



IOWA ADMINISTRATIVE BULLETIN

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PREFACE

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

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

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

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

STEPHANIE A. HOFF, Administrative Code Editor

Telephone: (515)281-3355

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CITATION of Administrative Rules

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

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

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

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

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

Schedule for Rule Making 2016

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

PRINTING SCHEDULE FOR IAB

<u>ISSUE NUMBER</u>	<u>SUBMISSION DEADLINE</u>	<u>ISSUE DATE</u>
2	Wednesday, June 29, 2016	July 20, 2016
3	Friday, July 15, 2016	August 3, 2016
4	Friday, July 29, 2016	August 17, 2016

PLEASE NOTE:

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

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

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

The Administrative Rules Review Committee will hold its regular, statutory meeting on Tuesday, July 12, 2016, at 9 a.m. in Room 116, State Capitol, Des Moines, Iowa. The following rules will be reviewed:

ACCOUNTANCY EXAMINING BOARD[193A]

Professional Licensing and Regulation Bureau[193]

COMMERCE DEPARTMENT[181]"umbrella"

Recognition of foreign accountant designations for CPA certification in Iowa; update of board address, 2.1(3), 9.5(2) Notice **ARC 2598C**..... 6/22/16

AGRICULTURE AND LAND STEWARDSHIP DEPARTMENT[21]

Renewable fuel infrastructure program, 12.3(4), 12.4, 13.1, 14.2(3), 16.2, 16.3(2), 16.5(5), 85.48 Filed **ARC 2577C**..... 6/8/16
Cottonseed product control, 41.12 Notice **ARC 2585C** 6/22/16
Women, infants, and children/farmers' market nutrition program and senior farmers' market nutrition program, amendments to ch 50 Filed **ARC 2573C** 6/8/16
Remediation of agrichemical sites, rescind ch 51 Filed **ARC 2576C** 6/8/16
Method for disposal of deceased animals affected by glanders, 64.11 Filed **ARC 2591C**..... 6/22/16

COLLEGE STUDENT AID COMMISSION[283]

EDUCATION DEPARTMENT[281]"umbrella"

Application deadline for Iowa tuition grant program; barber and cosmetology arts and sciences tuition grant program, 12.2(2), 17.2 Notice **ARC 2582C** 6/22/16
Iowa national guard educational assistance program—credit award equivalence, 20.1(6) Notice **ARC 2583C** 6/22/16
Approval of postsecondary schools—interstate reciprocity agreement, registration, amendments to ch 21 Filed Emergency After Notice **ARC 2580C**..... 6/22/16
Governor Terry E. Branstad Iowa state fair scholarship—eligibility, 36.1(2) Filed **ARC 2581C** 6/22/16

COMMERCE DEPARTMENT[181]

Organization and operation; petitions for rule making; declaratory orders, amend ch 1; rescind chs 2, 3 Notice **ARC 2575C** 6/8/16

DENTAL BOARD[650]

PUBLIC HEALTH DEPARTMENT[641]"umbrella"

Students enrolled in dental hygiene programs, 10.4(4) Filed **ARC 2592C**..... 6/22/16
Students enrolled in dental assisting programs, 20.17 Filed **ARC 2593C**..... 6/22/16

EDUCATIONAL EXAMINERS BOARD[282]

EDUCATION DEPARTMENT[281]"umbrella"

Licensure of out-of-state applicants from non-Iowa institutions; adding endorsements, 13.5(2), 13.26, 13.29(1) Filed **ARC 2584C**..... 6/22/16
Reading endorsements, 13.28 Filed **ARC 2586C**..... 6/22/16
Standard, master educator and administrator license renewal, 20.5, 20.6, 20.9 Filed **ARC 2587C**..... 6/22/16
Coaching authorization, 22.1(2) Filed **ARC 2588C**..... 6/22/16

EMPLOYMENT APPEAL BOARD[486]

INSPECTIONS AND APPEALS DEPARTMENT[481]"umbrella"

Peace officer and capitol security appeals, 6.1 Notice **ARC 2578C**..... 6/8/16

ENVIRONMENTAL PROTECTION COMMISSION[567]

NATURAL RESOURCES DEPARTMENT[561]"umbrella"

Iowa antidegradation implementation procedure, 61.2(2)"e," 64.2(9)"a," 64.7(2)"f" Notice **ARC 2579C** 6/8/16
NPDES General Permit No.7 for discharge of pesticides, 64.3(4)"b"(7), 64.15(7) Filed Emergency After Notice **ARC 2572C** 6/8/16
NPDES General Permit No.5 for wastewater discharges from mines and quarries, 64.15(5) Filed **ARC 2571C**..... 6/8/16

HUMAN SERVICES DEPARTMENT[441]

Medicaid for employed people with disabilities—premiums, 75.1(39)"b"(3) Filed **ARC 2557C** 6/8/16
Child care assistance—eligibility, certification, payment to providers, 170.1 to 170.4 Filed Emergency After Notice **ARC 2555C** 6/8/16
Child care assistance sliding fee schedule, 170.4(2)"a" Filed Emergency After Notice **ARC 2556C** 6/8/16

INSPECTIONS AND APPEALS DEPARTMENT[481]

Nursing facilities—dietary, 58.19(1), 58.24 Filed **ARC 2560C** 6/8/16

INSURANCE DIVISION[191]

COMMERCE DEPARTMENT[181]"umbrella"

Unfair trade practices—update of hotline contact information, amendment to ch 15 Filed **ARC 2602C**..... 6/22/16
 External review—update of division address and Iowa Code references, amendments to ch
 76 Filed **ARC 2601C** 6/22/16

LABOR SERVICES DIVISION[875]

WORKFORCE DEVELOPMENT DEPARTMENT[871]"umbrella"

Federal occupational safety and health standards—adoption by reference, 10.20, 26.1
Filed **ARC 2595C**..... 6/22/16
 Boilers and pressure vessels—incident reporting requirements, 90.11, 91.1(6), 91.20
Filed **ARC 2589C**..... 6/22/16

NATURAL RESOURCE COMMISSION[571]

NATURAL RESOURCES DEPARTMENT[561]"umbrella"

Nursery stock prices, 71.3 Notice **ARC 2558C** 6/8/16
 Hunting—licenses, education, apprentice designation, amendments to ch 15 Filed **ARC 2561C**..... 6/8/16

PAROLE BOARD[205]

CORRECTIONS DEPARTMENT[201]"umbrella"

Certificate of employability; parole revocation hearing; automatic revocation for conviction
 of aggravated misdemeanor, amendments to chs 9, 11 Notice **ARC 2590C** 6/22/16

PHARMACY BOARD[657]

PUBLIC HEALTH DEPARTMENT[641]"umbrella"

Compounded drug products—office use, 20.2, 20.15 Filed **ARC 2559C** 6/8/16

PROFESSIONAL LICENSURE DIVISION[645]

PUBLIC HEALTH DEPARTMENT[641]"umbrella"

Polysomnographic technologists and respiratory care and polysomnography
 practitioners—fees, 5.17 Notice **ARC 2596C** 6/22/16
 Practice of medical aesthetics by estheticians and cosmetologists—oversight by medicine
 board, 60.5(6) Filed **ARC 2599C**..... 6/22/16
 Salons and schools of cosmetology—licensure, sanitation, amendments to ch 61, 63 Filed **ARC 2600C**..... 6/22/16
 Sign language interpreters and transliterators—licensure, continuing education, 361.1 to
 361.4, 362.2 Notice **ARC 2597C** 6/22/16

PUBLIC HEALTH DEPARTMENT[641]

Informed consent for storage and release of residual newborn screening specimens, 4.3,
 4.7(6)"e," 4.11 Notice of Termination **ARC 2568C** 6/8/16
 Iowa get screened colorectal cancer program, amendments to ch 10 Filed **ARC 2562C**..... 6/8/16
 Grants to counties for private well testing, reconstruction and plugging, 24.4(2), 24.5,
 24.8(4), 24.12 Filed **ARC 2563C** 6/8/16
 Preparedness advisory committee, 114.1 to 114.9 Filed **ARC 2564C** 6/8/16
 Emergency medical services council, 130.1, 130.3 to 130.9 Filed **ARC 2565C** 6/8/16
 Trauma system advisory council, ch 138 Filed **ARC 2566C**..... 6/8/16
 Collection of delinquent debts, ch 179 Filed **ARC 2567C**..... 6/8/16

REVENUE DEPARTMENT[701]

Automobile rental excise tax, replacement tax and statewide property tax on rate-regulated
 water utilities—five-year review of rules, amendments to chs 27, 78 Notice **ARC 2574C** 6/8/16

TRANSPORTATION DEPARTMENT[761]

Adopt-a-highway program—sponsor compliance with nondiscrimination laws, 121.4(3)
Filed **ARC 2570C**..... 6/8/16

UTILITIES DIVISION[199]

COMMERCE DEPARTMENT[181]"umbrella"

Telecommunications services, amendments to ch 22 Notice **ARC 2569C** 6/8/16

VETERANS AFFAIRS, IOWA DEPARTMENT OF[801]

Iowa veterans home, amendments to ch 10 Notice **ARC 2594C** 6/22/16

ADMINISTRATIVE RULES REVIEW COMMITTEE MEMBERS

Regular, statutory meetings are held the second Tuesday of each month at the seat of government as provided in Iowa Code section 17A.8. A special meeting may be called by the Chair at any place in the state and at any time.

Senator Mark Chelgren
819 Hutchinson
Ottumwa, Iowa 52501

Senator Mark Costello
37265 Rains Avenue
Imogene, Iowa 51645

Senator Thomas Courtney
2609 Clearview
Burlington, Iowa 52601

Senator Wally Horn
101 Stoney Point Road, SW
Cedar Rapids, Iowa 52404

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Ames, Iowa 50010

Representative Megan Jones
4470 Highway 71
Sioux Rapids, Iowa 50585

Representative Rick Olson
3012 East 31st Court
Des Moines, Iowa 50317

Representative Dawn Pettengill
P.O. Box A
Mt. Auburn, Iowa 52313

Representative Guy Vander Linden
1610 Carbonado Road
Oskaloosa, Iowa 52577

Colin Smith
Administrative Rules Coordinator
Governor's Ex Officio Representative
Capitol, Room 18
Des Moines, Iowa 50319
Telephone (515)281-5211

ACCOUNTANCY EXAMINING BOARD[193A]

Recognition of foreign accountant designations for CPA certification in Iowa; update of board address, 2.1(3), 9.5(2) IAB 6/22/16 ARC 2598C	Professional Licensing Bureau Offices 200 E. Grand Ave., Suite 350 Des Moines, Iowa	July 14, 2016 9 a.m.
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ENVIRONMENTAL PROTECTION COMMISSION[567]

Iowa antidegradation implementation procedure, 61.2(2)“e,” 64.2(9)“a,” 64.7(2)“f” IAB 6/8/16 ARC 2579C	Conference Room 2 North, Second Floor Wallace State Office Bldg. Des Moines, Iowa	June 29, 2016 1 p.m.
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NATURAL RESOURCE COMMISSION[571]

Nursery stock prices, 71.3 IAB 6/8/16 ARC 2558C	State Forest Nursery 2404 South Duff Ave. Ames, Iowa	June 28, 2016 1 to 3 p.m.
	Mines of Spain State Recreation Area E.B. Lyons Interpretive Center 8991 Bellevue Heights Rd. Dubuque, Iowa	June 29, 2016 1 p.m.
	Loess Hills State Forest Visitor Center 206 Polk St. Pisgah, Iowa	June 30, 2016 10 a.m.

PAROLE BOARD[205]

Certificate of employability; parole revocation hearing; automatic revocation for conviction of aggravated misdemeanor, amendments to chs 9, 11 IAB 6/22/16 ARC 2590C	Board Conference Room 510 E. 12th St. Des Moines, Iowa	July 12, 2016 11 a.m. to 1 p.m.
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PROFESSIONAL LICENSURE DIVISION[645]

Polysomnographic technologists and respiratory care and polysomnography practitioners—fees, 5.17 IAB 6/22/16 ARC 2596C	Fifth Floor Conference Room 526 Lucas State Office Bldg. Des Moines, Iowa	July 12, 2016 9 to 10 a.m.
Sign language interpreters and translators—licensure, continuing education, 361.1 to 361.4, 362.2 IAB 6/22/16 ARC 2597C	Fifth Floor Board Conference Room 526 Lucas State Office Bldg. Des Moines, Iowa	July 12, 2016 8 to 8:30 a.m.

UTILITIES DIVISION[199]

Telecommunications services, amendments to ch 22 IAB 6/8/16 ARC 2569C	Room 69, Board Hearing Room 1375 E. Court Ave. Des Moines, Iowa	August 9, 2016 9 a.m.
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VETERANS AFFAIRS, IOWA DEPARTMENT OF[801]

Iowa veterans home, amendments
to ch 10
IAB 6/22/16 **ARC 2594C**

Sheeler 1 East Conference Room
Iowa Veterans Home
1301 Summit St.
Marshalltown, Iowa

July 12, 2016
8:30 a.m.
(If requested)

The following list will be updated as changes occur.

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

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

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

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ARC 2598C

ACCOUNTANCY EXAMINING BOARD[193A]

Notice of Intended Action

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

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

Pursuant to the authority of Iowa Code section 542.4, the Accountancy Examining Board hereby gives Notice of Intended Action to amend Chapter 2, “Organization and Administration,” and Chapter 9, “Reciprocity and Substantial Equivalency,” Iowa Administrative Code.

The proposed amendments reflect partial compliance with Iowa Code section 17A.7(2), which states that beginning July 1, 2012, over each five-year period of time, an agency shall conduct an ongoing and comprehensive review of all of the agency’s rules. The goal of the review is the identification and elimination of all rules of the agency that are outdated, redundant, or inconsistent or incompatible with statute or its own rules or those of other agencies. The proposed amendment to Chapter 2 updates outdated address information. The proposed amendment to Chapter 9 provides for recognition of a broader scope of accountant designations outside of the United States.

Any interested person may make written or oral suggestions or comments on the proposed amendments on or before July 14, 2016. Comments should be directed to Robert Lampe, Executive Officer, Iowa Accountancy Examining Board, 200 E. Grand Avenue, Suite 350, Des Moines, Iowa 50309; by telephone at (515)725-9024; or by e-mail to robert.lampe@iowa.gov.

A public hearing will be held at 9 a.m. on July 14, 2016, at the offices of the Professional Licensing Bureau, 200 E. Grand Avenue, Suite 350, Des Moines, Iowa. At the hearing, persons who wish to speak will be asked to give their names and addresses for the record and to confine their remarks to the subject of the proposed amendments.

Any person who plans to attend the public hearing and has special requirements, such as those related to hearing or mobility impairments, should contact the Board to discuss specific needs.

There is no fiscal impact. No current fees are being changed, and no new fees are being imposed.

These amendments are subject to waiver or variance pursuant to 193A—Chapter 5.

These proposed amendments were approved by the Board on May 11, 2016.

After analysis and review of this rule making, a positive impact on jobs is found as a result of the proposed amendment to subrule 9.5(2). By recognizing a broader scope of acceptable accountancy designations outside of the United States, Iowa demonstrates a welcoming perspective to individuals from other countries who seek licensure in Iowa.

These amendments are intended to implement Iowa Code chapter 542.

The following amendments are proposed.

ITEM 1. Amend subrule 2.1(3) as follows:

2.1(3) All official communications, including submissions and requests, should be addressed to the board at ~~1920 S.E. Hulsizer, Ankeny, Iowa 52001~~ 200 E. Grand Avenue, Suite 350, Des Moines, Iowa 50309.

ITEM 2. Amend subrule 9.5(2) as follows:

9.5(2) A person who holds in good standing a certificate, license or designation from a foreign authority that is substantially equivalent to an Iowa CPA certificate shall be deemed qualified for an Iowa CPA certificate if the person satisfies all of the provisions of Iowa Code section 542.19(3). The burden is on the applicant to demonstrate that such certificate, license or foreign designation is in full force and effect and that the requirements for that certificate, license or foreign designation are comparable or superior to those required for a CPA certificate in this state. Original verification from the foreign authority which issued the certificate, license or designation shall be required to

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

demonstrate that such certificate, license or designation is valid and in good standing. If the applicant cannot establish comparable or superior qualifications, the board shall require that the applicant pass the uniform certified public accountant examination designed to test the applicant's knowledge of practice in this state and country. If the applicant is a Canadian Chartered Accountant, Australian Chartered Accountant ~~or Australian Certified Practising Accountant~~, Hong Kong CPA, Ireland Chartered Accountant, Mexico Contador Público Certificado (CPC), or New Zealand Chartered Accountant, the applicant may be required to take the International Uniform CPA Qualification Examination (IQEX) in lieu of the uniform certified public accountant examination.

ADMINISTRATIVE SERVICES DEPARTMENT**Public Notice****NOTICE OF OFFICIAL PUBLICATION RATE INCREASE FOR THE FISCAL YEAR
COMMENCING JULY 1, 2016, AND ENDING JUNE 30, 2017**

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, 2016, and ending on June 30, 2017, 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 = 46.91 cents
Each subsequent insertion = 31.63 cents

The rate becomes effective on July 1, 2016. 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 1.1% from April 2015 to April 2016. The April index was the most recent index available as of June 9, 2016, the date on which this notice was submitted for publication.

Pursuant to Iowa Code section 618.11, this notice is exempt from the rule-making process in Iowa Code chapter 17A.

Questions with respect to this notice may be directed to:

Matthew Behrens, OCIO Deputy Chief Operating Officer
Office of the Chief Information Officer
1305 E. Walnut
Des Moines, Iowa 50319
Telephone: (515)281-0768
E-mail: Matt.Behrens@iowa.gov

ARC 2585C**AGRICULTURE AND LAND STEWARDSHIP DEPARTMENT[21]****Notice of Intended Action**

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

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

Pursuant to the authority of Iowa Code section 198.10, the Department of Agriculture and Land Stewardship hereby gives Notice of Intended Action to amend Chapter 41, “Commercial Feed,” Iowa Administrative Code.

The proposed amendment would allow the aflatoxin testing of cottonseed after entry into Iowa as an alternative to requiring a test prior to entry.

Any interested person may make written suggestions or comments on the proposed amendment on or before July 12, 2016. Written comments should be addressed to Margaret Thomson, Iowa Department of Agriculture and Land Stewardship, Wallace State Office Building, 502 East 9th Street, Des Moines, Iowa 50319. Comments may be submitted by fax to (515)725-1036 or by e-mail to Margaret.Thomson@IowaAgriculture.gov.

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

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

This amendment is intended to implement Iowa Code section 198.7.

The following amendment is proposed.

Amend rule 21—41.12(198) as follows:

21—41.12(198) Cottonseed product control. ~~As a condition of entry into Iowa, all shipments~~ Every shipment of whole cottonseed being sold in Iowa for animal feed use shall either be accompanied by a laboratory analysis for aflatoxin B1. ~~The and the distributor shall provide the laboratory analysis with the bill of lading or invoice to the first purchaser of the whole cottonseed being sold for animal feed use or the shipment shall be tested by the first purchaser.~~ The first purchaser shall provide a copy of the laboratory analysis to each subsequent purchaser. The whole cottonseed being sold for animal feed use must meet all livestock feeding guidelines established by the Food and Drug Administration regarding aflatoxin B1. Whole cottonseed sold for animal feed use which does not meet the guidelines established by the Food and Drug Administration will be considered adulterated under the provisions of Iowa Code section 198.7.

ARC 2582C**COLLEGE STUDENT AID COMMISSION[283]****Notice of Intended Action**

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

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

Pursuant to the authority of Iowa Code section 261.3, the Iowa College Student Aid Commission hereby gives Notice of Intended Action to amend Chapter 12, “Iowa Tuition Grant Program,” and Chapter 17, “Barber and Cosmetology Arts and Sciences Tuition Grant Program,” Iowa Administrative Code.

COLLEGE STUDENT AID COMMISSION[283](cont'd)

The proposed amendment to Chapter 12 changes the date by which a college or university must apply for participation in the Iowa Tuition Grant Program. The change is necessary due to the federal Department of Education's change in the release of the Free Application for Federal Student Aid (FAFSA) and the importance of information received from the FAFSA in projecting future awards under the state program.

The proposed amendments to Chapter 17 update language with respect to the submission of employment information, change the date by which a college must apply for participation in the Barber and Cosmetology Arts and Sciences Tuition Grant Program due to the federal Department of Education's change in the release of the FAFSA, and ensure that the disbursement of funding is aligned with need.

Interested persons may submit comments orally or in writing by 4:30 p.m. on July 12, 2016, to the Executive Director, Iowa College Student Aid Commission, 430 East Grand Avenue, Third Floor, Des Moines, Iowa 50309-1920. Written comments also may be sent by fax to (515)725-3401, by e-mail to julie.leeper@iowa.gov, or via the Iowa administrative rules Web site at <https://rules.iowa.gov>.

The Commission does not intend to grant waivers under the provisions of these rules.

After analysis and review of this rule making, the Commission finds that there is no impact on jobs.

These amendments are intended to implement Iowa Code chapter 261.

The following amendments are proposed.

ITEM 1. Amend subrule 12.2(2) as follows:

12.2(2) Processing college and university applications. Application forms will be provided by the commission.

Applicant colleges and universities are required to provide the commission with documentation establishing eligibility as described in 12.2(1).

Colleges and universities seeking to participate in the Iowa tuition grant program must submit applications by ~~January 1~~ October 1 of the year prior to the beginning of the academic year for which they are applying for participation.

Applicant colleges and universities must submit written plans outlining academic programs that integrate summer attendance in accelerated programs prior to making summer awards. If the summer program is approved by the commission, an applicant's students may receive Iowa tuition grants beginning in the summer following approval. Academic programs, defined by colleges or universities, which allow students to complete four-year baccalaureate programs in less than the normal prescribed time period while taking the same courses as students completing the same degree during a traditional four-year time period will be approved. A summer academic program may be defined for a group of students or may be a self-directed program in which a student has received approval from appropriate officials of the college or university.

ITEM 2. Amend paragraph **17.2(1)“f”** as follows:

f. Submit an annual report which includes student and faculty information, enrollment and employment information, and other information required by the commission as described in Iowa Code ~~sections section 261.9 through 261.16~~; and

ITEM 3. Amend paragraph **17.2(2)“b”** as follows:

b. Colleges seeking to participate in the barber and cosmetology arts and sciences tuition grant program must submit applications by ~~January 1~~ October 1 of the year prior to the beginning of the academic year for which they are applying for participation.

ITEM 4. Adopt the following new paragraph **17.2(4)“c”**:

c. If a school does not expend its entire allocation, the unspent funds must be returned to the commission. The school's allocation for the following fiscal year will be reduced by the amount of the unspent allocation.

ARC 2583C**COLLEGE STUDENT AID COMMISSION[283]****Notice of Intended Action**

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

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

Pursuant to the authority of Iowa Code section 261.3, the Iowa College Student Aid Commission hereby gives Notice of Intended Action to amend Chapter 20, “Iowa National Guard Educational Assistance Program,” Iowa Administrative Code.

The proposed amendment to Chapter 20 allows students at colleges and universities that grant credit based on terms other than semesters to receive equivalent benefits as students at colleges and universities that award credit based on semester terms. The proposed amendment to Chapter 20 reflects changes to Iowa Code section 261.86 that were enacted in 2016 Iowa Acts, Senate File 2234.

Interested persons may submit comments orally or in writing by 4:30 p.m. on July 12, 2016, to the Executive Director, Iowa College Student Aid Commission, 430 East Grand Avenue, Third Floor, Des Moines, Iowa 50309-1920. Written comments also may be sent by fax to (515)725-3401, by e-mail to julie.leeper@iowa.gov, or via the Iowa administrative rules Web site at <https://rules.iowa.gov>.

The Commission does not intend to grant waivers under the provisions of these rules.

After analysis and review of this rule making, the Commission finds that there is no impact on jobs.

This amendment is intended to implement Iowa Code chapter 261 as amended by 2016 Iowa Acts, Senate File 2234.

The following amendment is proposed.

Amend paragraph **20.1(6)“c”** as follows:

c. A qualified student may receive benefits for no more than 120 semester credit hours, or the equivalent, of undergraduate study. All credit hours within a term of enrollment to which educational assistance was applied must be reported to the commission within the state-defined payment period.

ARC 2590C**PAROLE BOARD[205]****Notice of Intended Action**

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

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

Pursuant to the authority of Iowa Code sections 904A.4(2), 906.3, and 906.19, the Board of Parole hereby gives Notice of Intended Action to amend Chapter 9, “Certificates of Employability,” and Chapter 11, “Parole Revocation,” Iowa Administrative Code.

The proposed amendments to Chapter 9 update the rules establishing the criteria for the issuance of certificates of employability to incorporate current programs being offered by the Department of Corrections and Iowa Workforce Development and to make the issuing process more efficient. The proposed amendments are the result of collaborative efforts between the Board of Parole, the Department of Corrections, and Iowa Workforce Development.

The proposed amendments to Chapter 11 clarify when a parole revocation hearing may be conducted electronically and specify that videoconferencing may be the manner in which the electronic hearing is to

PAROLE BOARD[205](cont'd)

proceed. The proposed amendments also conform rule 265—11.12(908) to Iowa Code section 908.10A, which requires automatic revocation of parole when a parolee is convicted and sentenced to incarceration for an aggravated misdemeanor.

Any interested person may make written suggestions or comments on the proposed amendments on or before July 12, 2016. Such written materials should be sent to the Chair of the Parole Board, 510 East 12th Street, Des Moines, Iowa 50319.

There will be a public hearing on July 12, 2016, from 11 a.m. to 1 p.m. in the Board of Parole Conference Room, 510 East 12th Street, Des Moines, Iowa, at which time persons may present their views either orally or in writing. At the hearing, persons will be asked to give their names and addresses for the record and to confine their remarks to the subject of the amendments.

Any person who intends to attend the public hearing and has special requirements should contact the Board of Parole and notify of specific needs.

These rules do provide for waivers in specified situations, as found in 205—11.11(908).

After analysis and review of this rule making, a positive impact on jobs may exist. The Board of Parole is tasked with determining when a certificate of employability is to be issued. The programs utilized by the Department of Corrections and approved by the Board of Parole will help offenders develop job skills that will be beneficial in the private sector. The skills learned will help offenders both obtain and retain employment and will possibly assist offenders in earning better salaries.

These amendments are intended to implement Iowa Code sections 904A.4(2), 906.3, and 906.19.

The following amendments are proposed.

ITEM 1. Amend rules 205—9.3(906) to 205—9.5(906) as follows:

205—9.3(906) Issuance of a certificate by the board of parole of employability.

~~9.3(1) The board of parole may issue a certificate of employability to an offender who has been committed to an institution under the jurisdiction of the department of corrections. Such certificate may be issued by the board at the time the offender is released from such institution under the board's authority or at any time thereafter. The board shall only issue a certificate of employability to an offender who obtains a positive recommendation from the department of corrections or community-based corrections in the state of Iowa.~~

~~9.3(2) The board of parole shall not issue any certificate of employability pursuant to this chapter unless the board is satisfied that:~~

~~a.—The person to whom it is to be granted is an eligible offender;~~

~~b.—The relief to be granted by the certificate is consistent with the employability of the eligible offender; and~~

~~c.—The relief to be granted by the certificate is consistent with the public interest.~~

~~9.3(3) Any certificate of employability issued by the board of parole to an eligible offender shall be deemed to be a temporary certificate until such time as the eligible offender is discharged from the board's supervision. Such a certificate may be revoked by the board, by the board's designee, or by an administrative parole judge for violation of the conditions of release or new arrest. Revocation shall be upon notice to the offender, who shall be accorded an opportunity to explain the violation prior to a decision thereon in accordance with subrule 9.3(5) below. After an eligible offender discharges all indictable criminal offenses imposed by the state of Iowa, the certificate of employability will only be revoked if it is determined that the certificate was obtained as the result of fraud or deceit or if the eligible offender is subsequently convicted in Iowa, or any other jurisdiction, of a crime that has a maximum penalty of two or more years of incarceration, in which case the certificate of employability shall be automatically revoked.~~

~~9.3(4) In the granting of a certificate of employability, the number of votes required to grant the certificate will be determined by the board of parole risk assessment score as set out in 205—subrules 8.15(2) to 8.15(4).~~

~~9.3(5) A certificate of employability may be revoked by the decision of an administrative parole judge or the board's designated officer at a parole revocation hearing held pursuant to rule~~

PAROLE BOARD[205](cont'd)

~~205—11.7(908). A certificate of employability may also be revoked at any time by affirmative vote of three or more of the parole board members.~~

~~9.3(6) The board may conduct an investigation of the applicant for the purpose of determining whether a certificate of employability shall be issued.~~

~~9.3(7) Any applicant whose application for a certificate of employability has been denied shall have the right to an appeal to the board of parole if the applicant initiates an appeal within ten days of written receipt of initial decision. Any appeal must be on an official board of parole appeal form.~~

9.3(1) The department of corrections shall issue a certificate of employability, at the time of release, to an eligible offender who:

a. Receives a parole, work release, or early discharge from the board of parole; and

b. Successfully completes one of the following:

(1) Department of corrections registered apprenticeship program; or

(2) National Career Readiness Certificate and the life skills program.

9.3(2) Reserved.

~~205—9.4(906) Effect of revocation; use of revoked certificate. Where a certificate of employability is deemed to be revoked, disabilities and forfeitures relieved by the certificate shall be reinstated as of the date upon which the person to whom the certificate was issued receives written notice of such revocation. Any such person shall upon receipt of such notice surrender the certificate to the board of parole.~~

~~205—9.5(906) Forms and filing.~~

~~9.5(1) All applications, certificates and orders of revocation necessary for the purposes of this chapter shall be upon forms prescribed by the board of parole and in accordance with policies adopted by the board.~~

~~9.5(2) The parole board issuing or revoking any certificate pursuant to this chapter shall immediately file a copy of the certificate, or of the order of revocation, with the department of corrections and with any affected licensing agency.~~

ITEM 2. Renumber rule **205—9.6(906)** as **205—9.4(906)**.

ITEM 3. Amend subrule 11.11(3) as follows:

11.11(3) Waiver of the right to personal appearance. In the event the parolee executes a waiver of the right to personal appearance and consent to parole revocation hearing to be conducted over the telephone, the parole revocation hearing shall be scheduled and conducted as a routine parole revocation hearing with the exception that it shall be conducted electronically by telephone. In the event the parolee does not execute a waiver of the right to personal appearance and consent to parole revocation hearing to be conducted over the telephone, the hearing shall be scheduled and may, at the discretion of the administrative parole judge, be conducted electronically by videoconference.

ITEM 4. Amend rule 205—11.12(908) as follows:

205—11.12(908) Conviction of a felony or aggravated misdemeanor while on parole. When a parolee is convicted and sentenced to incarceration in Iowa for a felony or aggravated misdemeanor committed while on parole, or is convicted and sentenced to incarceration under the laws of any other state of the United States or a foreign government or country for an offense committed while on parole and which if committed in Iowa would be a felony or aggravated misdemeanor, the parolee's parole shall be deemed revoked as of the date of the commission of the offense.

11.12(1) The parole officer shall inform the sentencing judge that the convicted defendant is a parole violator. The term for which the defendant shall be imprisoned as a parole violator shall be the same as that provided in cases of revocation of parole for violation of the conditions of parole. The new sentence of imprisonment for conviction of a felony or aggravated misdemeanor shall be served consecutively to the sentence for which the defendant was on parole, unless a concurrent term of imprisonment is ordered by the court.

PAROLE BOARD[205](cont'd)

11.12(2) The parole officer shall forward to the board of parole a violation report together with a file-stamped copy of the judgment entry and sentencing order for the offense committed during the parole. An administrative parole judge shall review the violation report and the judgment entry and sentencing order and, if satisfied that the conditions of Iowa Code section 908.10 or 908.10A and of this rule have been met, shall issue an order revoking the parole. The judge shall also determine the date of commission of the felony or aggravated misdemeanor offense and the date of subsequent incarceration in a state institution. Time loss shall be the time between these two dates, except that the parolee shall receive credit for any time the parolee was incarcerated in a county jail between these two dates.

11.12(3) The parolee shall be notified in writing that the parole has been revoked on the basis of the new conviction, and a copy of the commitment order shall accompany the notification. The parolee's record shall be reviewed pursuant to the provisions of Iowa Code section 906.5, or as soon as practical after a final reversal of the new conviction.

11.12(4) An inmate may appeal the revocation of parole under this rule according to the procedure indicated in rule 205—11.8(908).

11.12(5) Neither the administrative parole judge nor the board shall retry the facts underlying any conviction.

ARC 2596C

PROFESSIONAL LICENSURE DIVISION[645]

Notice of Intended Action

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

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

Pursuant to the authority of Iowa Code sections 148G.5 and 152B.6, the Iowa Board of Respiratory Care and Polysomnography hereby gives Notice of Intended Action to amend Chapter 5, “Fees,” Iowa Administrative Code.

Iowa Code section 147.80 requires each licensing board to set its fees at a level which will be sufficient to cover its ongoing expenditures. Annual board expenditures include items such as administrative staff time, licensing staff time, board member per diem and travel expenses; board regulatory activities including investigations, administrative hearings and legal counsel; and items of general support including IT equipment and software, office supplies and office rent and utilities. The Board of Respiratory Care and Polysomnography is not currently meeting the statutory requirement to bring in sufficient revenue to cover ongoing expenses. The Board proposes to set fees for the new polysomnography technologist license, set fees for the new dual respiratory care and polysomnographic practitioner license and raise the initial license and renewal fees for the respiratory care license, intended to become effective January 1, 2017, which is the date that licensure for polysomnography technologists and respiratory care and polysomnographic practitioners becomes effective.

The proposed fees are as follows: Initial and renewal for Respiratory Care Practitioner, \$75; Initial and renewal for Respiratory Care and Polysomnography Practitioner, \$90; Initial and renewal for Polysomnography Technologist, \$330; Reactivation fee for Respiratory Care Practitioner, \$135; Reactivation fee for Respiratory Care and Polysomnography Practitioner, \$150; and Reactivation fee for Polysomnographic Technologist, \$390.

Chapter 5 is shared by all of the Boards in the Bureau of Professional Licensure. However, this rule making proposes only to make changes to the fees affecting the Board of Respiratory Care and Polysomnography.

Any interested person may make written comments on the proposed amendment no later than August 2, 2016, addressed to Tony Alden, Professional Licensure Division, Department of Public Health,

PROFESSIONAL LICENSURE DIVISION[645](cont'd)

Lucas State Office Building, Des Moines, Iowa 50319-0075; e-mail tony.alden@idph.iowa.gov; fax (515)281-3121.

A public hearing will be held on July 12, 2016, from 9 to 10 a.m. in the Fifth Floor Conference Room 526, Lucas State Office Building, at which time persons may present their views either orally or in writing. At the hearing, persons will be asked to give their names and addresses for the record and to confine their remarks to the subject of the proposed amendment.

Waiver provisions pertaining to these administrative rules are contained in 645—Chapter 18.

After analysis and review of this rule making, no impact on jobs is expected.

This amendment is intended to implement Iowa Code sections 147.80, 148G.5, 148G.6(1) and (5), and 152B.6.

The following amendment is proposed.

Amend subrules 5.17(1), 5.17(2) and 5.17(4) as follows:

5.17(1) ~~Initial or endorsement license fee, to practice respiratory care is \$120, plus the cost for evaluation of the fingerprint packet and the criminal history background checks by the Iowa division of criminal investigation (DCI) and the Federal Bureau of Investigation (FBI).~~

a. The initial license fee for a respiratory care practitioner license is \$75, plus the cost for evaluation of the fingerprint packet and the criminal history background checks by the Iowa division of criminal investigation (DCI) and the Federal Bureau of Investigation (FBI).

b. The initial license fee for a polysomnographic technologist license is \$330, plus the cost for evaluation of the fingerprint packet and the criminal history background checks by the Iowa division of criminal investigation (DCI) and the Federal Bureau of Investigation (FBI).

c. The initial license fee for a respiratory care and polysomnography practitioner license is \$90, plus the cost for evaluation of the fingerprint packet and the criminal history background checks by the Iowa division of criminal investigation (DCI) and the Federal Bureau of Investigation (FBI).

5.17(2) ~~Biennial license renewal fee for each biennium is \$60.~~

a. The biennial license renewal fee for each biennium for a respiratory care practitioner license is \$75.

b. The biennial license renewal fee for each biennium for a polysomnographic technologist license is \$330.

c. The biennial license renewal fee for each biennium for a respiratory care and polysomnography practitioner license is \$90.

5.17(4) ~~Reactivation fee, is \$120, plus the cost for evaluation of the fingerprint packet and the criminal history background checks by the Iowa division of criminal investigation (DCI) and the Federal Bureau of Investigation (FBI) if the license has been on inactive status for two or more years.~~

a. The reactivation fee to practice respiratory care is \$135, plus the cost for evaluation of the fingerprint packet and the criminal history background checks by the Iowa division of criminal investigation (DCI) and the Federal Bureau of Investigation (FBI) if the license has been on inactive status for two or more years.

b. The reactivation fee to practice as a polysomnography technologist is \$390, plus the cost for evaluation of the fingerprint packet and the criminal history background checks by the Iowa division of criminal investigation (DCI) and the Federal Bureau of Investigation (FBI) if the license has been on inactive status for two or more years.

c. The reactivation fee to practice respiratory care and polysomnography is \$150, plus the cost for evaluation of the fingerprint packet and the criminal history background checks by the Iowa division of criminal investigation (DCI) and the Federal Bureau of Investigation (FBI) if the license has been on inactive status for two or more years.

ARC 2597C

PROFESSIONAL LICENSURE DIVISION[645]

Notice of Intended Action

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

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

Pursuant to the authority of Iowa Code section 147.76, the Board of Sign Language Interpreters and Transliterators hereby gives Notice of Intended Action to amend Chapter 361, “Licensure of Sign Language Interpreters and Transliterators,” and Chapter 362, “Continuing Education for Sign Language Interpreters and Transliterators,” Iowa Administrative Code.

These proposed amendments are intended to strengthen the supervision requirements for temporary sign language interpreter and transliterator license holders in response to complaints and concerns received by the Board about the quality of services being provided under the current temporary license regulations, which allow for continuing education in lieu of direct supervision. The amendments clarify the definition of direct supervision of a temporary license holder, revise the requirements for temporary licensure, and revise the continuing education requirements for new licensees and temporary license holders by rescinding subrules 361.2(4) to 361.2(7) and incorporating requirements for temporary licensure into new rule 645—361.3(154E).

Any interested person may make written comments on the proposed amendments no later than July 12, 2016, addressed to Judy Manning, Professional Licensure Division, Department of Public Health, Lucas State Office Building, Des Moines, Iowa 50319-0075; or by e-mail to judith.manning@idph.iowa.gov.

A public hearing will be held July 12, 2016, from 8 to 8:30 a.m. in the Fifth Floor Board Conference Room 526, Lucas State Office Building, Des Moines, Iowa, at which time persons may present their views either orally or in writing. At the hearing, persons will be asked to give their names and addresses for the record and to confine their remarks to the subject of the proposed amendments.

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

These amendments are intended to implement Iowa Code sections 147.3, 147.10, and 147.55, and chapters 154E and 272C.

The following amendments are proposed.

ITEM 1. Amend rule **645—361.1(154E)**, definition of “Direct supervision of a temporary license holder,” as follows:

“Direct supervision of a temporary license holder” means ~~board review of a temporary license holder’s evidence of professional development and continuing educational training or in-person~~ monitoring of interpreting or transliterating services ~~in the same room as while personally observing~~ the temporary license holder providing those services, as outlined in ~~subrule 361.2(6)~~ paragraphs 361.3(3)“b” and “c.”

ITEM 2. Rescind subrules **361.2(4) to 361.2(7)**.

ITEM 3. Renumber rule **645—361.3(154E)** as **645—361.4(154E)**.

ITEM 4. Adopt the following new rule 645—361.3(154E):

645—361.3(154E) Requirements for temporary license.

361.3(1) An applicant for licensure who has not successfully completed one of the board-approved examinations set forth in paragraph 361.2(1)“d” but has complied with all other requirements in paragraphs 361.2(1)“a” to “c” shall be issued a temporary license to practice interpreting that shall be valid for two years from initial issue date. A temporary license holder may renew a temporary license once for the immediately following two-year period.

PROFESSIONAL LICENSURE DIVISION[645](cont'd)

361.3(2) An applicant who is issued a temporary license is subject to the same requirements as those required of a licensed interpreter or transliterator set forth in Iowa Code chapters 154E and 147 and 645—Chapters 361 to 363.

361.3(3) A temporary license holder is only authorized to practice if the following direct supervision requirements are fulfilled. A temporary license holder must:

a. Enter into a written agreement with a supervisor in which the temporary license holder and the supervisor agree to the minimum requirements provided in paragraphs 361.3(3) “*b*” and “*c*.” The supervisor shall possess a full, unrestricted sign language interpreter and transliterator license. The agreement shall be signed and dated by the temporary license holder and the supervisor; shall include the temporary license holder’s and supervisor’s names, addresses and contact information; and shall be provided to the board upon request.

b. Have a supervisor observe the temporary license holder in active practice for no fewer than six bimonthly observation sessions per year at events lasting at least 30 minutes each, if the temporary license holder is working alone in providing active interpreter or transliterator services, or at least 60 minutes each, if the temporary license holder is working in a team interpreting situation. At least two of the observation sessions must be in person, and the remainder of the observation sessions may be performed through technology that allows direct observation of the temporary license holder providing active interpreter or transliterator services.

c. Attend at least six bimonthly advisory sessions with the supervisor per year for the purpose of discussing the supervisor’s suggestions for the temporary license holder’s professional skill development based on the observation sessions. An advisory session may occur immediately following an observation session if the setting is appropriate. At least two of the advisory sessions must be in person and the remainder of the advisory sessions may be performed through technology that allows real-time assessment and feedback. Each advisory session shall involve only the temporary license holder and supervisor.

d. Maintain an event log documenting the date, time, length and setting of each observation session and advisory session and whether the session was performed in person or through other technological means. The temporary license holder shall ensure that the supervisor verifies the occurrence of the observation session or advisory session by placing the temporary license holder’s signature on the log prior to submission to the supervisor. This event log shall be provided to the board upon request and must be submitted with the temporary license holder’s renewal application.

e. Ensure that the supervisor attends each of the observation sessions and advisory sessions or reschedules the sessions as necessary to ensure compliance.

f. Comply with the required observation session and advisory session obligations. If for any reason the replacement of a supervisor becomes necessary, the temporary license holder shall be responsible for developing a new written agreement with the new supervisor. A replacement of supervisors shall not excuse noncompliance with observation session and advisory session obligations.

g. Obtain permission from clients as necessary to allow the supervisor to be in attendance during the observation sessions.

361.3(4) As an Iowa-licensed practitioner in accordance with this chapter, a supervisor providing direct supervision of a temporary license holder as provided in subrule 361.3(3) is obligated to report to the board an interpreter or transliterator temporary license holder who is not complying with direct supervision requirements or who is not practicing in compliance with Iowa law and rules including, but not limited to, Iowa Code chapter 154E and 645—Chapters 361 to 363.

ITEM 5. Amend rule 645—362.2(154E,272C) as follows:

645—362.2(154E,272C) Continuing education requirements.

362.2(1) Requirements for permanent licensees. The biennial continuing education compliance period shall extend for a two-year period beginning on July 1 of each odd-numbered year and ending on June 30 of the next odd-numbered year. Each biennium, each person who is licensed to practice as a sign language interpreter or transliterator in this state shall be required to complete a minimum of 40 hours of continuing education as specified in rule 645—362.3(154E). ~~A licensee who provides proof of~~

PROFESSIONAL LICENSURE DIVISION[645](cont'd)

~~a current National Interpreter Certification or current Registry of Interpreters for the Deaf Certification meets continuing education requirements for that biennium renewal cycle.~~

362.2(2) Requirements ~~Exception for new permanent licensees. A person licensed for the first time shall not be required to complete continuing education as a prerequisite for the first renewal of the license, unless the licensee holds a temporary license and has chosen to meet the requirements for temporary licensure specified in 645—subparagraph 361.2(6)“b”(2). The~~ Thereafter, the new licensee shall complete a minimum of 40 hours of continuing education during the biennial license period for each subsequent license renewal and the continuing education requirements as set forth in rule 645—362.3(154E). The licensee may use continuing education hours acquired anytime from the initial licensing until the second license renewal to meet the requirements, for the second license renewal period. A licensee who provides proof of a current national interpreter certification issued by an organization recognized by the board (e.g., Registry of Interpreters for the Deaf (RID); National Association of the Deaf (NAD); NAD-RID National Interpreter Certification (NIC)) meets continuing education requirements.

362.2(3) NIC or RID Certification. A licensee who provides proof of a current National Interpreter Certification or current Registry of Interpreters for the Deaf Certification meets continuing education requirements for that biennium renewal cycle.

362.2(3) 362.2(4) Requirements for temporary license holders. ~~Prior to July 1, 2009, the temporary license holder shall comply with requirements specified in 645—subrule 361.2(6). Beginning July 1, 2009, the temporary license holder shall comply with continuing education requirements at the time of each license renewal including the first renewal of the license. Temporary~~ The biennial continuing education compliance period shall extend for a two-year period beginning on the date of initial licensure. Each biennium, temporary license holders shall be required to obtain 40 hours of continuing education as set forth in subparagraph 362.3(2)“a”(2) and paragraph 362.3(2)“b” for each subsequent renewal biennium beginning July 1, 2009 rule 645—362.3(154E). The temporary license holder may use only continuing education hours acquired during the current biennial license period for renewal. Proof of continuing education hours acquired shall be submitted with a temporary license renewal application.

362.2(4) 362.2(5) Hours of continuing education credit may be obtained by attending and participating in a continuing education activity. These hours must be in accordance with these rules.

362.2(5) 362.2(6) No hours of continuing education shall be carried over into the next biennium.

362.2(6) 362.2(7) It is the responsibility of each licensee to finance the cost of continuing education.

TREASURER OF STATE

Notice—Public Funds Interest Rates

In compliance with Iowa Code chapter 74A and section 12C.6, the committee composed of Treasurer of State Michael L. Fitzgerald, Superintendent of Credit Unions JoAnn Johnson, Superintendent of Banking Ronald L. Hansen, and Auditor of State Mary Mosiman have established today the following rates of interest for public obligations and special assessments. The usury rate for June is 3.75%.

INTEREST RATES FOR PUBLIC OBLIGATIONS AND ASSESSMENTS

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

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

The rate of interest has been determined by a committee of the state of Iowa to be the minimum interest rate that shall be paid on public funds deposited in approved financial institutions. To be

TREASURER OF STATE(cont'd)

eligible to accept deposits of public funds of the state of Iowa, a financial institution shall demonstrate a commitment to serve the needs of the local community in which it is chartered to do business. These needs include credit services as well as deposit services. All such financial institutions are required to provide the committee with a written description of their commitment to provide credit services in the community. This statement is available for examination by citizens.

New official state interest rates, effective June 9, 2016, setting the minimums that may be paid by Iowa depositories on public funds are listed below.

TIME DEPOSITS

7-31 days	Minimum .05%
32-89 days	Minimum .05%
90-179 days	Minimum .05%
180-364 days	Minimum .05%
One year to 397 days	Minimum .05%
More than 397 days	Minimum .35%

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

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

ARC 2594C

VETERANS AFFAIRS, IOWA DEPARTMENT OF[801]

Notice of Intended Action

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

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

Pursuant to the authority of Iowa Code section 35A.3(2), the Commission of Veterans Affairs hereby gives Notice of Intended Action to amend Chapter 10, “Iowa Veterans Home,” Iowa Administrative Code.

The intent of the proposed amendments is to reflect the operational changes the Iowa Veterans Home has undertaken since the last revision of Chapter 10.

Any interested person may make written suggestions or comments on the proposed amendments on or before July 12, 2016. Such written materials should be directed to Jodi S. Tymeson, Commandant, Iowa Veterans Home, 1301 Summit Street, Marshalltown, Iowa 50158-5485; or faxed to (641)753-4278. E-mail may be sent to jodi.tymeson@ivh.state.ia.us. Persons who wish to convey their views orally should contact the Commandant’s Office at (641)753-4307 at the Iowa Veterans Home.

If requested in writing, a public hearing on the proposed amendments will be held on July 12, 2016, at 8:30 a.m. in the Sheeler 1 East Conference Room at the Iowa Veterans Home, at which time persons may present their views either orally or in writing. At the hearing, persons will be asked to give their names and addresses for the record. Any persons who intend to attend the public hearing and have special requirements, such as those relating to hearing or mobility impairments, should contact the Iowa Veterans Home to advise of specific needs. If no written requests for a public hearing are received, the public hearing will be canceled without further notice.

There will be no fiscal impact in regard to this rule making.

These proposed amendments are not subject to waiver.

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

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

These amendments are intended to implement Iowa Code chapter 35D.

The following amendments are proposed.

ITEM 1. Amend **801—Chapter 10**, preamble, as follows:

The Iowa Veterans Home is a long-term health care facility located in Marshalltown, Iowa, ~~operated with oversight provided by the Commission of Veterans Affairs~~ commission of veterans affairs.

ITEM 2. Rescind the definition of “Chief operating officer” in rule **801—10.1(35D)**.

ITEM 3. Amend rule **801—10.1(35D)**, definition of “Full support,” as follows:

“*Full support rate*” means the maximum daily rate of support times the billable days of care received in any month less any offsets.

ITEM 4. Adopt the following new definition of “Licensed nursing home administrator” in rule **801—10.1(35D)**:

“*Licensed nursing home administrator*” means a duly licensed nursing home administrator pursuant to Iowa Code chapter 147.

ITEM 5. Amend paragraphs **10.3(4)“b,” “d” and “e”** as follows:

b. ~~An original or a certified~~ A copy of the veteran’s honorable discharge from the armed forces of the United States.

d. If the applicant is a Gold Star parent, ~~an original or certified~~ a copy of the child’s birth certificate and certification of the child’s death while serving on active duty in the armed forces of the United States during a time of military conflict.

e. ~~An original or a certified~~ A copy of the applicant’s birth certificate.

ITEM 6. Amend subrule 10.4(2) as follows:

10.4(2) The admissions committee shall assign the level of care required by the applicant. If a special care unit or treatment is required, this shall be designated.

If there is a question regarding the level of care for which the applicant qualifies, the applicant shall be scheduled for either a preadmission visit with appropriate staff or a site visit in order to make a determination of appropriate level of care.

ITEM 7. Rescind paragraph **10.4(5)“c.”**

ITEM 8. Reletter paragraph **10.4(5)“d”** as **10.4(5)“c.”**

ITEM 9. Amend relettered paragraph **10.4(5)“c”** as follows:

c. Prior to an applicant’s admission to a nursing care unit, the PASRR ~~is completed~~ shall be received.

ITEM 10. Amend rule 801—10.6(35D) as follows:

801—10.6(35D) Admission to IVH.

10.6(1) The applicant shall be notified by the admissions coordinator to appear for admission to IVH.

10.6(2) Upon arrival at IVH, the applicant or legal representative shall ~~report to~~ meet with the admissions office and resident finance office for an admission interview.

10.6(3) During the interview in the admissions office with the admissions coordinator, the following items will be reviewed ~~with~~ and signed by the applicant or legal representative:

~~*a.* The applicant’s resources.~~

~~*b.* The member support, billing process and banking services.~~

a. Permission for Treatment, Form 475-0814.

~~*c.*~~ *b.* The “Contractual Agreement,” Form 475-1833.

10.6(4) ~~In order to meet the requirements of subrule 10.6(3),~~ During the interview with the resident finance office, the accounting technician will review the following items with the applicant or legal representative shall complete and sign the following forms as applicable:

~~*a.* Permission for Treatment, Form 475-0814.~~

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

~~b. Financial Affidavit, Form 475-0839.~~

a. The applicant's resources.

b. The member support, billing process and banking services.

10.6(5) An applicant becomes a member at that point in time when the applicant or legal representative signs and dates the "Contractual Agreement," Form 475-1833, or otherwise authorizes, in writing, acceptance of the terms of admittance specified in the Contractual Agreement.

10.6(6) Each member shall be placed on a unit providing the appropriate level of care based on individual needs.

a. A member requiring a subsequent change in placement based on individual care needs shall be transferred to a unit which provides the appropriate level of care within the scope of its licensure.

b. Members shall have priority over new admissions for placement on a unit when a vacant bed becomes available.

10.6(7) Care at IVH shall be provided in accordance with Iowa Code chapter 135C; 481—Chapter 57, Residential Care Facilities; 481—Chapter 58, Nursing Facilities; and DVA State Veterans Homes, Veterans Health Administration, M-5, Part 8, Chapter 2, Procedure for Obtaining Recognition of a State Veterans Home and Applicable Standards, 2.07, Standards for Nursing Care, and 2.08, Standards for Domiciliary Care, November 4, 1992.

ITEM 11. Amend subrule 10.11(4) as follows:

10.11(4) In some cases, a member may be determined to be in need of ~~a fiduciary or an~~ agent by the DVA, the Social Security Administration or by a similar funding source. In these cases, the commandant or designee may serve as agent subject to Iowa Code section 135C.24. All rights and responsibilities regarding the financial awards shall devolve to the commandant or designee.

ITEM 12. Amend paragraphs **10.12(1)** "a," "p" and "q" as follows:

a. To timely report the existence of or changes in the member's income, spouse's income, assets or marital status, including the conversion of nonliquid assets to liquid assets. ~~The member shall also complete the change report which is enclosed with the monthly member support bill.~~

p. To carry Medicare Part B and Medicare Part D insurance if eligible. IVH shall buy the medical insurance portion of Medicare Part B and Medicare Part D if the member is not eligible to receive Medicare ~~Part B~~ under ~~Social Security~~ social security.

q. To delegate to IVH the authorization to enroll the member in ~~a prescription drug plan~~ Medicare Part B and Medicare Part D. The premium shall be deducted from the member's social security or paid monthly with the member's funds.

ITEM 13. Adopt the following new paragraph **10.12(1)** "r":

r. To assign the benefits of Medicare Part B, Medicare Part D and other medical insurances to IVH. The cost of Medicare Part B, Medicare Part D and other medical insurances shall be used as an offset to the aggregate semiannual per diem rate calculation according to the particular level of care as calculated in January and July of each year for the preceding six months and effective March 1 and September 1.

ITEM 14. Amend subrule 10.12(4) as follows:

10.12(4) When a member temporarily needs a level of care that is not offered by IVH, the member shall be referred by IVH medical staff to a DVA medical center or ~~to another other medical facility. When a member goes to a DVA medical center, that member is responsible for the payment of any DVA charges except those charges exempted by the commandant.~~

a. If a member who is treated at a DVA medical center has coinsurance to supplement Medicare, this coinsurance shall be used for the DVA medical center charges. IVH shall be responsible for all DVA medical center charges if the member does not carry coinsurance supplement.

b. If a member chooses a medical facility other than a DVA medical center or other medical facility as referred by IVH medical staff, the member is responsible for costs resulting from care at the medical facility chosen.

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

ITEM 15. Amend subrule 10.14(1) as follows:

10.14(1) A monthly member support bill shall be sent to the member or legal representative charging the member for care in the previous month with any necessary adjustment for prior months. A member ~~may~~ shall be required to pay member support charges from the member's liquid assets; and long-term care insurance benefits; ~~or~~ and from the member's income. The monthly member support charge shall be the billable days, as set out in subrule 10.14(3), multiplied by the appropriate per diem from rule 801—10.15(35D). This amount shall be reduced by any offsets as set out in subrules 10.15(2) and 10.15(3). The member or legal representative shall pay an amount not to exceed the amount calculated based on the resources available for the cost of care as set out in this chapter.

ITEM 16. Amend paragraph **10.14(3)“b”** as follows:

b. All leave days in excess of the 12 free days up through the fifty-ninth leave day. Any leave days in excess of 59 days shall be considered billable, ~~but~~ and the member must pay the full ~~member~~ support rate, not the amount determined by resources.

ITEM 17. Amend paragraphs **10.15(1)“a”** and **“b”** as follows:

a. Nursing level of care.

(1) The charge for care is the per diem rate calculated in January and July of each year for the preceding six-month period and is submitted by IVH to the Iowa Medicaid enterprise of the department of human services for the Title XIX-certified units as calculated in January and July of each year for the preceding six months.

(2) ~~The charge for care~~ updated per diem rate shall be ~~adjusted, if necessary,~~ effective semiannually on March 1 and September 1 of each year.

(3) Members or financial legal representatives shall be sent a notice one month in advance of the rate change.

b. Domiciliary level of care.

(1) The total cost of care per member shall be determined in January and July of each year for the preceding ~~six months~~ six-month period and calculated in a manner similar to the nursing level of care. This cost shall be the ~~charge for care~~ updated per diem rate.

(2) ~~The charge for care~~ per diem rate shall be ~~adjusted, if necessary,~~ semiannually on March 1 and September 1 of each year.

(3) Members or financial legal representatives shall be sent a notice one month in advance of the rate change.

ITEM 18. Amend subrule 10.15(2) as follows:

10.15(2) ~~Veteran members not living on Title XIX-certified units and those living on Title XIX-certified units but not eligible for Title XIX medical assistance~~ for whom IVH receives a per diem from the U.S. DVA (under Title 38). IVH shall consider this per diem as a third-party reimbursement to the charge for care and shall be an offset to the member support bill. The offset of the per diem received (billed to DVA) shall be shown as an offset for the month billed. The provisions of 38 U.S.C. 1745(a), which were established by Section 211 of the Veterans Benefits, Health Care, and Information Technology Act of 2006 (Public Law 109-461), set forth a mechanism for paying a higher per diem rate for certain veterans who have service-connected disabilities and are receiving nursing home care in state homes. If IVH receives this higher per diem rate from the DVA, the member will not have a support charge from IVH.

ITEM 19. Amend subrule 10.15(3) as follows:

10.15(3) ~~For members not living on Title XIX-certified units and those living on Title XIX-certified units but not eligible for Title XIX medical assistance.~~ The daily per diem charge shall be reduced by an amount equal to the “usual” appropriate Medicare premium calculated as a per diem Part B and Medicare Part D premiums paid by the enrolled member. ~~This offset shall be available only to members eligible for Medicare insurance.~~

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ITEM 20. Renumber subrules **10.15(4)** and **10.15(5)** as **10.15(5)** and **10.15(6)**.

ITEM 21. Adopt the following **new** subrule 10.15(4):

10.15(4) For members carrying other medical insurance upon admission and continuing to carry other medical insurance after admission. The member support charge shall be reduced by an amount equal to the other medical insurance premium.

ITEM 22. Amend renumbered subrules 10.15(5) and 10.15(6) as follows:

10.15(5) For members ~~not living on Title XIX certified units and those living on Title XIX certified units but not eligible for Title XIX medical assistance.~~ The member support charge shall be reduced in accordance with subrules 10.15(2), ~~and 10.15(3)~~ and 10.15(4), if applicable. The member shall then contribute all remaining available resources up to the charge for care.

Members receiving DVA pension and aid and attendance shall be considered as having used the amount equal to aid and attendance first in payment for their care at IVH.

10.15(6) Payment of support is due ~~on the tenth of the month in which~~ within ten business days after the monthly support bill is received; or ten business days after the member's last income deposit for that month.

a. If payment is not received by IVH within 30 days following the due date, a notice of discharge may be issued.

b. If there are extenuating circumstances, the member or legal representative should meet with the commandant or designee to work out a schedule of payments.

ITEM 23. Amend subrule 10.16(1) as follows:

10.16(1) For members ~~living on Title XIX certified units~~ who have applied for and are eligible to receive Title XIX medical assistance, rule 441—75.5(249A) shall apply. Financial eligibility for Title XIX shall be determined by the department of human services income maintenance worker.

ITEM 24. Amend subrule 10.16(2), introductory paragraph, as follows:

10.16(2) For members ~~not living on Title XIX certified units and those living on Title XIX certified units but not eligible for Title XIX medical assistance,~~ the following rules apply:

ITEM 25. Amend subparagraph **10.16(2)“a”(2)** as follows:

(2) Household goods, personal effects and one motor ~~vehicles~~ vehicle.

ITEM 26. Amend subrules 10.19(1) and 10.19(2) as follows:

10.19(1) For members ~~living on Title XIX certified units~~ who are eligible for Title XIX medical assistance, rule 441—75.5(249A) shall apply. For those members participating in the Title XIX medical assistance program, the difference between the \$140 personal needs allowance and the Title XIX personal needs allowance shall be returned to the member out of individual member participation.

10.19(2) For members ~~living on units which are not Title XIX certified and members living on Title XIX certified units~~ who are not eligible for Title XIX, the following shall apply:

a. The following types of income are exempt in the computation of member support:

(1) The earned income of the spouse or dependents.

(2) Unearned income restricted to the needs of the spouse or dependents (~~Social Security~~ social security, DVA, etc.).

(3) Any other income that can be specifically identified as accruing to the spouse or dependents.

(4) Nonrecurring gifts, contributions or winnings, not to exceed \$60 in a calendar quarter.

(5) Interest income of less than \$20 per month from any one source.

(6) State bonus for military services.

(7) Any earnings received by a member for that member's participation in money-raising activities administered by ~~veterans~~ veterans' organizations or auxiliaries (i.e., poppies).

(8) Any money received by a member from the sale of items resulting from a therapeutic activity (i.e., items sold in the IVH gift shop).

(9) The first \$150 received by a member in a month for participation in the incentive therapy or other programs as described in rule 801—10.30(35D), for members in the domiciliary level of care. For members in the nursing level of care, the first \$75 shall be exempted.

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

- (10) Personal loans.
- (11) In-kind contributions to the member.
- (12) Title XIX payments.
- (13) Yearly DVA compensation clothing allowance for those who qualify.
- (14) Other income as specifically exempted by statute.
- (15) Any income similar in its origin to the assets excluded in subparagraphs 10.16(2) "a"(6) and (7).
- (16) Income from employment as outlined in the IVH discharge planning policy (IVH policy #265).
 - b. Personal needs allowance. All members shall have an amount exempted from their monthly income intended to cover the purchase of clothing and incidentals.
 - (1) All income up to the first \$140 shall be kept as a personal needs allowance.
 - (2) The personal needs allowance shall be subtracted from the member's income prior to determination of moneys to which the spouse may be entitled.
 - c. Any type of income not specifically exempted shall be considered for the payment of member support as provided in rule 801—10.14(35D).
 - d. Determining income from property.
 - (1) Nontrust property. Where there is nontrust property, income paid in the name of one person shall be available only to that person unless the document providing income specifies differently. If payment of income is in the name of two persons, one-half is attributed to each. If payment is in the name of several persons, the income shall be considered in proportion to their ownership interest. If the member or spouse can establish different ownership by a preponderance of evidence, the income shall be divided in proportion to the ownership.
 - (2) Trust property. Where there is trust property, the payment of income shall be considered available as provided in the trust. In the absence of specific provisions in the trust, the income shall be considered as stated above for nontrust property.
 - e. The amount of income to consider in the computation of member support shall be as follows:
 - (1) Regular monthly pensions and entitlements. The amount of income to be considered is the gross amount of the monthly entitlement or pension received less any medical insurance premium deductions.
 - (2) Investments or nonrecurring lump-sum payments. Net unearned income from investments or nonrecurring lump-sum payments shall be determined by deducting income-producing costs from the gross unearned income. Income-producing costs include, but are not limited to, brokerage fees, property manager's salary, maintenance costs and attorney fees.
 - (3) Property sold on contract. The amount of income to consider shall be the amount received minus any payments for mortgage, taxes, insurance or assessments still owed on the property and payable by the contract holder.
 - (4) Earned income from a rental, sole or partnership enterprise. The amount of income to consider shall be the net profit figure as determined for the Internal Revenue Service on the member's income tax return.

EXCEPTION: The deductions of the previous year's state and federal taxes and depreciation on the income tax return are not allowable deductions for the purpose of the computation of member support. If a tax return is not available, the member or legal representative shall provide all information and verification needed in order to correctly compute member support.

- (5) Partnership income. The member's share of the net profit shall be determined in the same manner as the partnership percentage as determined for the Internal Revenue Service's purposes.

ITEM 27. Rescind paragraph **10.19(3)"b."**

ITEM 28. Reletter paragraphs **10.19(3)"c"** to **"e"** as **10.19(3)"b"** to **"d."**

ITEM 29. Amend relettered paragraphs **10.19(3)"b"** and **"d"** as follows:

- b. Spouse permanently in another nursing home ~~on Title XIX~~. Member shall be treated as single. ~~If the member is in receipt of a DVA pension, the amount of income provided Title XIX the spouse would be the DVA pension dependency amount.~~

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

d. All current court order proceedings and guardian/conservatorship appointments regarding financial obligations, ~~except child support or alimony~~, shall be honored.

ITEM 30. Amend subrule 10.19(4) as follows:

10.19(4) Income disbursements.

a. All ~~monthly~~ diversions to spouse or valid court orders shall be mailed or sent electronically as designated or on a monthly basis.

b. All checks or electronic payments shall be ~~mailed~~ sent to the proper recipient no later than the eighth day of any given month ~~to proper recipient~~ or, at IVH's option, five business days after the member's last income deposit for that month.

c. Monthly income disbursements to a community spouse may be delayed or canceled if there is an overdue amount owed for support payments.

ITEM 31. Amend subrule 10.23(1) as follows:

10.23(1) All members who have resources in excess of the full support rate shall be charged the full ~~member~~ support rate. If any member does not apply for all benefits due (such as, but not limited to, Title XIX, DVA pension, DVA compensation, ~~Social Security~~ social security, or any combination), fails to report resources accurately in order to not pay full support, or refuses to accept the available billing programs offered at IVH, that member shall be charged up to full ~~member~~ support per diem rate as if these responsibilities had been followed. Failure to comply with these rules may result in discharge from IVH.

ITEM 32. Amend rule 801—10.30(35D), introductory paragraph, as follows:

801—10.30(35D) Incentive therapy and nonprofit rehabilitative programs. Members may be offered the opportunity to perform services for IVH through the incentive therapy program as part of their plan of care. Participating members shall be compensated at the state's minimum wage for their involvement in the incentive therapy program ~~according to applicable guidelines established by the U.S. Department of Labor, Wage and Hour Division, and the commandant or designee~~. If members enrolled in nonprofit rehabilitative programs receive an income from such programs, that income shall be treated in the same manner as the incentive therapy program or IVH policy.

ITEM 33. Amend rule 801—10.35(35D), introductory paragraph, as follows:

801—10.35(35D) Handling of pension money and other funds. Each member who has not been assigned a guardian, conservator, fiduciary or representative payee or has not designated a power of attorney while ~~competent~~ having adequate decision-making capacity or as otherwise specified, may manage that member's own personal financial affairs. Upon the receipt of written authorization from the member or legal representative ~~to~~ by the commandant or designee, the commandant or designee may assist the member in the management of the member's financial affairs.

ITEM 34. Amend subrules 10.35(3), 10.35(5), 10.35(6) and 10.35(7) as follows:

10.35(3) IVH shall maintain a commercial account with a federally insured bank for the personal deposits of its members. The account shall be known as the IVH membership account/rep payee for social security/VA beneficiaries. The commandant or designee shall record each member's personal deposits individually and shall deposit the funds in the membership account where the members' deposits shall be held in the aggregate. Interest shall accrue on those accounts that are on deposit the last working Friday of each month. IVH may withdraw moneys from the account maintained pursuant to this subrule to establish certificates of deposit for the benefit of all members.

10.35(5) The commandant or designee shall maintain a written record of each member's funds which are received by or deposited with IVH. The member or legal representative shall receive a monthly statement showing deposits, withdrawals, disbursements, interest and current balances. If the commandant or designee is made representative payee or fiduciary for the member's financial transactions, this statement shall be maintained in the member's administrative file.

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10.35(6) Except as otherwise specified and unless the commandant or designee has been appointed representative payee or fiduciary, funds deposited with IVH shall be released to the member or legal representative upon request ~~with a~~. A statement will be provided showing deposits, disbursements, interest, and the final balance at the time the funds are withdrawn. When the member continues to maintain residency at IVH, the funds shall be released and a statement provided within three working days following the request. When a member is being discharged from IVH, the funds shall be released and a statement provided no later than the tenth day of the month following the month of discharge.

10.35(7) Upon the death of a member with personal funds deposited with IVH, IVH will first take payment for the final support bill, which may include debts owed to the IVH arts and crafts and ceramics program. If funds remain, IVH, upon receipt of documentation of the outstanding balance, will convey promptly the member's funds to ~~any outstanding the funeral home bill, or to the individual paying last funeral expenses, or whoever is administering the member's estate~~. IVH will notify promptly the estate recovery program of the death of any IVH resident who has been on Title XIX. Upon IVH's receipt of notification from the estate recovery program, any funds remaining in the deceased resident's membership account will be disbursed according to the deceased resident's directions. If probate papers are produced, a final accounting of those funds must also be provided to the individual administering the member's estate along with a disbursement of any remaining funds. If the value of the member's estate is so small as to make the granting of administration inadvisable, IVH must hold, then deliver all money plus interest within one year to the proper heirs equally or adhere to the member's request in the member's last will and testament.

ITEM 35. Adopt the following new subrule 10.35(8):

10.35(8) A member discharged while on leave from IVH shall have the member's account closed before the first of the month following discharge.

ITEM 36. Amend paragraphs **10.36(1)**"c" to "f" as follows:

c. All leaves other than free time shall require payment of member support charges as though the member were in residency. Failure to pay regular member support charges ~~shall~~ may result in discharge of the member. Leave length may be changed by notification from the member or legal representative to the nursing unit social worker or domiciliary office.

d. Hospital leaves. Leaves spent in approved medical facilities away from IVH shall not be counted against the 59-day leave time limit as set out in paragraph 10.14(3) "b."

Hospital leaves shall be granted and the charges for such leaves shall be as follows: During the first ten consecutive days of any hospital stay, the member shall pay the regular and usual assessed charge ~~of for the member's level of care of the bed held~~. Beginning on the eleventh day through the remainder of the hospitalization, the member shall not be charged. Each monthly member support bill shall reflect any adjustments related to hospitalization. ~~Members discharged while on leave from IVH shall have the account closed before the first of the month following the discharge.~~

Leaves to other medical facilities for the purpose of treatment shall be treated as hospital leaves.

e. General leaves.

(1) Twelve days of leave time each calendar year shall be free time.

(2) The member shall be charged the usual support charge for leave time over 12 days up to and including 59 days.

(3) The member shall be charged the full ~~member support rate~~ member support rate for the level of care in which the member resides for leave time over 59 days.

(4) Leave time is not cumulative from one calendar year to another calendar year.

(5) Leave time the member has not utilized or cannot utilize shall not be credited toward the member's support.

(6) Support charges for the member on leave who wishes to retain the member's room or bed shall be due and payable as though the member were in residency as set forth in paragraph 10.36(1) "c."

f. When the nursing care member is on leave, the member shall remain on in-house status for the first 12 leave days per calendar year for DVA per diem purposes and IVH shall be financially responsible for medical expenses, which include deductibles, co-pays and the member's share after all insurance has

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been filed and paid to the medical facility, ~~unless these~~ the medical expenses are assumed by the member or legal representative in relation to choice of medical facility.

ITEM 37. Amend paragraph **10.36(2)“d”** as follows:

d. A member or a legal representative who wishes to exceed the 18 visitation days and retain the member's bed, but does not have medical provider recommendation for an extension, must make arrangements with the ~~financial services operations~~ division administrator or designee for payment of the rate determined by the department of human services income maintenance worker for all days in excess of the 18 visitation days. If prior arrangements and payment are not made, a member may be discharged in accordance with subrule 10.12(2).

ITEM 38. Amend paragraphs **10.36(3)“b”** and **“c”** as follows:

b. Upon return from a pass, the member must ~~spend 24 hours~~ remain in residence past midnight of the day of return before another pass is issued.

c. When a member is on pass, the member shall remain on in-house status for DVA per diem purposes; IVH shall be financially responsible for medical expenses, which include deductibles, co-pays and the member's share after all insurance has been filed and paid to the medical facility, ~~unless these~~ the medical expenses are assumed by the member or legal representative in relation to choice of medical facility.

ITEM 39. Adopt the following new rule 801—10.37(35D):

801—10.37(35D) Mail.

10.37(1) Each member or legal representative shall be afforded a choice in the methods of handling the member's business mail and in meeting the member's responsibilities for reporting resources for the purpose of computation of member support. A member found to have inadequate financial decision making shall have that member's business mail handled in a manner as to respect that member's dignity and still meet the needs of IVH for complete information regarding resources.

10.37(2) Each member or legal representative shall be allowed to handle that member's business mail to the degree of responsibility chosen by the member or legal representative. A member may:

a. Elect to receive all business mail personally and provide the resident finance office with financial documentation, or

b. Designate that the member shall receive personal mail items, but business mail received at IVH from entitlement sources or concerning assets shall be routed to the resident finance office, cashier's office or Medicare office, whichever is appropriate.

ITEM 40. Amend paragraphs **10.40(1)“d”** and **“i”** as follows:

d. Firearms or weapons of any nature shall be turned in to the commandant or designee for safekeeping. The commandant or designee shall decide if an instrument is a weapon. Firearms or weapons in the possession of a member which constitute a hazard to self or others shall be removed and stored in a place provided and controlled by the facility or sent with family members for safekeeping.

i. Members shall report to the ~~admissions coordinator~~ resident finance supervisor or designee any changes in assets/income, and pay support ~~by the tenth of each month~~ within ten business days after the monthly support bill is received or ten business days after the member's last income deposit for the month.

ITEM 41. Amend subparagraphs **10.40(2)“b”(2)** and **(3)** as follows:

(2) If, after a period of up to six months, the member's behavior is deemed appropriate by the facility, the handling of funds will be reviewed, and funds may be returned to the control of the member.

(3) If the member is discharged from IVH, the balance of the ~~deposit shall be paid to the member or financial legal representative within 30 days of discharge~~ funds in the IVH membership account shall be paid to the member or financial legal representative no later than the tenth day of the month following the month of discharge.

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

ITEM 42. Amend rule 801—10.41(35D) as follows:

801—10.41(35D) County of settlement upon discharge. A member does not acquire legal settlement in Marshall County, the county in which IVH is located, unless the member is voluntarily or involuntarily discharged from IVH, continuously resides in the county for a period of one year subsequent to the discharge and during that year is not readmitted to IVH and does not receive any services from IVH.

ITEM 43. Amend subrule 10.42(3) as follows:

10.42(3) Upon the death of a member with personal funds deposited at IVH, after the final bill and any outstanding funeral expenses have been paid, and after receipt of notification from the estate recovery program (for those on Title XIX) that release of funds is approved, IVH shall convey the member's funds along with a final statement to the legal representative administering the member's estate. When an estate is not opened or in cases where no executor is appointed, IVH shall attempt to locate the deceased member's heirs and deliver the funds ~~and property~~ to the heirs equally or according to the terms of the last will and testament within one year after the date of death.

ITEM 44. Amend paragraph **10.43(1)“a,”** introductory paragraph, as follows:

a. The member has been diagnosed with a substance use disorder but continues to abuse alcohol or an illegal drug in violation of the member's conditional or provisional agreement entered into at the time of admission or at any time thereafter, and all of the following conditions are met:

ITEM 45. Amend paragraph **10.43(1)“c”** as follows:

c. The member no longer ~~requires a~~ meets the requirements for residential or nursing level of care, as determined by the IRCC or medical provider.

ITEM 46. Amend paragraph **10.43(3)“c”** as follows:

c. A statement in not less than 12-point type which reads: “You have a right to appeal the facility's decision to transfer or discharge you. If you think you should not have to leave this facility, you may request a hearing in writing or verbally with the Commission of Veterans Affairs (hereinafter referred to as “Commission”) within five (5) calendar days after receiving this notice. You have a right to be represented at the hearing by an attorney or any other individual of your choice at your own expense. If you request a hearing, it will be held, and a decision rendered within ten (10) calendar days of the filing of the appeal. Provision may be made for extension of the ten (10) day requirement upon request to the Commission designee. If you lose the hearing, you will not be discharged or transferred before the expiration of 30 days following receipt of the original notice of the discharge or transfer, or no sooner than five (5) days following final decision of such hearing. To request a hearing or receive further information, call the Commission or write to the Commission to the attention of: Chairperson, Commission of Veterans Affairs.”

ITEM 47. Amend subrules 10.43(6) and 10.43(7) as follows:

10.43(6) By the fourth Monday of each session of the Iowa general assembly, the commandant shall submit a report annually to the senate veterans affairs committee and the house veterans affairs committee specifying the number, circumstances and placement of each member involuntarily discharged from IVH under this rule during the previous calendar year.

10.43(7) Any involuntary discharge by the commandant or designee under this rule shall comply with the rules adopted by the commission and by the department of inspections and appeals ~~pursuant to 2009 Iowa Acts, Senate File 407, section 2~~ in accordance with Iowa Code section 35D.15.

ITEM 48. Amend subrule 10.46(1) as follows:

10.46(1) A member shall discuss the problem and action desired with the assigned social worker within five working days of the incident which caused the problem. The social worker shall investigate the situation and attempt to resolve the problem within five working days of the discussion with the member. If the assigned social worker has allegedly caused the grievance, the member may file the grievance directly with the ~~supervising unit manager~~ social work supervisor.

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ITEM 49. Adopt the following new rule 801—10.49(35D):

801—10.49(35D) Licensed nursing home administrator. The commandant shall employ a licensed nursing home administrator and convey the authority for compliance with all applicable laws and rules.

This rule is intended to implement Iowa Code chapter 135C.

ITEM 50. Amend subrule 10.50(2) as follows:

10.50(2) Visitors are subject to the policies and procedures as established by IVH ~~rules~~, including the tobacco-free policy.

ITEM 51. Adopt the following new subrule 10.50(8):

10.50(8) Visitors who bring pets must comply with IVH rules regarding pet health and safety. Pets shall be kept on a leash while on IVH grounds.

ITEM 52. Rescind and reserve rule **801—10.51(35D)**.

ITEM 53. Amend rule 801—10.53(35D) as follows:

801—10.53(35D) Donations. Donations of money, new clothing, books, games, recreational equipment or other gifts shall be made directly to the commandant or designee. The commandant or designee shall evaluate the donation in terms of the nature of the contribution to the facility program. The commandant or designee shall be responsible for accepting the donation and reporting the gift to the commission. All monetary gifts shall be acknowledged in writing to the donor and reported to the Iowa ethics and campaign disclosure board.

ITEM 54. Amend subrule 10.56(3) as follows:

10.56(3) Pets are ~~not only~~ allowed inside the cottages as outlined in the IVH cottage occupancy policy. ~~Occupants who bring pets must comply with IVH rules regarding pet health and safety. Pets will be housed in a portable pet kennel outside the cottage and kept on a leash while on the IVH grounds. The kennel shall be provided by the pet owner.~~

ARC 2580C

COLLEGE STUDENT AID COMMISSION[283]

Adopted and Filed Emergency After Notice

Pursuant to the authority of Iowa Code section 261.3, the Iowa College Student Aid Commission hereby amends Chapter 21, "Approval of Postsecondary Schools," Iowa Administrative Code.

The amendment to Chapter 21 provides changes necessary to implement policies that schools must follow to participate in an interstate reciprocity agreement under which the Commission is an approved participant under Iowa Code chapter 261G; implements requirements for schools that are exempt from postsecondary registration as required by 2016 Iowa Acts, House File 2370; and updates policies for schools that must register under Iowa Code chapter 261B.

The amendment was proposed under Notice of Intended Action and published in the Iowa Administrative Bulletin on September 16, 2015, as **ARC 2143C**. An Amended Notice of Intended Action was published in the Iowa Administrative Bulletin on March 16, 2016, as **ARC 2437C**. The Commission received no formal comments during the comment period but has held discussions about the Amended Notice of Intended Action with interested stakeholders. This Adopted and Filed Emergency After Notice filing takes those discussions into consideration and creates a new rule 283—21.14(261B,261G) to address the requirements of 2016 Iowa Acts, House File 2370, and rennumbers previously proposed rule 283—21.14(261B,261G) as 283—21.15(261B,261G) to address the registration process specifically for schools seeking approval to participate in a Commission-approved state authorization reciprocity agreement.

The Commission finds that the normal effective date of this amendment, 35 days after publication, should be waived and the amendment should be made effective May 27, 2016, pursuant to 2016 Iowa Acts, Senate File 2323, sections 17 and 19, which made 2016 Iowa Acts, House File 2370, effective upon enactment. The Commission finds that this amendment confers a benefit on the public by allowing Iowa schools to participate in a reciprocity agreement prior to deadlines in other participating states, thereby allowing Iowa students to continue to participate in online educational courses. Therefore, this amendment is filed pursuant to Iowa Code section 17A.5(2)"b"(1)(b).

The Commission does not intend to grant waivers under the provisions of these rules.

After analysis and review of this rule making, the Commission finds that there is no impact on jobs.

This amendment is intended to implement Iowa Code chapters 261, 261B, and 261G and 2016 Iowa Acts, House File 2370.

This amendment became effective May 27, 2016.

The following amendment is adopted.

Amend **283—Chapter 21** as follows:

CHAPTER 21

APPROVAL OF POSTSECONDARY SCHOOLS

283—21.1(261B,261G) Postsecondary registration and participation in the commission-approved reciprocity agreement. The college student aid commission examines college and university applications for ~~operation~~ registration to operate in Iowa and monitors schools approved by the commission to operate in the state. The commission also examines Iowa college and university applications for participation in an interstate reciprocity agreement under which the commission is an approved participant.

283—21.2(261B,261G) Definitions. As used in this chapter:

"Interstate reciprocity agreement administrator" means the entity with which the commission has an agreement to participate in interstate reciprocity under Iowa Code chapter 261G.

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“Registration” means the process by which a school must seek, or voluntarily seeks, the commission’s explicit approval to operate in Iowa or offer courses of instruction to Iowans under Iowa Code chapter 261B.

“School” means a postsecondary educational institution that applies to register or is currently registered to offer all or a portion of a program in Iowa under Iowa Code chapter 261B. “School” also means a postsecondary educational institution that is seeking to participate in the commission’s approved interstate reciprocity agreement under Iowa Code chapter 261G or that is a “participating resident institution” as defined in Iowa Code section 261G.2. A postsecondary educational institution that maintains a physical location outside of the state of Iowa and that must register under Iowa Code chapter 261B to operate at a physical location in this state is not a school that is eligible to participate in the commission’s approved interstate reciprocity agreement under Iowa Code chapter 261G.

283—21.2 283—21.3(261B,261G) Approval Registration approval criteria. The college student aid commission ~~approves~~ will approve an applicant school that completes a registration application provided by the commission and meets all of the following criteria:

~~21.2(1)~~ 21.3(1) The applicant school is accredited by an agency recognized by the United States Department of Education or its successor agency. The applicant school shall certify to the commission the school’s status with the accrediting agency at the time of the application and provide information about any pending or final action that may affect the school’s status with its accrediting agency.

As applicable, the applicant school shall provide the commission the name of any programmatic accrediting agency recognized by the United States Department of Education that accredits the specific programs the applicant school proposes to offer under its registration.

~~21.2(2)~~ 21.3(2) The applicant school certifies to the commission that the applicant school’s approval to operate in a state has not been revoked by the state, the school has not been sanctioned by a state within a year prior to the date of its application, and the school is not under investigation or bound by the terms of a judgment issued by a state’s attorney general or other enforcement authority.

~~21.2(3)~~ 21.3(3) The applicant school certifies that it is not subject to a limitation, suspension or termination order issued by the United States Department of Education or its successor agency. The applicant school shall provide the commission with a copy of the school’s current program participation agreement with the United States Department of Education.

~~21.2(4)~~ 21.3(4) The applicant school complies with Iowa Code section 261B.7, which prohibits a school from advertising that the school is approved or accredited by the commission or the state of Iowa. However, an applicant school must demonstrate the method by which it will disclose that the school is registered with the commission and provide the commission’s contact information for students who wish to inquire about the school or file a complaint.

~~21.2(5)~~ 21.3(5) The applicant school provides the commission with institutional policies adopted by the school that comply with the requirements of Iowa Code section 261.9(1) “e” to “h.”

a. For a program in which a student’s academic progress is measured only in clock hours, the school shall provide a full refund of tuition and mandatory fees to a student who withdraws and who requests that benefit under Iowa Code section 261.9(1) “g” for the payment period in which the student withdrew. The payment period is determined under rules promulgated by the United States Department of Education for the disbursement of federal Stafford loan funds.

b. The employee policy for reporting suspected incidents of child physical or sexual abuse required by Iowa Code section 261.9(1) “h” shall apply to individuals the school compensates to conduct activities on the school’s behalf at an Iowa location.

~~21.2(6)~~ 21.3(6) If required by the commission, the applicant school files annual reports that the commission also requires from all Iowa colleges and universities.

~~21.2(7)~~ 21.3(7) The applicant school demonstrates financial viability by providing a copy of the institution’s most recent audit that was prepared by a certified public accounting firm no more than 12 months prior to the date of the application and that provides an unqualified opinion. An applicant school must provide the auditor’s report as an attachment to the registration application, which is posted on the commission’s Internet site. However, the school may provide financial statements associated with

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the audit in a separate electronic file that is marked “confidential.” Financial statements that a school identifies as “confidential” will not be treated as public records under Iowa Code chapter 22.

~~21.2(8)~~ 21.3(8) The applicant school provides a description of the learning resources it offers to students, including appropriate library and other support services requisite for the school’s programs the school provides to its students.

~~21.2(9)~~ 21.3(9) The applicant school provides evidence that faculty within an appropriate discipline are involved in developing and evaluating curriculum for the program(s) being registered in Iowa.

~~21.2(10)~~ 21.3(10) The applicant school provides ~~résumés, other~~ documentation, or information posted on its Internet site that describes the educational and experiential qualifications of all faculty or instructors who teach the courses offered to Iowans in the programs the school proposes to offer under its registration and the general subject matter in which faculty members or instructors teach. The applicant school shall also provide the number of full-time and part-time faculty and instructors who will teach the courses offered to Iowans.

~~21.2(11)~~ 21.3(11) The applicant school provides documentation demonstrating that a program which prepares a student for an occupation that requires professional licensure in Iowa and which the school proposes to offer under its registration:

a. Has been approved by the appropriate state of Iowa licensing agency and accrediting agency, if such approval is required, or

b. Meets curriculum standards of the appropriate state of Iowa licensing agency such that the state of Iowa licensing agency does not require the student to complete additional coursework or practicum hours that the school did not offer in its professional licensure preparation program.

~~21.2(12)~~ 21.3(12) The school submits a request for amendment of its registration subject to commission approval in the event the school makes a substantive change in location, program offering, or accreditation during its registration term. A substantive change in program offering occurs when a school proposes to initiate ~~or modify~~ a program that requires the approval of the state board of education or any Iowa state agency ~~authorized to approve the school or its other program~~ that prepares a student for an occupation that requires professional licensure in this state.

~~21.2(13)~~ 21.3(13) During its registration term, the school notifies the commission within 90 days after adding a program that does not require ~~the approval of another Iowa state agency~~ the school to seek the commission’s amendment approval under subrule 21.3(12).

~~21.2(14)~~ 21.3(14) The applicant school certifies that it will immediately notify the commission of any pending or final sanction issued by the school’s accrediting agency, another state agency that registers or licenses the school during its registration term, or a state attorney general’s office or other enforcement authority. ~~The commission may take action that includes, but is not limited to, reducing the school’s registration term or limiting its enrollment of Iowans as the result of a final sanction issued by the school’s accrediting agency, another state agency, or a state attorney general’s office or other enforcement authority.~~

~~21.2(15)~~ 21.3(15) The applicant school provides a statement, signed by its chief executive officer, demonstrating the applicant school’s commitment to the delivery of programs offered in Iowa and agreeing to provide alternatives for students to complete their programs at the same or other schools if the applicant school discontinues a program, the applicant school closes, or the applicant school closes an Iowa site before students have completed their courses of study.

Notwithstanding any limitations on student eligibility for a teach-out plan approved by a school’s accrediting agency, the alternatives that the school provides under this agreement with the commission shall ensure that all academically eligible students attending the programs the school offers under its registration are provided with a viable option(s) to finish the program(s).

21.3(16) If the applicant school is for profit, the applicant school provides evidence that its most recently calculated percentage of revenue derived from funds received under Title IV of the Higher Education Act of 1965, as amended, does not exceed the threshold established by the United States Department of Education.

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21.3(17) If the applicant school is nonpublic, the applicant school provides evidence of its official financial responsibility composite score, as calculated using the method prescribed by the United States Department of Education.

a. A school demonstrates that its financial responsibility composite score is official by providing written confirmation of its composite score from the United States Department of Education.

b. A school that does not participate in the postsecondary student financial aid programs authorized by the United States Department of Education demonstrates that its financial responsibility composite score is official by providing written confirmation of its composite score from its accrediting agency. If the school's accrediting agency does not independently verify the school's composite score, the school must submit written confirmation from its independent auditor.

21.3(18) A nonpublic school that does not have a legal governing body, such as a board of directors or board of trustees, shall provide the names, titles, and educational and experiential qualifications of the persons holding key academic and operational leadership positions at the school.

21.3(19) A nonpublic school that is a subsidiary of another organization provides all of the following:

a. The name of the parent organization.

b. The names and titles of the members of the parent organization's legal governing body, such as a board of directors or board of trustees. In the absence of a legal governing body, the school provides the information described in subrule 21.3(18).

c. The name(s) of any other school(s) that is a subsidiary of the same parent organization.

21.3(20) The school posts a list of required and suggested textbooks for all courses and corresponding international standard book numbers for such textbooks at least 14 days before the start of each semester or term at the locations where textbooks are sold on campus and on the school's Internet site.

21.3(21) The school provides any additional information the commission requires to evaluate the school.

283—21.3 283—21.4(261B,261G) Additional approval criteria for an applicant school that applies for registration to maintain a fixed location in Iowa. In addition to meeting the registration approval criteria in rule 283—21.2(261B) 21.3(261B,261G), a school that applies for registration to operate a campus, branch campus, student services center, or administrative office at a fixed location in Iowa shall meet all of the following additional criteria:

1. The applicant school employs at least one full-time Iowa faculty member or one program or student services coordinator devoted to Iowa students.

2. The applicant school provides to the commission the name of and business contact information for a contact person in Iowa.

3. The applicant school demonstrates that it has adequate physical facilities located in Iowa appropriate for the programs and services offered.

283—21.4 283—21.5(261B,261G) Additional criteria for an out-of-state applicant school that applies for registration to offer programs via in-person instruction but in a nontraditional format.

21.4(1) 21.5(1) In addition to meeting the approval criteria in rule 283—21.2(261B) 21.3(261B,261G), an out-of-state school that applies for registration to offer programs via in-person instruction but in a nontraditional format shall notify the commission in writing within 90 days of the date that the school establishes a new Iowa location at which Iowa students will receive instruction in the school's nontraditional program. Notification to the commission via electronic mail is acceptable. If the school's accrediting agency requires preapproval of the new Iowa location, the school's notice to the commission must include a copy of that accrediting agency's approval. If the school's accrediting agency does not require preapproval of the new Iowa location, the school must certify that ~~preapproval~~ accrediting agency approval is not required. Such a school is not required to submit a registration amendment request under subrule 21.3(12).

21.4(2) 21.5(2) For the purposes of this rule, "nontraditional format" includes, but is not limited to, the following:

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- a. A program offered partially via distance education and partially via in-person instruction at a location in Iowa by faculty or instructors compensated by the applicant school.
- b. A program offered partially at the applicant school's out-of-state campus and partially via in-person instruction at a location in Iowa by faculty or instructors compensated by the applicant school.
- c. A program offered at a location in Iowa through compressed courses scheduled on Saturday or Sunday.
- d. A program offered only during the summer months.
- e. A program offered at temporary locations in Iowa where the school identifies cohorts of students who have expressed interest in the program.

~~283—21.5~~ ~~283—21.6(261B,261G)~~ Additional approval criteria and exception for an out-of-state applicant school that applies for registration to offer distance education programs.

~~21.5(1)~~ **21.6(1)** An out-of-state school offering distance education programs is not required to register in Iowa if its home state approves the school to participate in a commission-approved interstate reciprocity agreement. ~~In~~ If an out-of-state applicant school providing distance education programs in Iowa is not approved by the school's home state to participate in a commission-approved interstate reciprocity agreement, in addition to meeting the approval criteria in rule 283—21.2(261B) 21.3(261B,261G), an the out-of-state applicant school that applies for registration to offer distance education programs shall meet all of the following additional criteria:

- a. The applicant school discloses the name and business contact information of any person compensated by the school (including by honorarium) to remotely provide instruction or academic supervision in the school's distance education courses from any Iowa location.
- b. The applicant school discloses the name, business contact information, and duties of any person the applicant school compensates to remotely perform operational activities from any Iowa location.

~~21.5(2)~~ **21.6(2)** Exception. If a school applies for registration solely to offer distance education programs that include a structured field experience in which the student will participate at an Iowa location and the applicant school maintains no other presence in Iowa as defined in Iowa Code section 261B.2, the school is not required to implement a policy that complies with Iowa Code section 261.9(1) "h."

~~21.5(3)~~ A registered school must notify the commission within 90 days of the date that the school establishes an Iowa location at which a student will participate in any structured activity (e.g., field experience) related to the school's distance education course of instruction. Notification to the commission via electronic mail is acceptable.

~~283—21.6~~ ~~283—21.7(261B,261G)~~ Recruiting for an out-of-state applicant school's residential programs from an Iowa location.

~~21.6(1)~~ **21.7(1)** An out-of-state applicant school that compensates a party to recruit Iowans for its campus-based, residential programs shall apply for registration if the recruiter maintains an Iowa address. In addition to meeting all of the criteria in rule 283—21.2(261B) 21.3(261B,261G), the applicant school shall disclose the name of and business contact information for its Iowa-based recruiter.

~~21.6(2)~~ **21.7(2)** An out-of-state applicant school that compensates a person to recruit students for its campus-based, residential programs is not required to apply for registration if the school's recruitment activities at a location in Iowa are occasional and short-term; for example, at a college fair or conference.

~~283—21.7~~ ~~283—21.8(261B,261G)~~ Provisional registration.

~~21.7(1)~~ **21.8(1)** The commission may grant provisional registration only under the following conditions:

- a. An out-of-state applicant school is accredited by an entity or organization recognized by the United States Department of Education or its successor agency at the time the school submits its registration application; and
- b. The applicant school must obtain the commission's approval before the school's accrediting agency will consider approving the applicant school to operate at a physical location in Iowa.

COLLEGE STUDENT AID COMMISSION[283](cont'd)

~~21.7(2)~~ **21.8(2)** The commission may prohibit the school from initiating instruction at a location in Iowa until the school obtains its accrediting agency's approval to operate at an Iowa location.

283—21.9(261B,261G) Duration of registration; application for renewal.

21.9(1) Upon approval by the commission, an applicant school is registered for a period of two calendar years, contingent upon the school's compliance with commission requirements as provided in this chapter.

21.9(2) A registered school shall submit a completed registration renewal application to the commission at least six months before the ending date of the school's current registration term. A school is solely responsible for submitting a timely renewal application.

283—21.10(261B,261G) Limitation, denial, or revocation of registration.

21.10(1) At the time of initial registration or registration renewal and during a registration term, the commission may take action that includes, but is not limited to, limiting a school's program offerings or enrollment or denying or revoking the school's registration as a result of any of the following:

- a. An adverse notice, warning, or other sanction issued by the school's accrediting agency.
- b. An adverse action or sanction issued by the United States Department of Education.
- c. A lawsuit filed by a state agency, a state attorney general's office, or another enforcement authority.
- d. A judgment issued by a state attorney general's office or another enforcement authority.
- e. A for-profit school's most recently calculated percentage of revenue derived from funds received under Title IV of the Higher Education Act of 1965, as amended, that exceeds the threshold established by the United States Department of Education.
- f. Repeated complaints about a school received from the school's students by the commission, by another state, or by a state attorney general's office.
- g. Notice that the school has experienced a change of ownership or governance. The school shall notify the commission no later than 30 calendar days after the change in ownership or governance.
- h. Failure to pay fees due to the commission in accordance with rule 283—21.12(261B,261G).
- i. Other actions deemed by the commission as significant evidence that the school should not be allowed to operate under this chapter.

21.10(2) Reserved.

283—21.8 283—21.11(261B,261G) School, Iowa site, or program closure.

~~21.8(1)~~ **21.11(1)** Before No later than 90 days before a registered school takes action to discontinue a program ~~in which an Iowa is enrolled~~ that is offered by the school under its registration, close an Iowa site, or close the school, the school must notify the commission in writing.

~~21.8(2)~~ **21.11(2)** The school's notice to the commission shall include all of the following:

- a. ~~the~~ The full name, ~~contact information~~ residential address, telephone number, e-mail address, program name, and anticipated graduation date of affected ~~Iowans~~, Iowa resident students or, as applicable, affected students at the school's Iowa campus(es). The school shall organize this list in alphabetical order by student last name.
- b. ~~documentation~~ Documentation of the school's proposed notice to students.
- c. ~~the~~ The school's specific plan to provide alternatives for ~~Iowa~~ affected students to complete the ~~program~~, programs offered under the school's registration in accordance with the agreement described in subrule 21.3(15). The school shall obtain the prior approval of the commission for any agreement the school proposes to establish with another institution that provides completion alternatives for programs the school offered under its registration.
- d. The school's plan for permanent storage and retrieval of student transcript information.
- e. ~~and specific~~ Specific information about how the school will provide transitional support to affected students.
- f. Contact information for the specific entity and individual who will accept responsibility for all of the following:

COLLEGE STUDENT AID COMMISSION[283](cont'd)

(1) Ensuring that unearned federal student aid is returned to the United States Department of Education on a timely basis.

(2) Finalizing student account records and providing copies of the students' final account statements to the students and, upon request, to the commission.

(3) Collecting outstanding bills a student owes to the school for tuition and other educational expenses.

(4) Collecting on private education loans or other institutional loans made to students by the school and, if applicable, the school's private preferred lender(s).

~~21.8(3)~~ 21.11(3) The commission may require a registered school that has a continuous corporate surety bond in effect pursuant to Iowa Code section 714.18 to maintain the bond, at minimum, for one year after the school ceases operation in Iowa, closes an Iowa site, or ceases new enrollment in programs previously offered to ~~Iowans~~ Iowa resident students.

~~21.8(4)~~ 21.11(4) If the commission takes action to discontinue a school's program, close a school's Iowa site, or terminate a school's operation in Iowa, the school shall provide to the commission the information in subrule ~~21.8(2)~~ 21.11(2) and shall be subject to the requirements of subrule ~~21.8(3)~~ 21.11(3).

~~283—21.9~~ 283—21.12(261B,261G) Registration Initial registration application fees and subsequent annual fees.

~~21.9(1)~~ 21.12(1) A school that applies for initial registration ~~in Iowa as required under Iowa Code chapter 261B shall remit to the commission a \$1,000 an initial registration application fee payable to the state of Iowa commission in the amount of \$5,000.~~ This fee is nonrefundable regardless of the commission's decision with respect to the school's eligibility for registration in Iowa. ~~The commission assesses this fee at the time the school initially applies for registration and at the time of each subsequent registration renewal application.~~ A school that fails to pay the initial registration application fee shall be denied initial registration consideration.

~~21.9(2)~~ 21.12(2) A school that is approved for registration ~~in Iowa shall remit to the commission a \$1,000 registration an annual fee payable to the state of Iowa commission in the amount due on July 15 of each year.~~ The commission assesses the ~~\$1,000 registration fee at the time the commission initially approves the school's registration and at the time the commission approves each subsequent registration renewal.~~ If a school's registration terminates during a year, the school shall pay the annual fee to the commission if the school's registration is valid as of July 15 of that year. The annual fee is nonrefundable and will be assessed based on a school's full-time equivalent (FTE) enrollment as follows:

- Under 2,500 FTE – \$2,000.
- 2,500 to 9,999 FTE – \$4,000.
- 10,000 FTE or more – \$6,000.

~~21.9(3)~~ 21.12(3) A school that registers and pays fees under rule ~~283—21.15(261B,261G)~~ 283—21.12(261B,261G) is not required to pay fees under rule ~~283—21.15(261B,261G)~~ if participating in the interstate reciprocity agreement. ~~makes substantive changes in location, program offerings, or accreditation during its registration term must request that the commission approve a registration amendment. The school shall submit its amendment request in a format acceptable to the commission. The school's amendment request shall be accompanied by a \$1,000 amendment fee payable to the state of Iowa. This fee is nonrefundable regardless of the commission's decision with respect to the school's registration amendment request.~~

~~283—21.10~~ 283—21.13(261B,261G) Authorization to operate in Iowa for certain private nonpublic, nonprofit colleges and universities exempt from registration.

~~21.10(1)~~ 21.13(1) The state of Iowa considers a private nonpublic, nonprofit institution located in Iowa, which ~~is exempt~~ qualifies for an exemption from registration under Iowa Code section 261B.11(1) "j" and "l," to be authorized to lawfully operate in Iowa as a postsecondary educational institution that grants a degree, diploma, or certificate for the purpose of state authorization regulations

COLLEGE STUDENT AID COMMISSION[283](cont'd)

established by the United States Department of Education, provided the institution meets the following additional conditions:

a. The institution is exempt from federal taxation under Section 501(c)(3) of the Internal Revenue Code on or after July 1, 2013; and

b. The institution originated in this state and has undergone no change in ownership or control since July 1, 2011.

21.10(2) 21.13(2) The following Iowa colleges and universities are authorized under subrule ~~21.10(1)~~ 21.13(1):

- ~~*a.*~~ ~~AIB College of Business;~~
- ~~*b.*~~ *a.* Allen College;
- ~~*c.*~~ *b.* Briar Cliff University;
- ~~*d.*~~ *c.* Buena Vista University;
- ~~*e.*~~ *d.* Central College;
- ~~*f.*~~ *e.* Clarke University;
- ~~*g.*~~ *f.* Coe College;
- ~~*h.*~~ *g.* Cornell College;
- ~~*i.*~~ *h.* Des Moines University;
- ~~*j.*~~ *i.* Divine Word College;
- ~~*k.*~~ *j.* Dordt College;
- ~~*l.*~~ *k.* Drake University;
- ~~*m.*~~ *l.* Emmaus Bible College;
- ~~*n.*~~ *m.* Faith Baptist Bible College and Theological Seminary;
- ~~*o.*~~ *n.* Graceland University;
- ~~*p.*~~ *o.* Grand View University;
- ~~*q.*~~ *p.* Grinnell College;
- ~~*r.*~~ *q.* Iowa Wesleyan College;
- ~~*s.*~~ *r.* Loras College;
- ~~*t.*~~ *s.* Luther College;
- ~~*u.*~~ *t.* Maharishi University of Management;
- ~~*v.*~~ *u.* Mercy College of Health Sciences;
- ~~*w.*~~ *v.* Mercy St. Luke's School of Radiologic Technology;
- ~~*x.*~~ *w.* Morningside College;
- ~~*y.*~~ *x.* Mount Mercy College;
- ~~*z.*~~ *y.* Northwestern College;
- ~~*aa.*~~ *z.* Palmer College of Chiropractic;
- ~~*ab.*~~ *aa.* Simpson College;
- ~~*ac.*~~ *ab.* St. Ambrose University;
- ~~*ad.*~~ *ac.* St. Luke's College;
- ad.* Unity Point Health – Des Moines School of Radiologic Technology;
- ae.* University of Dubuque;
- af.* Upper Iowa University;
- ag.* Wartburg College;
- ah.* Wartburg Theological Seminary; and
- ai.* William Penn University.

283—21.14(261B,261G) Verification of exemption from registration to operate in Iowa.

21.14(1) A school claiming an exemption from registration under Iowa Code chapter 261B shall demonstrate the following:

a. The school provides the reference under which it requests exemption from registration under Iowa Code section 261B.11.

b. If the school offers a course of instruction leading to a degree, with the exception of a school that qualifies for an exemption under Iowa Code section 261B.11(1) "h," the school is accredited by

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an accrediting agency recognized by the United States Department of Education and will notify the commission of any negative changes to its accrediting status.

c. The school has a policy that prohibits unlawful possession, use, or distribution of controlled substances by students and employees on school-owned or -leased property or in conjunction with activities sponsored by the school. The school will provide information about the policy to all students and employees, including any sanctions for violation of the policy and any substance abuse prevention programs for students and employees.

d. The school has a policy addressing sexual abuse including counseling, campus security, education, and facilitating accurate and prompt reporting of sexual abuse.

e. The school has an employee policy for reporting suspected incidents of child physical or sexual abuse that includes individuals whom the school compensates to conduct activities on the school's behalf at an Iowa location.

f. The school has a military refund policy for students who are members of the Iowa national guard or reserve forces of the United States and the spouses of such members if the members have dependent children when the members are ordered into active duty as required by Iowa Code sections 261.9(1) "g," 262.9(30), and 260C.14(20). The policy shall include:

(1) Withdrawal from all or a portion of the student's registration and receipt of a full refund of tuition and mandatory fees that the school assessed for courses from which the student withdrew. For a program in which a student's academic progress is measured only in clock hours, the school shall provide a full refund of tuition and mandatory fees to a student who withdraws and who requests that benefit for the payment period in which the student withdrew. The payment period is determined under rules promulgated by the United States Department of Education for the disbursement of federal Stafford loan funds.

(2) Making arrangements for instructors to report grades or report incomplete grades that will be completed at a later date.

g. The school posts a list of required and suggested textbooks for all courses and corresponding international standard book numbers for such textbooks at least 14 days before the start of each semester or term at the locations where textbooks are sold on campus and on the school's Internet site.

h. The school has procedures for preservation of student records and the contact information to be used by students and graduates who seek to obtain transcript information.

i. A covered institution under Iowa Code chapter 261F has a code of conduct that complies with Iowa Code section 261F.2.

j. A covered institution under Iowa Code chapter 261F with a preferred lender list meets the requirements of Iowa Code section 261F.6.

k. The school provides the commission with the name of and business contact information for a person whom the school designates to receive student complaints from the commission and coordinate the school's response. The commission will provide a link to a page on its Web site for students to use to seek additional information about a school or to file a complaint about a school. A school that is approved for an exemption from registration will prominently provide on its Web site the link to the commission's Web page for students.

21.14(2) A nonpublic school must provide evidence of financial responsibility under Iowa Code section 714.18 or demonstrate eligibility for an exemption under Iowa Code section 714.19.

21.14(3) A for-profit school must demonstrate and maintain compliance with Iowa Code section 714.23. The school shall apply the policy it adopts under Iowa Code section 714.23 to students who attend its campus(es) in Iowa, if applicable, as well as to Iowa resident students who attend distance education programs.

21.14(4) A for-profit school that does not participate in the student financial assistance programs administered by the United States Department of Education must demonstrate and maintain compliance with Iowa Code section 714.25.

283—21.15(261B,261G) Approval criteria for a school seeking to participate in a commission-approved interstate reciprocity agreement under Iowa Code chapter 261G. A school

COLLEGE STUDENT AID COMMISSION[283](cont'd)

that applies to participate in a commission-approved interstate reciprocity agreement shall meet the following criteria:

21.15(1) The applicant school shall be in compliance with Iowa Code chapter 261B as provided in this chapter.

21.15(2) The applicant school shall submit an institutional participation application as required by the commission-approved interstate reciprocity agreement. The application shall be signed by the school's chief executive officer or chief academic officer.

21.15(3) The commission will provide a link to a page on its Web site for students to use to seek additional information about a school or to file a complaint about a school. An approved school will prominently provide on its Web site the link to the commission's Web page for students. The school will provide the commission with the name of and business contact information for a person whom the school designates to receive student complaints from the commission and coordinate the school's response.

21.15(4) A school that is approved to participate in the commission-approved interstate reciprocity agreement shall remit an annual fee payable and due to the commission on July 15 of each year. If a school's participation in the commission-approved interstate reciprocity agreement terminates during a year, the school shall pay the annual fee to the commission if the school's registration is valid as of July 15 of that year. The annual fee is nonrefundable and will be assessed based on a school's full-time equivalent (FTE) enrollment as follows:

- Under 2,500 FTE – \$2,000.
- 2,500 to 9,999 FTE – \$4,000.
- 10,000 FTE or more – \$6,000.

21.15(5) A school that is approved to participate in the commission-approved interstate reciprocity agreement shall remit to the interstate reciprocity agreement administrator any required fees.

21.15(6) Upon approval by the interstate reciprocity agreement administrator, a school may continue its participation in the reciprocity agreement as long as it meets all requirements of the interstate reciprocity agreement.

These rules are intended to implement Iowa Code chapters 261, ~~and~~ 261B, and 261G.

[Filed Emergency After Notice 5/23/16, effective 5/27/16]

[Published 6/22/16]

EDITOR'S NOTE: For replacement pages for IAC, see IAC Supplement 6/22/16.

ARC 2591C

AGRICULTURE AND LAND STEWARDSHIP DEPARTMENT[21]

Adopted and Filed

Pursuant to the authority of Iowa Code section 163.1(1), the Department of Agriculture and Land Stewardship hereby amends Chapter 64, "Infectious and Contagious Diseases," Iowa Administrative Code.

The amendment provides that the Department will determine the disposal method for an animal affected with glanders instead of requiring immediate burning.

Notice of Intended Action was published in the Iowa Administrative Bulletin as **ARC 2517C** on April 27, 2016. No comments were received from the public. The adopted amendment is identical to the noticed amendment.

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

This amendment is intended to implement Iowa Code section 163.1.

This amendment will become effective July 27, 2016.

The following amendment is adopted.

Amend rule 21—64.11(163) as follows:

21—64.11(163) Disposal of diseased animal. Whenever any animal affected with glanders dies or is destroyed the carcass of such animal shall be ~~burned immediately~~ disposed of as determined by the department.

As glanders is transmissible to human beings great care must be exercised in handling diseased animals or carcasses.

This rule is intended to implement Iowa Code section 163.1.

[Filed 6/2/16, effective 7/27/16]

[Published 6/22/16]

EDITOR'S NOTE: For replacement pages for IAC, see IAC Supplement 6/22/16.

ARC 2581C

COLLEGE STUDENT AID COMMISSION[283]

Adopted and Filed

Pursuant to the authority of Iowa Code section 261.62, the Iowa College Student Aid Commission hereby amends Chapter 36, "Governor Terry E. Branstad Iowa State Fair Scholarship Program," Iowa Administrative Code.

The amendment to Chapter 36 eliminates two items that students must provide to the Commission, thereby making it easier for students to apply.

Notice of Intended Action was published in the Iowa Administrative Bulletin on January 6, 2016, as **ARC 2338C**. No comments were received. This amendment is identical to that published under Notice of Intended Action.

The Commission does not intend to grant waivers under the provisions of these rules.

After analysis and review of this rule making, the Commission finds that there is no impact on jobs.

This amendment is intended to implement Iowa Code chapter 261.

This amendment will become effective on July 27, 2016.

The following amendment is adopted.

Amend subrule 36.1(2) as follows:

36.1(2) Eligibility for scholarship.

a. An applicant must be an Iowa resident who has graduated from an accredited secondary school in Iowa.

COLLEGE STUDENT AID COMMISSION[283](cont'd)

- b.* An applicant for assistance under this program must enroll at an eligible institution.
- c.* An applicant must release ~~test scores, rank in class,~~ grade point average, and need analysis information to the commission on forms specified by the commission, by the deadline date determined by the commission. In addition, each applicant must provide the following information, as stated in the application instructions: essay, description of state fair participation, description of school and community activities, and description of community services.

[Filed 5/23/16, effective 7/27/16]

[Published 6/22/16]

EDITOR'S NOTE: For replacement pages for IAC, see IAC Supplement 6/22/16.

ARC 2592C

DENTAL BOARD[650]

Adopted and Filed

Pursuant to the authority of Iowa Code sections 147.76 and 153.33, the Dental Board adopts an amendment to Chapter 10, "General Requirements," Iowa Administrative Code.

This amendment clarifies supervision requirements in an accredited dental hygiene program. The new subrule establishes the supervision criteria that must be met when students practice clinical skills as part of their regular course of instruction.

Notice of Intended Action was published in the Iowa Administrative Bulletin on March 2, 2016, as **ARC 2432C**. A public hearing was held on March 30, 2016, at 2 p.m. at the office of the Dental Board. There were no attendees. No written comments were received. This amendment is identical to that published under Notice.

This amendment was approved by the Board on April 29, 2016.

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

This amendment is intended to implement Iowa Code sections 153.15, 153.38 and 153.39.

This amendment will become effective on July 27, 2016.

The following amendment is adopted.

Adopt the following new subrule 10.4(4):

10.4(4) Students enrolled in dental hygiene programs. Students enrolled in an accredited dental hygiene program are not considered to be engaged in the unlawful practice of dental hygiene provided that such practice is in connection with their regular course of instruction and meets the following:

- a.* The practice of clinical skills on peers enrolled in the same program must be under the direct supervision of a program instructor with an active Iowa dental hygiene license, Iowa faculty permit, or Iowa dental license;
- b.* The practice of clinical skills on members of the public must be under the general supervision of a dentist with an active Iowa dental license;
- c.* The practice of clinical skills involving the administration or monitoring of nitrous oxide or the administration of local anesthesia must be under the direct supervision of a dentist with an active Iowa dental license.

[Filed 6/2/16, effective 7/27/16]

[Published 6/22/16]

EDITOR'S NOTE: For replacement pages for IAC, see IAC Supplement 6/22/16.

ARC 2593C**DENTAL BOARD[650]****Adopted and Filed**

Pursuant to the authority of Iowa Code sections 147.76 and 153.33, the Dental Board adopts an amendment to Chapter 20, “Dental Assistants,” Iowa Administrative Code.

This amendment clarifies supervision requirements in an accredited dental assisting program. The new rule establishes the supervision criteria that must be met when students practice clinical skills as part of their regular course of instruction.

Notice of Intended Action was published in the Iowa Administrative Bulletin on March 2, 2016, as **ARC 2431C**. A public hearing was held on March 30, 2016, at 2 p.m. at the office of the Dental Board. There was one attendee, Joni Miller, representing Western Iowa Tech Community College, who read the comment previously submitted by Western Iowa Tech.

Three written comments were received. All written comments asked for the ability to permit a program instructor to supervise the practice of clinical skills involving expanded function procedures. Thus, proposed numbered paragraph “3” was not adopted.

This amendment was approved by the Board on April 29, 2016.

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

This amendment is intended to implement Iowa Code sections 153.38 and 153.39.

This amendment will become effective on July 27, 2016.

The following amendment is adopted.

Adopt the following new rule 650—20.17(153):

650—20.17(153) Students enrolled in dental assisting programs. Students enrolled in an accredited dental assisting program are not considered to be engaged in the unlawful practice of dental assisting provided that such practice is in connection with their regular course of instruction and meets the following:

1. The practice of clinical skills on peers enrolled in the same program must be under the direct supervision of a program instructor with an active Iowa dental assistant registration, Iowa dental hygiene license, Iowa faculty permit, or Iowa dental license;

2. The practice of clinical skills on members of the public must be under the direct supervision of a dentist with an active Iowa dental license.

[Filed 6/2/16, effective 7/27/16]

[Published 6/22/16]

EDITOR’S NOTE: For replacement pages for IAC, see IAC Supplement 6/22/16.

ARC 2584C**EDUCATIONAL EXAMINERS BOARD[282]****Adopted and Filed**

Pursuant to the authority of Iowa Code section 272.2(1)“a,” the Board of Educational Examiners hereby amends Chapter 13, “Issuance of Teacher Licenses and Endorsements,” Iowa Administrative Code.

These amendments allow applicants from another state who have met the assessment requirements in their state and successfully taught for at least three years in their state to be exempt from the Iowa assessment requirements. There is also language added to reflect a minimum grade standard for coursework related to licensure eligibility.

EDUCATIONAL EXAMINERS BOARD[282](cont'd)

The amendments also provide clarity regarding the student teaching requirement for the elementary education endorsement, field placements and practicum experiences for adding endorsements, and the minimum grade standard for coursework related to adding an endorsement.

Notice of Intended Action was published in the Iowa Administrative Bulletin as **ARC 2453C** on March 16, 2016. A public hearing took place on April 6, 2016. No one attended the public hearing, and no written comments were received. These amendments are identical to those published under Notice.

These amendments are subject to waiver pursuant to 282—Chapter 6.

The Board of Educational Examiners adopted these amendments on May 13, 2016.

After analysis and review of this rule making, there is no anticipated impact on jobs.

These amendments are intended to implement Iowa Code section 272.2(1)“a.”

These amendments will become effective July 27, 2016.

The following amendments are adopted.

ITEM 1. Amend subrule 13.5(2) as follows:

13.5(2) *Applicants from non-Iowa institutions.*

a. No change.

b. In addition to the requirements set forth in subrule 13.5(1), applicants from non-Iowa institutions:

(1) Shall submit a copy of a valid or expired regular teaching certificate or license exclusive of a temporary, emergency or substitute license or certificate.

(2) Shall provide verification of successfully passing the Iowa-mandated assessment(s) by meeting the minimum score set by the Iowa department of education if the teacher preparation program was completed on or after January 1, 2013, and the applicant has verified fewer than three years of valid out-of-state teaching experience. If the teacher preparation program was completed prior to January 1, 2013, or if the applicant has verified three years of valid out-of-state teaching experience, the applicant must provide verification of successfully passing the mandated assessment(s) in the state in which the applicant is currently licensed (or verify highly qualified status) or must provide verification of successfully passing the Iowa-mandated assessment(s) by meeting the minimum score set by the Iowa department of education.

(3) Shall provide an official institutional transcript(s) to be analyzed for the requirements necessary for Iowa licensure. An applicant must have completed at least 75 percent of the coursework as outlined in 281—subrules 79.15(2) to 79.15(5) and an endorsement requirement through a two- or four-year institution in order for the endorsement to be included on the license. An applicant who has not completed at least 75 percent of the coursework for at least one of the basic Iowa teaching endorsements completed will not be issued a license. Applicants seeking a board of educational examiners transcript review must have achieved a C- grade or higher in the courses that will be considered for licensure.

(4) to (6) No change.

c. to *e.* No change.

ITEM 2. Rescind subrule **13.26(4)**.

ITEM 3. Renumber subrule **13.26(5)** as **13.26(4)**.

ITEM 4. Amend renumbered subrule 13.26(4) as follows:

13.26(4) *Teacher—elementary classroom.* Effective September 1, 2015, the following requirements apply to persons who wish to teach in the elementary classroom:

a. *Authorization.* The holder of this endorsement is authorized to teach in kindergarten and grades one through six.

b. *Content.*

(1) to (8) No change.

(9) Student teaching in an elementary general education classroom.

ITEM 5. Amend subrule 13.29(1) as follows:

13.29(1) *Adding an endorsement.* After the issuance of a teaching license, an individual may add other endorsements to that license upon proper application, provided current requirements for that

EDUCATIONAL EXAMINERS BOARD[282](cont'd)

endorsement have been met. An updated license with expiration date unchanged from the original or renewed license will be prepared.

a. No change.

b. Additional requirements for adding an endorsement.

(1) In addition to meeting the requirements for Iowa licensure, applicants for endorsements shall have completed a methods class appropriate for teaching the general subject area and grade levels of the endorsement added.

(2) Practitioners who are adding ~~an elementary or early childhood~~ a K-8 endorsement and have not student taught ~~on at the elementary or early childhood level~~ shall complete a teaching practicum ~~appropriate for teaching at the level of the new endorsement in an elementary setting.~~ Applicants seeking the early childhood or elementary endorsements set forth in rule 282—13.26(272) must complete the required field experience and teaching practicum specific to the endorsement desired.

(3) Practitioners who are adding a ~~secondary teaching~~ 5-12 endorsement and have not student taught ~~on at the secondary level~~ shall complete a teaching practicum ~~appropriate for teaching at the level of the new endorsement in a high school setting.~~

(4) Practitioners holding the K-8 endorsement in the content area of the 5-12 endorsement being added may satisfy the requirement for the secondary methods class and the teaching practicum by completing all required coursework and presenting verification of competence. This verification of competence shall be signed by a licensed evaluator who has observed and formally evaluated the performance of the applicant at the secondary level. This verification of competence may be submitted at any time during the term of the Class B license. The practitioner must obtain a Class B license while practicing with the 5-12 endorsement.

(5) Applicants seeking a board of educational examiners transcript review must have achieved a C- grade or higher in the courses that will be considered for an endorsement.

[Filed 5/24/16, effective 7/27/16]

[Published 6/22/16]

EDITOR'S NOTE: For replacement pages for IAC, see IAC Supplement 6/22/16.

ARC 2586C

EDUCATIONAL EXAMINERS BOARD[282]

Adopted and Filed

Pursuant to the authority of Iowa Code section 272.2(1)“a,” the Board of Educational Examiners hereby amends Chapter 13, “Issuance of Teacher Licenses and Endorsements,” Iowa Administrative Code.

Endorsement requirements are periodically reviewed to ensure alignment with research-based competencies, national standards, and the Iowa Core. The new subrules pertaining to reading endorsements reflect recommendations by a reading endorsement review committee, which met in October and continued to communicate electronically throughout the past few months and was comprised of current reading teachers, reading specialists, Department of Education and Reading Research Center consultants, and higher education faculty from a variety of Iowa institutions.

Notice of Intended Action was published in the Iowa Administrative Bulletin as **ARC 2450C** on March 16, 2016. A public hearing took place on April 6, 2016.

Four individuals from the organization Decoding Dyslexia attended and spoke at the public hearing. The Board also received numerous written comments advocating for more specific language related to dyslexia. Based on public comments and recent changes in Iowa Code section 256.16, more specific language has been added for clarity in the rules regarding dyslexia.

These amendments are subject to waiver pursuant to 282—Chapter 6.

The Board of Educational Examiners adopted these amendments on May 13, 2016.

After analysis and review of this rule making, there is no anticipated impact on jobs.

EDUCATIONAL EXAMINERS BOARD[282](cont'd)

These amendments are intended to implement Iowa Code section 272.2(1)“a.”

These amendments will become effective July 27, 2016.

The following amendments are adopted.

ITEM 1. Rescind subrule 13.28(15) and adopt the following **new** subrule in lieu thereof:

13.28(15) Reading. K-8 and 5-12. Completion of 24 semester hours in reading to include all of the following requirements:

a. Foundations of reading. This requirement includes the following competencies:

(1) The practitioner demonstrates knowledge of the psychological, sociocultural, motivational, and linguistic foundations of reading and writing processes and instruction.

(2) The practitioner demonstrates knowledge of a range of research pertaining to reading, writing, and learning, including the analysis of scientifically based reading research, and knowledge of histories of reading. The range of research encompasses research traditions from the fields of the social sciences and other paradigms appropriate for informing practice and also definitions of reading difficulties including but not limited to dyslexia.

(3) The practitioner demonstrates knowledge of the major components of reading, such as comprehension, vocabulary, word identification, fluency, phonics, and phonemic awareness, and effectively integrates curricular standards with student interests, motivation, and background knowledge.

b. Reading curriculum and instruction. This requirement includes the following competencies:

(1) The practitioner demonstrates knowledge of designing and implementing an integrated, comprehensive, and balanced curriculum that addresses the major components of reading and contains a wide range of texts, including but not limited to narrative, expository, and poetry, and including traditional print, digital, and online resources.

(2) The practitioner uses knowledge of a range of research-based strategies and instructional technology for designing and delivering effective instruction, including appropriate interventions, remediation, assistive technology, and classroom accommodations for students with dyslexia and other difficulties.

(3) The practitioner demonstrates knowledge of grouping students, selecting materials appropriate for learners with diverse abilities at various stages of reading and writing development, differentiating instruction to meet the unique needs of all learners, including students with dyslexia, offering sufficient opportunities for students to practice reading skills, and providing frequent and specific instructional feedback to guide students' learning.

(4) The practitioner demonstrates knowledge of designing instruction to meet the needs of diverse populations, including populations in urban, suburban, and rural settings, as well as for students from various cultural and linguistic backgrounds.

(5) The practitioner demonstrates knowledge of creating a literate physical environment which is low risk, supports students as agents of their own learning, and supports a positive socio-emotional impact for students to identify as readers.

c. Reading assessment, diagnosis and evaluation. This requirement includes the following competencies:

(1) The practitioner understands types of reading and writing assessments and their purposes, strengths, and limitations.

(2) The practitioner demonstrates knowledge of selecting and developing appropriate assessment instruments, procedures, and practices that range from individual to group and from formal to informal to alternative for the identification, screening, and diagnosis of all students' reading proficiencies and needs including knowledge of the signs and symptoms of dyslexia and other reading difficulties.

(3) The practitioner demonstrates knowledge of assessment data analysis to inform, plan, measure, progress monitor, and revise instruction for all students and to communicate the outcomes of ongoing assessments to all stakeholders.

(4) The practitioner demonstrates awareness of policies and procedures related to special programs, including Title I.

d. Reading in the content areas. This requirement includes the following competencies:

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(1) The practitioner demonstrates knowledge of morphology and the etymology of words, along with text structure and the dimensions of content area vocabulary and comprehension, including literal, interpretive, critical, and evaluative.

(2) The practitioner demonstrates an understanding of reading theory, reading knowledge, and a variety of research-based strategies and approaches to provide effective literacy instruction into content areas.

(3) The practitioner demonstrates knowledge of integrating literacy instruction into content areas for all students, including but not limited to students with disabilities, students who are at risk of academic failure, students who have been identified as gifted and talented, students who have limited English language proficiency, and students with dyslexia, whether or not such students have been identified as children requiring special education under Iowa Code chapter 256B.

e. Language development. This requirement includes the following competency: The practitioner uses knowledge of oral language development, linguistics including phonology and phonological awareness, sound-symbol association, syllable types, morphology, syntax and semantics and the relationship of these components to typical and atypical reading development and reading instruction, cognitive academic language development, oral and written language proficiency (including second language development), acquisition of reading skills, and the variations related to cultural and linguistic diversity to provide effective instruction in reading and writing.

f. Oral communication instruction. This requirement includes the following competencies:

(1) The practitioner has knowledge of the unique needs and backgrounds of students with language differences and delays.

(2) The practitioner uses effective strategies for facilitating the learning of language for academic purposes by all learners.

g. Written communication instruction. This requirement includes the following competency: The practitioner uses knowledge of reading-writing-speaking connections; the writing process to include structures of language and grammar; the stages of spelling development; the different types of writing, such as narrative, expressive, persuasive, informational, and descriptive; and the connections between oral and written language development to effectively teach writing as communication.

h. Children's fiction and nonfiction (K-8 only) or adolescent or young adult fiction and nonfiction (5-12 only). This requirement includes the following competency: The practitioner uses knowledge of children's literature (K-8) or adolescent or young adult literature (5-12) for:

(1) Modeling the reading and writing of varied genres, including fiction and nonfiction; technology- and media-based information; and nonprint materials;

(2) Motivating through the use of texts at multiple levels, representing broad interests, and reflecting varied cultures, linguistic backgrounds, and perspectives; and

(3) Matching text complexities to the proficiencies and needs of readers.

i. Practicum. This requirement includes the following competencies:

(1) The practitioner works with appropriately licensed professionals who observe, evaluate, and provide feedback on the practitioner's knowledge, dispositions, and performance of the teaching of reading and writing.

(2) The practitioner effectively uses reading and writing strategies, materials, and assessments based upon appropriate reading and writing research and works with colleagues and families in the support of children's reading and writing development.

ITEM 2. Rescind subrule 13.28(16) and adopt the following **new** subrule in lieu thereof:

13.28(16) Reading specialist. K-12. The applicant must have met the requirements for the standard license and a K-8 or 5-12 reading endorsement and must present evidence of at least three years of experience which included the teaching of reading as a significant part of the responsibility.

a. Authorization. The holder of this endorsement is authorized to serve as a reading specialist in kindergarten and grades one through twelve.

b. Program requirements. Degree—master's.

EDUCATIONAL EXAMINERS BOARD[282](cont'd)

c. Content. Completion of a sequence of courses and experiences which may have been a part of, or in addition to, the degree requirements. This sequence is to be at least 24 semester hours to include the following:

(1) Foundations of reading. The reading specialist will understand the historical, theoretical, and evidence-based foundations of reading and writing processes and instruction and will be able to interpret these findings to model exemplary instructional methods for students with typical and atypical literacy development and effectively develop and lead professional development.

(2) Curriculum and instruction. The reading specialist will use instructional approaches, materials, and an integrated, comprehensive, balanced curriculum to support student learning in reading and writing including the following:

1. Work collaboratively with teachers to develop a literacy curriculum that has vertical and horizontal alignment K-12 and that uses instructional approaches supported by literature and research for the following areas: print, phonemic awareness, phonics, fluency, comprehension, vocabulary, writing, critical thinking, and motivation.

2. Support classroom teachers to implement and adapt in-depth instructional approaches, including but not limited to approaches to improve decoding, comprehension, and information retention, to meet the language-proficiency needs of English language learners and the needs of students with reading difficulties or reading disabilities, including appropriate interventions, remediation, assistive technology, and classroom accommodations for students with dyslexia and other difficulties within or outside the regular classroom.

3. Demonstrate a knowledge of a wide variety of quality traditional print, digital, and online resources and support classroom teachers in building and using a quality, accessible classroom library and materials collection that meets the specific needs and abilities of all learners.

4. Provide support for curriculum and instruction through modeling, coteaching, observing, planning, reviewing literacy data, and providing resources.

(3) Assessment, diagnosis, and evaluation. The reading specialist will use a variety of assessment tools and practices to plan and evaluate effective reading and writing instruction including the following:

1. Demonstrate an understanding of the literature and research related to assessments and their purposes, including the strengths and limitations of assessments, and assessment tools for screening, diagnosis, progress monitoring, and measuring outcomes; demonstrate an understanding of the signs and symptoms of reading difficulties including but not limited to dyslexia; and also demonstrate an understanding of district and state assessments, proficiency standards and student benchmarks.

2. Select, administer, and interpret assessments for specific purposes, including collaboration with teachers in the analysis of data, and leading schoolwide or districtwide scale analyses to select assessment tools that provide a systemic framework for assessing reading, writing, and language growth of all students, including those with reading difficulties and reading disabilities including but not limited to students with dyslexia and English language learners.

3. Use assessment information to plan and evaluate instruction, including multiple data sources for analysis and instructional planning, for examining the effectiveness of specific intervention practices and students' responses to interventions including appropriate interventions, remediation, assistive technology, and classroom accommodations for students with dyslexia and other difficulties, and to plan professional development initiatives.

4. Communicate assessment results and implications to a variety of audiences.

(4) Administration and supervision of reading programs. The reading specialist will:

1. Demonstrate foundational knowledge of adult learning theories and related research about organizational change, professional development, and school culture.

2. Demonstrate the practical application of literacy leadership including planning, developing, supervising, and evaluating literacy programs at all levels.

3. Demonstrate knowledge of supervising an overall reading program, including but not limited to staffing; budgetary practices; planning, preparing, and selecting materials; subsystems; special provisions; and evaluating teacher performance.

EDUCATIONAL EXAMINERS BOARD[282](cont'd)

4. Participate in, design, facilitate, lead, and evaluate effective and differentiated professional development programs to effectively implement literacy instruction.

5. Demonstrate an understanding of local, state, and national policies that affect reading and writing instruction.

6. Promote effective communication and collaboration among stakeholders, including parents and guardians, teachers, administrators, policymakers, and community members, and advocate for change when necessary to promote effective literacy instruction.

(5) Educational research, measurement and evaluation. The reading specialist will effectively utilize existing research and learn to conduct new research to continuously improve the design and implementation of a comprehensive reading system.

(6) Psychology of language and reading. The reading specialist will understand the highly complex processes by which children learn to speak, read, and write, including language acquisition, linguistics including phonology and phonological awareness, sound-symbol association, syllable types, morphology, syntax and semantics and the relationship of these components to typical and atypical reading development and reading instruction, ranges of individual differences, reading difficulties and reading disabilities, including but not limited to dyslexia, and the importance of the role of diversity in learning to read and write.

(7) Practicum in reading leadership. The reading specialist will participate in elementary and secondary practicum experiences with licensed teachers who are serving in leadership roles in the area of reading.

[Filed 5/25/16, effective 7/27/16]

[Published 6/22/16]

EDITOR'S NOTE: For replacement pages for IAC, see IAC Supplement 6/22/16.

ARC 2587C

EDUCATIONAL EXAMINERS BOARD[282]

Adopted and Filed

Pursuant to the authority of Iowa Code section 272.2(1)“a,” the Board of Educational Examiners hereby amends Chapter 20, “Renewals,” Iowa Administrative Code.

These amendments allow both teachers and administrators to utilize the successful completion of an individualized professional development plan for one licensure renewal unit. Iowa Code section 272.9A(2) directs the Board to adopt such rules for administrators, and the Board adopts the same language for teachers. The amendments also allow a teacher to utilize the renewal of National Board for Professional Teaching Standards Certification toward the subsequent renewal of either the standard or master educator license.

Notice of Intended Action was published in the Iowa Administrative Bulletin as **ARC 2452C** on March 16, 2016. A public hearing took place on April 6, 2016. No one attended the public hearing, and no written comments were received. These amendments are identical to those published under Notice.

These amendments are subject to waiver pursuant to 282—Chapter 6.

The Board of Educational Examiners adopted these amendments on May 13, 2016.

After analysis and review of this rule making, there is no anticipated impact on jobs.

These amendments are intended to implement Iowa Code section 272.2(1)“a.”

These amendments will become effective July 27, 2016.

The following amendments are adopted.

ITEM 1. Amend rule 282—20.5(272) as follows:

282—20.5(272) Specific renewal requirements for the standard license.

20.5(1) In addition to the provisions set forth in this rule, an applicant must meet the general requirements set forth under rule 282—20.3(272).

EDUCATIONAL EXAMINERS BOARD[282](cont'd)

20.5(2) Six units are needed for renewal. These units may be earned in any combination listed as follows:

a. One unit may be earned for each semester hour of graduate credit, completed from a regionally accredited institution, which leads toward the completion of a planned master's, specialist's, or doctor's degree program.

b. One unit may be earned for each semester hour of graduate or undergraduate credit, completed from a regionally accredited institution, which may not lead to a degree but which adds greater depth/breadth to present endorsements held.

c. One unit may be earned for each semester hour of credit, completed from a regionally accredited institution, which may not lead to a degree but which leads to completion of requirements for an endorsement not currently held.

d. One unit may be earned upon completion of each licensure renewal course or activity approved through guidelines established by the board of educational examiners.

e. Four units may be earned for successful completion of the National Board for Professional Teaching Standards certification. This certification may be used one time for either the standard or master educator license. Four units may also be earned for each National Board for Professional Teaching Standards certification renewal and may be used toward the subsequent renewal of either the standard or master educator license.

f. One unit may be earned upon the successful completion of an individualized professional development plan as verified by the supervising licensed evaluator.

ITEM 2. Amend rule 282—20.6(272) as follows:

282—20.6(272) Specific renewal requirements for a master educator license.

20.6(1) In addition to the provisions set forth in this rule, an applicant must meet the general requirements set forth under rule 282—20.3(272).

20.6(2) Four units are needed for renewal. These units may be earned in any combination listed below:

a. One unit may be earned for each semester hour of graduate credit, completed from a regionally accredited institution, which leads toward the completion of a planned master's, specialist's, or doctor's degree program.

b. One unit may be earned for each semester hour of graduate or undergraduate credit, completed from a regionally accredited institution, which may not lead to a degree but which adds greater depth/breadth to present endorsements held.

c. One unit may be earned for each semester hour of credit, completed from a regionally accredited institution, which may not lead to a degree but which leads to completion of requirements for an endorsement not currently held.

d. One unit may be earned upon completion of each licensure renewal course or activity approved through guidelines established by the board of educational examiners.

e. Four units may be earned upon successful completion of the National Board for Professional Teaching Standards certification. This certification may be used one time for either the standard or master educator license. Four units may also be earned for each National Board for Professional Teaching Standards certification renewal and may be used toward the subsequent renewal of either the standard or master educator license.

f. One unit may be earned upon the successful completion of an individualized professional development plan as verified by the supervising licensed evaluator.

ITEM 3. Amend rule 282—20.9(272) as follows:

282—20.9(272) Specific renewal requirements for an administrator license.

20.9(1) In addition to the provisions set forth in this rule, an applicant must meet the general requirements set forth under rule 282—20.3(272).

EDUCATIONAL EXAMINERS BOARD[282](cont'd)

20.9(2) Four units are needed for renewal. These units may be earned in any combination listed below.

a. One unit may be earned for each semester hour of graduate credit, completed from a regionally accredited institution, which leads toward the completion of a planned specialist's or doctor's degree program.

b. One unit may be earned for each semester hour of graduate or undergraduate credit, completed from a regionally accredited institution, which may not lead to a degree but which adds greater depth/breadth to present endorsements held.

c. One unit may be earned for each semester hour of credit, completed from a regionally accredited institution, which may not lead to a degree but which leads to completion of requirements for an administrator endorsement not currently held.

d. One unit may be earned upon completion of each licensure renewal course or activity approved through guidelines established by the board of educational examiners.

e. One unit may be earned upon the successful completion of an individualized professional development plan as verified by the supervising licensed evaluator, or in the case of a superintendent, as verified by the school board president.

20.9(3) No change.

[Filed 5/26/16, effective 7/27/16]

[Published 6/22/16]

EDITOR'S NOTE: For replacement pages for IAC, see IAC Supplement 6/22/16.

ARC 2588C

EDUCATIONAL EXAMINERS BOARD[282]

Adopted and Filed

Pursuant to the authority of Iowa Code section 272.2(1)"a," the Board of Educational Examiners hereby amends Chapter 22, "Authorizations," Iowa Administrative Code.

This amendment requires persons seeking a coaching authorization to hold a minimum of a high school diploma or equivalent or attain the age of 20. This age requirement is based on 281—paragraph 36.15(2)"b," which prohibits persons who are 20 years of age or older from competing in high school interscholastic athletics.

Notice of Intended Action was published in the Iowa Administrative Bulletin as **ARC 2445C** on March 16, 2016. A public hearing took place on April 6, 2016. No one attended the public hearing, and no written comments were received. This amendment is identical to that published under Notice.

This amendment is subject to waiver pursuant to 282—Chapter 6.

The Board of Educational Examiners adopted this amendment on May 13, 2016.

After analysis and review of this rule making, there is no anticipated impact on jobs.

This amendment is intended to implement Iowa Code section 272.2(1)"a."

This amendment will become effective July 27, 2016.

The following amendment is adopted.

Amend subrule 22.1(2) as follows:

22.1(2) Requirements. Applicants for the coaching authorization shall have completed the following requirements:

a. No change.

b. Minimum age or diploma. Applicants must have attained a minimum of 18 years. Applicants must also:

(1) Possess a minimum of:

1. A high school diploma,

2. A graduate equivalent diploma, or

3. Home school completion verified by the executive director; or

EDUCATIONAL EXAMINERS BOARD[282](cont'd)

- (2) Be 20 years of age or older.
c. No change.

[Filed 5/26/16, effective 7/27/16]

[Published 6/22/16]

EDITOR'S NOTE: For replacement pages for IAC, see IAC Supplement 6/22/16.

ARC 2602C**INSURANCE DIVISION[191]****Adopted and Filed**

Pursuant to the authority of Iowa Code sections 505.16 and 507B.12, the Insurance Division hereby amends Chapter 15, "Unfair Trade Practices," Iowa Administrative Code.

This amendment updates the telephone number and adds a Web site address for the Hotline referenced in Appendix II of Chapter 15.

Notice of Intended Action was published in the Iowa Administrative Bulletin on March 2, 2016, as **ARC 2429C**. Written comments were accepted through March 22, 2016. Interested persons were invited to request an oral proceeding on the proposed amendment. No comments and no requests for oral proceeding were received. This amendment is identical to that published under Notice.

This amendment is subject to waiver consistent with the waiver provisions provided at 191—Chapter 4.

This amendment will impose no fiscal impact on the state.

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

This amendment is intended to implement Iowa Code chapter 507B.

This amendment will become effective on July 27, 2016.

The following amendment is adopted.

Amend **191—Chapter 15**, Appendix II, paragraph 8, as follows:

8. Information. Further information about HIV testing and AIDS can be obtained by ~~calling the national AIDS hotline at 1-800-342-2437~~ contacting the CDC national health information hotline, 1-800-CDC-INFO (1-800-232-4636); TTY 1-888-232-6348; www.cdc.gov/info.

[Filed 6/3/16, effective 7/27/16]

[Published 6/22/16]

EDITOR'S NOTE: For replacement pages for IAC, see IAC Supplement 6/22/16.

ARC 2601C**INSURANCE DIVISION[191]****Adopted and Filed**

Pursuant to the authority of Iowa Code section 514J.117, the Insurance Division hereby amends Chapter 76, "External Review," Iowa Administrative Code.

This amendment updates the address of the Iowa Insurance Division and the Iowa Code citation referenced in the chapter.

Notice of Intended Action was published in the Iowa Administrative Bulletin on March 2, 2016, as **ARC 2430C**. Written suggestions were accepted through March 22, 2016. Interested persons could request an oral proceeding on the proposed amendment. No comments and no requests for oral proceeding were received. This amendment is identical to that published under Notice.

The amendment is subject to waiver consistent with the waiver provisions provided at 191—Chapter 4.

This amendment will impose no fiscal impact on the State.

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

This amendment is intended to implement Iowa Code chapter 514J.

This amendment shall become effective July 27, 2016.

The following amendment is adopted.

Amend **191—Chapter 76** as follows:

CHAPTER 76 EXTERNAL REVIEW

191—76.1(514J) Purpose. This chapter is intended to implement ~~2011~~ Iowa Code ~~Supplement~~ chapter 514J and the federal Patient Protection and Affordable Care Act, Pub. L. No. 111-148 as amended by the federal Health Care and Education Reconciliation Act of 2010, Pub. L. No. 111-152, which amends the Public Health Service Act and adopts, in part, new 42 U.S.C. Section 300gg-19. These rules address issues which are unique to the external review process in this state and provide a uniform process for covered persons of health carriers providing health insurance coverage or the covered persons' authorized representatives to request and receive an external review of adverse determinations and final adverse determinations as defined in ~~2011~~ Iowa Code ~~Supplement~~ sections 514J.102(1) and 514J.102(18) and as referenced in ~~2011~~ Iowa Code ~~Supplement~~ section 514J.109(1). Health carriers defined in ~~2011~~ Iowa Code ~~Supplement~~ section 514J.102(23), and included in paragraph 76.2(2) "c" are subject to these rules.

191—76.2(514J) Applicable law and definitions.

76.2(1) The rules contained in this chapter shall apply to any health benefit plan as defined in ~~2011~~ Iowa Code ~~Supplement~~ section 514J.102(19) other than those excluded under ~~2011~~ Iowa Code ~~Supplement~~ section 514J.103(2), for any plan that is offered or issued by a health carrier as defined in ~~2011~~ Iowa Code ~~Supplement~~ section 514J.102(23), if the plan was issued in Iowa, and if the external review request is filed with the commissioner on or after July 1, 2011.

76.2(2) For purposes of this chapter, the definitions in ~~2011~~ Iowa Code ~~Supplement~~ chapter 514J shall apply. In addition:

a. For purposes of applying the exemption in ~~2011~~ Iowa Code ~~Supplement~~ section 514J.103(2) "b," "Medicare supplement policy of insurance" shall mean the same as "Medicare supplement policy" as defined in rule 191—37.3(514D).

b. For purposes of this chapter, the definition of "adverse determination" in ~~2011~~ Iowa Code ~~Supplement~~ section 514J.102 shall include experimental or investigational treatment adverse determinations, as set forth in ~~2011~~ Iowa Code ~~Supplement~~ section 514J.109.

c. No change.

191—76.3(514J) Disclosure requirements. The description of external review procedures required by ~~2011~~ Iowa Code ~~Supplement~~ section 514J.116 shall be in the form of Appendix A or substantially similar language approved by the commissioner.

191—76.4(514J) External review request.

76.4(1) Except for requests for expedited review, the covered person or the covered person's authorized representative shall submit a written request for external review (completed Appendix B) to the commissioner by personal delivery, by mail, by fax or by electronic transmission, including a copy of the health carrier's written notice containing the final adverse determination, within the time periods specified in ~~2011~~ Iowa Code ~~Supplement~~ section 514J.107(1) or 514J.109(1), as applicable. The request form and notice shall be submitted to the commissioner at Iowa Insurance Division, ~~330 Maple Street,~~ Two Ruan Center, 601 Locust, Fourth Floor, Des Moines, Iowa ~~50319~~ 50309; fax (515)281-3059; or e-mail iid.marketregulation@iid.iowa.gov.

76.4(2) and 76.4(3) No change.

INSURANCE DIVISION[191](cont'd)

191—76.5(514J) Communication between covered person, health carrier, independent review organization and the commissioner.

76.5(1) Notices or other communications required by ~~2014~~ Iowa Code ~~Supplement~~ chapter 514J between the commissioner, the health carrier and the independent review organization shall be by e-mail or facsimile, unless otherwise specified, and shall be documented to prove transmission and receipt of the communication.

76.5(2) Notices or other communications required by ~~2014~~ Iowa Code ~~Supplement~~ chapter 514J from the commissioner, the health carrier or the independent review organization to the covered person shall be by e-mail, facsimile or overnight mail, and shall be documented to prove transmission and receipt of the communication.

76.5(3) The covered person or covered person's representative may provide notifications and communications to the health carrier, independent review organization and the commissioner as required by ~~2014~~ Iowa Code ~~Supplement~~ chapter 514J by e-mail, facsimile or overnight mail, but also may do so by first-class mail or personal delivery.

76.5(4) Any time periods or deadlines specified in ~~2014~~ Iowa Code ~~Supplement~~ chapter 514J shall commence upon receipt of the notice or communication and cease upon the transmission of the subsequent notice or communication.

191—76.6(514J) Assignment of independent review organization by the commissioner.

76.6(1) The assignment by the commissioner of an independent review organization pursuant to ~~2014~~ Iowa Code ~~Supplement~~ chapter 514J shall be by rotation among approved independent review organizations.

76.6(2) Upon assignment by the commissioner of an independent review organization, in addition to providing notice to the health carrier and the covered person or covered person's representative as required by ~~2014~~ Iowa Code ~~Supplement~~ chapter 514J, the commissioner shall provide notice of the assignment to the independent review organization.

76.6(3) No change.

191—76.7(514J) Decision notification. The independent review organization shall immediately provide a copy of a draft of the decision to the commissioner for review. The commissioner shall review the draft of the decision to verify that the independent review organization has included in its draft of the decision the requirements set forth in ~~2014~~ Iowa Code ~~Supplement~~ section 514J.107, 514J.108, or 514J.109. The commissioner shall make any suggestions for changes to make the draft of the decision comply with the requirements. The independent review organization shall make such required changes within two business days. Once the commissioner determines that the decision meets the requirements of ~~2014~~ Iowa Code ~~Supplement~~ section 514J.107, 514J.108, or 514J.109, as applicable, the independent review organization shall immediately send the decision to the commissioner, the health carrier, and the covered person or covered person's authorized representative. The decision approved by the commissioner shall be delivered by telephone, fax or electronic transmission to the health carrier, the commissioner and the covered person or covered person's authorized representative, and a hard copy of the decision also shall be delivered by mail to the covered person or covered person's authorized representative.

191—76.8(514J) Health carrier information.

76.8(1) No change.

76.8(2) Each health carrier shall make available to the commissioner upon request within five business days a detailed description of the process the health carrier has in place to ensure compliance with the requirements found in this chapter and in ~~2014~~ Iowa Code ~~Supplement~~ chapter 514J. The description shall include:

a. and *b.* No change.

INSURANCE DIVISION[191](cont'd)

76.8(3) Each health carrier shall provide to the commissioner, upon request, information set forth in ~~2011 Iowa Code Supplement~~ section 514J.114(2) “b,” in a format substantially similar to Appendix D, or as approved by the commissioner.

191—76.9(514J) Certification of independent review organization.

76.9(1) In addition to the minimum qualifications set forth in ~~2011 Iowa Code Supplement~~ section 514J.112, the following minimum standards are required for certification as an independent review organization:

a. The applicant shall provide a description of the procedures employed to comply with ~~2011 Iowa Code Supplement~~ section 514J.112(1) “a.”

b. to e. No change.

76.9(2) The independent review organization shall develop written policies and procedures to ensure adherence to the requirements of this chapter and ~~2011 Iowa Code Supplement~~ chapter 514J by any contractor, subcontractor, subvendor, agent or employee affiliated with the certified independent review organization.

76.9(3) In addition to the toll-free telephone service required by ~~2011 Iowa Code Supplement~~ section 514J.112(1) “b,” the independent review organization shall establish a facsimile and electronic mail service to receive information relating to external reviews pursuant to this chapter and ~~2011 Iowa Code Supplement~~ chapter 514J.

76.9(4) The independent review organization shall provide the commissioner within ten business days of request such data, information, and reports as the commissioner determines necessary to evaluate the external review process established under ~~2011 Iowa Code Supplement~~ chapter 514J or a report in the format of Appendix C to comply with ~~2011 Iowa Code Supplement~~ section 514J.114(1).

76.9(5) Applications shall be submitted to the Commissioner of Insurance, ~~330 Maple Street, Two Ruan Center, 601 Locust, Fourth Floor, Des Moines, Iowa 50319~~ 50309; or as designated by the commissioner. Applications must be submitted in full to be considered. The form for initially approving and for reapproving independent review organizations required by ~~2011 Iowa Code Supplement~~ section 514J.111(4) shall be in the form of Appendix E. If the commissioner designates an entity to review applications, the designee may charge a fee, as permitted by ~~2011 Iowa Code Supplement~~ section 514J.111(5) and as approved by the commissioner. All applicants will be notified of the certification decision.

76.9(6) No change.

191—76.10(514J) No change.

191—76.11(514J) Penalties.

76.11(1) *Independent review organizations.* The commissioner may withdraw the approval of an independent review organization for any of the following reasons:

a. Failure to maintain the minimum standards set forth in ~~2011 Iowa Code Supplement~~ sections 514J.111 and 514J.112 or in subrule 76.9(1).

b. and c. No change.

d. Failure to comply with any other requirements set forth in this chapter or in ~~2011 Iowa Code Supplement~~ chapter 514J.

76.11(2) *Health carriers.*

a. No change.

b. The commissioner may require a health carrier to provide additional time for a covered person to request an external review or submit documentation if the health carrier failed to comply with any part of ~~2011 Iowa Code Supplement~~ chapter 514J or of this chapter.

c. No change.

These rules are intended to implement ~~2011 Iowa Code Supplement~~ chapter 514J.

INSURANCE DIVISION[191](cont'd)

Appendix A

NOTICE OF APPEAL RIGHTS

You have a right to appeal any decision we make that denies payment on your claim or your request for coverage of a health care service or treatment.

You may request additional explanation when your claim or request for coverage of a health care service or treatment is denied or the health care service or treatment you received was not fully covered. Contact us when you:

- Do not understand the reason for denial;
- Do not understand why the health care service or treatment was not fully covered;
- Do not understand why a request for coverage of a health care service or treatment was denied;
- Cannot find the applicable provision in your Benefit Plan Document;
- Want a copy (free of charge) of the guidelines, criteria or clinical rationale that we used to make our decision; or
- Disagree with the denial or the amount not covered and you want to appeal.

If your claim was denied due to missing or incomplete information, you or your health care provider may resubmit the claim to us with the necessary information to complete the claim.

Internal Appeal: All appeals to us for claim denials (or any decision that does not cover expenses you believe should have been covered) must be sent to [insert address of the health carrier contact person where appeals should be sent] within **180 days** of the date you receive our denial. We will provide a full and fair review of your claim by individuals associated with us, but who were not involved in making the initial denial of your claim. You may provide us with additional information that relates to your claim, and you may request copies of information that we have that pertains to your claim. We will notify you of our decision in writing within **30 days** of receiving your appeal. If you do not receive our decision within **30 days** of receiving your appeal, you may be entitled to file a request for external review.

External Review: We have denied your request for the provision of or payment for a health care service or course of treatment. If our decision involved making a judgment as to the medical necessity, appropriateness, health care setting, level of care or effectiveness of the health care service or treatment you requested, **you may have a right to have our decision reviewed** by health care professionals who have no association with us. Requests for external review may be submitted to the Commissioner of Insurance.

You may obtain an external review if:

INSURANCE DIVISION[191](cont'd)

- Our decision involved the admission, availability of care, continued stay, or other health care service that is a covered benefit; and
- We denied, reduced or terminated the requested service or treatment or payment for the service or treatment because we determined it did not meet our requirements for medical necessity, health care setting, level of care or effectiveness of the health care service or treatment you requested.
- You have a medical condition that would seriously jeopardize your life or health or would jeopardize your ability to regain maximum function. In this situation, you may file a request for an **expedited external review** of our denial.
- The final adverse determination concerns an admission, availability of care, continued stay, or a health care service for which you received emergency services, but you have not been discharged from a facility. In this situation, you or your authorized representative may request an **expedited external review**.
- Our denial to provide or pay for health care service or course of treatment is based on a determination that the service or treatment is experimental or investigational. In addition, if your treating health care professional certifies in writing that the recommended or requested health care service or treatment that is the subject of the recommendation or request would be significantly less effective if not promptly initiated, then you or your authorized representative may request an **expedited external review**.

You can obtain a copy of the External Review Request Form from: the Iowa Insurance Division, ~~330 Maple, Two Ruan Center, 601 Locust, Fourth Floor, Des Moines, Iowa 50319~~ 50309; telephone 877-955-1212 or 515-281-6348; facsimile 515-281-3059; Web site ~~www.iid.state-ia.us~~ www.iid.iowa.gov.

Within **four months** after receipt of our notice containing the final adverse determination and this Notice of Appeal Rights, you should submit a request for external review to the Iowa Insurance Division, ~~330 Maple, Two Ruan Center, 601 Locust, Fourth Floor, Des Moines, Iowa 50319~~ 50309; telephone 877-955-1212 or 515-281-6348; facsimile 515-281-3059; e-mail iid.marketregulation@iid.iowa.gov.

For standard external review, a decision will be made within **45 days** after the independent review organization receives your request.

For details, please review your Benefit Plan Document, contact us, or contact the Iowa Insurance Division.

Appendix B

EXTERNAL REVIEW REQUEST FORM

SECTION 1. No change.

SECTION 2. WHAT TO SEND AND WHERE TO SEND IT

YOU MUST SUBMIT ITEMS 1 AND 2 BELOW:

1. and 2. No change.

INSURANCE DIVISION[191](cont'd)

WHERE TO SEND IT:

If you are requesting a standard external review, send all paperwork to the Iowa Insurance Division, ~~330 Maple, Two Ruan Center, 601 Locust, Fourth Floor, Des Moines, Iowa 50319~~ 50309; facsimile 515-281-3059; e-mail iid.marketregulation@iid.iowa.gov. If you have questions, telephone 877-955-1212 or 515-281-6348.

If you are requesting an expedited external review, call the Iowa Insurance Division (telephone 877-955-1212 or 515-281-6348) before sending your paperwork, and you will receive instructions on the quickest way to submit the application and supporting information.

SECTIONS 3. to 7. No change.

Appendix C to Appendix E No change.

[Filed 6/3/16, effective 7/27/16]

[Published 6/22/16]

EDITOR'S NOTE: For replacement pages for IAC, see IAC Supplement 6/22/16.

ARC 2595C

LABOR SERVICES DIVISION[875]

Adopted and Filed

Pursuant to the authority of Iowa Code section 88.5, the Labor Commissioner hereby amends Chapter 10, "General Industry Safety and Health Rules," and Chapter 26, "Construction Safety and Health Rules," Iowa Administrative Code.

The U.S. Department of Labor, Occupational Safety and Health Administration (OSHA), has amended general industry and construction standards concerning respirable crystalline silica, eye and face protection, and work performed near electrical equipment. The Iowa Labor Commissioner must adopt the federal standards by reference.

The principal reasons for adoption of these amendments are to implement legislative intent, protect the safety and health of Iowa workers, and make Iowa's regulations current and consistent with federal regulations. Pursuant to Iowa Code subsection 88.5(1) and 29 CFR 1953.5, Iowa must adopt changes to the federal occupational safety and health standards.

Notice of Intended Action was published in the April 27, 2016, Iowa Administrative Bulletin as **ARC 2516C**. No comments were received. These amendments are identical to the amendments published under Notice of Intended Action.

No variance procedures are included in this rule. Variance procedures are set forth in 875—Chapter 5.

After analysis and review of this rule making, jobs could be impacted. However, these amendments are implementing federally mandated regulations, and the state of Iowa is only implementing the federal regulations. The requirements imposed on Iowa businesses by these regulations do not exceed those imposed by federal law.

These amendments are intended to implement Iowa Code section 88.5 and 29 CFR 1953.5.

These amendments shall become effective on July 27, 2016.

The following amendments are adopted.

ITEM 1. Amend rule **875—10.20(88)** by inserting the following at the end thereof:

80 Fed. Reg. 60036 (October 5, 2015)

81 Fed. Reg. 16090 (March 25, 2016)

81 Fed. Reg. 16861 (March 25, 2016)

LABOR SERVICES DIVISION[875](cont'd)

ITEM 2. Amend rule **875—26.1(88)** by inserting the following at the end thereof:
80 Fed. Reg. 60039 (October 5, 2015)
81 Fed. Reg. 16092 (March 25, 2016)
81 Fed. Reg. 16875 (March 25, 2016)

[Filed 6/2/16, effective 7/27/16]

[Published 6/22/16]

EDITOR'S NOTE: For replacement pages for IAC, see IAC Supplement 6/22/16.

ARC 2589C

LABOR SERVICES DIVISION[875]

Adopted and Filed

Pursuant to the authority of Iowa Code section 89.14, the Boiler and Pressure Vessel Board hereby amends Chapter 90, "Administration of the Boiler and Pressure Vessel Program," and Chapter 91, "General Requirements for All Objects," Iowa Administrative Code.

These amendments make several changes to reporting requirements for boilers and unfired steam pressure vessels and organize reporting requirements in one rule.

Rule 875—90.11(89) currently requires owners of boilers and pressure vessels to report explosions to the Division of Labor. However, boiler incidents other than explosions can damage equipment and can be evidence that the equipment needs to be repaired or replaced. These amendments expand the required reporting to include certain injuries and illnesses.

Contractors who perform certain alterations and repairs on boilers and unfired steam pressure vessels are already required to complete reports and submit them to the National Board of Boiler and Pressure Vessel Inspectors. These amendments require that contractors file those same reports with the Iowa Labor Commissioner.

These amendments move existing reporting requirements concerning controls and safety devices to the same rule as the reporting requirements listed above.

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

Notice of Intended Action was published in the February 17, 2016, Iowa Administrative Bulletin as **ARC 2419C**. No comments were received. These amendments are identical to the amendments published under Notice of Intended Action.

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

These amendments are intended to implement Iowa Code chapter 89.

These amendments shall become effective on July 27, 2016.

The following amendments are adopted.

ITEM 1. Rescind rule 875—90.11(89) and adopt the following new rule in lieu thereof:

875—90.11(89) Reporting requirements.

90.11(1) Control and safety device reports. Documentation required by this subrule shall be kept on site and shall be available for inspection.

a. The requirements of this subrule do not apply to:

- (1) An object within the scope of 875—Chapter 95;
- (2) An object within the scope of 875—Chapter 96;
- (3) A hot water supply boiler covered by ASME Section IV, Part HLW; or
- (4) A boiler with a fuel input rating greater than or equal to 12,500,000 Btu per hour, falling within the scope of NFPA 85, Boiler and Combustion Systems Hazards Code.

b. The installer shall complete a Manufacturer's/Installing Contractor's Report for ASME CSD-1 (CSD-1 report) for each newly installed or reinstalled object.

LABOR SERVICES DIVISION[875](cont'd)

c. A person who installs a new burner, new gas train, or new controller on an object shall complete a CSD-1 report.

d. A person who replaces a part or component of an object shall complete the relevant portions of the CSD-1 report unless the replacement satisfies the design specifications. A copy of an invoice containing the same information as the relevant portions of the CSD-1 report is an acceptable alternative.

90.11(2) Reporting repairs and alterations. If the National Board Inspection Code requires that an R-1 Report of Repair or an R-2 Report of Alteration be filed with the National Board, a copy of the National Board form must be simultaneously filed with the labor commissioner.

90.11(3) Reporting explosions and other incidents.

a. The following definitions apply to this subrule.

“Incident” means the explosion of a covered object or other failure of a component of a covered object causing injury or acute illness.

“Injury” means a personal injury requiring professional medical care or causing disability exceeding one day.

b. The owner or user of a covered object shall notify the commissioner of an incident. A special inspector investigating an incident shall notify the owner or user of this reporting requirement.

c. Incident reports shall be made by calling (515)281-3647 or (515)281-6533. If the incident occurs during normal division operating hours, notification shall occur before close of business on that day. If the incident occurs when the division office is closed, the notification shall occur no later than close of business on the next division business day. Division hours are 8 a.m. to 4:30 p.m., Monday through Friday, except state holidays.

d. At the request of the commissioner, a person who submits a report pursuant to this subrule shall also submit a written report that includes the state identification number of the object, name of the owner of the object, and description of the incident.

e. The removal of any part of the damaged object from the premises is forbidden until permission to do so is granted by the state inspector or special inspector who investigated the incident.

f. When an incident involves the failure or destruction of any part of the object, the use of the object is forbidden until it has been made safe and it has passed an inspection by the state inspector or special inspector who investigated the incident.

ITEM 2. Amend subrule 91.1(6) as follows:

91.1(6) Control and safety device code adopted by reference. Controls and Safety Devices for Automatically Fired Boilers (CSD-1) (2012) is adopted by reference, and reinstallations and installations after October 31, 2013, shall comply with it. Reporting requirements concerning CSD-1 are set forth at rule 875—90.11(89).

ITEM 3. Rescind and reserve rule **875—91.20(89)**.

[Filed 5/26/16, effective 7/27/16]

[Published 6/22/16]

EDITOR’S NOTE: For replacement pages for IAC, see IAC Supplement 6/22/16.

ARC 2599C

PROFESSIONAL LICENSURE DIVISION[645]

Adopted and Filed

Pursuant to the authority of Iowa Code sections 147.76 and 157.14, the Board of Cosmetology Arts and Sciences (Board of Cosmetology) hereby amends Chapter 60, “Licensure of Cosmetologists, Electrologists, Estheticians, Manicurists, Nail Technologists, and Instructors of Cosmetology Arts and Sciences,” Iowa Administrative Code.

This amendment provides regulatory clarity to licensed estheticians and to cosmetologists licensed prior to July 1, 2005, by the Board of Cosmetology about the settings in which medical aesthetics

PROFESSIONAL LICENSURE DIVISION[645](cont'd)

can be practiced. Medical aesthetics are regulated by the Iowa Board of Medicine (IBOM), not the Board of Cosmetology. The IBOM has an existing rule which states that medical aesthetics can only be performed in a medical spa under the supervision of a medical director. This amendment simply references IBOM's existing regulation so that licensees of the Board of Cosmetology know where to look to find the regulations relevant to the type of practice the licensee wishes to engage in.

Notice of Intended Action was published in the Iowa Administrative Bulletin as **ARC 2467C** on March 16, 2016. A public hearing was held on April 6, 2016. The only public comment received was a letter of support from the Iowa Podiatric Medical Society.

One change from the Notice was made to include cosmetologists licensed prior to July 1, 2005, as they are also able to perform microdermabrasion, chemical exfoliation and laser services.

A waiver provision is not included in this rule making because all administrative rules of the professional licensure boards in the Division of Professional Licensure are subject to the waiver provisions accorded under 645—Chapter 18.

The Board of Cosmetology adopted this amendment on May 23, 2016.

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

This amendment is intended to implement Iowa Code chapters 147, 157 and 272C.

This amendment will become effective August 15, 2016.

The following amendment is adopted.

Adopt the following **new** subrule 60.5(6):

60.5(6) Cosmetologists licensed prior to July 1, 2005, and licensed estheticians shall only perform medical aesthetic services in a medical spa under the delegation and supervision of a medical director as set forth by the Iowa board of medicine in rule 653—13.8(148,272C). The Iowa board of cosmetology arts and sciences does not license medical aestheticians.

[Filed 6/3/16, effective 8/15/16]

[Published 6/22/16]

EDITOR'S NOTE: For replacement pages for IAC, see IAC Supplement 6/22/16.

ARC 2600C

PROFESSIONAL LICENSURE DIVISION[645]

Adopted and Filed

Pursuant to the authority of Iowa Code sections 147.7, 147.76 and 157.14, the Board of Cosmetology Arts and Sciences (Board of Cosmetology) hereby amends Chapter 61, "Licensure of Salons and Schools of Cosmetology Arts and Sciences," and Chapter 63, "Sanitation for Salons and Schools of Cosmetology Arts and Sciences," Iowa Administrative Code.

These amendments promote a more business-friendly environment for cosmetology salons in the state of Iowa by reducing regulation in a number of areas. The amendments also continue to ensure that salon regulations are sufficient to protect the health and safety of salon clients.

These amendments remove the current requirement to keep jars of disinfectant at each work station and replace it with a requirement to keep disinfectant centrally available for use in a salon dispensary. The amendments do not prohibit salon owners from continuing the current practice, but provide additional flexibility while still requiring disinfection of used implements prior to use of the same implements on another client.

Additionally, these amendments eliminate the current requirement to use disinfectant containing a tuberculocidal agent and replace it with a requirement to use an EPA-registered disinfectant instead. The requirement to use disinfectant with a tuberculocidal agent was added to the administrative rules over 20 years ago, during the height of the AIDS epidemic. More and more states are moving away from requiring the use of tuberculocidal disinfectant, opting instead to require EPA-registered disinfectants, due to a common belief that the tuberculocidal disinfecting agents are too harsh for use in the salon environment. Iowa is one of only six states (Virginia, New Jersey, Tennessee, Vermont, Minnesota and

PROFESSIONAL LICENSURE DIVISION[645](cont'd)

Iowa) that still require the use of a tuberculocidal agent for disinfection of implements and surfaces in salons and schools. Minnesota, like Iowa, has also recently proposed changes to its requirements to remove the tuberculocidal agent requirement.

These amendments update the disinfection rules to reflect that immersion is not a realistic method of disinfection for certain implements, such as clippers and shears, and allow for the use of disinfecting wipes or sprays in situations where immersion is not feasible. Further, these amendments combine the disinfection and sterilization rules into one rule for the purpose of regulatory clarity.

Finally, these amendments remove the requirement to post the administrative rules regulating salon sanitation in the front of the salon and replace the requirement with a more business-friendly rule requiring provision of the information to salon clients upon request. The previous posting regulation was burdensome and no longer necessary due to the ready availability of the regulations over the Internet.

Notice of Intended Action was published in the Iowa Administrative Bulletin as **ARC 2465C** on March 16, 2016. A public hearing was held on April 6, 2016. No public comment was received.

The Board of Cosmetology incorporated suggestions by the Administrative Rules Review Committee and added the requirement that electrologists wear gloves when providing services due to the high likelihood of exposure to blood.

A waiver provision is not included in this rule making because all administrative rules of the professional licensure boards in the Division of Professional Licensure are subject to the waiver provisions in 645—Chapter 18.

The Board of Cosmetology adopted these amendments on May 23, 2016.

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

These amendments are intended to implement Iowa Code chapters 147, 157, and 272C.

These amendments will become effective August 15, 2016.

The following amendments are adopted.

ITEM 1. Amend subrules 61.5(2) and 61.5(3) as follows:

61.5(2) The most current salon license renewal card shall be posted in the salon front entrance area at eye level so that it is visible to provide the public a full, unobstructed view of the license. Photo and electronic copies are not acceptable.

61.5(3) The most current license renewal card for each licensee working in the salon shall be visibly displayed posted in the salon front entrance area at eye level to provide the public a full, unobstructed view of the license. Photo and electronic copies are not acceptable.

ITEM 2. Amend **645—Chapter 63**, title, as follows:

**SANITATION INFECTION CONTROL FOR SALONS AND SCHOOLS OF COSMETOLOGY
ARTS AND SCIENCES**

ITEM 3. Amend rule 645—63.1(157) as follows:

645—63.1(157) Definitions. For purposes of these rules, the following definitions shall apply:

“Cleaning” refers to removing visible debris and disposable parts, washing the surface or item with water and soap or detergent, rinsing the surface or item thoroughly and drying the surface or item. Cleaning must occur before disinfection can begin.

“Disinfectant” means an agent an EPA-registered bactericidal, virucidal, fungicidal, pseudomonacidal chemical solution, spray or wipe that is effective against HIV-1 and human hepatitis B virus and is intended to destroy or irreversibly inactivate specific viruses, bacteria, or pathogenic fungi, but not necessarily their spores, on inanimate nonporous items and surfaces.

“Disinfection” means the procedure that kills pathogenic microorganisms, but not necessarily their spores.

“Dispensary” means a separate physical location or area in a salon or school to be used for the storing and dispensing of supplies and sanitizing cleaning and disinfecting of all implements. The dispensary is where products, chemicals and disinfectants are prepared, measured, mixed, portioned, and disposed of.

“FDA” means the federal Food and Drug Administration.

PROFESSIONAL LICENSURE DIVISION[645](cont'd)

"Germicide" means an agent that destroys germs.

"Nonporous" means an item that lacks minute openings or crevices that keep air, water and bacteria from entering the item.

"Porous" means an item that contains minute openings or crevices that allow air, water and bacteria to enter the item, such as untreated wood, paper and cardboard.

~~"Sanitization" means the procedure that reduces the level of microbial contamination so that the item or surface is considered safe.~~

"School" means a school of cosmetology arts and sciences.

"Sterilization" means the procedure that kills all microorganisms, including their spores.

"Universal precautions" means practices consistently used to prevent exposure to blood-borne pathogens and the transmission of disease.

"Wash hands" means the process of thoroughly washing hands and the exposed portions of the arms up to the elbow with soap or detergent and water and drying with a single-use towel or air dryer. Bar soap shall not be set out for common use.

ITEM 4. Rescind rule 645—63.2(157) and adopt the following **new** rule in lieu thereof:

645—63.2(157) Infection control rules and inspection report. Upon request, the licensee shall make Chapter 63, Infection Control for Salons and Schools of Cosmetology Arts and Sciences, and the most recent inspection report available to the board, agents of the board, all persons employed or studying in a salon or school, and the general public.

ITEM 5. Amend rule 645—63.6(157) as follows:

645—63.6(157) Building standards. Salons and schools shall have and maintain:

1. A service area that is equipped with exhaust fans or air filtration equipment that is of sufficient capacity to be capable of removing chemical fumes from the air;
2. ~~An area for the storing and dispensing of supplies and sanitizing of all implements~~ A dispensary;
3. A reception area;
4. Hot and cold running water and clean lavatory facilities;
5. Safe drinking water;
6. Hand-washing facilities;
7. Adequate lighting;
8. Work surfaces that are easily cleaned; and
9. A complete first-aid kit in a readily accessible location on the premises. At a minimum, the first-aid kit must include adhesive dressings, gauze and antiseptic, tape, triple antibiotics, eyewash, and gloves.

ITEM 6. Amend subrules 63.11(1) and 63.11(2) as follows:

63.11(1) Students and licensees shall thoroughly wash hands ~~and the exposed portions of arms up to the elbow with antibacterial soap and water~~ after smoking, eating, or using the restroom and before providing services to each client. Hand sanitizers or gloves are not an acceptable substitute for hand washing.

63.11(2) Every salon shall have a biohazard sharps container for disposing of used needles, razor blades and other sharp instruments. These containers shall be located as close to the use area as is practical. These containers shall not be filled above designated "fill line" and shall be disposed of in accordance with guidelines issued by the Centers for Disease Control and Prevention, U.S. Department of Health and Human Services.

ITEM 7. Rescind and reserve subrule **63.11(3)**.

ITEM 8. Amend subrules 63.11(4), 63.11(5), 63.11(7) and 63.11(8) as follows:

63.11(4) Licensees and students shall wear disposable gloves ~~to prevent exposure to blood, bodily fluids containing visible blood, or bodily fluids to which universal precautions apply~~ or may refuse to provide the service when encountering clients with open sores. Gloves shall only be used on a single

PROFESSIONAL LICENSURE DIVISION[645](cont'd)

client and shall be disposed of after the client's service. Anytime gloves are used during a service, licensees and students shall wash hands both before gloves are worn and after they are removed.

63.11(5) Licensees and students shall refrain from all direct client care and from handling client-care equipment if the licensee or student has ~~weeping dermatitis or draining lesions~~ open sores that cannot be effectively covered.

63.11(7) Instruments and supplies that have been used on a client or soiled in any manner shall be placed in the proper receptacles: clearly labeled "used." All used items shall be kept separate from items that are disinfected and ready for use.

63.11(8) Disinfectant solution shall be stored in the dispensary ~~and at each work station~~.

ITEM 9. Rescind rule 645—63.12(157) and adopt the following new rule in lieu thereof:

645—63.12(157) Blood exposure procedures.

63.12(1) If a student or licensee injures oneself, the following steps shall be taken before the student or licensee returns to service:

- a. Stop service.
- b. Clean the injured area by washing the area with soap and water. Use antiseptic or ointment as appropriate.
- c. In the case of mucous membrane exposure, wash or rinse the affected area with plenty of water.
- d. Cover the injury with the appropriate dressing.
- e. Clean the client and station as necessary. First, remove all visible debris and then clean the client with an antiseptic that is appropriate for the skin and clean the station with disinfectant.
- f. Bag any blood-soiled porous articles and dispose of articles in the trash.
- g. Wash and disinfect all nonporous items.
- h. Wash hands before returning to service.

63.12(2) If a client injury occurs, the following steps shall be taken:

- a. Stop service.
- b. Glove hands of students or licensees.
- c. Clean injured area and use antiseptic or ointment as appropriate.
- d. Cover the injury with the appropriate dressing to prevent further blood exposure.
- e. Clean station by removing all visible debris and using disinfectant that is appropriate for the soiled surface.
- f. Bag any blood-soiled porous articles and dispose of articles in the trash.
- g. Wash and disinfect all nonporous items.
- h. Wash hands before returning to service.

ITEM 10. Rescind rule 645—63.13(157) and adopt the following new rule in lieu thereof:

645—63.13(157) Disinfecting and sterilizing instruments and equipment. All nonporous tools and implements must be either disinfected or sterilized according to the requirements of this rule before use upon a client in schools and salons.

63.13(1) Disinfection.

- a. Nonporous tools and implements.

(1) Immersion method. After each use, all immersible nonporous tools and implements shall be disinfected by cleaning the tools and implements followed by complete immersion in a disinfectant. Disinfectant solutions shall be mixed according to manufacturer label instructions. The manufacturer's listed contact time for effectively eliminating all pathogens listed shall be adhered to at all times.

(2) Nonimmersion method. After each use, any nonporous item that cannot be immersed in a disinfectant shall be cleaned with soap or detergent and water to remove all organic material and then sprayed or wiped with disinfectant. Minimum disinfectant contact time as listed on the manufacturer's label shall be followed. Nonimmersible tools and implements include but are not limited to scissors, trimmers, clippers, handles of hair dryers and curling/flat irons.

PROFESSIONAL LICENSURE DIVISION[645](cont'd)

b. Disinfected implements shall be stored in a disinfected, dry, covered container and shall be isolated from contaminants. Such container shall be disinfected at least once each week and whenever visibly dirty.

c. Disinfectant solutions shall be changed as instructed on the solution's manufacturer label or whenever visibly dirty.

d. Electric file bits.

(1) After each use, all visible debris shall be removed from diamond, carbide, natural and metal bits by cleaning with either an ultrasonic cleaner or immersion of each bit in acetone for 5 to 10 minutes.

(2) After they are cleaned, diamond, carbide, natural and metal bits shall be disinfected by complete immersion in an appropriate disinfectant. Minimum disinfectant contact time as listed on the manufacturer's label shall be followed.

63.13(2) Sterilization. UV light boxes are prohibited and are not an acceptable method of sterilization.

a. Tools and implements may be sterilized by one of the following methods:

(1) Steam sterilizer, registered and listed with the FDA and used according to the manufacturer's instructions. If steam sterilization, moist heat, is utilized, heat exposure shall be at a minimum of 121°C/250°F, for at least 30 minutes;

(2) Dry heat sterilizer, registered and listed with the FDA and used according to the manufacturer's instructions. If dry heat sterilization is utilized, heat exposure shall be at a minimum of 171°C/340°F, for at least 60 minutes;

(3) Autoclave sterilization equipment, calibrated to ensure that it reaches the temperature required by the manufacturer's instructions. If autoclave sterilization equipment is utilized, spore testing by a contracted independent laboratory shall be performed at least every 30 days. If a positive spore test is received, the autoclave may not be used until a negative spore test is received. The salon must maintain a log of each autoclave use, all testing samples and results, and a maintenance log of all maintenance performed on the device. Maintenance shall be performed according to the manufacturer's instructions. The salon must have available for inspection the autoclave maintenance log for the most recent 12 months; or

(4) Chemical sterilization with a hospital grade liquid which, if used, shall be used according to the directions on the label. When chemical sterilization is used, items shall be fully submerged for at least 10 minutes.

b. Sterilization equipment shall be maintained in working order. The equipment shall be checked at least monthly and calibrated to ensure that it reaches the temperature required by the manufacturer's instructions.

This rule is intended to implement Iowa Code section 157.6.

ITEM 11. Amend rule 645—63.14(157) as follows:

645—63.14(157) Instruments Porous instruments and supplies that cannot be disinfected. ~~Instruments~~ Porous instruments and supplies that come into direct contact with a ~~patron~~ and client cannot be disinfected, ~~for example,~~ These instruments and supplies include but are not limited to cotton pads, sponges, wooden applicators, emery boards, pumice stones, nail buffers, buffing bits, arbor or sanding bands, sleeves, toe separators and neck strips, These are single-use items and shall be disposed of in a waste receptacle immediately after use.

ITEM 12. Rescind and reserve rule **645—63.15(157).**

ITEM 13. Amend rule 645—63.16(157) as follows:

645—63.16(157) Sanitary Infection control methods for creams, cosmetics and applicators.

63.16(1) Liquids, creams, waxes, powders and cosmetics used for ~~patrons~~ clients must be kept in closed, labeled containers.

63.16(2) All fluids, semifluids and powders must be dispensed with an applicator or from a shaker, dispenser pump, or spray-type container.

PROFESSIONAL LICENSURE DIVISION[645](cont'd)

- a. Applicators made of a washable, nonabsorbent material shall be ~~sanitized~~ cleaned and disinfected before being used on a client and shall only be dipped into the container one time before ~~being cleaned and disinfected again; and.~~
- b. Applicators made of wood shall be discarded after a single dip, which would be one use.
- c. Roll-on wax products are prohibited.

ITEM 14. Amend subrules 63.18(2) and 63.18(3) as follows:

63.18(2) ~~No salon or school shall have on the premises any razor-edged device or tool which is designed to remove skin.~~ All razor-edged, grating or rasp microplaner pedicure instruments designed to remove skin from the bottoms and sides of feet are prohibited. The presence of such equipment shall be prima facie evidence of the equipment's use.

63.18(3) ~~Fish pedicures~~ Procedures involving any animal (e.g., fish, leeches, snails) are prohibited in salons and schools.

ITEM 15. Adopt the following new subrule 63.18(5):

63.18(5) No salon or school shall use plastic sleeves or envelopes to store cleaned and disinfected implements unless the implements stored in the plastic sleeves or envelopes have actually been sterilized pursuant to paragraph 63.13(2) "a."

ITEM 16. Amend rule 645—63.19(157) as follows:

645—63.19(157) Proper protection of neck. A shampoo apron, haircloth, or similar article shall not be placed directly against the neck of a ~~patron~~ client but shall be kept from direct contact with the ~~patron~~ client by means of a paper neckband or clean towel. A neckband of paper shall not be used more than once. Towels or cloth neckbands shall not be used more than once without proper laundering.

ITEM 17. Amend rule 645—63.20(157) as follows:

645—63.20(157) Proper laundering and storage. All cloth towels, robes and similar items shall be laundered in a washing machine with laundry detergent used according to the manufacturer's directions. All linens shall be dried until hot to the touch. No moisture shall be left in laundered items. A clean storage area shall be provided for clean towels and linen, and a covered hamper or receptacle marked "used" shall be provided for all soiled towels, robes and linens.

ITEM 18. Amend rules 645—63.24(157) to 645—63.26(157) as follows:

645—63.24(157) Salons and schools providing electrology or esthetics. A salon or school in which electrology or esthetics is practiced shall follow the ~~sanitation~~ infection control rules and requirements pertaining to all salons and schools and shall also meet the following requirements:

1. The electrology or esthetics room shall have adequate space, lighting and ventilation.
2. The floors in the immediate area where the electrology or esthetics is performed shall have an impervious, smooth, washable surface.
3. All service table surfaces shall be constructed of impervious, easily ~~cleanable~~ disinfected material.
4. Needles, probes and lancets shall be single-client use and disposable.
5. Licensees providing electrology services shall wear gloves.

645—63.25(157) Cleaning and disinfecting circulating and noncirculating tubs, bowls, and spas.

63.25(1) After use for each client:

- a. Drain the water and remove any visible debris;
- b. Clean the surfaces according to the manufacturer's instructions, use a brush to remove all film, and rinse the tub, bowl, or spa basin;
- c. Fill the tub, bowl, or spa basin with water and add ~~an EPA-registered, bactericidal, virucidal, fungicidal, pseudomonacidal, and tuberculoicidal disinfectant that is effective against HIV-1 and human Hepatitis B virus. The disinfectant shall be mixed and used according to the manufacturer's directions;~~

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d. Allow the disinfectant to stand for noncirculating tubs, bowls, or basins or to circulate for circulating tubs, bowls, or basins for the time specified according to the manufacturer's instructions; and

e. After disinfection, drain and rinse with clean water.

63.25(2) At the end of the day, remove all removable parts from circulating tubs, such as filters, screens, drains, and jets, and clean and disinfect the removable parts as follows:

a. Scrub with a brush and soap or detergent until free from debris, and then rinse.

b. Completely immerse in ~~an EPA-registered, bactericidal, virucidal, fungicidal, pseudomonacidal, and tuberculocidal disinfectant that is effective against HIV-1 and human Hepatitis B virus.~~ The disinfectant shall be mixed and used according to the manufacturer's directions.

c. Rinse and air dry.

d. Replace the disinfected parts into the tubs, bowl, or basin or store the parts in a disinfected, dry, covered container that is isolated from contaminants.

63.25(3) For each pedicure station, a record shall be made of the date and time of the daily cleaning and disinfecting. This record shall be made at or near the time of cleaning and disinfecting. Records of cleaning and disinfecting shall be made available upon request by a ~~patron~~ client, inspector or investigator. The record must be signed by a licensee and include the licensee's license number beside each recorded cleaning event. Foot spa records shall be maintained for two years from the date of the cleaning.

645—63.26(157) Paraffin wax. Paraffin wax shall be used according to the manufacturer's instructions and shall be used in such a manner so as not to contaminate the remaining wax in the paraffin bath. The following procedures apply:

1. The client shall be free of broken skin or any skin disorder;

2. Hands or feet of a client shall be cleaned ~~and sanitized~~ before being dipped into paraffin wax. The client's hands and feet shall not be dipped into the original wax container. The wax shall be removed from the original container and placed in a single-use bag before dipping. Any unused wax remaining in the single-use bag shall be discarded after dipping;

3. Paraffin wax that has been removed from a client's hands or feet shall be discarded after each use; and

4. Paraffin wax shall be kept free of any debris and kept covered when not in use.

[Filed 6/3/16, effective 8/15/16]

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EDITOR'S NOTE: For replacement pages for IAC, see IAC Supplement 6/22/16.

AGENCY	RULE	DELAY
Human Services Department[441]	25.106 [IAB 3/16/16, ARC 2438C]	Effective date of May 1, 2016, delayed 70 days by the Administrative Rules Review Committee at its meeting held April 8, 2016. [Pursuant to §17A.4(7)] At its meeting held June 14, 2016, the Committee delayed the effective date of 25.106 until the adjournment of the 2017 Session of the General Assembly. [Pursuant to §17A.8(9)]