under the Workforce Innovation and Opportunity Act of 2014.

*“Youth with a disability”* means an individual with a disability who is not younger than 14 years of age and not older than 24 years of age.

**281—56.4(259) Referral and application for services.****56.4(1) General.**

*a.* The division has established and implemented standards for the prompt and equitable handling of referrals of individuals for vocational rehabilitation services, including referrals of individuals made through the one-stop service delivery systems under Section 121 of the Workforce Innovation and Opportunity Act. The standards include timelines for making good faith efforts to inform these individuals of application requirements and to gather information necessary to initiate an assessment for determining eligibility and priority for services.

*b.* A referral for a student with a disability requesting preemployment transition services (pre-ETS) includes completion of the pre-ETS agreement.

*c.* Once an individual has submitted an application for vocational rehabilitation services, including applications made through common intake procedures in one-stop centers under Section 121 of the Workforce Innovation and Opportunity Act, an eligibility determination must be made within 60 days, unless exceptional and unforeseen circumstances beyond the control of the division preclude making an eligibility determination within 60 days and the division and the individual agree to a specific extension of time.

*d.* An individual is considered to have submitted an application when the individual or the individual’s representative, as appropriate, has completed an agency application form including written consent; has completed a common intake application form in a one-stop center requesting vocational rehabilitation services or has otherwise requested services from the division; has provided to the division information necessary to initiate an assessment to determine eligibility and priority for services; and is available to complete the assessment process. The division ensures that its application forms are widely available throughout the state, particularly in the one-stop centers under Section 121 of the Workforce Innovation and Opportunity Act.

*e.* The division will refer applicants or eligible individuals to appropriate programs and service providers best suited to address the specific rehabilitation, independent living and employment needs

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of the individual with a disability. Individuals with the most significant disabilities who are working at subminimum wage in a nonintegrated setting are provided information about competitive integrated employment and support from the division, once known to the division, by qualified personnel and partners with the goal of assisting said individuals to pursue competitive integrated employment.

*f.* The division will inform those who decide against pursuit of employment that services may be requested at a later date if, at that time, they choose to pursue an employment outcome.

**56.4(2) *Individuals who are blind.*** Pursuant to rule 111—10.4(216B), individuals who meet the department for the blind (IDB) definition of “blind” are to be served primarily by IDB. Joint cases are served pursuant to any applicable memorandum of agreement executed between the division and IDB.

**281—56.5(259) Eligibility for vocational rehabilitation services.****56.5(1) *General.***

*a.* Eligibility for vocational rehabilitation services shall be determined upon the basis of the following:

- (1) A determination by a qualified rehabilitation counselor that the applicant has a physical or mental impairment documented by a qualified provider;
- (2) A determination by a qualified rehabilitation counselor that the applicant’s physical or mental impairment constitutes or results in a substantial impediment to employment for the applicant; and
- (3) A determination by a qualified vocational rehabilitation counselor that the applicant requires vocational rehabilitation services to prepare for, secure, retain, advance in, or regain employment that is consistent with the applicant’s unique strengths, resources, priorities, concerns, abilities, capabilities, interests, and informed choice.

*b.* For purposes of an assessment for determining eligibility and vocational rehabilitation needs, an individual is presumed to have a goal of an employment outcome. The applicant’s completion of the application process for vocational rehabilitation services is sufficient evidence of the individual’s intent to achieve an employment outcome. If at any time the individual decides to no longer pursue competitive integrated employment, the individual is no longer eligible for division services.

**56.5(2) *Presumptions.*** A presumption exists that the applicant who meets the eligibility requirements in subparagraphs 56.5(1) “a”(1) and 56.5(1) “a”(2) can benefit in terms of an employment outcome from the provision of vocational rehabilitation services. Any applicant who has been determined eligible for social security benefits under Title II or Title XVI of the Social Security Act based on the applicant’s own disability is presumed eligible for vocational rehabilitation services and is considered an individual with a significant disability. IVRS staff must verify the applicant’s eligibility. Recipients who demonstrate eligibility under subrule 56.6(1) must also demonstrate need in the individualized plan for employment (IPE) under subrule 56.6(3). Nothing in this rule automatically entitles a recipient of social security disability insurance or supplemental security income payments to any good or service provided by the division. Qualified IVRS personnel will identify and document the individual as a recipient of social security benefits based on disability, and the determination of impediments to employment and need for services will be documented by the qualified rehabilitation counselor.

**56.5(3) *Standards for ineligibility.*** If the division determines that an applicant is ineligible for vocational rehabilitation services or determines that an individual receiving services under an IPE is no longer eligible for services, including preemployment transition services (pre-ETS), the division must:

- a.* Make the determination only after providing an opportunity for full consultation with the individual or, as appropriate, the individual’s representative;
- b.* Inform the individual in writing, supplemented as necessary with appropriate modes of communication, consistent with the informed choice of the individual, of the ineligibility determination, the requirements in this rule, and the means by which the individual may seek remedy for any dissatisfaction, including the procedures for review of IVRS determinations;
- c.* Provide to the individual the individual’s appeal or mediation rights;
- d.* Provide the individual information on the client assistance program (CAP);

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*e.* Refer the individual to other programs that are part of the one-stop service delivery system under the Workforce Innovation and Opportunity Act (WIOA) that can address the individual's training- or employment-related needs or to federal, state, or local programs or service programs or service providers, including, as appropriate, independent living programs and extended employment providers, best suited to meet the individual's rehabilitation needs if the ineligibility determination is based on a finding that the individual has chosen not to pursue services, or if the individual has decided to pursue subminimum wage employment; and

*f.* At the request of the individual or representative, as applicable, a review of the decision within 12 months of the date of that decision.

**56.5(4) Residency.** There is no duration of residency requirement; however, an individual seeking services from the agency must be present and available for participation in services.

**281—56.6(259) Other eligibility and service determinations.****56.6(1) Waiting list.**

*a.* As required by the Act and 34 CFR Section 361.36, if the division cannot serve all eligible individuals who apply, the division shall develop and maintain a waiting list for services based on significance of disability. The three categories of waiting lists are as follows, listed in order of priority to be served:

- (1) Most significantly disabled;
- (2) Significantly disabled; and
- (3) Others eligible.

*b.* An individual's order of selection is determined by the waiting list and the date on which the individual applied for services from IVRS. All waiting lists are statewide in scope; no regional lists are to be maintained. Assessment of the significance of an applicant's disability is done during the process of determining eligibility but may continue after the individual has been placed on a waiting list. Individuals who do not meet the order of selection criteria will have access to services provided through information and referral. The division will provide the individual:

- (1) A notice of the referral;
- (2) Information identifying a specific point of contact at the agency to which the individual is referred; and
- (3) Information and advice on the referral regarding the most suitable services to assist the individual.

*c.* Job retention services are available for those individuals who meet the requirements for those services.

**56.6(2) Options for individualized plan for employment (IPE) development.**

*a.* The division provides information on the available options for developing the IPE, including the option that an eligible individual, or as appropriate, the individual's representative, may develop all or part of the IPE without assistance from the division or other entity; or with assistance from:

- (1) A qualified vocational rehabilitation counselor employed by IVRS;
- (2) A qualified vocational rehabilitation counselor not employed by IVRS;
- (3) A disability advocacy organization, such as the CAP or Disability Rights Iowa (DRI), or any other advocacy organization of the individual's choosing; or
- (4) Resources other than those mentioned above, such as the individual's case manager or a representative of the division under the guidance of a division vocational rehabilitation counselor.

*b.* The IPE is not approved or put into practice until it is discussed and reviewed; amended, if applicable; and approved by the job candidate and the vocational rehabilitation counselor employed by the division.

*c.* There is no compensation for any expenses incurred while the IPE is developed with any entity not employed by the division.

*d.* If the job candidate is not on the division waiting list and requires some assessment services to develop the IPE, the job candidate must discuss the needs in advance with the division counselor and obtain prior approval if financial assistance is needed from the division to pay for the assessment service.

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*e.* For individuals entitled to benefits under Title II or XVI of the Social Security Act on the basis of a disability or blindness, the division must provide to the individual general information on additional supports and assistance for individuals with disabilities desiring to enter the workforce, including assistance with benefits planning.

*f.* The job candidate's signature on the IPE verifies the ticket assignment to the division unless otherwise directed by the job candidate.

*g.* The IPE implementation date begins on the date of the division counselor's signature.

**56.6(3)** *Content of the individualized plan for employment (IPE).* Each IPE must include:

*a.* A description of the specific employment outcome, as defined in 34 CFR Section 361.5(c)(15), that is chosen by the eligible individual and is consistent with the individual's unique strengths, resources, priorities, concerns, abilities, capabilities, career interests, and informed choice consistent with the general goal of competitive integrated employment (except that in the case of an eligible individual who is a student or a youth with a disability, the description may be a description of the individual's projected postschool employment outcome);

*b.* The specific rehabilitation services needed to achieve the employment outcome, including, as appropriate, the provision of assistive technology devices, assistive technology services, and personal assistance services, including training in the management of those services;

*c.* In the case of a plan for an eligible individual who is a student or youth with a disability, the specific transition services and supports needed to achieve the individual's employment outcome or projected postschool employment outcome;

*d.* The provision of services in the most integrated setting that is appropriate for the services involved and is consistent with the informed choice of the eligible individual;

*e.* Timelines for the services on the IPE and for the achievement of the employment outcome;

*f.* A description of the entity or entities chosen by the eligible individual or, as appropriate, the individual's representative that will provide the vocational rehabilitation services and the methods used to procure those services (the division does not supplant services for which another entity is responsible);

*g.* A description of the criteria that will be used to evaluate progress toward achievement of the employment outcome;

*h.* The terms and conditions of the IPE, including, as appropriate, information describing: the responsibilities of the division; the responsibilities of the eligible individual, including the responsibilities the individual will assume in relation to achieving the employment outcome; if applicable, the extent of the individual's participation in paying for the cost of services; and the responsibility of the individual with regard to applying for and securing comparable services and benefits as described in 34 CFR Section 361.53; and the responsibilities of other entities as the result of arrangements made pursuant to the comparable services or benefits requirements in 34 CFR Section 361.53; and

*i.* For postemployment services, as applicable, the expected need for postemployment services prior to closing the record of services of an individual who has achieved an employment outcome; a description of the terms and conditions for the provision of any postemployment services; and, if appropriate, a statement of how postemployment services will be provided or arranged through other entities as the result of arrangements made pursuant to the comparable services or benefits requirements in 34 CFR Section 361.53.

*j.* For an IPE for an individual with a most significant disability for whom an employment outcome in a supported employment setting has been determined to be appropriate:

(1) The supported employment services to be provided by the division;

(2) The expected extended services needed, which may include natural supports;

(3) The source of extended services or, to the extent that it is not possible to identify the source of extended services at the time the individualized plan for employment is developed, a description of the basis for concluding that there is a reasonable expectation that those sources will become available;

(4) Periodic monitoring to ensure that the individual is making satisfactory progress toward meeting the weekly work requirement established in the individualized plan for employment by the time of transition to extended services;

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(5) The coordination of services provided under an IPE with services provided under other individualized plans established under other federal or state programs;

(6) To the extent that job skills training is provided, identification that the training will be provided on site; and

(7) Placement in an integrated setting for the maximum number of hours possible based on the unique strengths, resources, priorities, concerns, abilities, capabilities, interests, and informed choice of individuals with the most significant disabilities.

*k.* In the development of an IPE for a student with a disability, the division coordinates with the individualized education program (IEP) or 504 services, as applicable, for that individual in terms of the goals, objectives, and services identified in the IEP.

No expenditures associated with the job candidate-developed plan are the responsibility of IVRS, unless agreed to and approved by the IVRS counselor. Written approval for services must be obtained prior to any IVRS financial obligation.

All IPE services are provided, unless amended and determined unnecessary. The division exercises its discretion in relation to the termination or amendment of the individual's IPE when, for any reason, it becomes evident that the IPE cannot be completed.

**56.6(4)** *Scope of services.*

*a.* Preemployment transition services (pre-ETS). In collaboration with the local educational agencies involved, the division ensures that pre-ETS are arranged and available to all students with disabilities, regardless of whether the student has applied or been determined eligible for vocational rehabilitation services, as defined in 34 CFR Section 361.5(c)(51). Pre-ETS include:

(1) Required activities. The division must provide the following required activities:

1. Job exploration counseling;
2. Work-based learning experiences, which may include in-school or after school opportunities, or experience outside the traditional school setting (including internships), that is provided in an integrated environment in the community to the maximum extent possible;
3. Counseling on opportunities for enrollment in comprehensive transition or postsecondary educational programs at institutions of higher education;
4. Workplace readiness training to develop social skills and independent living; and
5. Instruction in self-advocacy (including instruction in person-centered planning), which may include peer mentoring (including peer mentoring from individuals with disabilities working in competitive integrated employment).

(2) Authorized activities. Funds available and remaining after the provision of the required activities may be used to improve the transition of students with disabilities from school to postsecondary education or an employment outcome by:

1. Implementing effective strategies to increase the likelihood of independent living and inclusion in communities and competitive integrated workplaces;
2. Developing and improving strategies for individuals with intellectual disabilities and individuals with significant disabilities to live independently; participate in postsecondary education experiences; and obtain, advance in and retain competitive integrated employment;
3. Providing instruction to vocational rehabilitation counselors, school transition personnel, and other persons supporting students with disabilities;
4. Disseminating information about innovative, effective, and efficient approaches to achieve the goals of this rule;
5. Coordinating activities with transition services provided by local educational agencies under the IDEA;
6. Applying evidence-based findings to improve policy, procedure, practice, and the preparation of personnel in order to better achieve the goals of this rule;
7. Developing model transition demonstration projects;
8. Establishing or supporting multistate or regional partnerships involving states, local educational agencies, designated state units, developmental disability agencies, private businesses, or other participants to achieve the goals of this rule; and

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9. Disseminating information and strategies to improve the transition to postsecondary activities of individuals who are members of traditionally unserved and underserved populations.

(3) Preemployment transition coordination. Each local office of a designated state unit must carry out responsibilities consisting of:

1. Attending individualized education program meetings for students with disabilities, when invited;

2. Working with the local workforce development boards, one-stop centers, and employers to develop work opportunities for students with disabilities, including internships, summer employment and other employment opportunities available throughout the school year, and apprenticeships;

3. Working with schools, including those carrying out activities under Section 614(d) of the IDEA, to coordinate and ensure the provision of preemployment transition services under this rule;

4. When invited, attending person-centered planning meetings for individuals receiving services under Title XIX of the Social Security Act (42 U.S.C. Section 1396 et seq.).

(4) Completion of the pre-ETS agreement outlines the agreed-upon preemployment transition services needed by the student with a disability. When it is necessary to purchase these services, written prior approval must be obtained from the division.

Once an individual applies for services, the division may provide certain services (e.g., assessments for the determination of eligibility and plan development). The preemployment transition services listed above may continue for students with disabilities (as applicable).

*b.* Vocational services for eligible individuals not on a waiting list are services described in an IPE and are necessary to assist the eligible individual in preparing for, obtaining, retaining, regaining, or advancing in employment if the failure to advance is due to the disability, consistent with informed choice. Funding for such services is provided in accordance with the division policies. The services include:

(1) Assessment for determining services needed to achieve competitive integrated employment;

(2) Counseling and guidance, which means career counseling to provide information and support services to assist the eligible individual in making informed choices;

(3) Referral and other services necessary to assist applicants and eligible individuals to secure needed services from other agencies, including other components of the statewide workforce development system, and through agreements with other organizations and agencies as well as advising individuals about the client assistance program;

(4) Job-related services to facilitate the preparation for, obtaining of, and retaining of employment to include job search, job development, job placement assistance, job retention services, follow-up services and follow-along if necessary and required under the IPE;

(5) Vocational and other training services, including personal and vocational adjustment training; advanced training in, but not limited to, a field of science, technology, engineering, mathematics (including computer science), medicine, law, or business; books, tools, and other training materials, except that no training or training services in an institution of higher education (universities, colleges, community or junior colleges, vocational schools, technical institutes, or hospital schools of nursing or any other postsecondary education institution) may be paid for with IVRS funds unless maximum efforts have been made by the designated state unit and the individual to secure grant assistance in whole or in part from other sources to pay for that training, in accordance with the definition of that term in 34 CFR Section 361.48(b)(6);

(6) Physical and mental treatment may be provided to the extent that financial support is not readily available from another source other than IVRS, such as health insurance of the individual or a comparable service or benefit, as defined in 34 CFR Section 361.5(c)(39), and said treatment is essential to the progression of the individual to achieve the competitive integrated employment outcome according to the following provisions:

1. The service is necessary for the job candidate's satisfactory occupational adjustment;

2. The condition causing the disability is relatively stable or slowly progressive;

3. The condition is of a nature that treatment may be expected to remove, arrest, or substantially reduce the disability within a reasonable length of time;

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4. The prognosis for life and employability is favorable;
- (7) Maintenance services as defined in 34 CFR Section 361.5(c)(34), to the extent that the costs of maintenance shall not exceed the amount of increased expenses that the rehabilitation causes for the job candidate or the job candidate's family. Maintenance is not intended to provide relief from poverty or abject living conditions. Guidance regarding the financial support of maintenance is available from the division's policy manual;
- (8) Transportation in connection with the provision of any vocational rehabilitation service and as defined in 34 CFR Section 361.5(c)(57), to the extent that when necessary to enable an applicant or a job candidate to participate in or receive the benefits of other vocational rehabilitation services, travel and related expenses, including expenses for training in the use of public transportation vehicles and systems, may be provided by the division. Transportation services may include the use of private or commercial conveyances (such as private automobile or van, public taxi, bus, ambulance, train, or plane) or the use of public transportation and coordination with a regional transit agency;
- (9) Vocational rehabilitation services to family members, as defined in 34 CFR Section 361.5(c)(23), of an applicant or eligible individual if necessary to enable the applicant or eligible individual to achieve an employment outcome;
- (10) Interpreter services, including sign language and oral interpreter services, for individuals who are deaf or hard of hearing and tactile interpreting services;
- (11) Supported employment services as defined in 34 CFR Section 361.5(c)(42);
- (12) Occupational licenses, tools, equipment, initial stocks and supplies;
- (13) Rehabilitation technology as defined in 34 CFR Section 361.5(c)(45), including vehicular modification, telecommunications, sensory, and other technological aids and devices;
- (14) Transition services for a student or youth with a disability that facilitate the transition from school to postsecondary life, such as achievement of an employment outcome in competitive integrated employment, or preemployment transition services for students;
- (15) Technical assistance and other consultation services to conduct market analyses, develop business plans, and otherwise provide resources, to the extent those resources are authorized to be provided through the statewide workforce development system, to eligible individuals who are pursuing self-employment or telecommuting or establishing a small business operation as an employment outcome;
- (16) Customized employment as defined in 34 CFR Section 361.5(c)(11); and
- (17) Other goods and services determined necessary for the individual with a disability to achieve an employment outcome.

**56.6(5) Specific services requiring financial assessment.**

a. Financial need must be established prior to the provision of certain services at the division's expense and is evidenced by use of the financial inventory needs tool utilized by the division. No financial needs test will occur for the following services:

- (1) Assessment for eligibility and priority of services and determining vocational rehabilitation needs under 34 CFR Section 361.48(b)(2);
- (2) Vocational rehabilitation counseling and guidance under 34 CFR Section 361.48(b)(3);
- (3) Referral and other services under 34 CFR Section 361.48(b)(4);
- (4) Job-related services under 34 CFR Section 361.48(b)(12);
- (5) Personal assistance services under 34 CFR Section 361.48(b)(14); and
- (6) Any auxiliary aid or service (e.g., interpreter services under 34 CFR Section 361.48(b)(10) or reader services under 34 CFR Section 361.48(b)(11)) that an individual with a disability requires.

b. Recipients of SSDI/SSI and foster care youth are not subject to a financial needs test but must demonstrate eligibility under subrule 56.6(1) and rule 281—56.5(259), as well as demonstrate need in the IPE.

- (1) For the determination of financial need, the individual and the individual's family (when applicable) are required to provide information regarding all family income from any source that may be applied toward the cost of rehabilitation services, other than those services mentioned above, where the financial needs test does not apply. Family is considered to be any individuals who are financially



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responsible for the support of the job candidate, regardless of whether they reside in the same or separate households. A comparable services and benefits search is required for some services. The division shall not pay for more than the balance of the cost of services minus comparable services and benefits for the individual's documented contribution. When an individual refuses to supply information for the financial needs test, the individual assumes 100 percent responsibility for the costs of the rehabilitation.

(2) The division shall observe the following policies in deciding financial need based upon the findings:

1. All services requiring the determination of financial need are provided on the basis of supplementing the resources of the individual or of those responsible for the individual.

2. A division supervisor may grant an exception in cases where the individual's disability caused, or is directly related to, financial need and where all other sources of money have been exhausted by the individual and the guardian of the individual (when applicable).

3. Consideration shall be given to the individual's responsibility for the immediate needs and maintenance of the individual's dependents, and the individual shall be expected to reserve sufficient funds to meet the individual's family obligations and to provide for the family's future care, education and medical expenses.

4. Income up to a reasonable amount should be considered and determined based on the federal poverty guidelines associated with family size, income, and exclusions.

5. General assistance from state or federal sources is disregarded as a resource unless the assistance is a grant award for postsecondary training.

6. Grants and scholarships based on merit, while not required to be searched for as a comparable benefit, may be considered as part of the determination of financial support of a plan when a request is beyond the basic support for college. Public grants and institutional grants or scholarships not based on merit are considered a considerable benefit.

7. The division does not fund services for which another entity is responsible.

8. The division seeks and purchases the most economical goods (items/models) or services that meet the individual's vocational needs.

9. Goods and services are only authorized to those facilities and entities qualified and equipped to provide such goods and services.

**56.6(6) *Maximum rates of payment to training facilities.*** In no case shall the amount paid to a training facility exceed the rate published, and in the case of facilities not having published rates, the amount paid to the facility shall not exceed the amount paid to the facility by other public agencies for similar services. The division will maintain information necessary to justify the rates of payment made to training facilities.

**56.6(7) *Areas in which exceptions shall not be granted.*** Pursuant to federal law, an exception shall not be granted for any requirements that do not allow for such an exception (e.g., eligibility, required contents of the individualized plan for employment).

**56.6(8) *Exceptions to duration of services.*** As required by the Act and 34 CFR Section 361.50(d), the division shall have a method of allowing for exceptions to its rules regarding the duration of services. In order to exceed the duration of service as defined in the IPE, a job candidate must follow through on the agreed-upon IPE and related activities and keep the division informed of the job candidate's progress.

**281—56.7(259) Purchasing principles for individual-specific purposes.**

**56.7(1)** The division shall follow the administrative rules for purchasing goods and services promulgated by the department of administrative services.

**56.7(2)** The division shall purchase only those items or models that allow for a job candidate to meet the job candidate's vocational objective. The division shall not pay for additional features that exceed the requirements to meet a job candidate's vocational objective or that serve primarily to enhance the job candidate's personal life.

**56.7(3)** The division shall seek out and purchase the most economical item or model that meets the job candidate's vocational needs.

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**56.7(4)** The division shall encourage all job candidates to develop strategies and savings programs to pay for replacement items/models or upgrades.

**56.7(5)** Items purchased for a job candidate become the property of the job candidate but may be repossessed by the division, subject to reimbursement to the job candidate for the job candidate's share of the purchase price, if the job candidate does not attain employment prior to case closure.

**56.7(6)** The division shall inform the job candidate that any change to planned purchases must be discussed and approved jointly before a purchase is made.

**56.7(7)** The division will not participate in the modification to property not owned by the job candidate or the job candidate's family without a division-approved exception to policy.

**56.7(8)** When considering what item or model to purchase for a specific job candidate, the division shall in all cases consider the following factors:

*a.* Whether the item or model is required for the job candidate to be able to perform the essential functions of the job candidate's job.

*b.* Whether other parties or entities may be responsible for providing or contributing to the costs of an item.

**281—56.8(259) Review, mediation and appeal processes.** At all times throughout the rehabilitation process, individuals accessing any IVRS services shall be informed of the right to appeal or mediation and the procedures by which to file. If an individual is dissatisfied with any agency decision that directly affects the individual, the individual or designated representative may appeal that decision or request mediation. The term "appellant" shall be used to indicate the individual or designated representative who initiates an appeal. The appellant may initiate the appeal process either by calling a counselor or supervisor or by filing the appropriate division appeal form, available from any counselor or supervisor of the division. If the appeal process or mediation is initiated by telephone, the counselor or supervisor who received the call must complete the appeal form to the best of that person's ability with information from the appellant. The division shall accept as an appeal or request for mediation a written letter, facsimile, or electronic mail that indicates that the applicant or job candidate desires to appeal or seek mediation. An appeal or mediation request must be filed within 90 days of notification of the disputed decision. Once the appeal form or request for mediation has been filed with the division administrator, a hearing shall be held before an impartial hearing officer (IHO) or mediator within the next 60 days unless an extension of time is mutually agreed upon or one of the parties shows good cause for an extension or one of the parties declines mediation. The appellant may request that the appeal go directly to impartial hearing, but the appellant shall be offered the opportunity for a supervisor review or mediation. The appellant may request assistance with an appeal or mediation from the Iowa client assistance program (ICAP) at any time in the appeal process.

**56.8(1) Supervisor review.** As a first step, the appellant shall be advised that a supervisor review of the counselor's decision may be requested by notifying the counselor or supervisor in person, by telephone or by letter of the decision to appeal. If the supervisor has been involved in decisions in the case to the extent that the supervisor cannot render a fair and impartial decision or if the supervisor is not available to complete the review in a timely manner, the appeal and case file shall be forwarded to the bureau chief for review. The appellant is not required to request supervisor review as a prerequisite for appeal before an IHO; however, if a supervisor review is requested, the following steps shall be observed:

*a.* Upon receipt of a request for supervisor review, the supervisor shall notify all appropriate parties of the date and nature of the appeal; examine case file documentation; discuss the issues and reasons for the decision with the immediate counselor and other counselors who may have been previously involved with the case or issue; and, if necessary, meet with any or all parties to discuss the dispute.

*b.* The supervisor shall have ten working days from receipt of the request for supervisor review to decide the issue and notify the appellant in writing. A copy of the supervisor's decision shall be sent to all appropriate parties.

*c.* If the supervisor's decision is adverse to the appellant, the copy of the written decision given to the appellant shall include further appeal procedures, including notification that the appellant has ten days from the date of the letter to file further appeal.

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d. As an alternative to, but not to the exclusion of, filing for further appeal, the appellant may request mediation of the supervisor's decision or review by the chief of the rehabilitation services bureau.

**56.8(2) Mediation.** Regardless of whether a supervisor review is requested, an appellant may request resolution of the dispute through the mediation process. Mediation is also available if the appellant is dissatisfied with the supervisor's decision. If mediation is requested by the appellant and agreed to by the division, the mediation shall be held within 60 days of the request for mediation. The following steps shall be observed by the parties. Mediation shall be conducted by a qualified and impartial mediator, as defined in 34 CFR Section 361.5(c)(43), trained in effective mediation techniques and selected randomly by the division from a list maintained by the division.

a. The mediation shall be conducted in a timely manner at a location convenient to the parties.  
b. Mediation shall not be used to delay the appellant's right to a hearing.  
c. Mediation must be voluntary on the part of the appellant and the division.  
d. Mediation is at no cost to the appellant.  
e. All discussions and other communications that occur during the mediation process are confidential. Any offers of settlement made by either party during the mediation process are inadmissible if further appeal is sought by the appellant.

f. Existing division services provided to an appellant shall not be suspended, reduced, or terminated pending decision of the mediator, unless so requested by the appellant.

**56.8(3) Hearing before an impartial hearing officer.** Regardless of whether the appellant has used supervisor review or mediation or both, if the appellant requests a hearing before an IHO, the following provisions apply:

a. The division shall appoint the IHO from the pool of impartial hearing officers with whom the division has contracts. The IHO shall be assigned on a random basis or by agreement between the administrator of the division and the appellant.

b. The hearing shall be held within 20 days of the receipt of the appointment of the IHO. A written decision shall be rendered and given to the parties by the IHO within 30 days after completion of the hearing. Either or both of these time frames may be extended by mutual agreement of the parties or by a showing of good cause by one party.

c. The appellant shall be informed that the filing of an appeal confers consent for the release of the case file information to the IHO. The IHO shall have access to the case file or a copy thereof at any time following acceptance of the appointment to hear the case.

d. Within five working days after appointment, the IHO shall notify both parties in writing of the following:

- (1) The role of the IHO;
- (2) The IHO's understanding of the reasons for the appeal and the requested resolution;
- (3) The date, time, and place for the hearing, which shall be accessible and located as advantageously as possible for both parties but more so for the appellant;
- (4) The availability of the case file for review and copying in a vocational rehabilitation office prior to the hearing and how to arrange for the same;
- (5) That the hearing shall be closed to the public unless the appellant specifically requests an open hearing;
- (6) That the appellant may present evidence and information personally, may call witnesses, may be represented by counsel or other appropriate advocate at the appellant's expense, and may examine all witnesses and other relevant sources of information and evidence;
- (7) The availability to the appellant of the Iowa client assistance program (ICAP) for possible assistance;
- (8) Information about the amount of time it will take to complete the hearing process;
- (9) The possibility of reimbursement of necessary travel and related expenses; and
- (10) The availability of interpreter and reader services for appellants not proficient in the English language and those who are deaf or hard of hearing and the availability of transportation or attendant services for those appellants requiring such assistance.

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*e.* Existing division services provided to an appellant shall not be suspended, reduced, or terminated pending the decision of the IHO, unless so requested by the appellant.

*f.* The IHO shall provide a full written decision, including the findings of fact and grounds for the decision. The appellant or the division may request administrative review, and the IHO decision is submitted to the administrator of the division. Both parties may provide additional evidence not heard at the hearing for consideration for the administrative review. If no additional evidence is presented, the IHO decision stands. Unless either party chooses to seek judicial review pursuant to Iowa Code chapter 17A, the decision of the IHO is final. If judicial review is sought after administrative review, the IHO's decision shall be implemented pending the outcome of the judicial review.

**281—56.9(259) Case record.** The division has the authority to collect and maintain records on individuals under the Act, the state plan for vocational rehabilitation services, and the Social Security Act. Under this authority, the division maintains a record for each case. The case record contains pertinent case information as defined in division policy including, as a minimum, the basis for determination of eligibility, the basis justifying the plan of services and the reason for closing the case, together with a justification of the closure and supporting documents. Case information is contained in the agency's case management system and a hard copy file. A combination of these data collections instruments constitutes the official case record. The hard copy files are retained for a minimum of four years, but there are instances when a case may be stored longer based on the services received.

**281—56.10(259) Personally identifiable information.** This rule describes the nature and extent of the personally identifiable information collected, maintained, and retrieved by the division by personal identifier in record systems as defined herein. The record systems maintained by the division include the following:

**56.10(1) Personnel records.** Personnel records contain information relating to initial application, job performance and evaluation, reprimands, grievances, notes from and reports of investigations of allegations related to improper employee behavior, and reports of hearings and outcomes of reprimands and grievances.

**56.10(2) Job candidate case records.** An individual file is maintained for each person who has been referred to or has applied for the services of the division, as described in rule 281—56.9(259). The file contains a variety of personal information about the job candidate, which is used in the establishment of eligibility and the provision of agency services. All information is personally identifiable and is confidential.

**56.10(3) Job candidate service record computer database.** The job candidate service record computer database contains personal data items about individual job candidates. Data identifying a job candidate is confidential. Data in the aggregate is not personally identifiable and thus is not confidential.

**56.10(4) Vendor purchase records.** Vendor purchase records are records of purchases of goods or services made for the benefit of job candidates. If a record contains the job candidate's name or other personal identifiers, the record is confidential. Lists of non-job candidate vendors, services purchased, and the costs of those services are not confidential when retrieved from a data processing system without personally identifiable information.

**56.10(5) Records and transcripts of hearings or client appeals.** Records and transcripts of hearings or client appeals contain personally identifiable information about a client's case, appeal from or for some action, and the decision that has been rendered. The personally identifiable information is confidential. Some of the information is maintained in an index provided for in Iowa Code section 17A.3(1) "d." Information is available after confidential personally identifiable information is deleted.

**56.10(6) All computer databases of client and applicant names and other identifiers.** The data processing system contains client status records organized by a variety of personal identifiers. These records are confidential as long as any personally identifiable information is present.

**56.10(7) All computer-generated reports that contain personally identifiable information.** The division may choose to draw or generate from a data processing system reports that contain information

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or an identifier which would allow the identification of an individual client or clients. This material is for internal division use only and is confidential.

**56.10(8) *Personally identifiable information and acceptance of federal requirements.*** Pursuant to Iowa Code section 259.9, the state of Iowa accepts the social security system rules for the disability determination program of the division. Failure to follow the provisions of the Act can result in the loss of federal funds. All personally identifiable information is confidential and may be released only with informed written consent, except as permitted by federal law. Any contrary provision in Iowa Code chapter 22 must be waived in order for the state to receive federal funds, services, and essential information for the administration of vocational rehabilitation services.

**281—56.11(259) Other groups of records routinely available for public inspection.** This rule describes groups of records maintained by the division other than record systems. These records are routinely available to the public, with the exception of parts of the records that contain confidential information. This rule generally describes the nature of the records, the type of information contained therein, and whether the records are confidential in whole or in part.

**56.11(1) *Rule making.*** Rule-making records, including public comments on proposed rules, are not confidential.

**56.11(2) *Council and commission records.*** Agendas, minutes, and materials presented to any council or commission required under the Act are available to the public with the exception of those records that are exempt from disclosure under Iowa Code section 21.5. Council and commission records are available from the main office of the division at 510 E. 12th Street, Des Moines, Iowa 50319.

**56.11(3) *Publications.*** News releases, annual reports, project reports, agency newsletters, and other publications are available from the main office of the division at 510 E. 12th Street, Des Moines, Iowa 50319. Brochures describing various division programs are also available at local offices of the division.

**56.11(4) *Statistical reports.*** Periodic reports of statistical information on expenditures, numbers and types of case closures, and aggregate data on various client characteristics are compiled as needed for agency administration or as required by the federal funding source and are available to the public.

**56.11(5) *Grants.*** Records of persons receiving grants from division services are available through the main office of the division. Grant records contain information about grantees and may contain information about employees of a grantee that has been collected pursuant to federal requirements.

**56.11(6) *Published materials.*** The division uses many legal and technical publications, which may be inspected by the public upon request. Some of these materials may be protected by copyright law.

**56.11(7) *Policy manuals.*** Manuals containing the policies and procedures for programs administered by the division are available on the division website. Printed copies of all or some of the documents are available at the cost of production and handling. Requests should be addressed to Vocational Rehabilitation Services Division, 510 E. 12th Street, Des Moines, Iowa 50319.

**56.11(8) *Operating expense records.*** The division maintains records of the expense of operation of the division, including records related to office rent, employee travel expenses, and costs of supplies and postage, all of which are available to the public.

**56.11(9) *Training records.*** Lists of training programs, the persons approved to attend, and associated costs are maintained in these records, which are available to the public.

**56.11(10) *Other records.*** The division maintains records of various sources not previously mentioned in this rule that are exempted from disclosure by law.

**281—56.12(259) State rehabilitation council.**

**56.12(1) *Composition.*** The state rehabilitation council shall be composed of at least 15 members, appointed by the governor. A majority of the council members must be individuals with disabilities who are not employed by the division. The appointing authority must select members of the council after soliciting recommendations from representatives of organizations representing a broad range of individuals with disabilities and organizations interested in individuals with disabilities. In selecting members, the appointing authority must consider, to the greatest extent practicable, the extent to which minority populations are represented on the council. A majority of members must be individuals with

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disabilities who meet the requirements of 34 CFR Section 361.5(c)(28) and are not employed by the designated state unit. The council members shall include the following:

- a.* At least one representative of the statewide independent living council, who must be the chairperson or other designee of the statewide independent living council;
- b.* At least one representative of a parent training and information center established pursuant to Section 682(a) of the IDEA;
- c.* At least one representative of the client assistance program established under 34 CFR Part 370, who must be the director or other individual recommended by the client assistance program;
- d.* At least one qualified vocational rehabilitation counselor with knowledge of and experience with vocational rehabilitation programs who serves as an ex officio, nonvoting member of the council if employed by the division;
- e.* At least one representative of community rehabilitation program service providers;
- f.* Four representatives of business, industry, and labor;
- g.* Representatives of disability groups that include a cross section of:
  - (1) Individuals with physical, cognitive, sensory, and mental disabilities; and
  - (2) Representatives of individuals with disabilities who have difficulty representing themselves or are unable, due to their disabilities, to represent themselves;
- h.* Current or former applicants for, or recipients of, vocational rehabilitation services;
- i.* At least one representative of the state educational agency responsible for the public education of students with disabilities who are eligible to receive services under the Act and Part B of the IDEA;
- j.* At least one representative of the Iowa workforce development board; and
- k.* The director of the division, who serves as an ex officio, nonvoting member of the council.

**56.12(2) Chairperson.** The chairperson must be selected by the members of the council from among the voting members of the council.

**56.12(3) Terms.** Each member of the council shall be appointed for a term of no more than three years. Each member of the council, other than the representative of the client assistance program, shall serve for no more than two consecutive full terms. A member appointed to fill a vacancy occurring prior to the end of the term for which the predecessor was appointed must be appointed for the remainder of the predecessor's term and may serve one additional three-year term. The terms of service of the members initially appointed must be for a varied number of years to ensure that terms expire on a staggered basis.

**56.12(4) Vacancies.** The governor shall fill a vacancy in council membership.

**56.12(5) Functions.** The council must, after consulting with the state workforce development board, perform the following functions:

- a.* Review, analyze, and advise the designated state unit regarding the designated state unit's responsibilities, particularly responsibilities related to:
  - (1) Eligibility, including order of selection;
  - (2) The extent, scope, and effectiveness of services provided; and
  - (3) Functions performed by state agencies that affect or potentially affect the ability of individuals with disabilities in achieving employment outcomes;
- b.* In partnership with the designated state unit:
  - (1) Develop, agree to, and review state goals and priorities in accordance with 34 CFR Section 361.29(c); and
  - (2) Evaluate the effectiveness of the vocational rehabilitation program and submit reports of progress to the Secretary of Education in accordance with 34 CFR Section 361.29(e);
- c.* Advise the designated state agency and the designated state unit regarding activities carried out under the IVRS program and assist in the preparation of the vocational rehabilitation services portion of the unified or combined state plan and amendments to the plan, applications, reports, needs assessments, and evaluations;
- d.* To the extent feasible, conduct a review and analysis of the effectiveness of, and consumer satisfaction with:
  - (1) The functions performed by the designated state agency;

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(2) The vocational rehabilitation services provided by state agencies and other public and private entities responsible for providing vocational rehabilitation services to individuals with disabilities under the Act; and

(3) The employment outcomes achieved by eligible individuals receiving services under 34 CFR Part 361, including the availability of health and other employment benefits in connection with those employment outcomes;

*e.* Prepare and submit to the governor and to the Secretary of Education no later than 90 days after the end of the federal fiscal year an annual report on the status of vocational rehabilitation programs operated within the state and make the report available to the public through appropriate modes of communication;

*f.* To avoid duplication of efforts and enhance the number of individuals served, coordinate activities with the activities of other councils within the state, including the statewide independent living council, the advisory panel established under Section 612(a)(21) of the IDEA, the state developmental disabilities planning council, the state mental health planning council, and the state workforce development board, and with the activities of entities carrying out programs under the Assistive Technology Act of 1998;

*g.* Provide for coordination and the establishment of working relationships between the designated state agency and the statewide independent living council and centers for independent living within the state; and

*h.* Perform other comparable functions, consistent with the purpose of 34 CFR Part 361, as the council determines to be appropriate, that are comparable to the other functions performed by the council.

**56.12(6) Meetings.** The council must convene at least four meetings a year. The meetings must be publicly announced, open, and accessible to the general public, including individuals with disabilities, unless there is a valid reason for an executive session. The council's meetings are subject to Iowa Code chapter 21, the open meetings law.

**56.12(7) Forums or hearings.** The council shall conduct forums or hearings, as appropriate, that are publicly announced, open, and accessible to the public, including individuals with disabilities.

**56.12(8) Conflict of interest.** No member of the council may cast a vote on any matter that would provide direct financial benefit to the member or the member's organization or otherwise give the appearance of a conflict of interest under state law.

**56.12(9) Specific implementation clause.** This rule is intended to implement 34 CFR Sections 361.16 and 361.17.

**281—56.13(259) Iowa self-employment program: purpose.** The division of vocational rehabilitation services works in collaboration with the department for the blind to administer the Iowa self-employment (ISE) program. The purpose of the program is to provide business development funds in the form of technical assistance (up to \$10,000) and financial assistance (up to \$10,000) to qualified Iowans with disabilities who start, expand, or acquire a business within the state of Iowa. Actual assistance is based on the requirements of the business, not to exceed the technical assistance and financial assistance limits.

**281—56.14(259) Program requirements.**

**56.14(1)** Clients of the division or the department for the blind may apply for the program.

**56.14(2)** All of the following conditions are also applicable:

*a.* The division may limit or deny ISE assistance to an applicant who has previously received educational or training equipment from the division through another rehabilitation program when such equipment could be used in the applicant's proposed business.

*b.* Any equipment purchased for the applicant under this program that is no longer used by the applicant may be returned to the division, at the discretion of the division.

*c.* An applicant must demonstrate that the applicant has at least 51 percent ownership in a for-profit business that is actively owned, operated, and managed in Iowa.

## EDUCATION DEPARTMENT[281](cont'd)

*d.* Recommendation for and approval of financial assistance are based upon acceptance of a business plan feasibility study and documentation of the applicant's ability to match dollar-for-dollar the amount of funds requested.

*e.* To receive financial support from the ISE program, the applicant's business plan feasibility study must result in self-sufficiency for the applicant as measured by earnings that equal or exceed 80 percent of substantial gainful activity.

*f.* The division cannot support the purchase of real estate or improvements to real estate.

*g.* The division cannot provide funding to be used as a cash infusion, for personal or business loan repayments, or for personal or business credit card debt.

*h.* The division may deny ISE assistance to an applicant who desires to start, expand, or acquire any of the following types of businesses:

(1) A hobby or similar activity that does not produce income at the level required for self-sufficiency;

(2) A business venture that is speculative in nature or considered high risk by the Better Business Bureau or similar organization;

(3) A business registered with the federal Internal Revenue Service as a Section 501(c)(3) entity or other entity set up deliberately to be not for profit;

(4) A business that is not fully compliant with all local, state, and federal zoning requirements and all other applicable local, state, and federal requirements;

(5) A multitiered marketing business.

**281—56.15(259) Application procedure.**

**56.15(1) *Application.*** Application materials for the program are available from the division and the department for the blind.

**56.15(2) *Submittal.*** Completed applications shall be submitted to a counselor employed by the division or the department for the blind.

**56.15(3) *Review.*** Applications will be forwarded to a business development specialist employed by the division for review. Approval of technical assistance funding is based upon the results of a business plan feasibility study. If the application is for financial assistance only, a business plan feasibility study will be required at the time of submission of the application. Approval of financial assistance funding is based upon acceptance of a business plan feasibility study and documentation of the applicant's ability to match dollar-for-dollar the amount of funds requested.

**56.15(4) *Funding.*** Before the division will provide funding for a small business, the job candidate must complete an in-depth study about the business the job candidate intends to start and must demonstrate that the business is feasible.

**56.15(5) *Appeal.*** If an application is denied, an applicant may appeal the decision to the division or the department for the blind. An appeal shall be consistent with the appeal processes of the division or the department for the blind.

**281—56.16(259) Award of technical assistance funds.**

**56.16(1) *Awards.*** Technical assistance funds may be used for specialized consulting services as determined necessary by the counselor, the business development specialist, and the job candidate. Technical assistance funds may be awarded, based on need, up to a maximum of \$10,000 per applicant. Specialized technical assistance may include, but is not limited to, engineering, legal, accounting, and computer services and other consulting services that require specialized education and training.

**56.16(2) *Technical assistance.*** When technical assistance is needed for specialized services beyond the expertise of the business development specialist, technical assistance will be provided to assist the job candidate.

**56.16(3) *Technical assistance contracts.*** The division shall negotiate contracts with qualified consultants for delivery of services to an applicant if specialized services are deemed necessary. The contracts shall state hourly fees for services, the type of service to be provided, and a timeline for delivery of services. Authorization of payment will be made by a counselor employed by the division



## EDUCATION DEPARTMENT[281](cont'd)

or the department for the blind based upon the negotiated rate as noted in the contract. A copy of each contract shall be filed with the division.

**56.16(4) Consultants.** Applicants will be provided a list of qualified business consultants by the business development specialist if specialized consultation services are necessary. The selection of the consultant(s) shall be the responsibility of the applicant.

**56.16(5) Case management.** The business development specialist or counselor will be available as needed for direct consultation to each applicant to ensure that quality services for business planning are provided in a timely manner.

**281—56.17(259) Business plan feasibility study procedure.** Information and materials are available from the division and the department for the blind. The job candidate shall submit the job candidate's business plan feasibility study to the job candidate's counselor if the study is completed at the time application is made or to the business development specialist if the business plan feasibility study is completed after application approval. The business development specialist is available to guide and assist in the analysis of the feasibility study.

**281—56.18(259) Award of financial assistance funds.**

**56.18(1) Awards.** Following the business development specialist's review of the business plan feasibility study, the business development specialist will issue a recommendation to support or not to support the proposed business venture. The counselor shall make a decision regarding approval or denial of the recommendation. If the plan is approved, the job candidate and counselor will review conditions of the financial assistance award and sign the appropriate forms of acknowledgment.

*a.* Financial assistance funds may be awarded, based on need, up to \$10,000 after approval of a business plan feasibility study and evidence of business need or evidence of business progression. Before receiving financial assistance, the job candidate must demonstrate a dollar-for-dollar match based on the amount of funding needed. The match may be provided through approved existing business assets, cash, conventional financing or other approved sources.

*b.* Financial assistance funds may be approved for, but are not limited to, equipment, tools, printing of marketing materials, advertising, rent (up to six months), direct-mail postage, raw materials, inventory, insurance (up to six months), and other approved start-up, expansion, or acquisition costs.

**56.18(2) Award process.** The amount that may be recommended by the business development specialist and approved by the counselor shall be provided when there is a need. Recipients of financial assistance must demonstrate ongoing cooperation by providing the business development specialist with financial information needed to assess business progress before additional funds are expended.

**56.18(3) Financial assistance contracts.** Contracts for financial assistance funds shall be the responsibility of the division and will be consistent with the authorized use of Title I vocational rehabilitation funds and policy.

**56.18(4) Vendors.** Procurement of goods or services shall follow procedures established by the department of administrative services. The type of goods or services to be obtained, as well as a timeline for delivery of such, shall be stated by the vendor and agreed upon by the division. Authorization for goods or services shall be made by a counselor employed by the division or the department for the blind based upon the negotiated rate and terms as noted in the contract. A copy of each contract shall be filed with the division. Approval for payment of authorized goods or services shall be made by authorized division personnel.

These rules are intended to implement Iowa Code chapter 259; the federal Rehabilitation Act of 1973, as amended; and the federal Social Security Act (42 U.S.C. Section 301 et seq.), as amended.

**ARC 6358C**

**ENVIRONMENTAL PROTECTION COMMISSION[567]**

**Notice of Intended Action**

**Proposing rule making related to general permits  
and providing an opportunity for public comment**

The Environmental Protection Commission (Commission) hereby proposes to amend Chapter 64, “Wastewater Construction and Operation Permits,” Iowa Administrative Code.

*Legal Authority for Rule Making*

This rule making is proposed under the authority provided in Iowa Code section 455B.173(11).

*State or Federal Law Implemented*

This rule making implements, in whole or in part, Iowa Code sections 455B.173(11), 455B.183 and 455B.186.

*Purpose and Summary*

This proposed rule making renews five National Pollutant Discharge Elimination System (NPDES) general permits (General Permit Nos. 5, 6, 7, 8, and 9). General permits authorize certain types or classes of facilities to discharge wastewater without having to obtain an individual NPDES permit. General permits are required by law to be adopted through rule making.

The proposed renewal of all five permits in one rule making will streamline future renewals by aligning the permits’ respective effective dates. The effective dates for all five general permits will be July 1, 2023, through June 30, 2028.

This rule making includes proposed changes to General Permit Nos. 5 through 7 to align the permits with recently revised definitions in 567—Chapter 60. More substantive changes are made to General Permit Nos. 8 and 9. This is the first renewal for these two permits. The changes to both of these permits are necessary to clarify and revise regulatory requirements. Among other updates, the changes clarify requirements for electronic Notice of Intent submittals, extend applicable time frames, and insert consistent terminology. Further changes to General Permit No. 8 add eligibility criteria for ammonia and update the eligibility criteria for lead and aluminum.

The proposed permits can be viewed in full at [www.iowadnr.gov/Environmental-Protection/Water-Quality/NPDES-Wastewater-Permitting/NPDES-General-Permits](http://www.iowadnr.gov/Environmental-Protection/Water-Quality/NPDES-Wastewater-Permitting/NPDES-General-Permits).

*Fiscal Impact*

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

*Jobs Impact*

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

*Waivers*

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

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

*Public Comment*

Any interested person may submit written comments concerning this proposed rule making. Written comments in response to this rule making must be received by the Department no later than 4:30 p.m. on July 8, 2022. Comments should be directed to:

David Schelling  
Iowa Department of Natural Resources  
Wallace State Office Building  
502 East Ninth Street  
Des Moines, Iowa 50319  
Fax: 515.725.8202  
Email: [david.schelling@dnr.iowa.gov](mailto:david.schelling@dnr.iowa.gov)

*Public Hearing*

A public hearing at which persons may present their views orally will be held via conference call as follows. Persons who wish to attend the conference call should contact David Schelling via email. A meeting registration link will be provided prior to the hearing. Persons who wish to make oral comments at the public hearing must submit a request to David Schelling prior to the hearing to facilitate an orderly hearing.

July 6, 2022  
1 to 2 p.m.

Via video/conference call

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

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

*Review by Administrative Rules Review Committee*

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

The following rule-making action is proposed:

Amend subrules 64.15(5) to 64.15(9) as follows:

**64.15(5)** "Discharge from Mining and Processing Facilities," NPDES General Permit No. 5, effective ~~July 20, 2021~~ July 1, 2023, to ~~July 19, 2026~~ June 30, 2028.

**64.15(6)** "Discharge Associated with Well Construction Activities," NPDES General Permit No. 6, effective ~~March 1, 2020~~ July 1, 2023, to ~~February 28, 2025~~ June 30, 2028.

**64.15(7)** "Pesticide General Permit (PGP) for Point Source Discharges to Waters of the United States from the Application of Pesticides," NPDES General Permit No. 7, effective ~~May 18, 2021~~ July 1, 2023, to ~~May 17, 2026~~ June 30, 2028.

**64.15(8)** "Discharge from Hydrostatic Testing, Tank Ballasting and Water Lines," NPDES General Permit No. 8, effective July 1, ~~2018~~ 2023, to June 30, ~~2023~~ 2028.

**64.15(9)** "Discharge from Dewatering and Residential Geothermal Systems," NPDES General Permit No. 9, effective July 1, ~~2018~~ 2023, to June 30, ~~2023~~ 2028.

**ARC 6362C****HUMAN SERVICES DEPARTMENT[441]****Notice of Intended Action****Proposing rule making related to public assistance terminology  
and providing an opportunity for public comment**

The Human Services Department hereby proposes to amend Chapter 11, “Collection of Public Assistance Debts,” Iowa Administrative Code.

*Legal Authority for Rule Making*

This rule making is proposed under the authority provided in Iowa Code sections 217.6 and 234.6.

*State or Federal Law Implemented*

This rule making implements, in whole or in part, Iowa Code sections 217.6 and 234.6.

*Purpose and Summary*

Chapter 11 was reviewed as part of the Department’s five-year rules review process. Iowa has formally changed the Food Assistance program’s name from Food Assistance to Supplemental Nutrition Assistance Program (SNAP), and this chapter is proposed to be updated to reflect that change. In addition, this chapter is proposed to be updated because the definition of “debtor” for Medicaid is inconsistent with the definition used elsewhere in administrative rules. The proposed change would align the definition of “debtor” in this chapter with that in Chapter 75. Additional proposed changes include removing references to forms that are no longer used as well as updating language to include correct groups under the definition of “public assistance.”

*Fiscal Impact*

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

*Jobs Impact*

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

*Waivers*

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

*Public Comment*

Any interested person may submit written comments concerning this proposed rule making. Written comments in response to this rule making must be received by the Department no later than 4:30 p.m. on July 5, 2022. Comments should be directed to:

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

HUMAN SERVICES DEPARTMENT[441](cont'd)

*Public Hearing*

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

*Review by Administrative Rules Review Committee*

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

The following rule-making actions are proposed:

ITEM 1. Amend rule **441—11.1(217)**, definitions of “Debtor,” “Public assistance” and “Repayment agreement,” as follows:

“*Debtor*” shall mean a current or former recipient of public assistance that has been determined by the department to be responsible for the repayment of a particular debt. For ~~food assistance supplemental nutrition assistance program (SNAP)~~, “debtor” shall include all adult members of the ~~food assistance SNAP~~ household participating at the time the ~~food assistance SNAP~~ overpayment or program violation occurred and shall include nonrecipients found guilty of violating ~~food assistance program SNAP~~ rules by committing an act such as, but not limited to, trafficking. For child care assistance, “debtor” may include the current or former provider or current or former recipient of child care assistance. For Medicaid, “debtor” shall include any ~~current or former Medicaid member or nonmember, or the parents of a current or former Medicaid member who was under the age of 21 when the parents completed the application and had responsibility for reporting changes, who fraudulently receives~~ received services or benefits as a result of client or agency error or administrative overpayment or who owes a debt of unpaid premium payments for medical assistance.

“*Public assistance*” shall mean family investment program, ~~food assistance SNAP~~, Medicaid, state supplementary assistance, PROMISE JOBS, child care assistance, refugee cash assistance, ~~IowaCare~~, and ~~HAWK-I~~ hawki program.

“*Repayment agreement*” shall mean an agreement entered into voluntarily between the department and the debtor for the repayment of debts. Agreements shall be made on Form 470-0495 or 470-0495(S), Agreement to Pay a Debt, or on a notice of debt listed in subrule 11.2(2).

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

**11.2(2) Notice of debt.** A claim is established when the first notice of the debt is issued to the household on one of the following forms:

a. ~~Form 470-0338 470-2891, Demand Letter for Food Assistance Agency Error Overissuance (no longer issued) Notice of Medical Assistance Overpayment.~~

b. ~~Form 470-2616 470-4179, Demand Letter for FIP/RCA Agency Error Overissuance (no longer issued) Notice of SNAP Debt.~~

c. ~~Form 470-2891 470-4530, Notice of Medical Assistance Child Care Assistance Overpayment.~~

d. ~~Form 470-3486 470-4668, Demand Letter for Food Assistance Intentional Program Violation Overissuance (no longer issued) Notice of SNAP Overpayment.~~

e. ~~Form 470-3487 470-4683, Demand Letter for Food Assistance Inadvertent Household Error Overissuance (no longer issued) Notice of FIP or RCA Overpayment.~~

f. ~~Form 470-3490 470-4668, Demand Letter for FIP/RCA Client Error Overissuance (no longer issued) Notice of PROMISE JOBS Overpayment.~~

g. ~~Form 470-3984, Notice of Healthy and Well Kids in Iowa (HAWK-I) Premium Overpayment.~~

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

~~h. Form 470-3990, Demand Letter for PROMISE JOBS Agency Error Overissuance (no longer issued).~~

~~i. Form 470-3991, Demand Letter for PROMISE JOBS Client Error Overissuance (no longer issued).~~

~~j. Form 470-3992, Demand Letter for PROMISE JOBS Provider Error Overissuance (no longer issued).~~

~~k. Form 470-4179, Notice of Food Assistance Debt.~~

~~l. Form 470-4530, Notice of Child Care Assistance Overpayment.~~

~~m. Form 470-4668, Notice of Food Assistance Overpayment.~~

~~n. Form 470-4683, Notice of FIP or RCA Overpayment.~~

~~o. Form 470-4688, Notice of PROMISE JOBS Overpayment.~~

ITEM 3. Amend paragraph **11.3(1)“b”** as follows:

b. For ~~food assistance~~ SNAP, payment shall be applied first to all debts with an agreement and then to debts without an agreement. Within those two groupings, payment shall be applied in the following order:

- (1) First to state-only debts in chronological order of discovery,
- (2) Then to intentional program violation (IPV) debts in chronological order of discovery,
- (3) Then to inadvertent household error (IHE) debts in chronological order of discovery, and
- (4) Then to agency error debts in chronological order of discovery.

ITEM 4. Amend subrule 11.3(2) as follows:

**11.3(2)** *Application of payment to multiple program areas.* If there are debts in more than one program area of public assistance, payments received shall be applied to those program areas as indicated by the mode of repayment (~~food assistance~~ SNAP benefits, FIP benefits) or as indicated by the client at the time of payment.

ITEM 5. Amend paragraph **11.5(1)“a”** as follows:

a. Debtors not participating in ~~the food assistance program~~ SNAP shall be subject to collection action through the treasury offset program (TOP) which includes, but is not limited to, federal salary offset and federal tax refund offset.

(1) Debtors shall be referred to TOP if they are delinquent in repaying their ~~food assistance~~ SNAP debt and there is a claim or combination of claims with an unpaid balance which exceeds \$25.

(2) No claim which is less than three months old or more than ten years old as of January 31 of the offset year shall be referred. EXCEPTION: Claims which have had a final judgment entered are not subject to the ten-year time limit.

(3) Debtors are delinquent in repaying their ~~food assistance~~ SNAP debt if:

1. A repayment agreement has not been signed and 120 days have elapsed since the due date of the demand letter as defined in 441—subrule 65.21(4) minus any days the claim was not subject to collection action because of an appeal.

2. A repayment agreement has been signed but the debtor has failed to make the agreed-upon payments and has failed to make up the missed payments. The debtor shall be referred to TOP when 120 days have elapsed since the first of the month following the month that the debtor failed to make the agreed-upon payment and has not subsequently made up the missed payment.

ITEM 6. Amend subrule 11.5(6) as follows:

**11.5(6)** *Application of setoff.* DIA shall apply any setoff received as a result of this rule to the individual's ~~food assistance~~ SNAP debts.

Any amount remaining after the setoff shall be released back to the individual.

**ARC 6369C****HUMAN SERVICES DEPARTMENT[441]****Notice of Intended Action****Proposing rule making related to five-year rules review  
and providing an opportunity for public comment**

The Human Services Department hereby proposes to amend Chapter 40, “Application for Aid,” Chapter 41, “Granting Assistance,” Chapter 46, “Overpayment Recovery,” and Chapter 60, “Refugee Cash Assistance,” Iowa Administrative Code.

*Legal Authority for Rule Making*

This rule making is proposed under the authority provided in Iowa Code sections 217.6 and 239B.4.

*State or Federal Law Implemented*

This rule making implements, in whole or in part, Iowa Code sections 217.6 and 239B.4.

*Purpose and Summary*

This proposed rule making reflects changes found during the Department’s five-year rules review.

These amendments include updating the name of the Food Assistance program to the Supplemental Nutrition Assistance Program (SNAP), removing incorrect or obsolete cross references, rescinding obsolete rules, adding information about the Kinship Caregiver Program, updating a division name, and adding clarifying language to rules.

Time frames for refugee cash assistance are proposed to be updated for refugees who entered the country on or after October 1, 2021, to allow for 12 months of assistance based on federal regulations in 87 Fed. Reg. 17312 (March 28, 2022). Rules are also proposed to be added to provide information on Afghan special immigrant (SI) parolees, Afghan SI conditional permanent residents (CPRs) and Afghan humanitarian parolees. A new definition of “safe haven” is proposed to be added.

*Fiscal Impact*

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

*Jobs Impact*

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

*Waivers*

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

*Public Comment*

Any interested person may submit written comments concerning this proposed rule making. Written comments in response to this rule making must be received by the Department no later than 4:30 p.m. on July 5, 2022. Comments should be directed to:

HUMAN SERVICES DEPARTMENT[441](cont'd)

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

*Public Hearing*

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

*Review by Administrative Rules Review Committee*

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

The following rule-making actions are proposed:

ITEM 1. Amend rule 441—40.22(239B), introductory paragraph, as follows:

**441—40.22(239B) Application.** The application for the family investment program shall be submitted on the Food and Financial Support Application, Form 470-0462 or Form 470-0462(S). The application shall be signed by the applicant, the applicant’s authorized representative or, when the applicant is incompetent or incapacitated, someone acting responsibly on the applicant’s behalf. When both parents, or a parent and a stepparent, are in the home and eligibility is determined on a family or household basis, one parent or stepparent may sign the application and attest to the information for the assistance unit.

ITEM 2. Amend paragraph **40.22(5)“c”** as follows:

c. When assistance has been canceled for failure to return a completed review form pursuant to subrule 40.27(3), assistance shall be reinstated without a new application if the completed form is received by the department within 14 days of the effective date of cancellation and eligibility can be reestablished. If the fourteenth calendar day falls on a weekend or state holiday, the client shall have until the next business day to provide the information. The effective date of assistance shall be the date the Review/Recertification Eligibility Document, Form 470-2881, is received.

ITEM 3. Amend rule 441—40.23(239B), introductory paragraph, as follows:

**441—40.23(239B) Date of application.** The date of application is the date an identifiable Food and Financial Support Application, Form 470-0462 or Form 470-0462(S), is received by the department. When an application is delivered to a closed office, it will be considered received on the first day that is not a weekend or state holiday following the day that the office was last open.

ITEM 4. Amend subrule 40.24(4) as follows:

**40.24(4)** The decision with respect to eligibility shall be based on the applicant’s eligibility or ineligibility on the date the department enters all eligibility information into the department’s computer system, ~~except as described in subrule 40.24(3)~~. The applicant shall become a recipient on the date all eligibility information is entered into the department’s computer system and the computer system determines the applicant is eligible for aid.



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

ITEM 5. Amend rule 441—40.26(239B) as follows:

**441—40.26(239B) Effective date of grant.** New approvals shall be effective as of the date the applicant becomes eligible for assistance, but in no case shall the effective date be earlier than seven days following the date of application. When an individual is added to an existing eligible group, the individual shall be added effective as of the date the individual becomes eligible for assistance, but in no case shall the effective date be earlier than seven days following the date the change is reported. When it is reported that a person is anticipated to enter the home, the effective date of assistance shall be no earlier than the date of entry or seven days following the date of report, whichever is later.

When the change is timely reported as described at subrule 40.27(4), a payment adjustment shall be made when indicated. When the individual's presence is not timely reported as described at subrule 40.27(4), excess assistance issued is subject to recovery.

In those instances where a person previously excluded from the eligible group as described at 441—subrule 41.27(11) is to be added to the eligible group, the effective date of eligibility shall be seven days following the date the person indicated willingness to cooperate. However, in no instance shall the person be added until cooperation has actually occurred.

EXCEPTIONS: When adding a person who was previously excluded from the eligible group for failing to comply with 441—subrule 41.22(13), the effective date of eligibility shall be seven days following the date that the social security number or proof of application for a social security number is provided.

When adding a person who was previously excluded from the eligible group as described at 441—subrules 41.23(5), and 41.25(5) and 46.28(2) and rule 441—46.29(239B), the effective date of eligibility shall be seven days following the date that the period of ineligibility ended.

When adding a person who was previously excluded from the eligible group as described at 441—subrule 41.24(8), the effective date of eligibility shall be seven days following the date the person signs a family investment agreement or the date the person is otherwise eligible, whichever is later. In no case shall the effective date be within the six-month ineligibility period of a subsequent limited benefit plan as described at 441—paragraph 41.24(8) "a."

This rule is intended to implement Iowa Code section 239B.3.

ITEM 6. Amend paragraph **40.27(3)“b”** as follows:

b. When the client has completed Form 470-0462 or Form 470-0462(S), Food and Financial Support Application, for another purpose, this form may be used as the review document.

ITEM 7. Amend subparagraph **41.22(6)“b”(4)** as follows:

(4) Paying to the department any cash support payments for a member of the eligible group, except as described at 41.27(7) "p<sub>1</sub>," ~~and "q."~~ received by a recipient after the date of decision as defined in 441—subrule 40.24(4).

ITEM 8. Amend paragraph **41.22(16)“g”** as follows:

g. Other circumstances exist which indicate that living with the parents or legal guardian will defeat the goals of self-sufficiency and responsible parenting. Situations which appear to meet this good cause reason must be referred to the administrator of the division of ~~economic assistance~~ adult, children and family services, or the administrator's designee, for determination of good cause.

ITEM 9. Amend paragraph **41.23(5)“b,”** introductory paragraph, as follows:

b. *Attestation of status.* As a condition of eligibility, an attestation of citizenship or alien status shall be made for all applicants and recipients on Form 470-0462 or 470-0462(S), Food and Financial Support Application, or Form 470-2549, Statement of Citizenship Status. Form 470-2881, 470-2881(S), 470-2881(M), or 470-2881(MS), Review/Recertification Eligibility Document, may be used to attest to the citizenship of dependent children who enter a recipient household. Failure to sign a form attesting to citizenship when required to do so creates ineligibility for the entire eligible group. The attestation may be signed by:

ITEM 10. Adopt the following **new** implementation sentence in rule **441—41.24(239B)**:

This rule is intended to implement Iowa Code section 239B.4(6).

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

ITEM 11. Rescind and reserve subrule **41.25(1)**.

ITEM 12. Amend subrule 41.25(2), introductory paragraph, as follows:

**41.25(2) Duplication of assistance.** A recipient whose needs are included in a family investment program grant shall not concurrently receive a grant under any other public assistance program administered by the department, including IV-E foster care, ~~or~~ state-funded foster care or kinship caregiver program payments.

ITEM 13. Amend subparagraph **41.25(5)“c”(2)** as follows:

(2) An individual is not participating in a strike at the individual's place of employment when the individual is not picketing and does not intend to picket during the course of the dispute, does not draw strike pay, and provides a signed statement that the individual is willing and ready to return to work but does not want to cross the picket line solely because of the risk of personal injury or death or trauma from harassment. The ~~district administrator~~ service area manager shall determine whether such a risk to the individual's physical or emotional well-being exists.

ITEM 14. Rescind and reserve subrule **41.25(9)**.

ITEM 15. Amend subrule 41.25(11), introductory paragraph, as follows:

**41.25(11) Access to benefits.** As a condition of eligibility, applicants and recipients must agree in writing to not use an electronic access card at prohibited locations. By signing Form 470-0462 or 470-0462(S), Food and Financial Support Application, or Form 470-2881, 470-2881(S), 470-2881(M), or 470-2881(MS), Review/Recertification Eligibility Document, the applicant, the applicant's authorized representative or, when the applicant is incompetent or incapacitated, someone acting responsibly on the applicant's behalf agrees to this condition of eligibility. When both parents, or a parent and a stepparent, are in the home and eligibility is determined on a family or household basis, one parent or stepparent may sign the application and agree to this condition for the assistance unit. Failure to sign a form agreeing to not use the electronic access card at prohibited locations creates ineligibility for the entire eligible group.

ITEM 16. Amend paragraph **41.25(11)“e”** as follows:

*e.* A new period of ineligibility shall be established when:

(1) to (3) No change.

Assistance issued pending the final decision of an appeal is not subject to recovery pursuant to ~~441—subrule 7.9(6)~~ rule 441—7.17(17A).

ITEM 17. Amend paragraph **41.26(1)“e”** as follows:

*e.* A reserve of other property, real or personal, not to exceed \$2000 for applicant assistance units and \$5000 for recipient assistance units. EXCEPTION: Applicant assistance units with at least one member who was a recipient in Iowa in the month prior to the month of application are subject to the \$5000 limit. The exception includes those persons who did not receive an assistance grant due to the limitations described at rules ~~441—45.26(239B) and 441—45.27(239B)~~ and persons whose grants were suspended as in 41.27(9)“f” in the month prior to the month of application.

Resources of the applicant or the recipient shall be determined in accordance with subrule 41.26(2).

ITEM 18. Amend subrule 41.26(4) as follows:

**41.26(4) Liquidation.** When proceeds from the sale of resources or conversion of a resource to cash, together with other nonexempted resources, exceed the property limitations, the recipient is ineligible to receive assistance until the amount in excess of the resource limitation has been expended unless immediately used to purchase a homestead, or reduce the mortgage on a homestead.

*a.* and *b.* No change.

Payments from property sold under an installment contract are exempt as income as specified in paragraphs 41.27(1)“*f*” and ~~41.27(7)“*ah*.”~~ 41.27(7)“*aj*.” The portion of any payment received representing principal is considered a resource upon receipt. The interest portion of the payment is considered a resource the month following the month of receipt.

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

ITEM 19. Amend rule 441—41.27(239B) as follows:

**441—41.27(239B) Income.** All unearned and earned income, unless specifically exempted, disregarded, deducted for work expenses, or diverted as defined in these rules, shall be considered in determining initial and continuing eligibility and the amount of the family investment program grant.

1. and 2. No change.

3. The amount of the family investment program grant shall be determined by subtracting countable net income from the payment standard for the eligible group. Child support assigned to the department in accordance with subrule 41.22(7) and retained by the department as described in subparagraph 41.27(1)“h”(2) shall be considered as exempt income for the purpose of determining continuing eligibility. ~~including child support as specified in paragraph 41.27(7)“g.”~~ Deductions and diversions shall be allowed when verification is provided.

**41.27(1) Unearned income.** Unearned income is any income in cash that is not gained by labor or service. When taxes are withheld from unearned income, the amount considered will be the net income after the withholding of taxes (Federal Insurance Contribution Act, state and federal income taxes). Net unearned income shall be determined by deducting reasonable income-producing costs from the gross unearned income. Money left after this deduction shall be considered gross income available to meet the needs of the eligible group.

a. to g. No change.

h. Support payments in cash shall be considered as unearned income in determining initial and continuing eligibility.

(1) Any nonexempt cash support payment for a member of the eligible group, made while the application is pending, shall be treated as unearned income and deducted from the initial assistance grant(s). Any cash support payment for a member of the eligible group, except as described at 41.27(7)“p,” and “q,” received by the recipient after the date of decision as defined in 441—subrule 40.24(4) shall be refunded to the child support recovery unit.

(2) No change.

~~(3) and (4) Rescinded IAB 12/3/97, effective 2/1/98.~~

i. The applicant or recipient shall cooperate in supplying verification of all unearned income, as defined at ~~rule 441—40.21(239B)~~ 441—paragraph 40.24(1)“b” and 441—subrule 40.27(4). When the information is available, the department shall verify ~~job~~ unemployment insurance benefits by using information supplied to the department by the department of workforce development. ~~When the department uses this information as verification, job insurance benefits shall be considered received the second day after the date that the check was mailed by workforce development. When the second day falls on a Sunday or federal legal holiday, the time shall be extended to the next mail delivery day.~~ When the client notifies the department that the amount of ~~job~~ unemployment insurance benefits used is incorrect, the client shall be allowed to verify the discrepancy. A payment adjustment shall be made when indicated. Recoupment shall be made for any overpayment. The client must report the discrepancy prior to the payment month or within ten days of the date on the Notice of Decision, Form 470-0485(C) or 470-0486(M), applicable to the payment month, whichever is later, in order to receive a payment adjustment.

**41.27(2) Earned income.** Earned income is defined as income in the form of a salary, wages, tips, bonuses, commissions earned as an employee, income from Job Corps, or profit from self-employment. Earned income from commissions, wages, tips, bonuses, Job Corps, or salary means the total gross amount irrespective of the expenses of employment. Income shall be considered earned income when it is produced as a result of the performance of services by an individual.

a. to g. No change.

h. *Income verification.* The applicant or recipient shall cooperate in supplying verification of all earned income and of any change in income, as defined at ~~rule 441—40.21(239B)~~ 441—paragraph 40.24(1)“b” and 441—subrule 40.27(4). A self-employed individual shall keep any records necessary to establish eligibility.

**41.27(3) to 41.27(5)** No change.

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

**41.27(6) Exempt as income and resources.** The following shall be exempt as income and resources:

- a. No change.
- b. The value of the ~~food assistance~~ supplemental nutrition assistance program benefit.
- c. to w. No change.
- x. The income of a person ineligible due to receipt of state-funded foster care, IV-E foster care, kinship caregiver program, or subsidized adoption assistance.

y. to ac. No change.

**41.27(7) Exempt as income.** The following are exempt as income.

- a. to c. No change.
- d. Payments Foster care or kinship caregiver program payments received by the family ~~providing~~ that is:

- (1) Providing foster care to a child or children when the family is operating a licensed foster home,  
or
- (2) Caring for a relative or fictive kin child or children placed in the home by a court order.

e. to ak. No change.

**41.27(8) to 41.27(11) No change.**

This rule is intended to implement Iowa Code section 239B.7.

ITEM 20. Amend subparagraph **41.30(3)“e”(1)** as follows:

- (1) Families that have or are close to having received 60 months of assistance as defined in subrule 41.30(1) may request a hardship exemption. Requests for the hardship exemption shall be made on Form 470-3826 or Form 470-3826(S), Request for FIP Beyond 60 Months. In addition, families that have received assistance for 60 months and are no longer receiving FIP shall complete Form 470-0462 or Form 470-0462(S), Food and Financial Support Application, as described at rule 441—40.22(239B) as a condition for regaining FIP eligibility. Failure to provide the required application within ten days from the date of the department’s request shall result in denial of the hardship request.

ITEM 21. Amend subparagraph **41.30(3)“g”(4)** as follows:

- (4) PROMISE JOBS staff shall provide necessary supportive services as described in 441—Chapter 93 and shall monitor the six-month FIA. Periodic contacts shall be made with the family at least once a month to monitor progress. These contacts need not be in person. Time and attendance reports shall be required as specified at 441—subrule 93.10(2).

ITEM 22. Amend rule **441—46.21(239B)**, definition of “Overpayment,” as follows:

“*Overpayment*” means any assistance payment received in an amount greater than the amount the eligible group is entitled to receive or the amount of any payment accessed and any associated fees for accessing the benefits at a prohibited location pursuant to 441—subrule 41.25(11).

ITEM 23. Amend rule 441—46.25(239B), introductory paragraph, as follows:

**441—46.25(239B) Source of recoupment.** Recoupment shall be made from basic needs. The minimum recoupment amount shall be the amount prescribed in subrule 46.25(3). Regardless of the source, the client may choose to make a lump sum payment, make periodic installment payments when an agreement to do this is made with the department of inspections and appeals, or have repayment withheld from the grant. The client shall sign Form 470-0495, Repayment Contract Agreement to Pay a Debt, when requested to do so by the department of inspections and appeals. When the client fails to make the agreed upon payment, the agency shall reduce the grant.

ITEM 24. Amend subrule 46.27(4) as follows:

**46.27(4) Change of circumstances.** When financial circumstances change, the ~~recoupment plan~~ Agreement to Pay a Debt is subject to revision.

ITEM 25. Amend subrule 60.1(3) as follows:

**60.1(3) Immigration and Naturalization Service documents.** Each refugee shall provide Immigration and Naturalization Service documents in the form of either an I-94 card, an I-151 or I-551 card, ~~or~~ an I-181 card, or other appropriate documentation to support the immigration status defined in subrule

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

60.1(1). If the name of the resettlement agency which resettled the refugee is not on the document, the refugee shall provide the name of the resettlement agency.

ITEM 26. Amend rule 441—60.7(217) as follows:

**441—60.7(217) Time limit for eligibility.**

**60.7(1) Assistance.** A refugee may receive assistance, if otherwise eligible.:

*a.* For refugees who entered the country prior to October 1, 2021, during the first eight months the refugee is in the United States, beginning the month the refugee enters the country.

*b.* For refugees who entered the country on or after October 1, 2021, during the first 12 months the refugee is in the United States, beginning the month the refugee enters the country.

EXCEPTION: For asylees, the date of entry is the date asylum is granted. The ~~eight-month~~ 8-month or 12-month period of eligibility begins the month asylum is granted. A nonrefugee child in the home with a refugee parent (or refugee parents, if both are in the home) is eligible for assistance until the parent(s) has been in the United States for ~~eight~~ 8 or 12 months, or until the child reaches ~~eight~~ 8 or 12 months of age, whichever occurs first. For Afghan special immigrant (SI) parolees and Afghan SI conditional permanent residents (CPRs), the date is the date of “entry into the community,” which is the date the individual departed a safe haven. For Afghan humanitarian parolees, the date is the latter of October 1, 2021, or the date of entry into the community, which is the date the individual departed a safe haven. “Safe haven” is the term the U.S. government and other relevant stakeholders have used for U.S. military bases in the continental United States that housed Afghans evacuated under Operation Allies Refuge/Operation Allies Welcome (OAR/OAW) as Afghans awaited resettlement to their ultimate state of residence.

~~60.7(1)~~ **60.7(2) Resources.** The resources of refugees excluded because of the ~~eight-month~~ 8-month or 12-month limit shall be considered in the same manner as though these refugees were included in the eligible group.

~~60.7(2)~~ **60.7(3) Income.**

*a. to d.* No change.

ITEM 27. Amend paragraph **60.9(5)“d”** as follows:

*d.* If the sanctioned individual is the only member of the filing unit, the assistance shall be terminated. If the filing unit includes other members, the department shall not take into account the sanctioned individual’s needs in determining the filing unit’s need for assistance. ~~If the sanctioned individual is a caretaker relative, assistance provided to the other persons in the grant shall be made in the form of protective payments as defined in rule 441—43.22(239B).~~

ITEM 28. Amend rule 441—60.14(217) as follows:

**441—60.14(217) Alternate payees.** Alternate payees are defined in 441—Chapter 43 except that refugee cash assistance shall be substituted for the family investment program whenever it appears.

EXCEPTION: ~~441—subrule 43.22(1), paragraph “c,” shall not apply to refugee cash assistance applicants or recipients.~~

**ARC 6370C**

**HUMAN SERVICES DEPARTMENT[441]**

**Notice of Intended Action**

**Proposing rule making related to dependent adult abuse  
and providing an opportunity for public comment**

The Human Services Department hereby proposes to amend Chapter 107, “Certification of Adoption Investigators,” Iowa Administrative Code.

HUMAN SERVICES DEPARTMENT[441](cont'd)

*Legal Authority for Rule Making*

This rule making is proposed under the authority provided in Iowa Code section 237.3.

*State or Federal Law Implemented*

This rule making implements, in whole or in part, Iowa Code section 237.3.

*Purpose and Summary*

The rules in Chapter 107 were reviewed as part of the Department's five-year rules review. As a result, clarification on the inclusion of dependent adult abuse in the evaluation process for record checks is proposed to be added to the administrative rules. Forms are being updated to add dependent adult abuse as a category. Language is being updated to include updated categories of record checks and reports.

*Fiscal Impact*

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

*Jobs Impact*

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

*Waivers*

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

*Public Comment*

Any interested person may submit written comments concerning this proposed rule making. Written comments in response to this rule making must be received by the Department no later than 4:30 p.m. on July 5, 2022. Comments should be directed to:

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

*Public Hearing*

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

*Review by Administrative Rules Review Committee*

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

The following rule-making actions are proposed:

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

ITEM 1. Amend subrule 107.4(5), introductory paragraph, as follows:

**107.4(5) Record checks.** The department of inspections and appeals shall submit record checks for each new applicant and those applying for recertification to determine whether they have any founded child abuse reports, dependent adult abuse reports or convictions or have been placed on the sex offender registry. The department of inspections and appeals shall use Form 470-0643, Request for Child Abuse and Dependent Adult Abuse Information, and Form 595-1396, DHS Criminal History Record Check, Form B<sub>2</sub> for this purpose. The department shall not certify the applicant with a record of founded child abuse, dependent adult abuse, a criminal conviction, or placement on the sex offender registry as an adoption investigator<sub>2</sub> unless evaluation of the founded abuse or crime indicates approval for certification.

ITEM 2. Amend subparagraph **107.5(2)“a”(6)** as follows:

(6) The applicant has a founded child abuse, dependent adult abuse or criminal record conviction, unless an evaluation of the founded abuse or criminal conviction is conducted by the department of inspections and appeals which concludes that the abuse or crime does not merit prohibition of certification.

ITEM 3. Amend paragraph **107.8(1)“c”** as follows:

c. Record checks. The certified adoption investigator shall perform record checks for each applicant and for the other persons living in the home of the applicant as follows:

(1) The records of the applicants shall be checked:

1. On the Iowa central abuse registry using the Request for Child Abuse and Dependent Adult Abuse Information form;

2. By the Iowa division of criminal investigation, using the DHS Criminal History Record Check, Form B;

3. On the Iowa sex offender registry;

4. On the child abuse and dependent adult abuse registry of any state where the applicant has lived during the five years prior to the issuance of the investigative report; and

5. For a national criminal history through fingerprinting or another biometric identification-based process accepted by the federal government.

(2) The records of persons aged 14 or older living in the home of the applicant shall be checked:

1. On the Iowa central abuse registry using the Request for Child Abuse and Dependent Adult Abuse Information form;

2. By the Iowa division of criminal investigation, using the DHS Criminal History Record Check, Form B; and

3. On the Iowa sex offender registry.

(3) Out-of-state child abuse checks, dependent adult abuse checks and national criminal history checks may be completed on any adult in the home of the applicant if the certified adoption investigator has reason to do so.

(4) and (5) No change.

ITEM 4. Amend paragraph **107.8(1)“d”** as follows:

d. Evaluation of record. If there is a record of founded child abuse, dependent adult abuse or a criminal conviction for the applicant or any other adult living in the home of the applicant, the applicant shall not be approved to adopt<sub>2</sub> unless an evaluation determines that the abuse or criminal conviction does not warrant prohibition of approval.

(1) The evaluation shall consider the nature and seriousness of the founded child abuse, dependent adult abuse or crime in relation to adoption, the time elapsed since the commission of the founded abuse or crime, the circumstances under which the abuse or crime was committed, the degree of rehabilitation, the likelihood that the person will commit the abuse or crime again, and the number of abuses or crimes committed by the person.

(2) The person with the founded child abuse, dependent adult abuse or criminal conviction report shall complete and return the Record Check Evaluation form within ten calendar days of the date on the form to be used to assist in the evaluation. Failure of the person to complete and return the form within the specified time frame may result in a written denial of approval for adoption.

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

(3) No change.

(4) If the applicant, or any other person living in the home of the applicant, has a founded child or dependent adult abuse report, has been convicted of an aggravated misdemeanor or felony at any time, or has been convicted of a simple or serious misdemeanor that occurred within five years prior to application, a certified adoption investigator shall initially conduct the evaluation.

1. No change.

2. If the certified adoption investigator determines that the applicant should be approved despite the abuse or criminal conviction, the certified adoption investigator shall provide copies of the child abuse report, dependent adult abuse report or criminal history record and the Record Check Evaluation form to the Administrator, Division of Adult, Children and Family Services, Department of Human Services, Hoover State Office Building, Des Moines, Iowa 50319-0114. Within 30 days, the administrator shall determine whether the abuse or crime merits prohibition of approval and shall notify the certified adoption investigator in writing of that decision. The certified adoption investigator shall mail the applicant the department's written decision regarding the evaluation of an abuse or crime.

ITEM 5. Amend subparagraph **107.8(1)“f”(4)** as follows:

(4) The applicant or any person residing in the home has a record of founded child abuse or dependent adult abuse, unless an evaluation of the founded child abuse or dependent adult abuse has been made by the department, which concluded that the founded child abuse or dependent adult abuse does not merit prohibition of approval of an adoption application.

ITEM 6. Amend subparagraph **107.8(1)“g”(1)** as follows:

(1) The child abuse, dependent adult abuse and criminal history record checks, except for national criminal history checks, shall be repeated. If there are new founded abuses or convictions of crimes that were not evaluated in the previous home study, they shall be evaluated using the process set forth in paragraph 107.8(1)“d.”

ITEM 7. Amend subparagraph **107.8(1)“h”(2)** as follows:

(2) When a person aged 14 or older moves into the home, the investigator shall perform checks on the Iowa central child and dependent adult abuse registry, by the division of criminal investigation, and on the sex offender registry. The record check evaluation process shall be completed if the person has a criminal conviction, or founded child abuse report, founded dependent adult abuse report or is on the sex offender registry.

**ARC 6368C**

**HUMAN SERVICES DEPARTMENT[441]**

**Notice of Intended Action**

**Proposing rule making related to family-life home forms  
and providing an opportunity for public comment**

The Human Services Department hereby proposes to amend Chapter 111, “Family-Life Homes,” Iowa Administrative Code.

*Legal Authority for Rule Making*

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

*State or Federal Law Implemented*

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

*Purpose and Summary*

This proposed rule making is part of the Department's five-year rules review process. These rules define the Family-Life Home program administered through the Department through state supplementary



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

assistance services. The names of forms are proposed to be removed to eliminate unnecessary future changes as form names change.

*Fiscal Impact*

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

*Jobs Impact*

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

*Waivers*

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

*Public Comment*

Any interested person may submit written comments concerning this proposed rule making. Written comments in response to this rule making must be received by the Department no later than 4:30 p.m. on July 5, 2022. Comments should be directed to:

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

*Public Hearing*

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

*Review by Administrative Rules Review Committee*

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

The following rule-making actions are proposed:

ITEM 1. Amend subrule 111.2(4) as follows:

**111.2(4)** When an applicant has reached a decision to operate a family-life home, the applicant shall complete Form 470-0606, ~~Application for Certification~~.

ITEM 2. Amend subrule 111.6(1) as follows:

**111.6(1)** Prior to certification the family shall furnish the local department with a medical report on each member of the household. The report shall be on Form 470-0672, ~~Provider Health Assessment Form~~.

HUMAN SERVICES DEPARTMENT[441](cont'd)

ITEM 3. Amend subrule 111.9(1) as follows:

**111.9(1)** A physician shall certify that the client is free from any communicable disease and does not require a higher level of care than that provided by a family-life home. The certification shall be given prior to placement and following an annual medical review thereafter. The certification shall be given on Form 470-0673, ~~Physician's Report~~.

ITEM 4. Amend rule 441—111.10(249) as follows:

**441—111.10(249) Placement agreement.** The head of the family-life home and the resident shall enter into a placement agreement by signing Form 470-0634, ~~Placement Agreement Family Life Home, provided by the department~~.

ITEM 5. Amend **441—Chapter 111**, implementation sentence, as follows:

These rules are intended to implement Iowa Code sections ~~234.6(6)“e”~~ 234.6(1)“e” and 249.3(2)“a”(1).

**ARC 6371C**

## HUMAN SERVICES DEPARTMENT[441]

### Notice of Intended Action

#### Proposing rule making related to service administration and providing an opportunity for public comment

The Human Services Department hereby proposes to amend Chapter 130, “General Provisions,” Iowa Administrative Code.

#### *Legal Authority for Rule Making*

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

#### *State or Federal Law Implemented*

This rule making implements, in whole or in part, Iowa Code section 234.6.

#### *Purpose and Summary*

This proposed rule making is part of the Department’s five-year rules review process. The Department is proposing to revise outdated language and replace it with current person-centered language to be consistent with best practices. Instead of using income charts that need to be updated annually, the Department is using a link to the poverty income guidelines provided by the U.S. Department of Health and Human Services. The term “child abuse investigation” is being changed to “child protective assessment,” and the term “mental retardation” is being updated to “intellectual disability.”

#### *Fiscal Impact*

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

#### *Jobs Impact*

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

#### *Waivers*

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

HUMAN SERVICES DEPARTMENT[441](cont'd)

*Public Comment*

Any interested person may submit written comments concerning this proposed rule making. Written comments in response to this rule making must be received by the Department no later than 4:30 p.m. on July 5, 2022. Comments should be directed to:

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

*Public Hearing*

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

*Review by Administrative Rules Review Committee*

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

The following rule-making actions are proposed:

ITEM 1. Amend subrule 130.2(4) as follows:

**130.2(4)** The application shall be approved or denied within 30 days from the date of application and the applicant notified of the decision. The decision shall be mailed or given to the applicant on the date the determination is made except that for services ordered by the court, the court order provided by the court and the case permanency plan provided by the department shall serve as notification. When individual case management services are being provided under 441—Chapter 24 for persons with ~~mental retardation~~ an intellectual disability, a developmental disability, or chronic mental illness, the application shall be approved or denied no later than the date that the department service manager, who is part of the interdisciplinary team, signs the individual program plan.

ITEM 2. Amend paragraphs **130.3(1)“d”** and **“e”** as follows:

*d.* Persons are financially eligible for services when they are in one of the following categories:

(1) Income maintenance status. They are recipients of the family investment program, or those whose income was taken into account in determining the needs of family investment program recipients, or recipients of supplemental security income or state supplementary assistance, or those in the 300 percent group as defined in 441—subrule 75.1(7).

(2) Income eligible status. The monthly gross income ~~according to~~ is based on family size is no more than the following amounts. Family size income levels are found at [aspe.hhs.gov/poverty-guidelines](http://aspe.hhs.gov/poverty-guidelines).

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

Monthly Gross Income Limits	
Family Size	
1 Member	\$ 583
2 Members	762
3 Members	942
4 Members	1,121
5 Members	1,299
6 Members	1,478
7 Members	1,510
8 Members	1,546
9 Members	1,581
10 Members	1,612
11 Members	1,645
12 Members	1,678
13 Members	1,711
14 Members	1,744
15 Members	1,777
16 Members	1,810
17 Members	1,843
18 Members	1,876
19 Members	1,909
20 Members	1,942

~~(3) to (5) Rescinded IAB 6/9/04, effective 7/1/04.~~

*e.* Certain services are provided without regard to income which means family income is not considered in determining eligibility. The services provided without regard to income are information and referral, child abuse investigation protective assessment, child abuse treatment, child abuse prevention services, including protective child care services, family-centered services, dependent adult abuse evaluation, dependent adult abuse treatment, dependent adult abuse prevention services, and purchased adoption services to individuals and families referred by the department.

ITEM 3. Amend rule 441—130.4(234) as follows:

**441—130.4(234) Fees.**

**130.4(1)** The department may set fees to be charged to clients for services received. The fees will be charged to those clients eligible under rule 441—130.3(234), but not those receiving services without regard to income due to a protective service situation. Nothing in these rules shall preclude a client from voluntarily contributing toward the costs of service.

**130.4(1) 130.4(2) Collection.** The provider shall collect fees from clients. The provider shall maintain records of fees collected, and such records shall be available for audit by the department or its representative. When a client does not pay the fee, the provider shall demonstrate that a reasonable effort has been made to collect the fee. Reasonable effort to collect means an original billing and two follow-up notices of nonpayment.

~~130.4(2) Monthly income. Rescinded IAB 1/8/92, effective 3/1/92.~~

~~130.4(3) Child care services. Rescinded IAB 6/9/04, effective 7/1/04.~~

~~130.4(4) Rescinded, effective 7/1/81.~~

This rule is intended to implement Iowa Code section 234.6.

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

ITEM 4. Amend subrules 130.6(2) and 130.6(3) as follows:

**130.6(2)** Ensure that there is a department case plan for each individual or family based on assessment of strengths and needs. Furnish appropriate sections of the initial plan and of all updated department case plans to the provider agency when services are purchased for an individual. When individual case management services are being provided under 441—Chapter 24 for persons with ~~mental retardation~~ an intellectual disability, a developmental disability, or chronic mental illness, the individual case management services provider shall distribute the case plans.

**130.6(3)** Refer the client to other workers or agencies through proper channels, and coordinate all workers involved in the case.

When individual case management services are being provided under 441—Chapter 24 for persons with ~~mental retardation~~ an intellectual disability, a developmental disability, or chronic mental illness, the individual case management services provider shall be responsible for making referrals and coordinating workers as specified in the individual program plan.

ITEM 5. Amend rule 441—130.7(234) as follows:

**441—130.7(234) Case plan.** The department worker shall develop a case plan with or on behalf of persons approved to receive services. However, a case plan is not required (1) for child or adult protective ~~investigation~~ assessment, (2) for foster care cases in which the department does not have custody, guardianship or a voluntary placement agreement, or (3) when child care is the only service. A case plan shall be developed with or on behalf of every other person approved to receive services unless the person has a case manager as specified in 441—Chapter 24. When department services are provided before an individual program plan in compliance with 441—Chapter 24 is approved, a department case plan must be developed according to the requirements of this rule.

When individual case management services are being provided under 441—Chapter 24 for persons with ~~mental retardation~~ an intellectual disability, a developmental disability, or chronic mental illness, the rules in 441—Chapter 24 on time limits, plan format and on who develops the plan shall apply for adults and for children whose services are not under court jurisdiction. The department worker shall determine eligibility for those services provided by the department; however, a separate department case plan need not be developed. If the individual program plan does not include sufficient information to meet department service requirements or the requirements in this chapter, the person providing department social casework shall complete either a case plan or addendum and coordinate distribution to the persons who receive the individual program plan with the case manager.

The case plan shall become part of the client's case record. The client shall participate in the development of this plan to the extent possible. The case plan shall be consistent with other service or program plans. A copy of the case plan shall be provided to the client or, when indicated, to the parent or representative of the client. For adult services, the case plan shall be recorded using Form 470-0583, Individual Client Case Plan. For children's services, the case plan shall be known as the case permanency plan and shall be prepared using Form 470-3453, Family Case Plan.

**130.7(1) and 130.7(2)** No change.

**130.7(3)** The case plan shall be developed and filed in the case record as follows:

*a.* In child welfare cases, the case plan shall be developed in partnership with the child, the family, and the caregiver.

(1) The recommendations from the child protective services assessment ~~summary~~ and the safety plan developed with the family shall be considered an initial case plan.

(2) No change.

*b.* No change.

**130.7(4) and 130.7(5)** No change.

This rule is intended to implement Iowa Code section 234.6.

**ARC 6372C****HUMAN SERVICES DEPARTMENT[441]****Notice of Intended Action****Proposing rule making related to adverse actions  
and providing an opportunity for public comment**

The Human Services Department hereby proposes to amend Chapter 131, “Social Casework,” Iowa Administrative Code.

*Legal Authority for Rule Making*

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

*State or Federal Law Implemented*

This rule making implements, in whole or in part, Iowa Code section 234.6.

*Purpose and Summary*

This proposed rule making is part of the Department’s five-year rules review process. The rule regarding adverse actions is being updated to specify the correct rule references.

*Fiscal Impact*

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

*Jobs Impact*

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

*Waivers*

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

*Public Comment*

Any interested person may submit written comments concerning this proposed rule making. Written comments in response to this rule making must be received by the Department no later than 4:30 p.m. on July 5, 2022. Comments should be directed to:

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

*Public Hearing*

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

HUMAN SERVICES DEPARTMENT[441](cont'd)

*Review by Administrative Rules Review Committee*

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

The following rule-making action is proposed:

Amend rule 441—131.5(234) as follows:

**441—131.5(234) Adverse actions.** Services shall be denied or terminated and appropriate notice given to clients as specified in ~~rule~~ rules 441—16.3(17A) and 441—130.5(234).

**ARC 6364C**

**HUMAN SERVICES DEPARTMENT[441]**

**Notice of Intended Action**

**Proposing rule making related to the adoption opportunity grant program  
and providing an opportunity for public comment**

The Human Services Department hereby proposes to amend Chapter 160, "Adoption Opportunity Grant Program," Iowa Administrative Code.

*Legal Authority for Rule Making*

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

*State or Federal Law Implemented*

This rule making implements, in whole or in part, Iowa Code section 234.6.

*Purpose and Summary*

The rules in Chapter 160 were reviewed as part of the Department's five-year rules review process. As a result, it was determined the chapter is no longer needed and should be rescinded because the Adoption Opportunity Grant Program is not funded in Iowa. This proposed rule making rescinds Chapter 160.

*Fiscal Impact*

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

*Jobs Impact*

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

*Waivers*

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

*Public Comment*

Any interested person may submit written comments concerning this proposed rule making. Written comments in response to this rule making must be received by the Department no later than 4:30 p.m. on July 5, 2022. Comments should be directed to:

HUMAN SERVICES DEPARTMENT[441](cont'd)

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

*Public Hearing*

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

*Review by Administrative Rules Review Committee*

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

The following rule-making action is proposed:

Rescind and reserve **441—Chapter 160.**

**ARC 6366C**

**HUMAN SERVICES DEPARTMENT[441]**

**Notice of Intended Action**

**Proposing rule making related to aftercare services program  
 and providing an opportunity for public comment**

The Human Services Department hereby proposes to amend Chapter 187, “Aftercare Services Program,” Iowa Administrative Code.

*Legal Authority for Rule Making*

This rule making is proposed under the authority provided in Iowa Code sections 217.6 and 234.46.

*State or Federal Law Implemented*

This rule making implements, in whole or in part, Iowa Code section 234.46.

*Purpose and Summary*

The rules in Chapter 187 were reviewed as part of the Department’s five-year rules review. This proposed rule making:

- Extends eligibility to youth aged 21 and 22, regardless of whether the youth participated in aftercare services between the ages of 18 and 21 years old.
- Extends eligibility to youth who participate in the Preparation for Adult Living (PAL) program, even if the youth did not spend 6 of 12 months in foster care prior to aging out of care.
- Adds supervised apartment living to the list of foster care placements because placements can include a variety of settings.
- Clarifies the meaning and intent of “preservices.”



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

- Refines termination rules for youth who are participating in two similar services to avoid duplication.
- Allows youth to use a full \$600 in extended services funds in a half-year, instead of the \$300 per quarter that is currently allowed in Chapter 187. Advocates and youth have reported a desire to have more flexibility to use these funds.

These changes align the rules with Iowa Code section 234.46.

*Fiscal Impact*

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

*Jobs Impact*

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

*Waivers*

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

*Public Comment*

Any interested person may submit written comments concerning this proposed rule making. Written comments in response to this rule making must be received by the Department no later than 4:30 p.m. on July 5, 2022. Comments should be directed to:

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

*Public Hearing*

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

*Review by Administrative Rules Review Committee*

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

The following rule-making actions are proposed:

ITEM 1. Amend paragraph **187.2(3)“a”** as follows:

*a. Preservices.* The youth must meet eligibility requirements for preservices as described below:

- (1) The youth is at least 17 years of age; and
- (2) The youth ~~was is~~ placed in foster care, the Iowa state training school, or a court-ordered Iowa juvenile detention center; ~~was adopted from foster care~~ after reaching 16 years of age; or entered a subsidized guardianship arrangement ~~from foster care~~ after reaching 16 years of age; and

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

(3) The youth has access to funding for preservices provided in contract that has not been fully expended for the contract year.

ITEM 2. Rescind subparagraph **187.2(3)“c”(3)**.

ITEM 3. Renumber subparagraph **187.2(3)“c”(4)** as **187.2(3)“c”(3)**.

ITEM 4. Amend subparagraph **187.2(3)“d”(2)** as follows:

(2) Foster care may include, but is not limited to, placement in:

1. A foster family home; or
2. A foster care group home; or
3. An emergency shelter; or
4. Supervised apartment living; or
- ~~4.~~ 5. A preadoptive home; or
- ~~5.~~ 6. The home of a relative or suitable person; or
- ~~6.~~ 7. A psychiatric medical institution for children (PMIC).

ITEM 5. Amend subrule 187.3(1) as follows:

**187.3(1) Preservices.** ~~Planning, coordination of services, Informational~~ and trust-building activities may be provided to a youth placed out of home, as described in paragraph 187.2(3) “a,” who is expected to participate in aftercare services at 18 years of age or older. The administrator may provide funds as described in paragraph 187.3(4) “a.” However, funds provided to the youth in preservices will be deducted from available start-up funds in the youth’s first year of participation in core services.

ITEM 6. Amend subrule 187.3(6) as follows:

**187.3(6) Preparation for adult living (PAL) stipend.** When an eligible youth is actively participating in the program, the administrator or designee shall deliver the preparation for adult living program as described in Iowa Code section 234.46 and as follows:

a. To be eligible for the PAL stipend, the youth must:

(1) ~~Meet~~ Have met eligibility requirements in Iowa Code section ~~234.46~~ 234.46(1) upon reaching the age of 18 and meet eligibility requirements in rule 441—187.2(234); ~~and~~

(2) ~~Have been placed out of home in~~ exited foster care, the Iowa state training school, or a court-ordered Iowa juvenile detention center as identified by Iowa Code chapter 232 on or after the youth’s eighteenth birthday, ~~and have exited after having been in any combination of the same services in at least 6 of the 12 months before leaving placement; and~~

(3) ~~Be ineligible for voluntary foster care placement, due to~~ Meet one or more of the following criteria:

1. ~~The youth has a high school diploma~~ Be enrolled in or equivalent, actively pursuing enrollment in postsecondary education, a training program or work training; or

2. ~~The youth has reached 20 years of age,~~ Be employed for 80 hours per month or be actively seeking that level of employment; or

3. ~~The youth became eligible for aftercare services due to exiting the Iowa state training school or an Iowa detention center,~~ Be attending an accredited school full-time pursuing a course of study leading to a high school diploma; or

4. ~~The youth became eligible for aftercare services due to exiting court-ordered care in accordance with Iowa Code chapter 232 by a relative or another person with a significant relationship with the youth~~ Be attending an instructional program leading to a high school equivalency diploma.

b. ~~To be eligible for the PAL stipend, the youth must meet one or more of the following criteria:~~

(1) ~~Be enrolled in or actively pursuing enrollment in postsecondary education, a training program or work training; or~~

(2) ~~Be employed for 80 hours per month or be actively seeking that level of employment; or~~

(3) ~~Be attending an accredited school full-time pursuing a course of study leading to a high school diploma; or~~

(4) ~~Be attending an instructional program leading to a high school equivalency diploma.~~

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

*e. b.* The maximum monthly stipend shall be provided after completion of the youth's budget. The maximum amounts provided to a youth shall be stated in the contract and shall be based on program eligibility and guidelines, as follows:

(1) The monthly stipend shall be prorated based on the number of days of youth participation, for those entering and exiting the program during the month.

(2) When the monthly unearned income of the youth exceeds the overall maximum monthly stipend offered in the preparation for the adult living program, the youth is not eligible for payments under subrule 187.3(4) unless unused startup funds remain.

(3) When the net earnings of the youth exceed the overall maximum monthly stipend offered in the preparation for the adult living program, the monthly stipend shall be reduced by 50 cents for every dollar earned by the youth over the overall monthly maximum stipend.

(4) All earned and unearned income received by the youth during the 30 days before the determination shall be used to project future income. If the 30-day period is not indicative of future income, income from a longer period or verification of anticipated income from the income source may be used to project future income.

(5) Nonrecurring lump-sum payments are excluded as income. Nonrecurring lump-sum payments include, but are not limited to, one-time payments received for such things as income tax refunds, rebates, credits, refunds of security deposits on rental property or utilities, and retroactive payments for past months' benefits such as social security, unemployment insurance, or public assistance.

(6) The youth shall timely report the beginning and ending of earned and unearned income. A report shall be considered timely when made within ten days from the receipt of income or the date income ended.

(7) When the youth timely reports a change in income, the youth's prospective eligibility and stipend amount for the following month shall be determined based on the change.

(8) Recoupment shall be made for any overpayment due to failure to timely report a change in income or for benefits paid during an administrative appeal if the department's action is ultimately upheld. Recoupment may be made through a reasonable reduction of any future stipends.

(9) Recoupment shall not be made when a youth timely reports a change in income and the change is timely acted upon, but the timely notice policy in rule 441—16.3(17A) requires that the action be delayed until the second calendar month following the month of change.

(10) The stipend may be paid to the youth, the foster family, or another payee other than a department employee. The payee shall be agreed upon by the parties involved and specified in the individual self-sufficiency plan, described in subrule 187.3(2).

(11) The maximum stipend may be based on the age of the youth.

ITEM 7. Amend paragraph **187.3(7)“d”** as follows:

*d.* The extended services funds approved for the youth have not exceeded ~~\$300~~ \$600 for a ~~three-month~~ six-month period calculated from the date of initiation of extended services.

ITEM 8. Reletter paragraph **187.4(1)“e”** as **187.4(1)“f.”**

ITEM 9. Adopt the following new paragraph **187.4(1)“e”**:

*e.* The youth has entered a residential services program and has resided there for 60 days. Residential services program means a program where housing and support services are provided, including but not limited to homeless shelters or transitional living programs.

**ARC 6365C****HUMAN SERVICES DEPARTMENT[441]****Notice of Intended Action****Proposing rule making related to Iowa adoption exchange  
and providing an opportunity for public comment**

The Human Services Department hereby proposes to amend Chapter 203, “Iowa Adoption Exchange,” Iowa Administrative Code.

*Legal Authority for Rule Making*

This rule making is proposed under the authority provided in Iowa Code section 237.3.

*State or Federal Law Implemented*

This rule making implements, in whole or in part, Iowa Code sections 232.119 and 237.3.

*Purpose and Summary*

The rules in Chapter 203 were reviewed as part of the Department’s five-year rules review process.

The purpose of the Iowa Adoption Exchange is to facilitate the placement of Iowa children who are legally available for adoption. Administrative rules in this chapter require that children with special needs under state guardianship be registered on the Iowa Adoption Exchange within 60 days after termination of parental rights unless a deferral is granted. All children under state guardianship for whom an adoptive home is not available within 90 days after termination of parental rights shall be registered on the Iowa Adoption Exchange. Department workers, child-placing agencies and certified adoption investigators shall register adoptive families if the families wish to adopt a child with special needs or a sibling group.

This proposed rule making updates definitions used in the program and clarifies the process.

*Fiscal Impact*

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

*Jobs Impact*

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

*Waivers*

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

*Public Comment*

Any interested person may submit written comments concerning this proposed rule making. Written comments in response to this rule making must be received by the Department no later than 4:30 p.m. on July 5, 2022. Comments should be directed to:

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

HUMAN SERVICES DEPARTMENT[441](cont'd)

*Public Hearing*

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

*Review by Administrative Rules Review Committee*

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

The following rule-making actions are proposed:

ITEM 1. Adopt the following **new** definition of “Recruitment, retention, training and support (RRTS) contract” in rule **441—203.1(232)**:

*“Recruitment, retention, training and support (RRTS) contract”* means the state’s contractor(s) responsible for activities related to licensing foster families and approving adoptive families, providing support services to foster and preadoptive families, conducting preservice and in-service training, and providing assistance in matching children in need of foster home care.

ITEM 2. Amend rule 441—203.2(232) as follows:

**441—203.2(232) Children to be registered on the exchange system.** All children with special needs under state guardianship shall be registered on the Iowa adoption exchange system within 60 days of receipt of the termination of parental rights court order, unless a deferral is granted by the adoption program manager. In addition to the children with special needs being placed on the exchange system, those children under state guardianship for whom an adoptive home is not available within 90 days after termination shall be placed on the exchange system by department staff. Department workers shall forward the child’s photograph to the Division of Adult, Children and Family Services, Adoption Program, for photolisting in the Iowa’s Waiting Children Book at the time that the child is registered on the Iowa adoption exchange system.

Licensed child-placing agencies may register a child whose parental rights have been terminated and who is under their guardianship using one of the following methods:

~~a. 203.2(1)~~ The agency shall submit Form ~~470-0751, Exchange Referral of Child/Sibling Group 470-3351~~ to the department for entry of the child’s name and data if the agency is registering ~~less fewer~~ than four children a calendar year. The RRTS contractor(s) manages the state’s photo listing. This form authorizes the RRTS contractor to post the child on the state and national exchanges.

~~b. 203.2(2)~~ The agency shall access the Iowa adoption exchange system and directly enter the child’s name and data when the agency registers four or more children in a calendar year.

**ARC 6367C****HUMAN SERVICES DEPARTMENT[441]****Notice of Intended Action****Proposing rule making related to guardianship subsidy agreements  
and providing an opportunity for public comment**

The Human Services Department hereby proposes to amend Chapter 204, “Subsidized Guardianship Program,” Iowa Administrative Code.

HUMAN SERVICES DEPARTMENT[441](cont'd)

*Legal Authority for Rule Making*

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

*State or Federal Law Implemented*

This rule making implements, in whole or in part, Iowa Code section 234.6.

*Purpose and Summary*

The rules in Chapter 204 are being reviewed as part of the Department's five-year rules review process. Clarification is proposed to be added regarding when a subsidized guardianship can continue to the age of 21. Language is also proposed to be added to provide information on when a subsidy would be terminated.

*Fiscal Impact*

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

*Jobs Impact*

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

*Waivers*

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

*Public Comment*

Any interested person may submit written comments concerning this proposed rule making. Written comments in response to this rule making must be received by the Department no later than 4:30 p.m. on July 5, 2022. Comments should be directed to:

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

*Public Hearing*

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

*Review by Administrative Rules Review Committee*

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

The following rule-making actions are proposed:

HUMAN SERVICES DEPARTMENT[441](cont'd)

ITEM 1. Amend rule 441—204.7(234) as follows:

**441—204.7(234) Termination of subsidy.** A Guardianship Subsidy Agreement shall remain in effect until the subsidy is terminated based on one of the grounds listed in this rule. The subsidy shall terminate when any of the following occur, and a notice shall be sent which states the reason for the termination:

1. The child reaches the age of 18, unless the department determines that the subsidy may continue until the child reaches the age of 21 to facilitate the child's completion of high school or a high school equivalency diploma, or the department determines the child is eligible to receive subsidy to the age of 21 due to the child's physical, intellectual, or mental health disability.

2. The child marries or enlists in the military.

3. The child no longer lives with the guardian, except for placement outside the home as limited by subrule 204.4(3).

4. The relationship ends due to the death of the child.

5. The terms of the Guardianship Subsidy Agreement are concluded.

6. The guardian requests that the guardianship payment cease.

7. The department has determined the guardian is not providing financial support to the child.

8. The guardian fails to abide by the terms of the Guardianship Subsidy Agreement.

9. The guardianship case is terminated by court order.

10. The department funds for subsidized guardianship are no longer available.

11. Due to incapacity, the guardian can no longer discharge the responsibilities necessary to protect and care for the child, the guardianship has been or will be vacated, and a successor guardian was not named in the Guardianship Subsidy Agreement.

12. The guardian or guardians die or are incapacitated (one guardian in a single-parent family or both guardians in a two-parent family), and a successor guardian is not named in the Guardianship Subsidy Agreement.

ITEM 2. Amend **441—Chapter 204**, implementation sentence, as follows:

These rules are intended to implement Iowa Code section 234.6 and ~~2006 Iowa Acts, House File 2734, section 17, subsection 10.~~

**ARC 6360C**

## **IOWA PUBLIC INFORMATION BOARD[497]**

### **Notice of Intended Action**

#### **Proposing rule making related to complaints and public records and providing an opportunity for public comment**

The Iowa Public Information Board (IPIB) hereby proposes to amend Chapter 2, "Complaint Investigation and Resolution Procedures," and Chapter 4, "Contested Cases," and to adopt a new Chapter 11, "Public Records," Iowa Administrative Code.

#### *Legal Authority for Rule Making*

This rule making is proposed under the authority provided in Iowa Code section 23.6(2).

#### *State or Federal Law Implemented*

This rule making implements, in whole or in part, Iowa Code chapter 22 and sections 23.6 and 23.10.

#### *Purpose and Summary*

The purpose of this proposed rule making is to update IPIB's administrative rules to ensure complainants are afforded the processes found in Iowa Code chapter 23, to remove inapplicable rules, and to provide a timeline for government bodies to respond to public records requests.

IOWA PUBLIC INFORMATION BOARD[497](cont'd)

*Fiscal Impact*

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

*Jobs Impact*

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

*Waivers*

Any person who believes that the application of the discretionary provisions of this rule making would result in hardship or injustice to that person may petition IPIB for a waiver of the discretionary provisions, if any, pursuant to 497—Chapter 9.

*Public Comment*

Any interested person may submit written or oral comments concerning this proposed rule making. Written or oral comments in response to this rule making must be received by IPIB no later than 4:30 p.m. on July 11, 2022. Comments should be directed to:

Hannah Fordyce  
Iowa Public Information Board  
Wallace State Office Building  
502 East 9th Street, Third Floor  
Des Moines, Iowa 50319  
Phone: 515.725.1782  
Fax: 515.725.1789  
Email: [hannah.fordyce@iowa.gov](mailto:hannah.fordyce@iowa.gov)

*Public Hearing*

A public hearing at which persons may present their views orally or in writing will be held as follows. Persons should call 515.725.1781 at the time of the hearing to be escorted to the conference room.

July 11, 2022  
3 p.m.

IPIB Conference Room  
Wallace State Office Building, Third Floor  
Des Moines, Iowa 50319

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

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

*Review by Administrative Rules Review Committee*

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

The following rule-making actions are proposed:



## IOWA PUBLIC INFORMATION BOARD[497](cont'd)

- ITEM 1. Rescind subrule **2.1(6)**.
- ITEM 2. Rescind and reserve rule **497—4.17(17A)**.
- ITEM 3. Adopt the following new 497—Chapter 11:

CHAPTER 11  
PUBLIC RECORDS

**497—11.1(22) Timely compliance with public records requests.** Government bodies shall give a high priority to fulfilling requests for copies of public records.

**497—11.2(22) Acknowledgment.** A government body must acknowledge the receipt of a public records request.

**11.2(1)** A public records request shall be acknowledged in writing, where contact information has been provided, within two business days after receipt by the lawful custodian, including, but not limited to, in the following circumstances:

- a.* A verbal request, within two business days after a telephone call is received, a voicemail message is received, or an oral request is made in person;
- b.* A request sent by first-class mail, within two business days after the letter is opened;
- c.* A request sent by email, within two business days after the email is opened;
- d.* A request sent by fax, within two business days after the fax is received; or
- e.* A request received by other means, including social media, within two business days after the communication is received.

**11.2(2)** An acknowledgment must include the name and contact information of the person responsible for processing the public records request.

**497—11.3(22) Processing.** Access to an open record shall be provided promptly upon request unless the size or nature of the request makes prompt access infeasible. If the size or nature of the request for access to an open record requires time for compliance, the custodian shall comply with the request as soon as feasible.

**497—11.4(22) Good-faith reasonable delay.** In providing prompt access to an open record, or providing access as soon as feasible, for the purpose of examination and copying, the lawful custodian may engage in a good-faith reasonable delay, including for the purposes of:

- 11.4(1)** Seeking an injunction under Iowa Code section 22.8;
- 11.4(2)** Determining whether the lawful custodian is entitled to seek or should seek an injunction;
- 11.4(3)** Determining whether the record requested is a public record or a confidential record; or
- 11.4(4)** Determining whether a confidential record should be available for inspection and copying to the person requesting the right to do so. A reasonable delay for this purpose shall not exceed 20 calendar days and ordinarily not exceed 10 business days.

**497—11.5(22) Gathering multiple records in response to a public records request.** When multiple records are being gathered in response to a public records request, a necessary delay in providing access to one or more records shall not delay providing access to the balance of the records requested.

**497—11.6(22) Factors affecting timely compliance.** In assessing whether a government body provided access to records promptly, or as soon as feasible, the following factors may be considered:

- 11.6(1)** The number of records requested;
- 11.6(2)** The difficulty of searching for or retrieving the records requested;
- 11.6(3)** The difficulty of formulating effective search criteria for retrieving electronic records; and
- 11.6(4)** The existence of unforeseen circumstances that reasonably interfered with the lawful custodian's ability to search for or retrieve the requested records.

IOWA PUBLIC INFORMATION BOARD[497](cont'd)

**497—11.7(22) Examining a public record without charge.** Nothing in this chapter regarding timely compliance with requests for copies of public records shall adversely affect the right to examine a public record without charge while the record is in the physical possession of the lawful custodian.

These rules are intended to implement Iowa Code chapter 22.

## ARC 6361C

### TRANSPORTATION DEPARTMENT[761]

#### Notice of Intended Action

#### Proposing rule making related to licensing and regulation of vehicle recyclers and providing an opportunity for public comment

The Transportation Department hereby proposes to amend Chapter 400, “Vehicle Registration and Certificate of Title,” and Chapter 431, “Vehicle Recyclers,” Iowa Administrative Code.

#### *Legal Authority for Rule Making*

This rule making is proposed under the authority provided in Iowa Code sections 307.12 and 321H.4A.

#### *State or Federal Law Implemented*

This rule making implements, in whole or in part, Iowa Code section 321H.4A.

#### *Purpose and Summary*

This proposed rule making relates to the licensing and regulation of vehicle recyclers and implements existing legal authority under Iowa Code chapter 321H.

The proposed amendments to Chapter 400 add Iowa Code section 321H.4A to an implementation sentence, make minor technical changes, and adopt new subrule 400.23(2) to implement existing statutory authority to establish the National Motor Vehicle Title Information System (NMVTIS) reporting criteria when a vehicle is being junked or dismantled by a licensed vehicle recycler. The proposed new subrule establishes the responsibility for completing the required NMVTIS reporting and provides three options for compliance. One option is for the vehicle owner or vehicle owner’s authorized representative to provide a copy of the vehicle owner’s or authorized representative’s government-issued photo identification during the initial transaction between the parties and for the licensed vehicle recycler to verify that the owner or authorized representative has completed the required NMVTIS reporting. The second option, if the vehicle owner is another licensed vehicle recycler or is a business regularly engaged in the junking or dismantling of vehicles, is for the licensed vehicle recycler to enter into a written agreement confirming that the owner has completed the required NMVTIS reporting. The third option is for the licensed vehicle recycler to obtain the vehicle owner’s or authorized representative’s name and the vehicle identification number of the vehicle so that the vehicle recycler can complete the NMVTIS reporting. The proposed new subrule also provides that a licensed vehicle recycler is required to cooperate with law enforcement during normal business hours when there is a reasonable belief that fraud has occurred in connection with the junking or dismantling of a vehicle.

The proposed amendments to Chapter 431 correct the contact information to refer to the Motor Vehicle Division, add Iowa Code section 321H.4A to relevant implementation sentences, and make minor technical changes. Other proposed amendments to Chapter 431 align the subrules governing application requirements and other criteria for a vehicle recycler license with Iowa Code sections 321H.4 and 321H.4A, which require a licensed vehicle recycler to submit proof of registration with the NMVTIS and to comply with applicable NMVTIS reporting and record-keeping requirements when a vehicle is purchased by a licensed vehicle recycler.

TRANSPORTATION DEPARTMENT[761](cont'd)

*Fiscal Impact*

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

*Jobs Impact*

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

*Waivers*

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

*Public Comment*

Any interested person may submit written comments concerning this proposed rule making or may submit a written request to make an oral presentation at a public hearing. Written comments or requests to present oral comments in response to this rule making must be received by the Department no later than 4:30 p.m. on July 5, 2022. Comments should be directed to:

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

*Public Hearing*

If requested, a public hearing to hear oral presentations will be held on July 7, 2022, via conference call at 10 a.m. Persons who wish to participate in the conference call should contact Tracy George before 4:30 p.m. on July 5, 2022, to facilitate an orderly hearing. A conference call number will be provided to participants prior to the hearing.

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

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

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

*Review by Administrative Rules Review Committee*

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

The following rule-making actions are proposed:

ITEM 1. Amend rule 761—400.23(321) as follows:

**761—400.23(321) Junked vehicle.**

**400.23(1) Junking certificate.** The owner of a vehicle that is to be junked or dismantled shall obtain a junking certificate ~~in accordance with~~ when required by Iowa Code ~~subsection 321.52(3)~~ section 321.52.

**400.23(2) Required verification.**

## TRANSPORTATION DEPARTMENT[761](cont'd)

a. One of the following shall satisfy the required verification when a vehicle owner junks or dismantles a vehicle to a licensed vehicle recycler under Iowa Code section 321.52(2)“b” or 321H.4A(2)“b”:

(1) The owner or authorized representative provides information to the licensed vehicle recycler who acquires the vehicle, including, at a minimum, government-issued photo identification and verification of prior reporting to the National Motor Vehicle Title Information System (NMVTIS). For a subsequent transaction with the licensed vehicle recycler, the vehicle owner or authorized representative is not required to provide government-issued photo identification if the licensed vehicle recycler has retained such information from a prior transaction. A licensed vehicle recycler is not required to report a vehicle verified under this subparagraph to the NMVTIS.

(2) The vehicle’s owner is a licensed vehicle recycler or is the authorized representative of an established commercial or industrial business, operating from a fixed location, that is known to the licensed vehicle recycler to be regularly engaged in the junking or dismantling of vehicles or may reasonably be expected to produce vehicles for junking or dismantling and has entered into a written agreement with the licensed vehicle recycler confirming it has reported the vehicles to the NMVTIS. The written agreement shall, at a minimum, contain the owner’s or authorized representative’s name and address. A licensed vehicle recycler is not required to report a vehicle covered under an agreement under this subparagraph to the NMVTIS.

(3) The licensed vehicle recycler obtains the vehicle owner’s or authorized representative’s name and the vehicle identification number for the vehicle being junked or dismantled, and the vehicle recycler reports the vehicle to the NMVTIS.

b. A licensed vehicle recycler acquiring a vehicle as described under this subrule shall cooperate with a law enforcement agency during normal business hours when the agency has reason to believe that fraud has occurred in connection with the junking or dismantling of the vehicle. A law enforcement agency shall maintain the information as confidential and shall not disclose the information to a third party, except as may be necessary for the prosecution of a criminal violation.

~~400.23(2)~~ **400.23(3)** *Retitling a junked vehicle.* The department may authorize issuance of a new certificate of title to the vehicle owner named on the junking certificate only if the department determines that the junking certificate was issued in error.

*a. to c.* No change.

This rule is intended to implement Iowa Code ~~subsection 321.52(3)~~ sections 321.52 and 321H.4A.

ITEM 2. Amend rule 761—431.1(321H) as follows:

**761—431.1(321H) General.**

**431.1(1) Information.** Information and blank forms relating to this chapter may be obtained from and completed forms shall be submitted to the ~~Office of Motor Vehicle Services Division~~, Iowa Department of Transportation, P.O. Box 9278, Des Moines, Iowa 50306-9278. Information and forms are also available on the department’s ~~Web site~~ website at <http://www.iowadot.gov/mvd> [www.iowadot.gov](http://www.iowadot.gov).

**431.1(2) Definitions.**

“*Principal place of business*” means a building actually occupied where the public and the department may contact the owner or operator during regular business hours.

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

This rule is intended to implement Iowa Code sections 321H.2 and 321H.4.

ITEM 3. Adopt the following **new** paragraph **431.2(1)“d”**:

*d.* If subject to the requirements of 28 CFR Section 25.56, as adopted in Iowa Code section 321H.4A(2)“a,” do all of the following:

(1) Obtain and maintain a registered account with the National Motor Vehicle Title Information System (NMVTIS).

(2) Report, or verify reporting of, inventory to the NMVTIS.

## TRANSPORTATION DEPARTMENT[761](cont'd)

(3) If applicable, verify the seller of a vehicle purchased by the recycler has complied with 28 CFR Section 25.56 and document such verification on a form prescribed by the department if third-party electronic records are insufficient to verify compliance with 28 CFR Section 25.56 because the vehicle has been crushed or flattened by mechanical means, as stated in Iowa Code section 321H.4A.

(4) Retain records of compliance, including verification forms completed under subparagraph 431.2(1)“d”(3), at the vehicle recycler’s principal place of business for at least three years after the purchase of the vehicle. Records may be stored either in hard copy or electronically. Records of compliance shall be open for inspection by any peace officer during normal business hours.

ITEM 4. Amend rule **761—431.2(321H)**, implementation sentence, as follows:

This rule is intended to implement Iowa Code ~~section~~ sections 321H.4 and 321H.4A.

ITEM 5. Adopt the following new subrule 431.3(8):

**431.3(8)** The applicant shall include the unique NMVTIS identification number as proof of compliance with registration requirements.

ITEM 6. Amend rule **761—431.3(321H)**, implementation sentence, as follows:

This rule is intended to implement Iowa Code ~~section~~ sections 321H.4 and 321H.4A.

**ARC 6356C****ECONOMIC DEVELOPMENT AUTHORITY[261]****Adopted and Filed****Rule making related to the bioscience development corporation**

The Economic Development Authority (IEDA) hereby amends Chapter 1, “Organization,” Chapter 101, “Mission and Responsibilities,” Chapter 106, “Small Business Innovation Research and Technology Transfer Outreach Program,” and Chapter 108, “Acceleration and Development of Innovative Ideas and Businesses,” Iowa Administrative Code.

*Legal Authority for Rule Making*

This rule making is adopted under the authority provided in Iowa Code section 15.106A.

*State or Federal Law Implemented*

This rule making implements, in whole or in part, Iowa Code section 15.107.

*Purpose and Summary*

As initially codified, Iowa Code section 15.107 directed the IEDA to establish the Iowa Innovation Corporation. The section was stricken in 2019 Iowa Acts, Senate File 228, section 7, and replaced with a new Iowa Code section 15.107 that directs the IEDA to establish a bioscience development corporation.

In addition to other corrective and clarifying changes, this rule making replaces references in Chapters 1, 101, and 106 to the “Iowa innovation corporation” with references to the “bioscience development corporation established pursuant to Iowa Code section 15.107.” In Chapter 108, references to “the corporation” are replaced with references to a service provider retained by the IEDA pursuant to Iowa Code section 15.411.

*Public Comment and Changes to Rule Making*

Notice of Intended Action for this rule making was published in the Iowa Administrative Bulletin on March 23, 2022, as **ARC 6243C**. No public comments were received. One change has been made from the Notice. A reference to the “Vision Iowa Board” has been replaced with a reference to the “Enhance Iowa Board” in subrule 1.4(5). The Enhance Iowa Board was created as the successor to the Vision Iowa Board by 2016 Iowa Acts, Senate File 2308.

*Adoption of Rule Making*

This rule making was adopted by the Authority Board on May 20, 2022.

*Fiscal Impact*

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

*Jobs Impact*

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

*Waivers*

Any person who believes that the application of the discretionary provisions of this rule making would result in hardship or injustice to that person may petition the IEDA for a waiver of the discretionary provisions, if any, pursuant to 261—Chapter 199.

## ECONOMIC DEVELOPMENT AUTHORITY[261](cont'd)

*Review by Administrative Rules Review Committee*

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

*Effective Date*

This rule making will become effective on July 20, 2022.

The following rule-making actions are adopted:

ITEM 1. Amend rule 261—1.2(15) as follows:

**261—1.2(15) Definitions.** As used in these rules, unless the context otherwise requires:

“*Authority*” means the economic development authority created in Iowa Code section 15.105.

“*Authority’s Web—site website*” means the information and related content found at <http://www.iowaeconomicdevelopment.com/> [www.iowaeda.com](http://www.iowaeda.com) and may include content at affiliated sites whose content is integrated with that site, including <http://www.traveliowa.com/> [www.traveliowa.com](http://www.traveliowa.com).

“*Board*” means the members of the economic development authority appointed by the governor and in whom the powers of the authority are vested pursuant to Iowa Code section 15.105.

“*Committee*” means a committee established by the board and includes any standing committees established by rule or ad hoc committees created as necessary.

“*Corporation*” or “*HC*” means the Iowa innovation bioscience development corporation created established pursuant to Iowa Code section 15.107.

“*Director*” means the director of the authority or the director’s designee.

ITEM 2. Amend paragraph **1.3(5)“a”** as follows:

a. Meetings of the authority are held at the call of the chairperson or when two members of the board request a meeting. The board generally meets monthly at the authority’s offices ~~located at 200 East Grand Avenue in Des Moines, Iowa.~~ By notice of the regularly published meeting agendas, the board and its committees may hold regular or special meetings at other locations within the state. Meeting agendas are available on the authority’s ~~Web site~~ website.

ITEM 3. Amend subrule 1.4(4) as follows:

**1.4(4) Divisions.** The director may from time to time reorganize the authority into administrative divisions in order to most efficiently and effectively carry out the authority’s responsibilities. This reorganization may include creating new divisions, eliminating existing divisions, or combining divisions as the director deems necessary. ~~Such divisions may include, but are not limited to, the following:~~

- ~~a. Administration division;~~
- ~~b. Business development division;~~
- ~~c. Energy division;~~
- ~~d. Community development division; and~~
- ~~e. Small business division.~~

ITEM 4. Amend subrule 1.4(5) as follows:

**1.4(5) Attachment for administrative purposes; board support.** The staff and employees of the authority provide office space and support to the city development board pursuant to Iowa Code sections 368.9 and 15.108(3)“a”(2). The authority provides administrative support to the ~~vision~~ enhance Iowa board pursuant to Iowa Code section 15F.104.

## ECONOMIC DEVELOPMENT AUTHORITY[261](cont'd)

ITEM 5. Amend rule 261—1.5(15) as follows:

**261—1.5(15) Information.** The general public may obtain information about the Iowa economic development authority by contacting the authority at its offices located at ~~200 East Grand~~ 1963 Bell Avenue, Des Moines, Iowa ~~50309~~ 50315; telephone ~~(515)242-4700~~ (515)348-6200; or through the authority's ~~Web site~~ website.

ITEM 6. Amend subrule 101.2(1) as follows:

**101.2(1) Commercialization.** Commercialization activities include, but are not limited to, administration of the programs described in this part. Additionally, the authority's commercialization activities include the facilitation of technology transfer at Iowa's state universities to the greatest extent possible. Finally, such activities also include coordinating with the Iowa innovation bioscience development corporation established pursuant to Iowa Code section 15.107 to ensure that the goal of public and private sector collaboration is furthered to the greatest extent possible.

ITEM 7. Amend rule 261—106.1(15) as follows:

**261—106.1(15) Authority.** The authority for adopting rules establishing the small business innovation research and technology transfer outreach program under this chapter is provided in ~~2012 Iowa Acts, House File 2473, division II~~ Iowa Code section 15.411.

ITEM 8. Amend rule ~~261—106.3(15)~~, definition of "Corporation," as follows:

"*Corporation*" means the Iowa innovation bioscience development corporation created established pursuant to Iowa Code section 15.107.

ITEM 9. Amend rule 261—108.1(15) as follows:

**261—108.1(15) Authority.** The authority for adopting rules establishing a program to accelerate the development of innovative ideas and businesses by providing assistance for the expansion of the proof of commercial relevance concept, the expansion of applied research, and support for a manufacturing extension partnership program under this chapter is provided in ~~2012 Iowa Acts, House File 2473, division II~~ Iowa Code section 15.411.

ITEM 10. Rescind the definition of "Corporation" in rule ~~261—108.3(15)~~.

ITEM 11. Amend subrule 108.4(2) as follows:

**108.4(2) Program component descriptions and activities.** The program has three primary components: a POOCR component, an applied research component, and an MEP component. ~~The corporation shall be the entity responsible for ensuring that technical and other applicable assistance is provided to applicants and shall also work with the authority on the provision of financial assistance. In working with the authority to provide financial assistance, the corporation shall perform the functions delegated pursuant to subrule 108.4(4).~~

*a.* The POOCR component makes financial assistance available to applicants who undertake projects that commercialize new technologies. The authority, ~~in conjunction with the corporation,~~ will award financial assistance to ~~not more than six applicants each year under the component.~~ The financial assistance will be awarded to innovative businesses that are pursuing the validation of the marketability of a technology. Applicants may submit applications to the authority for assistance under this component. Such applications should describe in detail what technologies the applicant is researching, how the applicant is pursuing commercialization of those technologies, and how the financial assistance will be used to bring the new technologies to market in Iowa.

*b.* The applied research component makes financial assistance available to innovative businesses in order to allow them to better connect university research to their needs and to accelerate the transfer of new technologies to the marketplace. The authority, ~~in conjunction with the corporation,~~ may award financial assistance to university researchers who are attempting to bring their research more in line with market and industrial needs by forming partnerships with innovative businesses. Financial assistance under this component may take the form of grant funds. If grant funds are awarded, the applicant shall



## ECONOMIC DEVELOPMENT AUTHORITY[261](cont'd)

be required to match the amount of grant funds with other moneys at a ratio of one to one. Applicants may submit applications to the authority for assistance under this component. Such applications should describe in detail what activities the applicant will engage in to accelerate the validation of technology for the marketplace.

c. The MEP component makes financial assistance available to service providers that form partnerships with innovative businesses to conduct workshops for the purpose of providing assistance in determining and prioritizing applied research needs based on gaps in productivity or product needs and that offer to broker connections between innovative businesses and the researchers who can perform the necessary applied research. Financial assistance is also available to innovative businesses under this component for product development, design verification, custom equipment development, manufacturing process development, and technology development and commercialization. The authority, ~~in conjunction with the corporation,~~ will award financial assistance to eligible innovative businesses. Applicants may submit applications to the authority for assistance under this component. Such applications should describe in detail the nature of the partnerships being formed, what activities the partnership will undertake, and how such activities will further the goals of this component. Applicants must submit applications for assistance under this component and must describe in detail how the proposed services will expand the applicant's market penetration, create a new product with market relevance, or enhance an existing product by further innovation.

ITEM 12. Amend subrule 108.4(4) as follows:

**108.4(4)** ~~Delegation of certain administrative functions to the corporation.~~ The authority ~~will~~ may delegate certain administrative functions of the program to ~~the corporation~~ a service provider engaged pursuant to Iowa Code section 15.411. The functions that ~~will~~ may be delegated are:

a. The initial application review process, including an analysis of the application and a determination as to whether the applicant meets all requirements of eligibility under the program and a recommendation on the amount of financial assistance to be provided and under what terms and conditions.

b. The tracking and monitoring of the applicant's progress as well as the eventual outcomes achieved as a result of an award. ~~The corporation~~ service provider shall report annually to the authority on the results of the program.

c. The tracking and monitoring of contract terms and conditions for applicants receiving financial assistance under the program.

d. ~~The provision of technical assistance as described in subrule 108.4(2) to applicants.~~

ITEM 13. Amend subrule 108.4(5) as follows:

**108.4(5)** ~~Administrative functions not delegated.~~ The authority will retain, and not delegate, the performance of the following functions: (1) the final determination as to whether to approve, deny, or defer an award of financial assistance; (2) the disbursement of moneys provided for in an award of financial assistance; (3) the final determination as to whether there is a default in the terms of a contract entered into under the program, including all decisions regarding appropriate remedies for such a default; and (4) any other function not clearly delegated to ~~the corporation~~ a service provider pursuant to subrule 108.4(4).

ITEM 14. Amend subrule 108.6(1) as follows:

**108.6(1)** ~~Contract required.~~ An applicant awarded financial assistance under the program shall enter into a contract with the authority for the receipt of such funds. The authority will include in the contract all terms and conditions for receipt of the funds, ~~including any terms recommended by the corporation.~~ The tracking and monitoring of the contract terms ~~will~~ may be delegated to ~~the corporation.~~ The corporation a service provider. A service provider to which the authority delegates tracking and monitoring of contract terms shall provide regular reports to the authority on the progress of the applicant and on the results of

ECONOMIC DEVELOPMENT AUTHORITY[261](cont'd)

the tracking and monitoring. The authority will make the final determination as to compliance with the terms of the contract and as to whether and when to disburse funds to the applicant.

[Filed 5/20/22, effective 7/20/22]

[Published 6/15/22]

EDITOR'S NOTE: For replacement pages for IAC, see IAC Supplement 6/15/22.

**ARC 6353C**

**ENVIRONMENTAL PROTECTION COMMISSION[567]**

**Adopted and Filed**

**Rule making related to floodplain permitting for bridges**

The Environmental Protection Commission (Commission) hereby amends Chapter 72, "Criteria for Approval," Iowa Administrative Code.

*Legal Authority for Rule Making*

This rule making is adopted under the authority provided in Iowa Code sections 455B.275(9), 455B.276(1) and 455B.278(1).

*State or Federal Law Implemented*

This rule making implements, in whole or in part, Iowa Code sections 455B.262, 455B.264(3) and 455B.275.

*Purpose and Summary*

Chapter 72 regulates, among other structures, bridges constructed in a floodplain. Prior to the adoption of this rule making, the permitting rules distinguished between new bridges and replacement bridges. Replacement bridges were not allowed to increase backwater at all, whereas new bridges could cause up to one foot of backwater. Backwater is upstream flooding caused by constricting the flow of water.

A replacement bridge may cause an increase in backwater for justifiable reasons. For instance, backwater may increase when the bridge is redesigned to lessen the likelihood of a road closure during high water events. Preventing high water from overtopping the roadway increases the amount of water flowing under the bridge. This can result in minor (up to several inches) of increased backwater.

Previously, the Department of Natural Resources (Department), on behalf of the Commission, had issued many design waivers permitting a replacement bridge under conditions that were approved by rule for a new bridge. This was burdensome and costly for permittees and time-consuming for staff. The amendment will subject new bridges and replacement bridges to the same standards. This change will prevent the need for waivers in the future.

*Public Comment and Changes to Rule Making*

Notice of Intended Action for this rule making was published in the Iowa Administrative Bulletin on March 23, 2022, as **ARC 6262C**. A public hearing was held on April 12, 2022, at 2 p.m. via video/conference call. No one attended the public hearing. No public comments were received. No changes from the Notice have been made.

*Adoption of Rule Making*

This rule making was adopted by the Commission on May 17, 2022.

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

*Fiscal Impact*

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

*Jobs Impact*

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

*Waivers*

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

*Review by Administrative Rules Review Committee*

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

*Effective Date*

This rule making will become effective on July 20, 2022.

The following rule-making action is adopted:

Amend paragraph **72.1(2)“a”** as follows:

*a. Backwater Q100.*

(1) The maximum allowable Q100 backwater for new bridges and road embankments is 1.0 foot.

~~(2) The maximum allowable Q100 backwater for replacement bridges and roadway embankments is the lesser of the following: Q100 backwater for the existing bridge and road embankment or 1.0 foot.~~

~~(3)~~ (2) For a new bridge and road embankment located within a stream reach for which the Federal Emergency Management Agency has published a detailed Flood Insurance Study which includes a floodway, the backwater for Q100 shall not exceed the surcharge associated with the delineation for the floodway at that location.

(4) (3) In no case shall the Q100 backwater effects of a bridge or road embankment reduce the existing level of protection provided by certain flood control works, unless equivalent remedial measures are provided.

[Filed 5/18/22, effective 7/20/22]

[Published 6/15/22]

EDITOR'S NOTE: For replacement pages for IAC, see IAC Supplement 6/15/22.

**ARC 6352C**

**ENVIRONMENTAL PROTECTION COMMISSION[567]**

**Adopted and Filed**

**Rule making related to cathode ray tube recycling**

The Environmental Protection Commission (Commission) hereby amends Chapter 100, “Scope of Title—Definitions—Forms—Rules of Practice,” rescinds Chapter 122, “Cathode Ray Tube Device Recycling,” and adopts a new Chapter 122, “Cathode Ray Tube Recycling,” Iowa Administrative Code.

*Legal Authority for Rule Making*

This rule making is adopted under the authority provided in Iowa Code section 455D.6(5).

*State or Federal Law Implemented*

This rule making implements, in whole or in part, Iowa Code section 455D.6(5).

*Purpose and Summary*

Chapter 122 regulates the recycling of discarded cathode ray tubes (CRTs).

This rule making reduces and simplifies Iowa’s CRT regulations by focusing on federal regulations found at 40 CFR Parts 260 and 261. The federal rules focus on the proper storage of CRTs and on the tracking of CRT recycling. The revised Chapter 122 will more effectively prevent the speculative accumulation of CRTs compared to Iowa’s current rules. Preventing the unlawful speculative accumulation of CRTs will be more protective of human health and the environment than cleaning up stockpiles after the fact.

Notably, the amendments remove two current state requirements that are unnecessarily burdensome or redundant. First, the revision of the chapter removes the requirement that CRT recyclers carry financial assurance. The chapter’s focus on more detailed tracking and reporting coupled with heightened standards on storage will more effectively prevent any speculative accumulation from occurring, rendering financial assurance unnecessary. Second, the revision removes all requirements related to batteries, circuit boards, mercury-containing components, and polychlorinated biphenyl (PCB) capacitors. These components are not typically found in CRTs and are governed by other federal hazardous and universal waste regulations.

*Public Comment and Changes to Rule Making*

Notice of Intended Action for this rule making was published in the Iowa Administrative Bulletin on March 23, 2022, as **ARC 6261C**. A public hearing was held on April 12, 2022, at 2 p.m. via video/conference call. No one attended the public hearing. No public comments were received. No changes from the Notice have been made.

*Adoption of Rule Making*

This rule making was adopted by the Commission on May 17, 2022.

*Fiscal Impact*

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

*Jobs Impact*

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

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

*Waivers*

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

*Review by Administrative Rules Review Committee*

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

*Effective Date*

This rule making will become effective on July 20, 2022.

The following rule-making actions are adopted:

ITEM 1. Adopt the following **new** definitions of “Cathode ray tube,” “CFR,” “CRT collection,” “CRT collection facility,” “CRT glass,” “CRT recycling,” “CRT recycling facility,” “Discarded” and “Short-term CRT collection event” in rule **567—100.2(455B,455D)**:

“*Cathode ray tube*” or “*CRT*” means a vacuum tube composed primarily of leaded glass which is the visual or video display component of an electronic device. An intact CRT means a CRT whose vacuum has not been released. A broken CRT means glass removed from its housing or casing whose vacuum has been released.

“*CFR*” means Code of Federal Regulations.

“*CRT collection*” means any activity by a CRT recycling facility or CRT collection facility involving the collection of discarded CRTs that is not a short-term CRT collection event.

“*CRT collection facility*” means a property where ongoing CRT collection is the only CRT recycling activity performed.

“*CRT glass*” means any glass generated from CRTs.

“*CRT recycling*” means any process by which discarded CRTs that would otherwise become waste are collected, processed and returned to use in the form of raw materials or products. CRT recycling includes but is not limited to receiving broken or intact CRTs, intentionally breaking intact CRTs or further breaking or separating broken CRTs, and sorting or otherwise managing glass removed from CRT monitors.

“*CRT recycling facility*” means a property where CRT recycling takes place. A CRT recycling facility may also collect CRTs.

“*Discarded*” means no longer to be used for the original intended purpose and means the letting go or throwing away of materials that have become useless or superfluous though often not intrinsically valueless. CRTs that are returned to the original owner are not “discarded.”

“*Short-term CRT collection event*” means any temporary activity involving the collection of discarded CRTs for recycling that is not on the premises of a CRT recycling facility or CRT collection facility.

ITEM 2. Rescind 567—Chapter 122 and adopt the following **new** chapter in lieu thereof:

CHAPTER 122  
CATHODE RAY TUBE RECYCLING

**567—122.1(455D) Purpose.** These rules are intended to satisfy the requirements of Iowa Code section 455D.6(5). The purpose of this chapter is to implement rules for the recycling of discarded CRTs and the

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

disassembly and removal of toxic parts from discarded CRTs in a manner that is safe for human health and the environment.

**567—122.2(455D) Applicability and compliance.** This chapter applies to discarded CRTs that are collected for recycling and to CRT glass processed for recycling. This chapter does not apply to CRTs collected for disposal.

**122.2(1)** This chapter applies to facilities and short-term CRT collection events that perform CRT recycling functions including but not limited to the collection, demanufacturing, and processing of discarded CRTs.

**122.2(2)** This chapter does not apply to CRT reuse activities, CRT service and repair activities or CRT refurbishing activities that do not otherwise qualify as CRT recycling.

**122.2(3)** The issuance of a permit or registration by the department in no way relieves the applicant of the responsibility of complying with all other local, state, or federal statutes, ordinances, and rules or other requirements applicable to the construction, operation, and closure of a CRT collection facility or CRT recycling facility.

**122.2(4)** All discarded CRTs collected for recycling, including those generated by a household, once collected by a CRT collection facility or CRT recycling facility, shall be managed in accordance with 40 CFR 261.39 and this chapter. If there is a conflict, the more stringent regulation applies.

**567—122.3(455D) Definitions.** For the purposes of this chapter, the definitions found in 567—Chapter 100 shall apply.

**567—122.4(455D) Short-term CRT collection events.** All short-term CRT collection events shall be conducted in a manner that complies with this rule. Short-term CRT collection event organizers are not required to register the event as a CRT collection facility.

**122.4(1)** Within one week of collection, all discarded CRTs and CRT glass shall be transported to a properly permitted CRT recycling facility or registered CRT collection facility.

**122.4(2)** During the period between collection and transport, all broken CRTs and CRT glass shall be stored in one of the following ways:

- a. In a fully enclosed building with a roof, floor and walls, or
- b. In a container that is constructed, filled and closed to minimize releases to the environment of CRT glass (including fine solid materials).

**122.4(3)** During the period between collection and transport, intact discarded CRTs shall be stored in one of the following ways:

- a. In a fully enclosed building with a roof, floor and walls, or
- b. In a secure container (e.g., package or vehicle) that is constructed and maintained to minimize breakage of electronic waste and to prevent releases of hazardous materials to the environment.

**567—122.5(455D) Registration for CRT collection facilities.** A CRT collection facility shall register with the department using Form 542-0060.

**122.5(1)** The registration application shall include proof of the applicant's ownership of the property or legal entitlement to use the property for CRT collection. If the facility is leased, the application shall also include a statement, signed by the property owner, stating that the property owner is aware that CRT collection is taking place at the site and that the property owner may be held liable for wastes abandoned at the property.

**122.5(2)** CRT collection facilities registered prior to July 20, 2022, shall submit their first registration renewal by February 1 of the year following the first full calendar year after July 20, 2022. The registration will expire on March 1 of the same year if the renewal is not received, is incomplete, or shows noncompliance with this chapter. In addition to the reporting requirements in rule 567—122.11(455D), the first registration renewal shall include proof of the facility's ownership of the property or legal entitlement to use the property for CRT collection. If the facility is leased, the application shall also include a statement, signed by the property owner, stating that the property owner

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

is aware that CRT collection is taking place at the site and that the property owner may be held liable for wastes abandoned at the site.

**122.5(3)** Registration will expire March 1 of each year if renewal has not been made and approved.

**122.5(4)** Annual registration renewal occurs by complying with the reporting requirements in rule 567—122.11(455D). Once a complete report is received and confirmed complete in writing by the department, the facility's registration will be renewed until March 1 of the following year.

**122.5(5)** The department may deny or revoke CRT collection facility registration if one or more of the following is determined by the department:

- a. The registration application is incomplete.
- b. There is a violation of a requirement of this chapter, including but not limited to failing to submit accurate and timely reports as required in rule 567—122.11(455D).
- c. There is or was a misrepresentation made in obtaining a registration or registration renewal under this chapter.
- d. The registrant fails to correct a condition as agreed to in an agreed order with the department or fails to come into compliance with this chapter within the time frame established in the agreed order.
- e. The permittee has lost legal entitlement to use the property identified in the registration.
- f. Upon notice to the department by the permittee that the permittee no longer wishes to retain the registration for future operation.

**567—122.6(455D) CRT recycling facility permits.**

**122.6(1)** *Permit required.* A CRT recycling facility shall not be operated without a permit from the department.

**122.6(2)** *Notification of change in status.* CRT recycling facilities must notify the department 30 days prior to any significant change of status of the operation, including any change in the ownership or operation of the facility or location of the facility.

**122.6(3)** *Denial or revocation of permit.* The department may deny, revoke, or limit the length of a permit if one or more of the following is determined:

- a. The department has revoked the applicant's previous permit under this chapter.
- b. The application form is incomplete.
- c. There is a violation of a requirement of this chapter or a condition of the permit.
- d. There is a failure to disclose all relevant facts in obtaining a permit under this chapter.
- e. There is a misrepresentation made in obtaining a permit under this chapter.
- f. There is a misrepresentation in the annual report required in rule 567—122.11(455D).
- g. The permittee fails to meet the requirements for a permit.
- h. The permittee fails to correct a condition as agreed to in an agreed order with the department or fails to come into compliance with the permit or this chapter within the time frame established in the agreed order.
- i. The permittee has lost legal entitlement to use the property identified in the permit.
- j. Upon notice to the department by the permittee that the permittee no longer wishes to retain the permit for future operation.

**122.6(4)** *Permit conditions.* The department may place conditions on any permit deemed necessary by the department to ensure compliance with this chapter and to protect human health and the environment.

**122.6(5)** *Effect of revocation.* If a permit held by any public or private agency is revoked by the director, then no new permit shall be issued to that agency for that CRT recycling facility for a period of one year from the date of revocation. Such revocation shall not prohibit the issuance of a permit for the facility to another public or private agency.

**122.6(6)** *Duration and renewal of permits.* A permit shall be issued for the life of the facility, unless otherwise authorized by the department.

**567—122.7(455D) CRT recycling facility permit application requirements.**

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

**122.7(1)** A CRT recycling facility permit applicant shall submit the following permit application information to the department:

- a.* The name, address, and telephone number of:
  - (1) The owner of the site where the project will be located.
  - (2) The permit applicant.
  - (3) The individual responsible for the operation of the project.
  - (4) The agency to be served by the project, if any.
  - (5) The responsible official of the agency to be served, if any.
- b.* The physical location of the facility, and any collection sites if separate from the main facility.
- c.* Proof of the applicant's ownership of the property or legal entitlement to use the property for CRT recycling. If the facility is leased, the applicant shall submit a signed statement from the property owner stating that the property owner is aware that CRT collection or recycling is taking place at the property and that the property owner may be held liable for wastes left at the property.
- d.* Documentation that the facility meets local zoning requirements.
- e.* A brief description of the facility and the CRT processing that will take place.

**122.7(2)** If the department finds the permit application information to be incomplete, it shall notify the applicant of that fact and of the specific deficiencies. If the deficiencies are not corrected within 30 days, the department may deny the application. The applicant may reapply without prejudice.

**567—122.8(455D) Discarded CRT management requirements.** CRT collection facilities and CRT recycling facilities shall manage all discarded CRTs in accordance with 40 CFR 261.39 and 40 CFR 260.43.

**122.8(1)** Discarded CRTs and processed CRT glass shall not be speculatively accumulated pursuant to 40 CFR 261.1(c)(8).

**122.8(2)** Broken CRTs and processed CRT glass shall be stored either:

- a.* In a building with a roof, floor and walls, or
- b.* In a container (e.g., a package or a vehicle) that is constructed, filled, and closed to minimize releases to the environment of CRT glass (including fine solid materials).

**122.8(3)** Intact discarded CRTs shall be stored either:

- a.* In a building with a roof, floor, and walls, or
- b.* In a secure container (e.g., package or vehicle) that is constructed and maintained to minimize breakage of electronic waste and to prevent releases of hazardous materials to the environment.

**122.8(4)** Each container of broken CRTs or CRT glass must be labeled or marked clearly with one of the following phrases: "Used cathode ray tube(s)-contains leaded glass. Do not mix with other glass materials" or "Leaded glass from televisions or computers. Do not mix with other glass materials." Each container shall also be labeled with the first date that material began to be accumulated in the container.

**122.8(5)** Each container or pallet of intact discarded CRTs shall be labeled with the first date that any material began to accumulate in the container or on the pallet.

**122.8(6)** Broken CRTs must be transported in a container meeting the requirements of subrule 122.8(2).

**122.8(7)** CRT collection facilities or CRT recycling facilities that export broken CRTs shall also comply with 40 CFR 261.39(a)(5).

**122.8(8)** All processing of CRTs shall be processed according to 40 CFR 261.39(b).

**122.8(9)** Failure to comply with this rule and the CFR sections referenced is grounds for termination of any permit or registration authorized by this rule.

**567—122.9(455D) Record-keeping requirements for CRT collection facilities.**

**122.9(1)** All CRT collection facilities shall maintain the following records on a calendar-year basis:

- a.* The name and address of the facility receiving a shipment that left the CRT collection facility, and contact information for the receiving facility.
- b.* The type of service the receiving facility will provide to the CRT collection facility.
- c.* A description of the shipment contents.



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

- d.* All bills of lading.
- e.* All hazardous waste manifests.

**122.9(2)** Records must be maintained at the facility, must be submitted to the department upon request, and may be destroyed after three years.

**567—122.10(455D) Record-keeping requirements for CRT recycling facilities.**

**122.10(1)** All CRT recycling facilities shall maintain the following records on a calendar-year basis:

*a.* The total aggregate weight and receipt date of each shipment of discarded CRTs received from businesses, institutions, CRT collection facilities, short-term CRT collection events, and other permitted CRT recycling facilities.

*b.* The name, address, and contact information for shipments reported pursuant to subrule 122.11(1).

*c.* The total aggregate weight and date of each shipment leaving the CRT recycling facility.

*d.* The name and address of the facility receiving a shipment that left the CRT recycling facility, contact information for the receiving facility and a description of the shipment contents including all applicable bills of lading.

*e.* The type of service the receiving facility will provide to the CRT recycling facility.

*f.* All hazardous waste manifests.

**122.10(2)** Records must be maintained at the facility, must be available for review by the department on demand, and may be destroyed after three years.

**567—122.11(455D) Reporting requirements.** CRT collection facilities and CRT recycling facilities shall report the following information on Form 542-8131, provided by the department, to the department by February 1 of each year for the previous calendar year.

**122.11(1)** The amount, either by weight or volume, of discarded CRTs and processed CRT glass on site on January 1.

**122.11(2)** The amount, either by weight or by volume, of discarded CRTs and CRT glass recycled or transferred for recycling during the calendar year.

**122.11(3)** The amount, either by weight or by volume, of discarded CRTs and processed CRT glass on site on December 31.

**122.11(4)** Indication of whether the CRTs received over the past year were generated by households, businesses, or both households and businesses.

**567—122.12(455D) Closure requirements for CRT recycling facilities.** A CRT recycling facility and CRT collection facility shall submit to the department written notice of intent to permanently close at least 60 days before closure. Closure shall not be official until the department field office with jurisdiction over the facility has given written certification of the proper disposal of all solid waste, discarded CRTs, and materials derived from discarded CRTs at the site.

These rules are intended to implement Iowa Code section 455D.6(5).

[Filed 5/18/22, effective 7/20/22]

[Published 6/15/22]

EDITOR'S NOTE: For replacement pages for IAC, see IAC Supplement 6/15/22.

**ARC 6345C**

**HUMAN SERVICES DEPARTMENT[441]**

**Adopted and Filed**

**Rule making related to five-year review of rules**

The Human Services Department hereby amends Chapter 3, "Department Procedure for Rule Making," Iowa Administrative Code.

HUMAN SERVICES DEPARTMENT[441](cont'd)

*Legal Authority for Rule Making*

This rule making is adopted under the authority provided in Iowa Code sections 17A.3 to 17A.7.

*State or Federal Law Implemented*

This rule making implements, in whole or in part, Iowa Code section 17A.3.

*Purpose and Summary*

This rule making is part of the Department's five-year rules review process. This rule making updates information on the current rule-making process, including contact information and electronic availability of rule-making documents. Means of distribution of rule-making documents are changed to reflect the current process of electronic availability instead of distributing documents by mail. Information in the rules that duplicates information already dictated in the Iowa Code and other administrative rules is removed. No changes to the Department's rule-making process are made in this rule making.

*Public Comment and Changes to Rule Making*

Notice of Intended Action for this rule making was published in the Iowa Administrative Bulletin on March 23, 2022, as **ARC 6247C**. No public comments were received. No changes from the Notice have been made.

*Adoption of Rule Making*

This rule making was adopted by the Council on Human Services on May 12, 2022.

*Fiscal Impact*

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

*Jobs Impact*

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

*Waivers*

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

*Review by Administrative Rules Review Committee*

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

*Effective Date*

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

The following rule-making actions are adopted:

ITEM 1. Amend rules 441—3.3(17A) to 441—3.6(17A) as follows:

**441—3.3(17A) Public rule-making docket.**

**3.3(1)** ~~*Docket maintained.*~~ The department shall ~~maintain a current public rule-making docket~~ utilize the electronic public rule-making docket provided by the office of the chief information officer.

HUMAN SERVICES DEPARTMENT[441](cont'd)

~~3.3(2) Anticipated rule making. Rescinded IAB 3/6/02, effective 5/1/02.~~

~~3.3(3) Pending rule-making proceedings. The rule-making docket shall list each pending rule-making proceeding. A rule-making proceeding is pending from the time it is commenced, by publication in the Iowa Administrative Bulletin of a Notice of Intended Action pursuant to Iowa Code section 17A.4(1)“a,” to the time it is terminated, by publication of a Notice of Termination in the Iowa Administrative Bulletin or the rule’s becoming effective. For each rule-making proceeding, the docket shall indicate:~~

- ~~a. The subject matter of the proposed rule.~~
- ~~b. A citation to all published notices relating to the proceeding.~~
- ~~c. Where written submissions on the proposed rule may be inspected.~~
- ~~d. The time during which written submissions may be made.~~
- ~~e. The names of persons who have made written requests for an opportunity to make oral presentations on the proposed rule, where those requests may be inspected, and where and when oral presentations may be made.~~
- ~~f. Whether a written request for the issuance of a regulatory analysis or a concise statement of reasons has been filed, whether such an analysis or statement or a fiscal impact statement has been issued, and where any such written request, analysis, or statement may be inspected.~~
- ~~g. The current status of the proposed rule and any department determinations with respect thereto.~~
- ~~h. Any known timetable for department decisions or other action in the proceeding.~~
- ~~i. The date of the rule’s adoption.~~
- ~~j. The date of the rule’s filing, indexing, and publication.~~
- ~~k. The date on which the rule will become effective.~~
- ~~l. Where the rule-making record may be inspected.~~

#### **441—3.4(17A) Notice of proposed rule making.**

**3.4(1)** No change.

~~3.4(2) Copies of notices by mail. Persons desiring to receive copies of future Notices of Intended Action by subscription shall complete Form 470-2250, Notice Subscription, which is available from the Office of Policy Analysis, Department of Human Services, Hoover State Office Building, 1305 East Walnut, Des Moines, Iowa 50319-0114, indicating the name and address to which the notices shall be sent. Persons may subscribe to all notices of the department, or only to notices pertaining to the service, income maintenance, or medical programs. Within seven days after submission of a Notice of Intended Action to the administrative rules coordinator for publication in the Iowa Administrative Bulletin, the department shall mail a copy of the notice to subscribers who have completed Form 470-2250 and paid the subscription price. The subscription price includes the cost of labor and supplies for copying and mailing of the notices. At the end of each calendar year, subscribers will be sent Form 470-2250 to complete if they wish to continue on the mailing list. All Notices of Intended Action are published on the legislative services agency website and are available for download at [www.legis.iowa.gov/law/administrativeRules/bulletinSupplementListings](http://www.legis.iowa.gov/law/administrativeRules/bulletinSupplementListings).~~

~~3.4(3) Subscription to Web site. Persons desiring to receive a weekly memo via E-mail listing new rules under proposal by the department shall go to the department’s Web site at <http://www.dhs.state.ia.us/policyanalysis/> to subscribe or E-mail the department’s rules administrator at [policyanalysis@dhs.state.ia.us](mailto:policyanalysis@dhs.state.ia.us) indicating the E-mail address to which the memo shall be sent. This service shall be available without charge.~~

#### **441—3.5(17A) Public participation.**

**3.5(1) Written comments.** For at least 20 days after publication of the Notice of Intended Action, persons may submit argument, data, and views, in writing or via electronic transmission, on the proposed rule. These submissions should identify the proposed rule to which they relate and should be submitted to the Office Bureau of Policy Analysis, Department of Human Services, Hoover State Office Building, Fifth Floor, 1305 East Walnut, Des Moines, Iowa 50319-0114, or to the department’s rules administrator at [policyanalysis@dhs.state.ia.us](mailto:policyanalysis@dhs.state.ia.us) [appeals@dhs.state.ia.us](mailto:appeals@dhs.state.ia.us). Persons may also submit written comments

HUMAN SERVICES DEPARTMENT[441](cont'd)

on a Notice of Intended Action at the website [rules.iowa.gov](http://rules.iowa.gov), which lists all Notices of Intended Action that are open for public comment.

**3.5(2) Oral proceedings.** The department may, at any time, schedule an oral proceeding on a proposed rule. The department shall schedule an oral proceeding on a proposed rule if, within 20 days after the published Notice of Intended Action, a written request for an opportunity to make oral presentations is submitted to the department by the administrative rules review committee, a governmental subdivision, a state agency, an association having not less than 25 members, or at least 25 persons. That request must also contain the following additional information:

1. A request by one or more individual persons must be signed by each of them and include the address and telephone number of each of them.

2. A request by an association must be signed by an officer or designee of the association and must contain a statement that the association has at least 25 members and the address and telephone number of the person signing that request.

3. A request by a state agency or governmental subdivision must be signed by an official having authority to act on behalf of the entity and must contain the address and telephone number of the person signing that request.

The department may waive technical compliance with these procedures.

~~Oral proceedings scheduled by the department regarding rules directly affecting indigent clients shall be held in each of the service areas defined in rule 441—1.4(17A).~~

~~In the case of rules not directly affecting indigent clients, the~~ The department shall determine for each rule for which oral proceedings are scheduled whether it will be necessary to hold presentations in all eight locations the number of locations at which hearings will be held throughout the state, if needed. Anyone may object to the department's decision prior to the date of the proceedings by writing the same addressee specified in the Notice of Intended Action for receiving written data, views, or arguments. The department shall review the adequacy of the number of locations in light of the comments received.

**3.5(3) and 3.5(4)** No change.

**3.5(5) Accessibility.** The department shall schedule oral proceedings in rooms accessible to and functional for persons with physical disabilities. Persons who have special requirements should contact the ~~office of policy analysis at (515)281-8440~~ Bureau of Policy Analysis, Department of Human Services, at [appeals@dhs.state.ia.us](mailto:appeals@dhs.state.ia.us) in advance to arrange access or other needed services.

#### **441—3.6(17A) Regulatory analysis.**

**3.6(1) Definition of small business.** A “small business” is defined in Iowa Code section 17A.4A(7).

~~**3.6(2) Distribution list.** Small businesses or organizations of small businesses may be registered on the department's small business impact list by making a written application addressed to the Office of Policy Analysis, Department of Human Services, Hoover State Office Building, 1305 East Walnut, Des Moines, Iowa 50319-0114. The application for registration shall state:~~

~~a. The name of the small business or organization of small businesses;~~

~~b. Its address;~~

~~c. The name of a person authorized to transact business for the applicant;~~

~~d. A description of the applicant's business or organization. An organization representing 25 or more persons who qualify as a small business shall indicate that fact.~~

~~e. Whether the registrant desires copies of Notices of Intended Action at cost or desires advance notice of the subject of all or some specific category of proposed rule making affecting small business.~~

~~The department may at any time request additional information from the applicant to determine whether the applicant is qualified as a small business or as an organization of 25 or more small businesses. The department may periodically send a letter to each registered small business or organization of small businesses asking whether that business or organization wishes to remain on the registration list. The name of a small business or organization of small businesses shall be removed from the list if a negative response is received, or if no response is received within 30 days after the letter is sent.~~

**3.6(3) Time of distribution.** Within seven days after submission of a Notice of Intended Action to the administrative rules coordinator for publication in the Iowa Administrative Bulletin, the department

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

~~shall mail to all registered small businesses or organizations of small businesses, in accordance with their request, either a copy of the Notice of Intended Action or notice of the subject of that proposed rule making. In the case of a rule that may have an impact on small business adopted in reliance upon Iowa Code section 17A.4(2), the department shall mail notice of the adopted rule to registered businesses or organizations prior to the time the adopted rule is published in the Iowa Administrative Bulletin.~~

~~3.6(4)~~ **3.6(2)** *Qualified requestors for regulatory analysis—economic impact.* The department shall issue a regulatory analysis of a proposed rule that conforms to the requirements of Iowa Code section 17A.4A(2) “a” after a proper request from:

- a. The administrative rules coordinator.
- b. The administrative rules review committee.

~~3.6(5)~~ **3.6(3)** *Qualified requestors for regulatory analysis—business impact.* The department shall issue a regulatory analysis of a proposed rule that conforms to the requirements of Iowa Code section 17A.4A(2) “b” after a proper request from:

- a. The administrative rules review committee.
- b. The administrative rules coordinator.
- c. At least 25 or more persons who sign the request provided that each represents a different small business.

- d. An organization representing at least 25 small businesses. That organization shall list the name, address and telephone number of not less than 25 small businesses it represents.

~~3.6(6)~~ **3.6(4)** *Time period for analysis.* Upon receipt of a timely request for a regulatory analysis, the agency shall adhere to the time lines described in Iowa Code section 17A.4A(4).

~~3.6(7)~~ **3.6(5)** *Contents of request.* A request for a regulatory analysis is made when it is mailed, emailed, or delivered to the department. The request shall be in writing and satisfy the requirements of Iowa Code section 17A.4A(1).

~~3.6(8)~~ **3.6(6)** *Contents of concise summary.* The contents of the concise summary shall conform to the requirements of Iowa Code sections 17A.4A(4) and (5).

~~3.6(9)~~ **3.6(7)** *Publication of a concise summary.* The department shall make available to the maximum extent feasible, copies of the published summary ~~in conformance with Iowa Code section 17A.4A(5)~~ on the department’s website.

~~3.6(10)~~ **3.6(8)** *Regulatory analysis contents—rules review committee or rules coordinator.* When a regulatory analysis is issued in response to a written request from the administrative rules review committee or the administrative rules coordinator, the regulatory analysis shall conform to the requirements of Iowa Code section 17A.4A(2) “a,” unless a written request expressly waives one or more of the items listed therein.

~~3.6(11)~~ **3.6(9)** *Regulatory analysis contents—substantial impact on small business.* When a regulatory analysis is issued in response to a written request from the administrative rules review committee, the administrative rules coordinator, at least 25 persons signing that request who each qualify as a small business or by an organization representing at least 25 small businesses, the regulatory analysis shall conform to the requirements of Iowa Code section 17A.4A(2) “b.”

ITEM 2. Rescind rule ~~441—3.10(17A)~~.

ITEM 3. Renumber rules ~~441—3.11(17A) to 441—3.16(17A)~~ as ~~441—3.10(17A)~~ to ~~441—3.15(17A)~~.

ITEM 4. Amend renumbered rules 441—3.10(17A) to 441—3.12(17A) as follows:

**441—3.10(17A) Concise statement of reasons.**

**3.10(1)** *General.* When requested by a person, either prior to the adoption of a rule or within 30 days after its publication in the Iowa Administrative Bulletin as an adopted rule, the department shall issue a concise statement of reasons for the rule. Requests for such a statement must be in writing and be delivered to the ~~Office~~ Bureau of Policy Analysis, Department of Human Services, Fifth Floor, Hoover State Office Building, 1305 East Walnut, Des Moines, Iowa 50319-0114. Requests may also be sent via

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email to [appeals@dhs.state.ia.us](mailto:appeals@dhs.state.ia.us). The request should indicate whether the statement is sought for all or only a specified part of the rule. Requests shall be considered made on the date received.

**3.10(2) and 3.10(3)** No change.

**441—3.11(17A) Contents, style, and form of rule.**

**3.11(1) Contents.** Each rule adopted by the department shall contain the text of the rule and, in addition:

- a.*—The date the department adopted the rule;
- b.*—A brief explanation of the principal reasons for the rule-making action if the reasons are required by Iowa Code section 17A.4(1)“b,” or the department in its discretion decides to include the reasons;
- c.*—A reference to all rules repealed, amended, or suspended by the rule;
- d.*—A reference to the specific statutory or other authority authorizing adoption of the rule;
- e.*—Any findings required by any provision of law as a prerequisite to adoption or effectiveness of the rule;
- f.*—A brief explanation of the principal reasons for the failure to provide for waivers to the rule if no waiver provision is included and a brief explanation of any waiver or special exceptions provided in the rule if the reasons are required by Iowa Code section 17A.4(1)“b,” or the department in its discretion decides to include the reasons; and
- g.*—The effective date of the rule.

**3.11(2) References to materials not published in full.** When the administrative code editor decides to omit the full text of a proposed or adopted rule because publication of the full text would be unduly cumbersome, expensive, or otherwise inexpedient, the department shall prepare and submit to the administrative code editor for inclusion in the Iowa Administrative Bulletin and Iowa Administrative Code a summary statement describing the specific subject matter of the omitted material. This summary statement shall include the title and a brief description sufficient to inform the public of the specific nature and subject matter of the proposed or adopted rules and of significant issues involved in these rules. The summary statement shall also describe how a copy of the full text of the proposed or adopted rule, including any unpublished matter and any matter incorporated by reference, may be obtained from the department. The department shall provide a copy of that full text at actual cost upon request and shall make copies of the full text available for review either electronically or at the State Law Library.

At the request of the administrative code editor, the department shall provide a proposed statement explaining why publication of the full text would be unduly cumbersome, expensive, or otherwise inexpedient.

**3.11(3) Style and form.** In preparing its rules, the department shall follow the uniform numbering system, form, and style prescribed by the administrative rules coordinator.

**441—3.12(17A) Department rule-making record.**

**3.12(1) Requirement.** The department shall maintain an official rule-making record for each rule it proposes by publication in the Iowa Administrative Bulletin of a Notice of Intended Action, or adopts. The rule-making record and materials incorporated by reference shall be available for public inspection. The legislative services agency maintains an official rule-making record of each rule the department proposes or adopts on the legislative services agency website at [www.legis.iowa.gov/law/administrativeRules/bulletinSupplementListings](http://www.legis.iowa.gov/law/administrativeRules/bulletinSupplementListings).

**3.12(2) Contents.** The department rule-making record shall contain:

- a.*—Copies of or citations to all publications in the Iowa Administrative Bulletin with respect to the rule or the proceeding upon which the rule is based and any file-stamped copies of department submissions to the administrative rules coordinator concerning that rule or the proceeding upon which it is based;
- b.*—Copies of Form 470-0096, Rule Log, containing dates of actions and Iowa Administrative Bulletin references relating to the rule or the proceeding upon which the rule is based;
- c.*—All written petitions, requests, and submissions received by the department, and all other written materials of a factual nature as distinguished from opinion that are relevant to the merits of the rule and

HUMAN SERVICES DEPARTMENT[441](cont'd)

that were created or compiled by the department and considered by the council of human services, mental health and developmental disabilities commission, or HAWK-I board in connection with the formulation, proposal, or adoption of the rule or the proceeding upon which the rule is based, except to the extent the department is authorized by law to keep them confidential; provided, however, that when any materials are deleted because they are authorized by law to be kept confidential, the department shall identify in the record the particular materials deleted and state the reasons for that deletion;

*d.*— Any official transcript of oral presentations made in the proceeding upon which the rule is based or, if not transcribed, the stenographic record or electronic recording of those presentations, and any memorandum prepared by a presiding officer summarizing the contents of those presentations;

*e.*— A copy of any regulatory analysis or fiscal impact statement prepared for the proceeding upon which the rule is based;

*f.*— A copy of the rule and any concise statement of reasons prepared for that rule;

*g.*— All petitions for amendment or repeal or suspension of the rule;

*h.*— A copy of any objection to the issuance of that rule without public notice and participation that was filed pursuant to Iowa Code section 17A.4(2) by the administrative rules review committee, the governor, or the attorney general;

*i.*— A copy of any objection to the rule filed by the administrative rules review committee, the governor, or the attorney general pursuant to Iowa Code subsection 17A.4(4), and any department response to that objection;

*j.*— A copy of any significant written criticism of the rule, including a summary of any requests for an exception to policy for the rule; and

*k.*— A copy of any executive order concerning the rule.

~~3.12(3) *Effect of record.* Except as otherwise required by a provision of law, the department rule-making record required by this rule need not constitute the exclusive basis for department action on that rule.~~

~~3.12(4) *Maintenance of record.* The department shall maintain the rule-making record for a period of not less than five years from the later of the date the rule to which it pertains became effective or the date of the Notice of Intended Action.~~

[Filed 5/13/22, effective 8/1/22]

[Published 6/15/22]

EDITOR'S NOTE: For replacement pages for IAC, see IAC Supplement 6/15/22.

**ARC 6347C**

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

### **Adopted and Filed**

#### **Rule making related to five-year review of rules**

The Human Services Department hereby amends Chapter 4, "Petitions for Rule Making," Iowa Administrative Code.

#### *Legal Authority for Rule Making*

This rule making is adopted under the authority provided in Iowa Code sections 17A.3, 17A.4, 17A.5, 17A.6 and 17A.7.

#### *State or Federal Law Implemented*

This rule making implements, in whole or in part, Iowa Code section 17A.3.

HUMAN SERVICES DEPARTMENT[441](cont'd)

*Purpose and Summary*

This rule making is part of the Department's five-year rules review process. This rule making makes changes to contact information and nonsubstantive changes to verbiage for consistency throughout the agency's rules.

*Public Comment and Changes to Rule Making*

Notice of Intended Action for this rule making was published in the Iowa Administrative Bulletin on March 23, 2022, as **ARC 6252C**. No public comments were received. No changes from the Notice have been made.

*Adoption of Rule Making*

This rule making was adopted by the Council on Human Services on May 12, 2022.

*Fiscal Impact*

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

*Jobs Impact*

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

*Waivers*

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

*Review by Administrative Rules Review Committee*

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

*Effective Date*

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

The following rule-making actions are adopted:

ITEM 1. Amend rule 441—4.1(17A) as follows:

**441—4.1(17A) Petition for rule making.** Any person or state agency may file a petition for rule making with the department at the ~~Office~~ Bureau of Policy Analysis, Department of Human Services, Hoover State Office Building, Fifth Floor, 1305 East Walnut, Des Moines, Iowa 50319-0114, or at [appeals@dhs.state.ia.us](mailto:appeals@dhs.state.ia.us). ~~A petition is deemed filed when it is received by that office.~~ The date of receipt of a petition is the day it reaches the department's rules administrator. The department ~~must~~ shall provide the petitioner with a file-stamped copy of the petition if the petitioner provides the department an extra copy for this purpose. The petition ~~must~~ shall be typewritten or legibly handwritten in ink and ~~must~~ shall substantially conform to the following form:



HUMAN SERVICES DEPARTMENT[441](cont'd)

BEFORE THE DEPARTMENT OF HUMAN SERVICES

Petition by (Name of Petitioner) for the (adoption, amendment, or repeal) of rules relating to (state subject matter).	}	PETITION FOR RULE MAKING
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The petition ~~must~~ shall provide the following information:

1. A statement of the specific rule-making action sought by the petitioner including the text or a summary of the contents of the proposed rule or amendment to a rule and, if it is a petition to amend or repeal a rule, a citation and the relevant language to the particular portion or portions of the rule proposed to be amended or repealed.
2. A citation to any law deemed relevant to the department’s authority to take the action urged or to the desirability of that action.
3. A brief summary of petitioner’s arguments in support of the action urged in the petition.
4. A brief summary of any data supporting the action urged in the petition.
5. The names and addresses of other persons, or a description of any class of persons, known by petitioner to be affected by, or interested in, the proposed action which is the subject of the petition.
6. Any request by petitioner for a meeting provided for by subrule 4.4(1).

**4.1(1)** The petition ~~must~~ shall be dated and signed by the petitioner or the petitioner’s representative. It ~~must~~ shall also include the name, mailing address, and telephone number of the petitioner and petitioner’s representative, and a statement indicating the person to whom communications concerning the petition should be directed.

**4.1(2)** The department may deny a petition because it does not substantially conform to the required form.

ITEM 2. Amend rule 441—4.3(17A) as follows:

**441—4.3(17A) Inquiries.** Inquiries concerning the status of a petition for rule making may be made to Rules Administrator, ~~Office~~ Bureau of Policy Analysis, Department of Human Services, Hoover State Office Building, Fifth Floor, 1305 East Walnut, Des Moines, Iowa 50319-0114 or at [appeals@dhs.state.ia.us](mailto:appeals@dhs.state.ia.us).

[Filed 5/13/22, effective 8/1/22]

[Published 6/15/22]

EDITOR’S NOTE: For replacement pages for IAC, see IAC Supplement 6/15/22.

**ARC 6346C**

**HUMAN SERVICES DEPARTMENT[441]**

**Adopted and Filed**

**Rule making related to payment of employees’ small claims**

The Human Services Department hereby amends Chapter 8, “Payment of Small Claims,” Iowa Administrative Code.

*Legal Authority for Rule Making*

This rule making is adopted under the authority provided in Iowa Code sections 217.6 and 217.23.

*State or Federal Law Implemented*

This rule making implements, in whole or in part, Iowa Code sections 217.6 and 217.23.

HUMAN SERVICES DEPARTMENT[441](cont'd)

*Purpose and Summary*

When a Department employee's personal items are damaged or destroyed during the employee's tour of duty, the Department may reimburse the employee for repair or replacement of the items. Claims that are approved are to be paid from the Department's support allocation and cannot exceed \$300 per item.

The Department has been authorizing \$300 payments in compliance with Iowa Code section 217.23 since the Iowa Code change went into effect. This amendment brings the rules into compliance with Iowa Code section 217.23 by changing "\$150" to "\$300" and is part of the five-year rules review process.

*Public Comment and Changes to Rule Making*

Notice of Intended Action for this rule making was published in the Iowa Administrative Bulletin on March 23, 2022, as **ARC 6251C**. No public comments were received. No changes from the Notice have been made.

*Adoption of Rule Making*

This rule making was adopted by the Council on Human Services on May 12, 2022.

*Fiscal Impact*

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

*Jobs Impact*

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

*Waivers*

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

*Review by Administrative Rules Review Committee*

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

*Effective Date*

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

The following rule-making action is adopted:

Amend subrule 8.1(4) as follows:

**8.1(4)** Claims which are approved for payment shall be paid from the support allocation of the department and shall not exceed ~~\$150~~ \$300 per item.

[Filed 5/13/22, effective 8/1/22]

[Published 6/15/22]

EDITOR'S NOTE: For replacement pages for IAC, see IAC Supplement 6/15/22.

**ARC 6348C****HUMAN SERVICES DEPARTMENT[441]****Adopted and Filed****Rule making related to offset of county debts owed department**

The Human Services Department (Department) hereby amends Chapter 14, “Offset of County Debts Owed Department,” Iowa Administrative Code.

*Legal Authority for Rule Making*

This rule making is adopted under the authority provided in Iowa Code sections 217.6 and 234.6.

*State or Federal Law Implemented*

This rule making implements, in whole or in part, Iowa Code sections 217.6 and 234.6.

*Purpose and Summary*

The Department is eliminating Chapter 14 in its entirety. The process for offsets of debts owed to state agencies in this chapter is duplicative of the requirements in 11—Chapter 40 and the setoff procedures in Iowa Code section 8A.504. Because the Department of Administrative Services has established a process by which state agencies can participate in the offset program by identifying debtors who owe liabilities to that agency and offsetting those liabilities against claims owed to debtors by agencies, this chapter is no longer necessary.

*Public Comment and Changes to Rule Making*

Notice of Intended Action for this rule making was published in the Iowa Administrative Bulletin on March 23, 2022, as **ARC 6253C**. No public comments were received. No changes from the Notice have been made.

*Adoption of Rule Making*

This rule making was adopted by the Council on Human Services on May 12, 2022.

*Fiscal Impact*

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

*Jobs Impact*

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

*Waivers*

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

*Review by Administrative Rules Review Committee*

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

HUMAN SERVICES DEPARTMENT[441](cont'd)

*Effective Date*

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

The following rule-making action is adopted:

Rescind and reserve **441—Chapter 14**.

[Filed 5/13/22, effective 8/1/22]

[Published 6/15/22]

EDITOR'S NOTE: For replacement pages for IAC, see IAC Supplement 6/15/22.

**ARC 6349C**

**HUMAN SERVICES DEPARTMENT[441]**

**Adopted and Filed**

**Rule making related to mental health institutes and resource centers**

The Human Services Department hereby amends Chapter 28, "Policies for Mental Health Institutes and Resource Centers," Iowa Administrative Code.

*Legal Authority for Rule Making*

This rule making is adopted under the authority provided in Iowa Code sections 218.4 and 222.6.

*State or Federal Law Implemented*

This rule making implements, in whole or in part, Iowa Code sections 218.4 and 222.6.

*Purpose and Summary*

The Department is updating rules in Chapter 28 to align with current practices and eliminate outdated terminology. This is part of the Department's five-year rules review process required under Iowa Code section 17A.7(2).

*Public Comment and Changes to Rule Making*

Notice of Intended Action for this rule making was published in the Iowa Administrative Bulletin on March 9, 2022, as **ARC 6232C**. No public comments were received. No changes from the Notice have been made.

*Adoption of Rule Making*

This rule making was adopted by the Council on Human Services on May 12, 2022.

*Fiscal Impact*

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

*Jobs Impact*

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

*Waivers*

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

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

*Review by Administrative Rules Review Committee*

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

*Effective Date*

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

The following rule-making actions are adopted:

ITEM 1. Amend rule **441—28.1(218)**, definitions of “Catchment area,” “Informed consent” and “Superintendent,” as follows:

“*Catchment area*” means the group of counties, designated by the division administrator, that each ~~mental health institute or state resource center~~ is assigned to serve.

“*Informed consent*” means an agreement by an individual or by the individual’s parent, guardian, or legal representative to participate in an activity based upon an understanding of all of the following:

1. A full explanation of the procedures to be followed, including an identification of those that are experimental.
2. A description of the ~~attendant~~ discomforts and risks.
3. A description of the benefits to be expected.
4. A disclosure of appropriate alternative procedures that would be advantageous for the individual.
5. Assurance that consent is given freely and voluntarily without fear of retribution or withdrawal of services.

“*Superintendent*” means the superintendent of any of the ~~four~~ two mental health institutes and the two state resource centers.

ITEM 2. Rescind the definitions of “Central point of coordination process,” “Family contact” and “Official designated agent” in rule **441—28.1(218)**.

ITEM 3. Amend rule 441—28.2(218,222) as follows:

**441—28.2(218,222) Selection of facility.** Application for voluntary admission to a resource center shall be made to the facility in the catchment area within which the individual for whom admission is sought has a county of residence. The individual may be admitted to a state resource center in another catchment area if that facility has a more suitable opening.

~~**28.2(1)** Application for voluntary admission to a state mental health institute or resource center shall be made to the facility in the catchment area, as defined in rule 441—29.1(218) or 441—30.1(218,222), within which the individual for whom admission is sought has a county of residence.~~

~~**28.2(2)** Court commitment of an individual shall be made:~~

- ~~a. To the facility in the catchment area, as defined in rule 441—29.1(218) or 441—30.1(218,222), within which the individual who is being committed has a county of residence; or~~
- ~~b. As designated by the division administrator.~~

~~**28.2(3)** The division administrator shall consider granting exceptions to the established catchment areas when requested by the individual seeking a voluntary admission or by the committing court. The division administrator’s decision shall be made within 48 hours of receipt of the request. The decision shall be based on:~~

- ~~a. The clinical needs of the individual;~~
- ~~b. The availability of appropriate program services;~~
- ~~c. Available bed space within the program at the requested facility; and~~

HUMAN SERVICES DEPARTMENT[441](cont'd)

~~d. The consent of the superintendents of both facilities involved.~~

This rule is intended to implement Iowa Code sections 218.19, and 218.20, and 222.6.

ITEM 4. Adopt the following **new** implementation sentence in rule **441—28.7(218)**:

This rule is intended to implement Iowa Code chapter 218.

[Filed 5/13/22, effective 8/1/22]

[Published 6/15/22]

EDITOR'S NOTE: For replacement pages for IAC, see IAC Supplement 6/15/22.

**ARC 6350C**

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

**Adopted and Filed**

### **Rule making related to funding for local services**

The Human Services Department hereby amends Chapter 153, "Funding for Local Services," Iowa Administrative Code.

#### *Legal Authority for Rule Making*

This rule making is adopted under the authority provided in Iowa Code chapter 232 and sections 217.6 and 234.6.

#### *State or Federal Law Implemented*

This rule making implements, in whole or in part, Iowa Code chapter 232 and sections 217.6 and 234.6.

#### *Purpose and Summary*

This rule making is part of the Department's five-year rules review process. Changes in Division I set the requirements for developing a social services block grant preexpenditure report. This rule making adds references to the intended use plan, which is always done in tandem with the social services block grant preexpenditure report. The proposed report and intended use plan need to be available for public review and comment for a minimum of ten days instead of two weeks. Changes in Division II update the number of the Department's service areas from eight to six and update the name of Community Empowerment to Early Childhood Iowa. Division IV is rescinded because the program no longer exists and Iowa Code section 331.440, which authorized the program, has been repealed.

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

Notice of Intended Action for this rule making was published in the Iowa Administrative Bulletin on March 23, 2022, as **ARC 6250C**. No public comments were received. No changes from the Notice have been made.

#### *Adoption of Rule Making*

This rule making was adopted by the Council on Human Services on May 12, 2022.

#### *Fiscal Impact*

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

#### *Jobs Impact*

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

HUMAN SERVICES DEPARTMENT[441](cont'd)

*Waivers*

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

*Review by Administrative Rules Review Committee*

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

*Effective Date*

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

The following rule-making actions are adopted:

ITEM 1. Amend rule 441—153.2(234) as follows:

**441—153.2(234) Development of preexpenditure report and intended use plan.**

**153.2(1)** The department of human services shall develop the social services block grant preexpenditure report and intended use plan on an annual basis. The report and plan shall be developed in accordance with the Code of Federal Regulations, Title 45, Part 96, Subpart G, as amended to ~~July 20, 2000~~ December 8, 2021. The report and plan shall describe the services to be funded, in what areas services are available and the amount of funding available. The plan shall also indicate the source of funding.

**153.2(2)** The department shall issue a proposed preexpenditure report and intended use plan before publication of the final report and plan. The proposed report and plan shall be available for public review and comment:

*a.* In each local office where a service area manager is based during regular business hours for a ~~two-week~~ ten-day period; and

*b.* On the department's Internet ~~Web site~~ website, [www.dhs.iowa.gov](http://www.dhs.iowa.gov).

**153.2(3)** The time and scope of public review will be announced each year. The announcement will indicate the time the proposed report and plan can be viewed. The department:

*a.* Shall make this information available on the department's Internet ~~Web site~~ website, [www.dhs.iowa.gov](http://www.dhs.iowa.gov), and post signs in each local human services office; and

*b.* May publish advertisements in each service area listing the time of review.

**153.2(4)** The department shall accept comments about the preexpenditure report and intended use plan during the specified public review and comment period. Individuals or groups may submit written comments to the service area manager or to the Division of Fiscal Management, Iowa Department of Human Services, Hoover State Office Building, 1305 E. Walnut Street, Des Moines, Iowa 50319-0114. The service area manager may arrange public hearings where testimony will be accepted.

**153.2(5)** The department shall consider the public comment when developing the final preexpenditure report and intended use plan.

**153.2(6)** A copy of the final preexpenditure report and intended use plan will be available:

*a.* In each local office where a service area manager is based; and

*b.* On the department's Internet ~~Web site~~ website, [www.dhs.iowa.gov](http://www.dhs.iowa.gov).

ITEM 2. Amend rule 441—153.3(234) as follows:

**441—153.3(234) Amendment to preexpenditure report and intended use plan.**

HUMAN SERVICES DEPARTMENT[441](cont'd)

**153.3(1)** The preexpenditure report and intended use plan may be amended throughout the year. The department may file an amendment changing the kind, scope or duration of a service. Decisions to change a direct service or state purchase service will be made by the department.

Prior to filing an amendment, the department ~~and the county boards of supervisors~~ will evaluate available funds and the effect any change will have on clients.

**153.3(2)** An amendment in the preexpenditure report and intended use plan will be posted in the local offices affected by the amendment at least 30 days prior to the effective date of the change. However, in the event funding for the service has been exhausted, an amendment shall be posted immediately notifying the public that the service will no longer be available. The service area manager will, whenever possible, give advance notice of a service termination made necessary because funds have been exhausted. When a service is added or extended, an amendment may be posted immediately and a 30-day posting period is not required.

**153.3(3) and 153.3(4)** No change.

ITEM 3. Amend subrule 153.5(2) as follows:

**153.5(2)** Funding for services shall be allocated in accordance with the annual budgeting process. The department's annual budget is available for review on the department's Internet ~~Web site~~ website at [www.dhs.iowa.gov](http://www.dhs.iowa.gov). Costs may be shifted in and between service areas to ensure continued statewide availability of services.

ITEM 4. Amend rule ~~441—153.11(232)~~, definitions of “Decategorization agreement” and “Service area manager,” as follows:

“*Decategorization agreement*” means the agreement entered into among representatives of the department of human services, juvenile court services, and the county government in one or more counties to implement a decategorization project in accordance with the requirements of Iowa Code ~~Supplement~~ section 232.188 and this division.

“*Service area manager*” means the department official responsible for managing the department's programs, operations, and child welfare budget within one of the ~~eight~~ six department service areas. The centralized service area does not utilize decategorization services.

ITEM 5. Amend rule ~~441—153.12(232)~~, introductory paragraph, as follows:

**441—153.12(232) Implementation requirements.** The decategorization initiative shall be implemented through the creation and operation of decategorization projects in department service areas that utilize decategorization services. One or more counties may jointly agree to form a decategorization project to implement the initiative. The decategorization initiative shall be implemented in accordance with the following requirements:

ITEM 6. Amend subparagraph **153.13(5)“b”(2)** as follows:

(2) ~~Community empowerment~~ Early childhood Iowa;

ITEM 7. Amend subrule 153.18(2) as follows:

**153.18(2) Submission of plan.** The decategorization services plan shall be submitted to the department's child welfare administrator and to the early childhood Iowa empowerment state board by October 1 of each state fiscal year.

ITEM 8. Amend subrule 153.19(2) as follows:

**153.19(2) Submission of report.** The progress report shall be submitted to the department's child welfare administrator and to the early childhood Iowa empowerment state board by December 1 of each state fiscal year.

ITEM 9. Amend ~~441—Chapter 153~~, Division II implementation sentence, as follows:

These rules are intended to implement Iowa Code ~~Supplement~~ section 232.188.



HUMAN SERVICES DEPARTMENT[441](cont'd)

- ITEM 10. Rescind **441—Chapter 153** Division IV preamble.
- ITEM 11. Rescind rules **441—153.51(331)** to **441—153.58(331)**.
- ITEM 12. Rescind **441—Chapter 153** Division IV implementation sentence.

[Filed 5/13/22, effective 8/1/22]

[Published 6/15/22]

EDITOR'S NOTE: For replacement pages for IAC, see IAC Supplement 6/15/22.

**ARC 6351C**

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

**Adopted and Filed**

### **Rule making related to five-year review of rules**

The Human Services Department hereby amends Chapter 184, "Individual and Family Direct Support," Iowa Administrative Code.

#### *Legal Authority for Rule Making*

This rule making is adopted under the authority provided in Iowa Code sections 217.6 and 225C.6.

#### *State or Federal Law Implemented*

This rule making implements, in whole or in part, Iowa Code sections 217.6 and 225C.6.

#### *Purpose and Summary*

Chapter 184 was reviewed and is amended as part of the Department's five-year review of rules. Division I regarding the Family Support Subsidy Program is amended to update the definition of "family member" based on the federal Development Disabilities Assistance and Bill of Rights Act definition as codified in 42 U.S.C. 15002(8). Iowa Code section 225C.37 specifies that the Department cannot accept new applications for the program after July 1, 2010. Members who are currently enrolled in the program remain eligible until one of the reasons for termination is met. Members' ongoing eligibility is determined annually based on a verification packet sent by the Department. If a member is determined eligible, the member's monthly payment is determined annually based on the federal cost-of-living adjustment (COLA). This rule making brings the rules into compliance with the Iowa Code. Division II regarding the Comprehensive Family Support Program is amended to update an outdated reference to the United States Code and remove from the rules the form name and number of the application used to apply for the program, since the application form became obsolete effective July 1, 2016.

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

Notice of Intended Action for this rule making was published in the Iowa Administrative Bulletin on March 23, 2022, as **ARC 6249C**. No public comments were received. No changes from the Notice have been made.

#### *Adoption of Rule Making*

This rule making was adopted by the Council on Human Services on May 12, 2022.

#### *Fiscal Impact*

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

HUMAN SERVICES DEPARTMENT[441](cont'd)

*Jobs Impact*

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

*Waivers*

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

*Review by Administrative Rules Review Committee*

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

*Effective Date*

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

The following rule-making actions are adopted:

ITEM 1. Amend rule **441—184.1(225C)**, definition of “Family member,” as follows:

“*Family member*” means a person less than 18 years of age who by educational determination has a moderate, severe, or profound educational handicap or special health care needs or who otherwise meets the definition of developmental disability in the federal Developmental Disabilities Assistance and Bill of Rights Act, Section 102(5), as codified in 42 U.S.C. ~~6001(5)~~ 15002(8).

ITEM 2. Rescind rule 441—184.3(225C) and adopt the following **new** rule in lieu thereof:

**441—184.3(225C) Program termination.** As of July 1, 2010, the department shall no longer accept new applications or approve pending applications for the family support subsidy program pursuant to Iowa Code section 225C.37(3). Family members enrolled in the program as of July 1, 2010, will continue to receive subsidy payments until members meet one of the reasons for termination outlined in subrule 184.8(1).

ITEM 3. Amend rule 441—184.4(225C) as follows:

**441—184.4(225C) Family support services plan.**

~~184.4(1) The special needs of the child and the family for the subsidy, and the resources available to meet those needs shall be identified on the application form.~~

~~184.4(2)~~ **184.4(1)** The applicant shall agree that the subsidy will be used to meet the special needs identified in the plan or other special needs of the child and family.

~~184.4(3)~~ **184.4(2)** Families shall retain the greatest possible flexibility in determining use of the subsidy, except a parent or legal guardian who receives family investment program benefits shall not use the subsidy to meet the basic needs of the family as defined in 441—subrule 41.28(2) or the special needs as defined in 441—subrule 41.28(3). In addition, if the child receives Medicaid, the subsidy shall only be used for the cost of services which are not covered by Medicaid.

ITEM 4. Amend rule 441—184.6(225C) as follows:

**441—184.6(225C) Amount of subsidy payment.** Families approved for payment shall receive an ongoing monthly payment that is determined annually by the department based on the federal cost-of-living adjustment (COLA).

~~184.6(1) Monthly payment. Families approved for payment shall receive an ongoing monthly payment that is determined by dividing the amount appropriated by the legislature by the number of~~

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

~~available subsidy slots designated by the legislature for each state fiscal year. The number of slots and amount requested by the department shall be determined after consultation with the comprehensive family support council.~~

~~**184.6(2) Advance payment.** In addition, a one-time lump-sum advance payment of twice the monthly amount may be paid to the parent or legal guardian whose family member will be returning home for the purpose of preparing for in-home care.~~

~~**184.6(3) Effective date.** An approved subsidy shall be payable as of the first of the month following approval. A notice of decision stating that the application is approved shall be sent within two working days of the approval. The notice shall state the date payments will begin, the amount of monthly payments, and, if different, the amount of the first payment.~~

ITEM 5. Amend rule 441—184.7(225C) as follows:

**441—184.7(225C) Redetermination of eligibility.** The department shall send a verification packet, which shall include instructions and necessary forms for verification of continuing eligibility, to all recipients of subsidy payments at least 30 calendar days prior to the deadline date for annual redetermination of eligibility. The completed verification materials shall be submitted annually to the department. If the signed verification of continuing eligibility is not received by the department by the last working day of the renewal month, the family's subsidy shall be terminated.

~~**184.7(1)** The department shall send an application packet, which shall include instructions and necessary forms for verification of continuing eligibility, to all recipients of subsidy payments at least 30 calendar days prior to the deadline date for annual redetermination of eligibility. The completed Form 470-2526, Application for Family Support Subsidy, and required verification materials shall be submitted annually to the Department of Human Services, Division of MH/MR/DD, Hoover State Office Building, Des Moines, Iowa 50319-0114. If the signed application and verification of continuing eligibility are not received by the division by the last working day of the renewal month, the family's subsidy shall be terminated.~~

~~**184.7(2)** When funding allows additional individuals to be added to the subsidy program, they shall be taken from the statewide waiting list, and their eligibility shall be redetermined at that time. An application packet, which includes instructions and necessary forms for verification of continuing eligibility, shall be sent to these families for completion and returned to the Department of Human Services, Division of MH/MR/DD, Hoover State Office Building, Des Moines, Iowa 50319-0114, within timelines specified by the department. If the signed application and verification of continuing eligibility are not received by the timeline specified by the department, the family's name shall be dropped from consideration for receipt of the subsidy payments.~~

ITEM 6. Amend subrule 184.8(3) as follows:

~~**184.8(3)** If funds are not sufficient to cover payments for all persons on the subsidy, persons will be terminated from the subsidy in inverse order to the dates they began receiving payments, i.e., the last person to be added on to the subsidy being the first person to be removed. The person terminated will move back to the waiting list with the person's original application date dictating the person's position as stated in subrule 184.3(4). The division of MH/MR/DD adult, children, and family services is responsible for notifying the persons who will be removed from the subsidy for this reason.~~

ITEM 7. Amend rule ~~441—184.21(225C)~~, definition of "Individual with a disability," as follows:

~~"Individual with a disability" means a person who is less than 22 years of age and meets the definition of developmental disability in 42 U.S.C. § 6004 §15002.~~

ITEM 8. Amend rule 441—184.23(225C) as follows:

**441—184.23(225C) Application.** A family may apply on an application developed by an entity contracted by the department. The application shall be submitted to the department or to a local children at home contractor for assistance using Form 470-4399, Application for Children at Home Services. The local children at home contractor shall determine eligibility for services in accordance with the provisions of this division.

HUMAN SERVICES DEPARTMENT[441](cont'd)

ITEM 9. Amend rule 441—184.25(225C) as follows:

**441—184.25(225C) Direct assistance.** Each local children at home contractor shall, ~~with the advice and assistance of the parent advisory council described in rule 441—184.27(225C),~~ develop procedures for providing direct financial assistance for supports and services that cannot be funded through other programs or means. Local policies shall be submitted to and approved by the department.

ITEM 10. Rescind and reserve rule **441—184.27(225C)**.

ITEM 11. Amend **441—Chapter 184**, Division II implementation sentence, as follows:

These rules are intended to implement Iowa Code section 225C.47 ~~as amended by 2006 Iowa Acts, Senate File 2217, division VI.~~

[Filed 5/13/22, effective 8/1/22]

[Published 6/15/22]

EDITOR'S NOTE: For replacement pages for IAC, see IAC Supplement 6/15/22.

**ARC 6355C**

## **NATURAL RESOURCE COMMISSION[571]**

**Adopted and Filed**

### **Rule making related to waterfowl hunting**

The Natural Resource Commission (Commission) hereby amends Chapter 52, "Wildlife Refuges," Chapter 91, "Waterfowl and Coot Hunting Seasons," and Chapter 92, "Migratory Game Birds," Iowa Administrative Code.

#### *Legal Authority for Rule Making*

This rule making is adopted under the authority provided in Iowa Code sections 455A.5(6)"a," 481A.38, 481A.39 and 481A.48.

#### *State or Federal Law Implemented*

This rule making implements, in whole or in part, Iowa Code section 481A.48.

#### *Purpose and Summary*

This rule making amends three chapters governing waterfowl hunting.

Chapter 52 contains regulations designating wildlife refuges. The amendment to that chapter reclassifies the wildlife refuge on the Hawkeye Wildlife Area as a waterfowl refuge.

Chapter 91 contains regulations for hunting waterfowl and coot and includes season dates, bag limits, possession limits, shooting hours, and areas open to hunting. The amendments to that chapter remove expired zone boundary descriptions, rename and streamline special goose hunting regulations in metropolitan areas, expand the boundaries of the Des Moines metropolitan goose hunting zone, and adjust several areas closed to goose hunting.

Chapter 92 contains regulations for hunting migratory game birds. The amendment to that chapter makes minor adjustments to the description of light goose hunting regulations to ensure the regulations are consistent with the Light Goose Conservation Order authorized by the U.S. Fish and Wildlife Service.

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

Notice of Intended Action for this rule making was published in the Iowa Administrative Bulletin on March 23, 2022, as **ARC 6260C**. A public hearing was held on April 12, 2022, at 11 a.m. via video/conference call. No one attended the public hearing.

NATURAL RESOURCE COMMISSION[571](cont'd)

Three comments were received from the public. Two requested elimination of or changes to areas closed to Canada goose hunting, and one requested later Canada goose hunting season dates.

No changes from the Notice have been made. Areas closed to Canada goose hunting are being reduced or eliminated in this rule making, and Canada goose hunting seasons were moved later in 2021. It will take several years to determine the impacts these changes have on goose populations and hunter satisfaction.

*Adoption of Rule Making*

This rule making was adopted by the Commission on May 12, 2022.

*Fiscal Impact*

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

*Jobs Impact*

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

*Waivers*

This rule is subject to the waiver provisions of 571—Chapter 11. Any person who believes that the application of the discretionary provisions of this rule making would result in hardship or injustice to that person may petition the Commission for a waiver of the discretionary provisions, if any.

*Review by Administrative Rules Review Committee*

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

*Effective Date*

This rule making will become effective on July 20, 2022.

The following rule-making actions are adopted:

ITEM 1. Amend subrules 52.1(2) and 52.1(3) as follows:

**52.1(2) Wildlife refuges.** The following areas under the jurisdiction of the department of natural resources are established as wildlife refuges where posted. It shall be unlawful to hunt, pursue, kill, trap, or take any wild animal, bird, or game on these areas at any time, and no one shall carry firearms thereon, except where and when specifically authorized by the department of natural resources. It shall also be unlawful to trespass in any manner on the following areas, where posted, during the dates posted, both dates inclusive, except that department personnel, law enforcement officials, and other persons specifically authorized by the department of natural resources may enter the area at any time in performance of their duties, and hunters, under the supervision of department staff, may enter the area when specifically authorized by the department of natural resources.

<u>Area</u>	<u>County</u>
South Twin Lake . . . . .	Calhoun
Ventura Marsh . . . . .	Cerro Gordo
Allen Green Refuge. . . . .	Des Moines
Henderson . . . . .	Dickinson
Ingham Lake . . . . .	Emmet

NATURAL RESOURCE COMMISSION[571](cont'd)

Crystal Hills . . . . .	Hancock
<del>Hawkeye Wildlife Area . . . . .</del>	<del>Johnson</del>
Colyn Area . . . . .	Lucas
Gladys Black Eagle Refuge . . . . .	Marion
Five Island Lake . . . . .	Palo Alto
Polk City Refuge . . . . .	Polk
Smith Area . . . . .	Pottawattamie
Green Valley Lake . . . . .	Union

**52.1(3) Waterfowl refuges.** The following areas under the jurisdiction of the department of natural resources are established as waterfowl refuges where posted. It shall be unlawful to hunt ducks and geese on the following areas, where posted, at any time during the year. It shall be unlawful to trespass in any manner on the following areas, where posted, during the dates posted, both dates inclusive, except that department personnel, law enforcement officials, and other persons specifically authorized by the department of natural resources may enter the area at any time in performance of their duties, and hunters, under the supervision of department staff, may enter the area when specifically authorized by the department of natural resources.

<u>Area</u>	<u>County</u>
Lake Icaria . . . . .	Adams
Pool Slough Wildlife Area . . . . .	Allamakee
Rathbun Area . . . . .	Appanoose, Lucas, Wayne
Sedan Bottoms . . . . .	Appanoose
Sweet Marsh . . . . .	Bremer
Big Marsh . . . . .	Butler
Union Hills . . . . .	Cerro Gordo
Round Lake . . . . .	Clay
Jemmeron Slough Complex . . . . .	Dickinson
Forney Lake . . . . .	Fremont
Riverton Area . . . . .	Fremont
Dunbar Slough . . . . .	Greene
Bays Branch . . . . .	Guthrie
Eagle Flats . . . . .	Hancock
Eagle Lake . . . . .	Hancock
Green Island Area . . . . .	Jackson
<u>Hawkeye Wildlife Area . . . . .</u>	<u>Johnson</u>
Muskrat Slough . . . . .	Jones
Red Rock Area . . . . .	Marion, Polk, Warren
Badger Lake . . . . .	Monona
Chichaqua Area . . . . .	Polk
McCausland . . . . .	Scott
Princeton Area . . . . .	Scott
Otter Creek Marsh . . . . .	Tama
Rice Lake Area . . . . .	Winnebago
Snyder Bend Lake . . . . .	Woodbury
Elk Creek Marsh . . . . .	Worth

ITEM 2. Amend subrules 91.1(1) to 91.1(4) as follows:

**91.1(1) Zone boundaries.** ~~The following zone boundaries apply in the time frames noted:~~

~~a. For the 2020-2021 season, the north duck hunting zone is that part of Iowa north of a line beginning on the South Dakota-Iowa border at Interstate 29, southeast along Interstate 29 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 Missouri~~

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

River duck hunting zone is that part of Iowa west of Interstate 29 and south to the Iowa-Missouri border. The south duck hunting zone is the remainder of the state.

~~b. For the fall 2021 through spring 2026 seasons, the~~ The north duck hunting zone is that part of Iowa north of a line beginning on the South Dakota-Iowa border at Interstate 29, southeast along Interstate 29 to State Highway 20 to the Iowa-Illinois border. The south duck hunting zone is that part of Iowa west of Interstate 29 and south of State Highway 92 east to the Iowa-Illinois border. The central duck hunting zone is the remainder of the state.

**91.1(2) Season dates - north zone.**

~~a. For the 2020-2021 season. Special September teal season: September 1 through September 16. For all ducks: The first segment of the season will begin on the last Saturday in September and run for 7 days. The second segment of the season will open on the second Saturday in October and continue for 53 consecutive days.~~

~~b. For the fall 2021 through spring 2026 seasons. Special September teal season: September 1 through September 16. For all ducks: The first segment of the season will begin on the Saturday nearest September 30 and run for 7 days. The second segment of the season will open on the Saturday nearest October 13 and continue for 53 consecutive days.~~

**91.1(3) Season dates - south zone/central central zone.**

~~a. For the 2020-2021 season—south zone. Special September teal season: September 1 through September 16. For all ducks: The first segment of the season will begin on the first Saturday in October and run for 7 days. The second segment of the season will open on the third Saturday in October and continue for 53 consecutive days.~~

~~b. For the fall 2021 through spring 2026 seasons—central zone. Special September teal season: September 1 through September 16. For all ducks: The first segment of the season will begin on the Saturday nearest October 6 and run for 7 days. The second segment of the season will open on the Saturday nearest October 20 and continue for 53 consecutive days.~~

**91.1(4) Season dates - Missouri River zone/south south zone.**

~~a. For the 2020-2021 season—Missouri River zone. Special September teal season: September 1 through September 16. For all ducks: The first segment of the season will begin on the second Saturday in October and run for 7 days. The second segment of the season will open on the fourth Saturday in October and continue for 53 consecutive days.~~

~~b. For the fall 2021 through spring 2026 seasons—south zone. Special September teal season: September 1 through September 16. For all ducks: The first segment of the season will begin on the Saturday nearest October 13 and run for 7 days. The second segment of the season will open on the Saturday nearest October 27 and continue for 53 consecutive days.~~

ITEM 3. Amend subrules 91.3(1) to 91.3(5) as follows:

**91.3(1) Zone boundaries.** The following zone boundaries apply in the time frames noted:

~~a. For the 2020-2021 season, the north goose hunting zone is that part of Iowa north of a line beginning on the South Dakota-Iowa border at Interstate 29, southeast along Interstate 29 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 Missouri River goose hunting zone is that part of Iowa west of Interstate 29 and south to the Iowa-Missouri border. The south goose hunting zone is the remainder of the state.~~

~~b. Effective fall 2021 through spring 2026, the~~ The north goose hunting zone is that part of Iowa north of a line beginning on the South Dakota-Iowa border at Interstate 29, southeast along Interstate 29 to State Highway 20 to the Iowa-Illinois border. The south ~~duck~~ goose hunting zone is that part of Iowa west of Interstate 29 and south of State Highway 92 east to the Iowa-Illinois border. The central ~~duck~~ goose hunting zone is the remainder of the state.

**91.3(2) Season dates - north zone.**

~~a. For the 2020-2021 season. For all geese: The first segment of the regular goose season will begin on the second to last Saturday of September and run for a 16-day period. The second segment of the goose season will open on the second Saturday in October and continue for 53 consecutive days.~~

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

~~The goose season will then close for a 10-day period and shall then reopen on the following Saturday and remain continuously open until the total number of days used for goose hunting reaches 107.~~

~~b. For the fall 2021 through spring 2026 seasons. For all geese: The first segment of the regular goose season will begin on the Saturday nearest September 23 and run for a 16-day period. The second segment of the goose season will open on the Saturday nearest October 13 and continue for 53 consecutive days. The goose season will reopen on the Saturday nearest December 13 and remain continuously open until the total number of days used for goose hunting reaches 107.~~

**91.3(3) Season dates - ~~south zone/central~~ central zone.**

~~a. For the 2020-2021 season—south zone. For all geese: The first segment of the regular goose season will begin on the last Saturday of September and run for a 16-day period. The second segment of the goose season will open on the third Saturday in October and continue for 53 consecutive days. The goose season will then close for a 10-day period and shall then reopen on the following Saturday and remain continuously open until the total number of days used for goose hunting reaches 107.~~

~~b. For the fall 2021 through spring 2026 seasons—central zone. For all geese: The first segment of the regular goose season will begin on the Saturday nearest September 30 and run for a 16-day period. The second segment of the goose season will open on the Saturday nearest October 20 and continue for 53 consecutive days. The goose season will reopen on the Saturday nearest December 20 and remain continuously open until the total number of days used for goose hunting reaches 107.~~

**91.3(4) Season dates - ~~Missouri River zone/south~~ south zone.**

~~a. For the 2020-2021 season—Missouri River zone. For all geese: The first segment of the regular goose season will begin on the first Saturday of October and run for a 16-day period. The second segment of the goose season will open on the fourth Saturday in October and continue for 53 consecutive days. The goose season will then close for a 10-day period and shall then reopen on the following Saturday and remain continuously open until the total number of days used for goose hunting reaches 107.~~

~~b. For the fall 2021 through spring 2026 seasons—south zone. For all geese: The first segment of the regular goose season will begin on the Saturday nearest October 6 and run for a 16-day period. The second segment of the goose season will open on the Saturday nearest October 27 and continue for 53 consecutive days. The goose season will reopen on the Saturday nearest December 27 and remain continuously open until the total number of days used for goose hunting reaches 107.~~

**91.3(5) Bag limit.** The daily bag limit for dark geese (Canada geese, white-fronted geese, brant and any other geese that are not light geese) is 5 and may include no more than 2 Canada geese ~~from September 16 through October 31 and no more than 3 Canada geese from November 1 through the end of the season~~ during the first segment of the statewide season and no more than 3 Canada geese during the remainder of the statewide season. The daily bag limit for light geese (white and blue-phase snow geese and Ross' geese) is 20.

ITEM 4. Amend subrule 91.3(9) as follows:

**91.3(9) Cedar Rapids/Iowa City goose hunting zone Metropolitan goose hunting seasons and specified areas.**

- a. ~~Season dates.~~ The ~~first~~ second Saturday in September for nine consecutive days.
- b. ~~Bag limit.~~ Daily bag limit is 5 Canada geese.
- c. ~~Possession limit.~~ Three times the daily bag limit.
- d. ~~Zone boundary~~ Specified areas.

(1) Cedar Rapids/Iowa City. The Cedar Rapids/Iowa City goose hunting ~~zone~~ area includes portions of Linn and Johnson Counties bounded as follows: Beginning at the intersection of the west border of Linn County and Linn County Road E2W; thence south and east along County Road E2W to Highway 920; thence north along Highway 920 to County Road E16; thence east along County Road E16 to County Road W58; thence south along County Road W58 to County Road E34; thence east along County Road E34 to Highway 13; thence south along Highway 13 to Highway 30; thence east along Highway 30 to Highway 1; thence south along Highway 1 to Morse Road in Johnson County; thence east along Morse Road to Wapsi Avenue; thence south along Wapsi Avenue to Lower West Branch Road; thence west along Lower West Branch Road to Taft Avenue; thence south along Taft Avenue to County Road F62; thence



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west along County Road F62 to Kansas Avenue; thence north along Kansas Avenue to Black Diamond Road; thence west on Black Diamond Road to Jasper Avenue; thence north along Jasper Avenue to Rohert Road; thence west along Rohert Road to Ivy Avenue; thence north along Ivy Avenue to 340th Street; thence west along 340th Street to Half Moon Avenue; thence north along Half Moon Avenue to Highway 6; thence west along Highway 6 to Echo Avenue; thence north along Echo Avenue to 250th Street; thence east on 250th Street to Green Castle Avenue; thence north along Green Castle Avenue to County Road F12; thence west along County Road F12 to County Road W30; thence north along County Road W30 to Highway 151; thence north along the Linn-Benton County line to the point of beginning.

(2) Des Moines. The Des Moines goose hunting area includes those portions of Boone, Story, Polk, Warren, Madison, Dallas, and Marion Counties bounded as follows: Beginning at the intersection of State Highway 210 and S27 in Story County; thence south along County Road S27 to Polk County; thence south to State Highway 316; thence south to State Highway 5 in Marion County; thence west on State Highway 92 to State Highway 169 in Madison County; thence north on State Highway 169 to State Highway 141 in Dallas County; thence east to State Highway 210; thence north on State Highway 210 to Boone County; thence east on State Highway 210 to the point of beginning.

(3) Cedar Falls/Waterloo. The Cedar Falls/Waterloo goose hunting area includes those portions of Black Hawk County bounded as follows: Beginning at the intersection of County Roads C66 and V49 in Black Hawk County; thence south along County Road V49 to County Road D38; thence west along County Road D38 to State Highway 21; thence south along State Highway 21 to County Road D35; thence west along County Road D35 to Grundy Road; thence north along Grundy Road to County Road D19; thence west along County Road D19 to Butler Road; thence north along Butler Road to County Road C57; thence north and east along County Road C57 to U.S. Highway 63; thence south along U.S. Highway 63 to County Road C66; thence east along County Road C66 to the point of beginning.

ITEM 5. Rescind subrules **91.3(10)** and **91.3(11)**.

ITEM 6. Rescind and reserve paragraph **91.4(2)“c.”**

ITEM 7. Amend paragraph **91.4(2)“d”** as follows:

*d. Area four.* Portions of Winnebago and Worth Counties bounded as follows: Beginning at the junction of U.S. Highway 69 and County Road 105 in the city of Lake Mills; thence east along County Road 105 (including the right of way and all other road right of ways identified in this description) approximately 2 miles to Apple Ave.; thence south along Apple Ave. to 448th St.; thence east two and one-fourth miles on 448th St. to Cardinal Ave.; thence south one-fourth mile to 445th St.; thence east one-fourth mile to Cedar Ave.; thence south one-half mile on Cedar Ave. to the intersection of Cedar Ave. and 440th St.; thence south one-half mile across the north half of section 16, township 99 north, range 22 west, to the intersection of Cedar Ave. and 435th St.; thence south 2 miles along Cedar Ave. to Lake St.; thence west one-fourth mile along Lake St. to Front St.; thence southeast one-half mile along Front St. to County Road A38 (also named 410th St.); thence west along County Road A38 to County Road R74 (also named 225th Ave.); thence north along County Road R74 to 420th St.; thence west along 420th St. to 220th Ave.; thence north along 220th Ave. to 430th St.; thence west along 430th St. one-half mile; thence north one mile across section 15, township 99 north, range 23 west, to the intersection of 440th St. and 215th Ave.; thence north one-fourth mile on 215th Ave. to 445th St.; thence east and northeast on 445th St. to South 12th Ave. West in Lake Mills; thence east on South 12th Ave. West to South Lake St.; thence north on South Lake St. to point of beginning 225th Ave. (also known as County Road R74) and South 10th Ave. East in the city of Lake Mills; thence east along South 10th Ave. to 445th St. (including the right-of-way and all other road right-of-ways identified in this description); thence east to Apple Ave.; thence north to 448th St. to Bluebill Ave. (also known as County Road S10); thence south to the intersection of North Western St. (also known as Cardinal Ave.) and Lake St. in the city of Joice; thence west on Lake St. (also known as 415th St.) to 418th St.; thence west to Balsam Ave.; thence north to 420th St.; thence west to Aspen Ave.; thence north to 425th St. (also known as County Road A34); thence west to 225th Ave. (also known as County Road R74); thence north on 225th Ave. to the point of beginning.

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

ITEM 8. Rescind and reserve paragraph **91.4(2)“e.”**

ITEM 9. Amend paragraphs **91.4(2)“g”** and **“h”** as follows:

*g. Area seven.* Portions of Guthrie and Dallas Counties County bounded as follows: Beginning at the junction of State Highways 4 and 44 in Panora; thence north along State Highway 4 (including the right-of-way) to County Road F25; thence east along County Road F25 (including the right-of-way) to York Avenue County Road P30 (also known as Wink Avenue); thence south along York Avenue County Road P30 1 mile (including the right-of-way) to 170th Street; thence east one-half mile (including the right-of-way) to A Yellow Avenue in Dallas County; thence south on A Yellow Avenue 5 miles (including the right-of-way) to State Highway 44; thence west along State Highway 44 (including the right-of-way) to the point of beginning.

*h. Area eight.* A portion of Adams County on any federal-, state-, or county-owned lands or waters within the area bounded as follows by the following roads: Beginning at the intersection of State Highway 148 and Adams County Road N28; thence east along Adams County Road N28 (including the right-of-way) to Adams County Road N53; thence east and north along Adams County Road N53 (including the right-of-way) approximately 4.5 miles to Adams County Road H24; thence west along Adams County Road H24 (including the right-of-way) about 8 miles to Hickory Avenue; thence south along Hickory Avenue (including the right-of-way) about 2.5 miles to Adams County Road N28; thence east along Adams County Road N28 (including the right-of-way) to the point of beginning Beginning at the junction of Ironwood Avenue (also known as State Highway 148) and County Road N28; thence north along Ironwood Avenue to 150th Street; thence east along 150th Street to Corning Carl Road (also known as County Road N53); thence south along Corning Carl Road to County Road N28 (also known as 183rd Street); thence west along County Road N28 to the point of beginning.

ITEM 10. Amend paragraph **91.4(2)“k”** as follows:

*k. Area eleven.* Starting at the junction of the navigation channel of the Mississippi River and the mouth of the Maquoketa River in Jackson County, proceeding southwesterly along the high-water line on the west side of the Maquoketa River to U.S. Highway 52; thence southeast along U.S. Highway 52 (including the right-of-way) to 607th Avenue; thence east along 607th Avenue (including the right-of-way) to the Sioux Line Railroad; thence north and west along the Sioux Line Railroad to the Green Island levee; thence northeast along a line following the Green Island levee to the center of the navigational channel of the Mississippi River; thence northwest along the center of the navigational channel to the point of beginning the first intersection of Green Island Road; thence northeast along Green Island Road (including right-of-way) to the southeast corner of the Green Island wildlife management area waterfowl refuge; thence north along the waterfowl refuge line and following said refuge line exactly to its northwest corner at the intersection with 501st Avenue; thence north along 501st Avenue (including the right-of-way) to the point where it intersects the east bank of the Maquoketa River; thence proceeding northeasterly along the high-water line on the east side of the Maquoketa River to the junction of the navigation channel of the Mississippi River; thence northwest along the center of the navigational channel to the point of beginning.

ITEM 11. Rescind and reserve paragraph **91.4(2)“m.”**

ITEM 12. Amend paragraph **91.4(2)“n”** as follows:

*n. Area fourteen.* Portions of Bremer County bounded as follows: Beginning at the intersection of Tahoe Avenue and State Highway 93 (also named 140th Street); thence south along Tahoe Avenue (including the right-of-way and all other road right-of-ways identified in this description) to County Road C33; thence west along County Road C33 to Navaho Avenue; thence north along Navaho Avenue to State Highway 93; thence west along State Highway 93 to U.S. Highway 63; thence north 3 miles along U.S. Highway 63 to 140th Street; thence east along 140th Street for 2 miles and continuing on a similar east line for 2 more miles along the north borders of sections 28 and 29, township 93 north, range 12 west, to County Road V5C (also named 140th Street); thence east about one-half mile on County Road V5C to State Highway 93; thence east on State Highway 93 to the point of beginning County Road C28 (also known as 165th Street); thence west along County Road C28 to State Highway 93; thence

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

north to County Road V5C (also known as Possum Avenue) to 140th Street; thence east along 140th Street to State Highway 93 to the point of beginning.

ITEM 13. Rescind and reserve paragraph **91.4(2)“o.”**

ITEM 14. Amend paragraph **91.4(2)“p”** as follows:

*p. Area sixteen.* A portion of Union County on any federal-, state-, or county-owned lands or waters within the area bounded as follows by the following roads: Beginning at the intersection of U.S. Highway 34 and County Road P53 near Afton; thence west along U.S. Highway 34 (including the right-of-way and all other road right-of-ways identified in this description) approximately 2.5 miles to Twelve Mile Lake Road; thence north along Twelve Mile Lake Road approximately 5 miles to Union County Road H17; thence north and east along Union County Road H17 to County Road P53; thence south along County Road P53 to the point of beginning.

ITEM 15. Rescind subrule **91.4(3)**.

ITEM 16. Amend subparagraph **91.5(1)“b”(1)** as follows:

(1) Landowners and tenants who own or farm land in the closed areas will be permitted to hunt Canada geese in the closed areas ~~for three years. This experimental hunting opportunity will be evaluated by the landowners and the DNR following each season, at which time changes may be made.~~

ITEM 17. Amend subrule 92.3(11) as follows:

**92.3(11)** By any of the methods or means prohibited in this rule unless such methods or means have been approved by the U.S. Fish and Wildlife Service for the taking of ~~snow light~~ geese during special ~~snow-geese-only light goose-only~~ seasons or ~~snow-geese-only light goose-only~~ hunts.

[Filed 5/18/22, effective 7/20/22]

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EDITOR'S NOTE: For replacement pages for IAC, see IAC Supplement 6/15/22.

**ARC 6354C**

**NATURAL RESOURCE COMMISSION[571]**

**Adopted and Filed**

**Rule making related to deer hunting**

The Natural Resource Commission (Commission) hereby amends Chapter 94, “Nonresident Deer Hunting,” and Chapter 106, “Deer Hunting by Residents,” Iowa Administrative Code.

*Legal Authority for Rule Making*

This rule making is adopted under the authority provided in Iowa Code sections 455A.5(6)“a,” 481A.39 and 481A.48.

*State or Federal Law Implemented*

This rule making implements, in whole or in part, Iowa Code sections 481A.38, 481A.39 and 481A.48.

*Purpose and Summary*

Chapters 94 and 106 govern deer hunting by nonresidents and residents in the state of Iowa. Collectively, these chapters regulate deer hunting and set forth season dates, bag limits, possession limits, shooting hours, areas open to hunting, licensing procedures, means and methods of take, and transportation and reporting requirements.

This rule making adopts one amendment to Chapter 94 and three amendments to Chapter 106. First, license requirements for nonresident hunters under the age of 16 are clarified in Chapter 94 by directly

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

citing Iowa Code section 483A.24(8). This statute allows persons under the age of 16 to have only a nonresident deer hunting license for deer hunting. Other nonresidents must purchase a deer hunting license along with a general hunting license and pay the wildlife habitat fee. Second, Monroe County is added to Chapter 106's list of counties eligible for a January antlerless-deer-only season. Third, antlerless-deer-only county quotas are modified to increase harvest in central and southern Iowa, where the wild herd is above population goals. Conversely, quotas are modified for far western Iowa to decrease harvest where populations are below goals and hunter effort is waning. Lastly, centerfire rifles .240 to .350 are added to the list of approved rifles for the January antlerless-deer-only season.

*Public Comment and Changes to Rule Making*

Notice of Intended Action for this rule making was published in the Iowa Administrative Bulletin on March 9, 2022, as **ARC 6239C**. A public hearing was held on March 29, 2022, at 12 noon via video/conference call. No one attended the public hearing.

Five comments were received from the public. All five commenters expressed a concern that there are too few deer being seen in their area and requested lower antlerless deer quotas to encourage population growth. No changes from the Notice have been made. Antlerless deer quotas are being reduced in western Iowa where four of the five comments originated.

*Adoption of Rule Making*

This rule making was adopted by the Commission on May 12, 2022.

*Fiscal Impact*

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

*Jobs Impact*

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

*Waivers*

This rule is subject to the waiver provisions of 571—Chapter 11. Any person who believes that the application of the discretionary provisions of this rule making would result in hardship or injustice to that person may petition the Commission for a waiver of the discretionary provisions, if any.

*Review by Administrative Rules Review Committee*

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

*Effective Date*

This rule making will become effective on July 20, 2022.

The following rule-making actions are adopted:

ITEM 1. Amend rule 571—94.1(483A), introductory paragraph, as follows:

**571—94.1(483A) Licenses.** Every hunter, except as authorized by Iowa Code section 483A.24(8), must have in possession a valid nonresident deer license, a valid nonresident hunting license, and proof that the hunter has paid the current year's wildlife habitat fee when hunting, possessing, or transporting deer.

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

No person, while hunting deer, shall carry or have in possession any license or transportation tag issued to another person. No one who is issued a deer hunting license and transportation tag shall allow another person to use or possess that license or transportation tag while deer hunting or tagging a deer.

ITEM 2. Amend subrule 106.1(6) as follows:

**106.1(6) *January antlerless-deer-only licenses.*** Licenses for the January antlerless-deer-only season may be issued for the following counties: Allamakee, Appanoose, Decatur, Monroe, Wayne, and Winneshiek. January antlerless-deer-only licenses shall be issued for a county only when a minimum of 100 antlerless-deer-only licenses, as described in subrule 106.6(6), remain unsold in that county as of the third Monday in December. If 100 or more antlerless-deer-only licenses remain unsold for a given county as of the third Monday in December, those remaining antlerless-deer-only licenses shall be made available for the January antlerless-deer-only season in that county until the relevant antlerless-deer-only quota as described in subrule 106.6(6) is met.

ITEM 3. Amend subrule 106.6(6) as follows:

**106.6(6) *Antlerless-deer-only licenses.*** Paid antlerless-deer-only licenses will be available by county as follows:

County	Quota	County	Quota	County	Quota
Adair	1200	Floyd	150	Monona	<del>750</del> <u>500</u>
Adams	1000	Franklin	0	Monroe	<del>2250</del> <u>2500</u>
Allamakee	3800	Fremont	<del>400</del> <u>0</u>	Montgomery	500
Appanoose	2700	Greene	<del>0</del> <u>100</u>	Muscatine	900
Audubon	0	Grundy	0	O'Brien	0
Benton	325	Guthrie	<del>2150</del> <u>2350</u>	Osceola	0
Black Hawk	0	Hamilton	0	Page	<del>500</del> <u>300</u>
Boone	<del>300</del> <u>400</u>	Hancock	0	Palo Alto	0
Bremer	300	Hardin	0	Plymouth	0
Buchanan	400	Harrison	<del>750</del> <u>500</u>	Pocahontas	0
Buena Vista	0	Henry	1050	Polk	1350
Butler	200	Howard	450	Pottawattamie	<del>750</del> <u>500</u>
Calhoun	0	Humboldt	0	Poweshiek	200
Carroll	0	Ida	0	Ringgold	<del>1400</del> <u>1600</u>
Cass	<del>400</del> <u>300</u>	Iowa	450	Sac	0
Cedar	775	Jackson	1100	Scott	200
Cerro Gordo	0	Jasper	<del>575</del> <u>400</u>	Shelby	0
Cherokee	0	Jefferson	1500	Sioux	0
Chickasaw	375	Johnson	950	Story	150
Clarke	2400	Jones	1100	Tama	300
Clay	0	Keokuk	500	Taylor	1500
Clayton	4000	Kossuth	0	Union	1400
Clinton	400	Lee	1700	Van Buren	<del>2100</del> <u>2300</u>
Crawford	0	Linn	850	Wapello	1600
Dallas	2100	Louisa	775	Warren	3000
Davis	<del>1700</del> <u>1900</u>	Lucas	2500	Washington	1000
Decatur	<del>2200</del> <u>2400</u>	Lyon	0	Wayne	2700

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

County	Quota	County	Quota	County	Quota
Delaware	950	Madison	3300	Webster	0
Des Moines	900	Mahaska	475	Winnebago	0
Dickinson	0	Marion	2050	Winneshiek	2700
Dubuque	1200	Marshall	150	Woodbury	<del>200</del> 0
Emmet	0	Mills	<del>300</del> 150	Worth	0
Fayette	2500	Mitchell	100	Wright	0

ITEM 4. Amend subrule 106.7(5) as follows:

**106.7(5) January antlerless-deer-only season.** Bows, crossbows, shotguns, muzzleloaders, rifles (including centerfire rifles .240 to .350), and handguns, as each is described in this rule, may be used during the January antlerless-deer-only season.

[Filed 5/18/22, effective 7/20/22]

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EDITOR'S NOTE: For replacement pages for IAC, see IAC Supplement 6/15/22.

**ARC 6357C**

**PROFESSIONAL LICENSURE DIVISION[645]**

**Adopted and Filed**

**Rule making related to supervision**

The Iowa Board of Social Work and the Iowa Board of Behavioral Science hereby amend Chapter 31, "Licensure of Marital and Family Therapists, Mental Health Counselors, Behavior Analysts, and Assistant Behavior Analysts," and Chapter 280, "Licensure of Social Workers," Iowa Administrative Code.

*Legal Authority for Rule Making*

This rule making is adopted under the authority provided in Iowa Code sections 154C.3 and 154D.3 and 2021 Iowa Acts, House File 891, division XVI.

*State or Federal Law Implemented*

This rule making implements, in whole or in part, 2021 Iowa Acts, House File 891, division XVI.

*Purpose and Summary*

2021 Iowa Acts, House File 891, division XVI, required the Board of Behavioral Science and the Board of Social Work to jointly develop substantially identical supervision rules for social workers, mental health counselors, and marriage and family therapists who are completing their supervised practice hours toward meeting their independent level license requirements. The Board of Behavioral Science and the Board of Social Work created a joint committee and elicited public comments prior to publication of the Notice. This rule making standardizes supervision requirements and reduces the minimum number of hours for certain requirements. The minimum number of total practice hours is set at 3,000 hours, and the minimum number of direct client contact hours is set at 1,500. Furthermore, this rule making sets the minimum number of supervision meeting hours at 110 and requires that 24 of these hours involve direct observation of the supervisee providing services. Direct observation may be live or recorded.

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

This rule making also limits the number of supervisors a supervisee can have at any one time to four, and it adds language that supervisors are responsible for ensuring they are not supervising more supervisees than can be safely and competently supervised.

*Public Comment and Changes to Rule Making*

Notice of Intended Action for this rule making was published in the Iowa Administrative Bulletin on January 12, 2022, as **ARC 6142C**. A public hearing was held on February 1, 2022, at 9 a.m. in the Fifth Floor Conference Room 526, Lucas State Office Building, Des Moines, Iowa. No one attended the public hearing.

Comments were received expressing concern over limits on the number of supervisors a supervisee can have and the number of supervisees a supervisor can have; concern over the number of total practice hours and direct client contact hours, the new direct observation hours, and the Boards' not including psychologists as approved supervisors; and concern over requiring direct observation hours.

The proposed rule limiting the number of supervisees a supervisor could have has been revised. Supervisors will be responsible for ensuring they evaluate how many supervisees they can supervise. The proposed 4,000 hours of total practice and 2,000 hours of direct client contact have been reduced to 3,000 total hours of practice and 1,500 direct client contact hours. A grandfather clause was added so that a supervisee who started supervision before the effective date of this rule making (July 20, 2022) will not be subject to any increased requirements. An option for Board consideration of alternate supervisors was added.

*Adoption of Rule Making*

This rule making was adopted by the Board of Social Work on May 9, 2022, and the Board of Behavioral Science on March 10, 2022.

*Fiscal Impact*

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

*Jobs Impact*

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

*Waivers*

Any person who believes that the application of the discretionary provisions of this rule making would result in hardship or injustice to that person may petition the Board of Social Work or Board of Behavioral Science for a waiver of the discretionary provisions, if any, pursuant to 645—Chapter 18.

*Review by Administrative Rules Review Committee*

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

*Effective Date*

This rule making will become effective on July 20, 2022.

The following rule-making actions are adopted:

ITEM 1. Amend subrule 31.2(6) as follows:

**31.2(6)** The candidate for permanent licensure shall submit the required attestation of supervision forms documenting clinical experience for marital and family therapy and for mental health counseling

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

as required in ~~rule 645—31.5(154D) for marital and family therapy and rule 645—31.7(154D) for mental health counseling.~~

ITEM 2. Amend subrule 31.2(7) as follows:

**31.2(7)** The candidate for temporary licensure for the purpose of fulfilling the postgraduate supervised clinical experience requirement must submit ~~the Supervised Clinical Experience: Approval and Attestation form~~ a supervision plan to the board and receive approval of the candidate's supervisor(s) prior to licensure. ~~The temporary licensee must notify the board immediately in writing of any proposed change in supervisor(s) and obtain approval of any change in supervisor(s).~~ Within 30 days of completion of the supervised clinical experience, the attestation of the completed supervised experience must be submitted to the board office. The temporary licensee shall remain under supervision until a permanent license is issued.

ITEM 3. Rescind and reserve rule **645—31.5(154D)**.

ITEM 4. Rescind rule 645—31.7(154D) and adopt the following new rule in lieu thereof:

**645—31.7(154D) Supervised clinical experience.** An applicant for licensure as a mental health counselor or marital and family therapist must complete a supervised clinical experience as set forth in this rule.

**31.7(1) Minimum requirements.** The supervised clinical experience must satisfy all of the following requirements:

a. *Timing.* The supervised clinical experience cannot begin until after all graduate coursework has been completed with the exception of the thesis.

b. *Duration.* The supervised clinical experience must be for a minimum of two years.

c. *Minimum number of hours.* The supervised clinical experience must consist of at least 3,000 hours of practice.

d. *Minimum number of direct client hours.* The supervised clinical experience must consist of at least 1,500 hours of direct client contact.

e. *Minimum number of direct supervision hours.* The supervised clinical experience must consist of at least 110 hours of direct supervision equitably distributed throughout the supervised clinical experience, including at least 24 hours of live or recorded direct observation of client interaction. A maximum of 50 hours of direct supervision may be obtained through group supervision. Direct supervision can occur in person or by using videoconferencing. After 110 hours of direct supervision are complete, ongoing direct supervision must continue to occur for the remainder of the supervised clinical experience.

f. *Number of supervisors.* A supervisee may utilize a maximum of four supervisors at any given time. A supervisee is responsible for notifying each supervisor if another supervisor is also being utilized to allow for coordination as appropriate.

g. *Number of supervisees.* A supervisor shall determine the number of supervisees who can be supervised safely and competently and shall not exceed that number.

h. *Content.* The supervised clinical experience must involve performing psychosocial assessments, diagnostic practice using the current edition of the Diagnostic and Statistical Manual of Mental Disorders (DSM), and providing treatment, including the establishment of treatment goals, psychosocial therapy using evidence-based therapeutic modalities, and differential treatment planning. The supervised clinical experience must prepare the supervisee for independent practice and must include training on practice management, ethical standards, legal and regulatory requirements, documentation, coordination of care, and self-care.

**31.7(2) Eligible supervisors.** A supervisor must satisfy all of the following requirements:

a. A supervisor must hold an active license as an independent level social worker, mental health counselor, or marital and family therapist in Iowa.

b. A supervisor must have a minimum of three years of independent practice.

c. A supervisor must have completed at least a six-hour continuing education course in supervision or one graduate-level course in supervision.



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

*d.* A supervisor must be knowledgeable of the applicable ethical code and licensing rules governing the supervisee.

*e.* Any request for a supervisor who does not meet these requirements must be approved by the board before supervision begins.

**31.7(3) *Supervision plan.*** Prior to beginning supervision, the supervisee must submit a written supervision plan to the board using the current form published by the board. The supervisee must also submit a written supervision plan to the board prior to beginning supervision with a new supervisor.

**31.7(4) *Supervision report.*** When supervision is complete, or when a supervisor ceases providing supervision to the supervisee, the supervisee must ensure a completed supervision report using the current form published by the board is submitted to the board. If the supervisor reports that the supervisee is not adequately prepared for independent licensure, or reports violations of the board's rules or applicable ethical code, the board may require the supervisee to complete additional supervision or training as deemed appropriate prior to licensure.

**31.7(5) *Supervised clinical experience in other states.*** An applicant who completed some or all of the supervised clinical experience in another state without obtaining licensure in that state should contact the board to determine whether some or all of the supervised clinical experience that has been completed can be used to qualify for licensure in Iowa.

**31.7(6) *Grandfather clause.*** Any new or additional requirements imposed by this rule do not apply to supervision that started prior to July 20, 2022.

ITEM 5. Rescind rule 645—280.6(154C) and adopt the following new rule in lieu thereof:

**645—280.6(154C) Supervised clinical experience.** An applicant for licensure as an independent level social worker must complete a supervised clinical experience as set forth in this rule.

**280.6(1) *Minimum requirements.*** The supervised clinical experience must satisfy all of the following requirements:

*a. Timing.* The supervised clinical experience cannot begin until after licensure as a master level social worker.

*b. Duration.* The supervised clinical experience must be for a minimum of two years.

*c. Minimum number of hours.* The supervised clinical experience must consist of at least 3,000 hours of practice.

*d. Minimum number of direct client hours.* The supervised clinical experience must consist of at least 1,500 hours of direct client contact.

*e. Minimum number of direct supervision hours.* The supervised clinical experience must consist of at least 110 hours of direct supervision equitably distributed throughout the supervised clinical experience, including at least 24 hours of live or recorded direct observation of client interaction. A maximum of 50 hours of direct supervision may be obtained through group supervision. Direct supervision can occur in person or by using videoconferencing. After 110 hours of direct supervision are complete, ongoing direct supervision must continue to occur for the remainder of the supervised clinical experience.

*f. Number of supervisors.* A supervisee may utilize a maximum of four supervisors at any given time. A supervisee is responsible for notifying each supervisor if another supervisor is also being utilized to allow for coordination as appropriate.

*g. Number of supervisees.* A supervisor shall determine the number of supervisees who can be supervised safely and competently and shall not exceed that number.

*h. Content.* The supervised clinical experience must involve performing psychosocial assessments, diagnostic practice using the current edition of the Diagnostic and Statistical Manual of Mental Disorders (DSM), and providing treatment, including the establishment of treatment goals, psychosocial therapy using evidence-based therapeutic modalities, and differential treatment planning. The supervised clinical experience must prepare the supervisee for independent practice and must include training on practice management, ethical standards, legal and regulatory requirements, documentation, coordination of care, and self-care.

**280.6(2) *Eligible supervisors.*** A supervisor must satisfy all of the following requirements:

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

- a. A supervisor must hold an active license as an independent level social worker, mental health counselor, or marital and family therapist in Iowa.
- b. A supervisor must have a minimum of three years of independent practice.
- c. A supervisor must have completed at least a six-hour continuing education course in supervision or one graduate-level course in supervision.
- d. A supervisor must be knowledgeable of the applicable ethical code and licensing rules governing the supervisee.
- e. Any request for a supervisor who does not meet these requirements must be approved by the board before supervision begins.

**280.6(3) *Supervision plan.*** Prior to beginning supervision, the supervisee must submit a written supervision plan to the board using the current form published by the board. The supervisee must also submit a written supervision plan to the board prior to beginning supervision with a new supervisor.

**280.6(4) *Supervision report.*** When supervision is complete, or when a supervisor ceases providing supervision to the supervisee, the supervisee must ensure a completed supervision report using the current form published by the board is submitted to the board. If the supervisor reports that the supervisee is not adequately prepared for independent licensure, or reports violations of the board's rules or applicable ethical code, the board may require the supervisee to complete additional supervision or training as deemed appropriate prior to licensure.

**280.6(5) *Supervised clinical experience in other states.*** An applicant who completed some or all of the supervised clinical experience in another state without obtaining licensure in that state should contact the board to determine whether some or all of the supervised clinical experience completed can be used to qualify for licensure in Iowa.

[Filed 5/25/22, effective 7/20/22]

[Published 6/15/22]

EDITOR'S NOTE: For replacement pages for IAC, see IAC Supplement 6/15/22.

**ARC 6343C**

**PUBLIC HEALTH DEPARTMENT[641]**

**Adopted and Filed**

**Rule making related to the medical cannabidiol program**

The Public Health Department hereby amends Chapter 154, "Medical Cannabidiol Program," Iowa Administrative Code.

*Legal Authority for Rule Making*

This rule making is adopted under the authority provided in Iowa Code chapter 124E.11.

*State or Federal Law Implemented*

This rule making implements, in whole or in part, Iowa Code sections 124E.2, 124E.4 and 124E.11.

*Purpose and Summary*

These amendments implement necessary updates to the rules regarding the medical cannabidiol program to formalize waivers currently in effect, reduce compliance burden for licensees and the Department, reduce barriers for veteran participation, and provide additional authority to certifying practitioners. Updates include:

- Providing certifying practitioners the authority to request cancellation of a patient's medical cannabidiol registration card for reasons including, but not limited to, suspected abuse or fraud and violation of health network standard operating procedures;

## PUBLIC HEALTH DEPARTMENT[641](cont'd)

- Clarifying registration card application language based on program evaluation;
- Formalizing administrative rule waivers that are currently in effect, including for waste disposal processes;
  - Striking the real-time requirement for transmission of manufacturing data to the Department to allow for the implementation of a simpler, more cost-effective solution;
  - Removing certain low-value waste tracking requirements because of unnecessary difficulties with tracking for licensees and enforcement for the Department;
  - Allowing veterans to be eligible for the reduced application fee option when enrolling in the program when confirming documentation is provided.

*Public Comment and Changes to Rule Making*

Notice of Intended Action for this rule making was published in the Iowa Administrative Bulletin on January 26, 2022, as **ARC 6159C**.

The Department received one comment requesting the inclusion of a grace period between the date the written request for card cancellation is received and the effective date of the card cancellation. After discussion about the potential impacts of cancellations for the reasons set forth in rule 641—154.6(124E), the Department determined a 30-day grace period is necessary in some situations for the patient or primary care giver to receive sufficient notice of the card cancellation following the Department's receipt of the request to cancel the registration card. Consequently, a new Item 5 has been added to amend rule 641—154.7(124E) to include a 30-day grace period when cancellation of the card is due to receipt of a request for cancellation by a third party. Card cancellations requested by cardholders themselves and upon the Department's receipt of notification that the cardholder is deceased will be effective as soon as the request is received. The subsequent original Items 5 through 14 have been renumbered as 6 through 15. These refinements are the only changes from the Notice.

*Adoption of Rule Making*

This rule making was adopted by the State Board of Health on May 11, 2022.

*Fiscal Impact*

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

*Jobs Impact*

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

*Waivers*

Any person who believes that the application of the discretionary provisions of this rule making would result in hardship or injustice to that person may petition the Department for a waiver of the discretionary provisions, if any, pursuant to the Department's waiver provisions contained in 641—Chapter 178.

*Review by Administrative Rules Review Committee*

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

*Effective Date*

This rule making will become effective on July 20, 2022.

## PUBLIC HEALTH DEPARTMENT[641](cont'd)

The following rule-making actions are adopted:

ITEM 1. Renumber subrule **154.2(4)** as **154.2(5)**.

ITEM 2. Adopt the following new subrule 154.2(4):

**154.2(4)** A health care practitioner may make a written request to the department to rescind a written certification the practitioner provided to a patient or caregiver, based on reasons deemed appropriate by the health care practitioner.

ITEM 3. Amend subparagraph **154.3(1)“d”(2)** as follows:

(2) A copy of the patient’s valid photo identification. Acceptable photo identification includes:

1. and 2. No change.

3. An alternative form of valid photo identification. A patient who possesses or is eligible for an Iowa driver’s license or an Iowa nonoperator’s identification card shall present such document as valid photo identification. A patient who is ineligible or unable to obtain an Iowa driver’s license or an Iowa nonoperator’s identification card may apply for an exemption and request submission of an alternative form of valid photo identification. A patient who applies for an exemption is subject to verification of the patient’s identity through a process established by the department to ensure the genuineness, regularity, and legality of the alternative form of valid photo identification.

ITEM 4. Amend rule 641—154.6(124E) as follows:

**641—154.6(124E) Denial and cancellation.** The department may deny an application for a medical cannabidiol registration card, or may cancel a medical cannabidiol registration card, for any of the following reasons:

1. to 6. No change.

7. A health care practitioner requests in writing that the department rescind the written certification the practitioner provided to a patient or caregiver.

8. A patient requests in writing that the department cancel the patient’s primary caregiver’s medical cannabidiol registration card.

ITEM 5. Amend rule 641—154.7(124E) as follows:

**641—154.7(124E) Appeal.**

**154.7(1) *Written notice of denial or cancellation.*** If the department denies an application for or cancels a medical cannabidiol registration card, the department shall inform the applicant or cardholder of the denial or cancellation, and state the reasons for the denial or cancellation in writing, and state the effective date of the denial or cancellation. If the department cancels a card upon request from a patient or primary care giver, or the department becomes aware of the death of a patient or primary caregiver, the cancellation is effective immediately upon issuance of the written notice of cancellation. If the department cancels a card upon any other ground listed in rule 641—154.6(124E), the cancellation shall become effective 30 days following issuance of the written notice of cancellation.

**154.7(2) *Effect of written notice of cancellation on use and possession of medical cannabidiol.*** A cardholder is authorized to purchase, possess, and use medical cannabidiol up to and including the effective date of the cancellation. For purposes of the affirmative defenses in Iowa Code section 124E.12, a patient or primary caregiver shall be deemed to be in possession of a valid medical cannabidiol registration card up to and including the effective date of the cancellation.

**154.7(3) *Request for appeal.*** An applicant or cardholder may appeal the denial or cancellation of a medical cannabidiol registration card by submitting a request for appeal to the department by certified mail, return receipt requested, within 20 days of receipt of the notice of denial or cancellation. The department’s address is Iowa Department of Public Health, Lucas State Office Building, 321 E. 12th Street, Des Moines, Iowa 50319-0075. Upon receipt of a request for appeal, the department shall forward the request within five working days to the department of inspections and appeals. A contested case hearing shall be conducted in accordance with 641—Chapter 173. In the event of a timely appeal of a cancellation of a medical cannabidiol registration card, cancellation of the card shall be deemed to

## PUBLIC HEALTH DEPARTMENT[641](cont'd)

be suspended pending the outcome of the contested case proceeding. If the cancellation is affirmed following the contested case proceeding, the card cancellation shall become effective 30 days following issuance of the department's final agency action.

ITEM 6. Amend subrule 154.9(1) as follows:

**154.9(1)** A cardholder seeking renewal of a medical cannabidiol registration card shall submit a renewal application and fee to the department ~~at least 60 days prior to the date of expiration.~~

*a. and b.* No change.

ITEM 7. Amend subrule 154.12(1) as follows:

**154.12(1)** *Patient medical cannabidiol registration card fee.*

*a.* Each application fee is \$100 unless the patient qualifies for a reduced fee as described in paragraph 154.12(1) "*b.*"

*b.* Each reduced application fee is \$25 if the patient attests to receiving social security disability benefits, supplemental security income payments, proof of veteran status, or is enrolled in the medical assistance program as defined in rule 641—154.1(124E).

~~*e.* Each renewal fee is the same as the initial card application fee.~~

ITEM 8. Amend subrule 154.16(4) as follows:

**154.16(4)** *Establishment and maintenance of a secure sales and inventory tracking system.* The department shall establish and maintain a secure, electronic system that is available 24 hours a day, seven days a week to track:

*a.* Inventory of plant material; and medical cannabidiol; ~~and waste material;~~

*b. to e.* No change.

ITEM 9. Amend subparagraph **154.17(1)“b”(1)** as follows:

(1) Procedures for the oversight of the manufacturer, including descriptions of operational and management practices regarding:

1. to 3. No change.

~~4. The estimated types and amounts of medical cannabidiol waste and plant material waste to be generated;~~

~~5.~~ 4. The disposal methods for all waste materials;

~~6.~~ 5. Employee training methods for the specific phases of production. A manufacturer may make operating documents for these procedures available on site only;

~~7.~~ 6. Biosecurity measures and standard operating procedures used in the production and manufacturing of medical cannabidiol. A manufacturer may make operating documents for these procedures available on site only;

~~8.~~ 7. Strategies for identifying and reconciling discrepancies in inventory of plant material or medical cannabidiol;

~~9.~~ 8. Sampling strategy and quality testing for labeling purposes. A manufacturer may make operating documents for these procedures available on site only;

~~10.~~ 9. Medical cannabidiol packaging and labeling procedures;

~~11.~~ 10. Procedures for recall and market withdrawal of medical cannabidiol;

~~12.~~ 11. Plans for responding to a security breach at a manufacturing facility or while medical cannabidiol is in transit to a dispensary. A manufacturer may make operating documents for these procedures available on site only;

~~13.~~ 12. A business continuity plan. A manufacturer may make this operating document available on site only;

~~14.~~ 13. Records relating to all transport activities; and

~~15.~~ 14. Other information requested by the department.

ITEM 10. Amend paragraph **154.17(2)“e”** as follows:

*e.* Sell or distribute medical cannabidiol to any person or business other than a dispensary or manufacturer licensed by the department under Iowa Code chapter 124E;

PUBLIC HEALTH DEPARTMENT[641](cont'd)

ITEM 11. Amend rule 641—154.22(124E) as follows:

**641—154.22(124E) Transportation of medical cannabidiol and plant material.**

**154.22(1) *Transport of medical cannabidiol.*** A manufacturer is authorized to transport medical cannabidiol to and from:

*a.* to *c.* No change.

*d.* A manufacturer licensed by the department under Iowa Code chapter 124E;

~~*e.* Other sites only with departmental approval.~~

**154.22(2) *Transport of plant material.*** A manufacturer is authorized to transport cannabis plant material from its manufacturing facility to:

*a.* A waste disposal site;

*b.* A manufacturer licensed by the department under Iowa Code chapter 124E;

~~*c.* Other sites only with departmental approval.~~

**154.22(3) *Chain-of-custody tracking system.***

*a.* No change.

*b.* Before transporting medical cannabidiol, a manufacturer shall:

(1) Record in the secure sales and inventory tracking system or on the manifest information about the material to be transported; and

(2) Notify the dispensary, laboratory, manufacturer licensed by the department under Iowa Code chapter 124E, or waste facility, as applicable, of the expected arrival time and transmit a copy of the manifest to the dispensary, laboratory, manufacturer, or waste facility, if applicable.

*c.* to *e.* No change.

**154.22(4)** No change.

ITEM 12. Amend rule 641—154.23(124E) as follows:

**641—154.23(124E) Disposal of medical cannabidiol and plant material.**

**154.23(1)** No change.

**154.23(2) *Medical cannabidiol and plant material waste.*** A manufacturer shall store, secure, and manage medical cannabidiol waste and plant material waste in accordance with all applicable federal, state, and local regulations.

*a.* and *b.* No change.

*c.* Before transport of plant material waste, the manufacturer shall render the plant material waste unusable and unrecognizable, ~~by grinding and incorporating the waste with a greater quantity of nonconsumable, solid wastes including:~~

~~(1) Paper waste;~~

~~(2) Cardboard waste;~~

~~(3) Food waste;~~

~~(4) Yard waste;~~

~~(5) Vegetative wastes generated from industrial or manufacturing processes that prepare food for human consumption;~~

~~(6) Soil; or~~

~~(7) Other waste approved by the department.~~

**154.23(3)** No change.

**154.23(4) *Waste-tracking requirements.*** A manufacturer shall ~~use forms approved by the department to maintain accurate and comprehensive records regarding waste material. The records shall account for, reconcile, and evidence~~ all waste activity related to the disposal of medical cannabidiol waste and plant material waste.

ITEM 13. Amend subparagraph **154.24(3)“c”(4)** as follows:

(4) Inventory records, ~~including disposal of waste.~~

PUBLIC HEALTH DEPARTMENT[641](cont'd)

ITEM 14. Amend subrule 154.24(4) as follows:

**154.24(4)** *Entry into the department's secure sales and inventory tracking system.* Unless otherwise provided in these rules, a manufacturer shall adhere to the following schedule for entering data into the department's secure sales and inventory tracking system.

- a. A manufacturer shall enter data in real time for data related to:
  - (1) Transport of medical cannabidiol, plant material, waste material, and laboratory samples; and
  - (2) Sales of medical cannabidiol to dispensaries.
- b. A manufacturer shall enter data on changes to inventory of plant material; and medical cannabidiol; ~~and waste material~~ by the end of the business day in which the changes occurred.
- c. No change.

ITEM 15. Amend subrule 154.27(3) as follows:

**154.27(3)** ~~*Real-time inventory*~~ *Inventory tracking required.* A manufacturer shall use the department-approved secure sales and inventory tracking system to track medical cannabidiol production from seed or plant cutting through distribution of medical cannabidiol to a dispensary. The manufacturer shall use the system to maintain a ~~real-time~~ record of the manufacturer's inventory of plant material and medical cannabidiol to include:

- a. The quantity and form of medical cannabidiol maintained by the manufacturer at the manufacturing facility on a daily basis;
- b. The amount of plants being grown at the manufacturing facility on a daily basis; and
- ~~e.~~ ~~The names of the employees or employee conducting the inventory; and~~
- ~~d.~~ c. Other information deemed necessary and requested by the department.

[Filed 5/12/22, effective 7/20/22]

[Published 6/15/22]

EDITOR'S NOTE: For replacement pages for IAC, see IAC Supplement 6/15/22.

**ARC 6344C**

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

**Adopted and Filed**

### **Rule making related to veterans trust fund**

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

#### *Legal Authority for Rule Making*

This rule making is adopted under the authority provided in Iowa Code section 35A.5.

#### *State or Federal Law Implemented*

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

#### *Purpose and Summary*

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

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

Notice of Intended Action for this rule making was published in the Iowa Administrative Bulletin on April 6, 2022, as **ARC 6290C**. No public comments were received. Two changes have been made from the Notice. In subrule 14.4(1), references to caregivers have been added for the sake of consistency with the inclusion of the phrase "or a caregiver" in the amended catchwords.

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

*Adoption of Rule Making*

This rule making was adopted by the Department on May 11, 2022.

*Fiscal Impact*

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

*Jobs Impact*

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

*Waivers*

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

*Review by Administrative Rules Review Committee*

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

*Effective Date*

This rule making will become effective on July 20, 2022.

The following rule-making actions are adopted:

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

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

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

**14.3(2)** No change.

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

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



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

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

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

**14.4(1)** *Travel expenses for wounded veterans, their spouses ~~and their dependents~~ or a caregiver, directly related to medical care.* Travel expenses under this subrule include the unreimbursed cost of airfare, lodging, and a per diem of \$50 per day for required medical appointments from the veteran's home. Spouses or caregivers may be reimbursed for in-state lodging and a per diem of \$50 per day when visiting a veteran who is in a hospital for medical care related to an injury or disability. The veteran or the veteran's spouse or caregiver shall provide such evidence as the commission may require, which includes but is not limited to evidence the injury or disability is service-connected, the necessity of treatment in a particular facility, and documentation of expenses. The maximum amount for travel expense reimbursement shall be ~~\$90~~ \$150 for in-state lodging. The maximum amount of aid payable in a consecutive 12-month period under this subrule is ~~\$1,000~~ \$1,800.

**14.4(2)** No change.

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

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

a. and b. No change.

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

d. No change.

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

a. No change.

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

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

c. No change.

**14.4(6)** No change.

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

a. to c. No change.

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

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

a. No change.

b. Assistance for vehicle repair is limited to expenses that are required for continued use of the vehicle. This assistance will only be granted in cases where the vehicle is needed for travel to and from work-related activities, ~~the applicant is over the age of 65,~~ or substantial hardship will occur if the vehicle is not repaired. Assistance may be provided in situations where the applicant does not have sufficient means to pay an insurance deductible. Assistance may will be paid directly to the entity performing the maintenance or the insurance company owed the deductible. ~~In certain circumstances, reimbursement may be made to the veteran or to the unmarried spouse of a deceased veteran in order for the vehicle to be released from the entity providing the service.~~ Assistance will not be provided for damage caused during the commission of a crime, for cosmetic needs, for damage resulting in an auto accident when automobile insurance has not been purchased, or for routine maintenance. ~~Vehicle replacement is a one-time use not exceeding \$5,000~~ (proof of "bill of sale," proof of salvage, or proof of the vehicle's replacement), vehicle repairs and housing repairs cannot exceed \$10,000 or the value of the vehicle at the time of the request.

c. Assistance for home repair is limited to repairs that are required to improve the conditions and integrity of the home and are necessary for the safety and security of the residents. Applicants with homeowners insurance may request assistance for payment of a deductible. Assistance may be provided for applicants in disaster situations, home accidents, vandalism, or other situations as determined by the commission. ~~In situations where a home is damaged beyond repair, assistance under this subrule is available to assist the applicant in purchasing a new home.~~ Proof of homeowners insurance is required as well as an insurance claim, if applicable.

d. No change.

e. The maximum amount that may be paid under this subrule for any consecutive 12-month period may not exceed \$1,000 for transitional housing. Lifetime maximum benefit for housing repair and vehicle repair or vehicle replacement: \$10,000 each.

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

a. to c. No change.

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

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

a. and b. No change.

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

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

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

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

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

(3) and (4) No change.

b. No change.

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

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

d. No change.

**14.4(12)** No change.

ITEM 3. Amend paragraph **14.5(3)“a”** as follows:

a. The county director of veterans affairs ~~or members of the county commission~~ shall make a recommendation to the Iowa commission of veterans affairs as to whether to approve or deny the application. The Iowa commission of veterans affairs ~~or a subcommittee appointed by the chair shall~~ three or more commissioners may approve or deny all applications, to include emergency applications. Applications submitted to the Iowa commission of veterans affairs will be processed at its ~~quarterly~~ monthly meetings as set forth in 801—paragraph 1.2(2) “a” or during a conference call for the purpose of voting on a trust fund expenditure. ~~Applications must be approved by a majority vote of the commission membership or appointed subcommittee.~~ The ~~director~~ trust fund administrator of the Iowa department of veterans affairs shall notify an applicant within 15 days of the commission’s decision. An explanation of the reasons for rejection of an application will accompany denials.

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

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

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

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

[Filed 5/13/22, effective 7/20/22]

[Published 6/15/22]

EDITOR’S NOTE: For replacement pages for IAC, see IAC Supplement 6/15/22.