



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

Fax: (515)281-5534

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).

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Dec. 19 '12	Jan. 9 '13	Jan. 29 '13	Feb. 13 '13	Feb. 15 '13	Mar. 6 '13	Apr. 10 '13	July 8 '13
Jan. 4	Jan. 23	Feb. 12	Feb. 27	Mar. 1	Mar. 20	Apr. 24	July 22
Jan. 18	Feb. 6	Feb. 26	Mar. 13	Mar. 15	Apr. 3	May 8	Aug. 5
Feb. 1	Feb. 20	Mar. 12	Mar. 27	Mar. 29	Apr. 17	May 22	Aug. 19
Feb. 15	Mar. 6	Mar. 26	Apr. 10	Apr. 12	May 1	June 5	Sep. 2
Mar. 1	Mar. 20	Apr. 9	Apr. 24	Apr. 26	May 15	June 19	Sep. 16
Mar. 15	Apr. 3	Apr. 23	May 8	May 10	May 29	July 3	Sep. 30
Mar. 29	Apr. 17	May 7	May 22	***May 22***	June 12	July 17	Oct. 14
Apr. 12	May 1	May 21	June 5	June 7	June 26	July 31	Oct. 28
Apr. 26	May 15	June 4	June 19	***June 19***	July 10	Aug. 14	Nov. 11
May 10	May 29	June 18	July 3	July 5	July 24	Aug. 28	Nov. 25
May 22	June 12	July 2	July 17	July 19	Aug. 7	Sep. 11	Dec. 9
June 7	June 26	July 16	July 31	Aug. 2	Aug. 21	Sep. 25	Dec. 23
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July 5	July 24	Aug. 13	Aug. 28	***Aug. 28***	Sep. 18	Oct. 23	Jan. 20 '14
July 19	Aug. 7	Aug. 27	Sep. 11	Sep. 13	Oct. 2	Nov. 6	Feb. 3 '14
Aug. 2	Aug. 21	Sep. 10	Sep. 25	Sep. 27	Oct. 16	Nov. 20	Feb. 17 '14
Aug. 16	Sep. 4	Sep. 24	Oct. 9	Oct. 11	Oct. 30	Dec. 4	Mar. 3 '14
Aug. 28	Sep. 18	Oct. 8	Oct. 23	***Oct. 23***	Nov. 13	Dec. 18	Mar. 17 '14
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2	Friday, July 5, 2013	July 24, 2013
3	Friday, July 19, 2013	August 7, 2013
4	Friday, August 2, 2013	August 21, 2013

PLEASE NOTE:

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

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

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

The Administrative Rules Review Committee will hold its regular, statutory meeting on July 9, 2013, at 9 a.m. in Room 116, State Capitol, Des Moines, Iowa. The following rules will be reviewed:

ADMINISTRATIVE SERVICES DEPARTMENT[11]

Administration of department—general services and central procurement enterprises, amend
1.4; renumber chs 105 to 108 as chs 117 to 120 Notice **ARC 0812C** 6/26/13

AGRICULTURE AND LAND STEWARDSHIP DEPARTMENT[21]

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Motor fuel standards; weights and measures; display of liquid petroleum prices, 85.33,
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EDUCATION DEPARTMENT[281]

Access to public benefits or insurance to pay for special education services, 41.154(4)
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Standards for school administration manager programs, ch 82 Filed **ARC 0813C**..... 6/26/13

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Air quality, 22.1(2), 22.8, 22.103(2), 28.1 Notice **ARC 0785C** 6/12/13
Air quality—plantwide applicability limitations (PALs), 33.3(1), 33.9 Filed **ARC 0783C**..... 6/12/13

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Facility participation in the state supplementary assistance program, 54.1 to 54.3, 54.8(1)
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Nursing facilities—reimbursement, cost reports, recoupment of debts owed Medicaid,
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Intermediate care facilities for persons with an intellectual disability—financial and
statistical reports, 82.5 Notice **ARC 0788C**..... 6/12/13
Child care centers and child development homes (CDHs)—provider immunization and
health requirements, CDH provider files, 109.9(1), 110.5 Notice **ARC 0787C** 6/12/13

INSPECTIONS AND APPEALS DEPARTMENT[481]

Nurse delegation in elder group homes, assisted living programs and adult day services, 67.1,
67.5, 67.9 Notice **ARC 0809C** 6/26/13
Criminal, dependent adult abuse, and child abuse record checks, 67.9(3) to 67.9(6), 67.19
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Regulation of navigators, ch 85 Notice **ARC 0816C**..... 6/26/13

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NURSING BOARD[655]

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Removal of convenience fee for online applications; repayment receipts, 3.1 Notice **ARC 0810C** 6/26/13
Licensure by examination—verification of English skills of an individual educated and
licensed in another country, 3.4(4) Notice of Termination **ARC 0796C**..... 6/26/13
Extension of time to practice under former home state license, 16.2 Filed **ARC 0793C**..... 6/26/13

PROFESSIONAL LICENSURE DIVISION[645]

PUBLIC HEALTH DEPARTMENT[641]"umbrella"

- Licensure and discipline for marital and family therapists and mental health counselors,
 amendments to chs 31, 33 Filed **ARC 0777C** 6/12/13
- Hearing aid dispensers, amendments to chs 121 to 124 Notice **ARC 0792C** 6/12/13
- Nursing home administrators—provisional licensure, 141.1, 141.5(1)"e," 141.6, 144.1
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PUBLIC HEALTH DEPARTMENT[641]

- State plumbing code—plumbing materials and methods for buildings and premises in Iowa,
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PUBLIC SAFETY DEPARTMENT[661]

- Electrical installations on farms, 551.2, 552.1 Notice **ARC 0791C** 6/12/13

SECRETARY OF STATE[721]

- Fee for notice of action involving small claims and nonresidents, 2.3 Filed **ARC 0804C** 6/26/13
- Voting systems, amendments to ch 22 Filed **ARC 0801C** 6/26/13
- Registration of postsecondary schools, rescind ch 31 Filed **ARC 0805C** 6/26/13
- Corporations—e-mail address required with online filing, 40.9 Filed **ARC 0803C** 6/26/13
- Athlete agent registration, 42.1 to 42.3 Filed **ARC 0802C** 6/26/13
- Notarial acts, 43.1 to 43.6 Filed **ARC 0806C** 6/26/13

SOIL CONSERVATION DIVISION[27]

AGRICULTURE AND LAND STEWARDSHIP DEPARTMENT[21]"umbrella"

- Conservation practices revolving loan fund, 11.23(3), 11.27 Filed **ARC 0798C** 6/26/13

TRANSPORTATION DEPARTMENT[761]

- Firefighter and EMS plates; definition and inspection of principal place of business, 401.9(4),
 401.10(3), 425.3, 425.12(1) Filed **ARC 0778C** 6/12/13

UTILITIES DIVISION[199]

COMMERCE DEPARTMENT[181]"umbrella"

- Correction of an internal reference, 15.5(2) Filed **ARC 0781C** 6/12/13
- Pole attachment procedures, 25.4 Notice **ARC 0784C** 6/12/13

VETERANS AFFAIRS, IOWA DEPARTMENT OF[801]

- Veterans trust fund, 14.2 to 14.5 Notice **ARC 0800C** 6/26/13

VOTER REGISTRATION COMMISSION[821]

- Official Iowa voter registration application form, 2.16 Filed Without Notice **ARC 0807C** 6/26/13

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 Thomas Courtney
2609 Clearview
Burlington, Iowa 52601

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

Senator Pam Jochum
2368 Jackson Street
Dubuque, Iowa 52001

Senator Roby Smith
2036 East 48th Street
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Representative Dawn Pettengill
P.O. Box A
Mt. Auburn, Iowa 52313

Representative Jeff Smith
1006 Brooks North Lane
Okoboji, Iowa 51355

Representative Guy Vander Linden
1610 Carbonado Road
Oskaloosa, Iowa 52577

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

ADMINISTRATIVE SERVICES DEPARTMENT[11]

Administration of department— general services and central procurement enterprises, amend 1.4; renumber chs 105 to 108 as chs 117 to 120 IAB 6/26/13 ARC 0812C	Room 8, A Level Hoover State Office Bldg. Des Moines, Iowa	July 16, 2013 9 to 10 a.m.
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ENVIRONMENTAL PROTECTION COMMISSION[567]

Air quality, 22.1(2), 22.8, 22.103(2), 28.1 IAB 6/12/13 ARC 0785C	Conference Rooms Air Quality Bureau Office 7900 Hickman Rd. Windsor Heights, Iowa	July 15, 2013 1 p.m.
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INSPECTIONS AND APPEALS DEPARTMENT[481]

Nurse delegation in elder group homes, assisted living programs, and adult day services, 67.1, 67.5, 67.9 IAB 6/26/13 ARC 0809C	Room 319 Lucas State Office Bldg. Des Moines, Iowa	July 17, 2013 10 a.m.
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INSURANCE DIVISION[191]

Regulation of navigators, ch 85 IAB 6/26/13 ARC 0816C	Division Office 330 Maple St. Des Moines, Iowa	July 19, 2013 10 a.m.
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PROFESSIONAL LICENSURE DIVISION[645]

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PUBLIC HEALTH DEPARTMENT[641]

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	Burlington High School 421 Terrace Dr. Burlington, Iowa	July 17, 2013 11:30 a.m. to 12:30 p.m.
	Iowa Western Community College - 2 923 East Washington Clarinda, Iowa	July 17, 2013 11:30 a.m. to 12:30 p.m.
	Crestwood High School 1000 4th Ave. East Cresco, Iowa	July 17, 2013 11:30 a.m. to 12:30 p.m.
	Sixth Floor Lucas State Office Bldg. 321 E. 12th St. Des Moines, Iowa	July 17, 2013 11:30 a.m. to 12:30 p.m.
	Ottumwa Regional Health Center 1001 E. Pennsylvania Ottumwa, Iowa	July 17, 2013 11:30 a.m. to 12:30 p.m.

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

Public Library
529 Pierce St.
Sioux City, Iowa

July 17, 2013
11:30 a.m. to 12:30 p.m.

Spirit Lake High School
2701 Hill Ave.
Spirit Lake, Iowa

July 17, 2013
11:30 a.m. to 12:30 p.m.

Meeting Room C, Public Library
415 Commercial St.
Waterloo, Iowa

July 17, 2013
11:30 a.m. to 12:30 p.m.

PUBLIC SAFETY DEPARTMENT[661]

Electrical installations on farms,
551.2, 552.1
IAB 6/12/13 **ARC 0791C**

First Floor Conference Room 125
Public Safety Headquarters Bldg.
215 E. 7th St.
Des Moines, Iowa

July 18, 2013
10 a.m.

UTILITIES DIVISION[199]

Pole attachment procedures,
25.4
IAB 6/12/13 **ARC 0784C**

Board Hearing Room
1375 E. Court Ave.
Des Moines, Iowa

July 12, 2013
8:30 a.m.

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 0812C

ADMINISTRATIVE SERVICES DEPARTMENT[11]

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 8A.104(5), the Department of Administrative Services proposes to amend Chapter 1, “Department Organization,” and to renumber Chapters 105 to 108 as Chapters 117 to 120, Iowa Administrative Code.

The Department of Administrative Services is amending its organizational structure to reflect changes made in an effort to best manage and administer the duties assigned to the Department by Iowa Code chapter 8A. These changes will enable the Department to offer more transparent and more efficient services to the several state agencies and ultimately the taxpayers of the State of Iowa. Creating Title VI and renumbering Chapters 105 to 108 as Chapters 117 to 120 for the rules that address central procurement is consistent with the organization of the other enterprises of the Department. This change also eliminates any confusion caused by having the rules that address central procurement embedded with the rules for general services.

The Department of Administrative Services does not intend to grant waivers under the provisions of these rules, other than as may be allowed under the Department’s general rules concerning waivers.

Interested persons may make written comments on the proposed amendments until 4:30 p.m. on July 16, 2013. Comments should be directed to Caleb Hunter, Department of Administrative Services, Hoover State Office Building, 1305 East Walnut Street, Des Moines, Iowa 50319-0114. Comments may be sent by fax to (515)281-6140 or by e-mail to Caleb.Hunter@iowa.gov.

A public hearing will be held on July 16, 2013, from 9 to 10 a.m. in Room 8, A Level, Hoover State Office Building, 1305 East Walnut Street, Des Moines, Iowa, at which time persons may present their views either orally or in writing.

Any persons who intend to attend the public hearing and have special requirements, such as those related to hearing or mobility impairments, should contact and advise the Department of Administrative Services of their specific needs by calling (515)281-3351.

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

These amendments are intended to implement Iowa Code chapter 8A, subchapter III.

The following amendments are proposed.

ITEM 1. Amend rule 11—1.4(8A) as follows:

11—1.4(8A) Administration of the department. In order to carry out the functions of the department, the following enterprises and bureaus have been established:

1.4(1) General services enterprise. The mission of the general services enterprise is to act as the state’s business agent to meet agencies’ needs for quality, timely, reliable and cost-effective support services and provide a work environment that is healthy, safe, and well maintained. The chief operating officer, appointed by the director, heads the general services enterprise. The following bureaus have been established within the general services enterprise:

a. Capitol complex maintenance. The capitol complex maintenance bureau is responsible for the maintenance, appearance, and facility sanitation of the capitol complex buildings and grounds, including environmental control (heating, ventilation and cooling) and all support features including, but not limited to, parking lot maintenance, main electrical distribution, power generation, water supply, utilities, energy efficiency, wastewater removal, on-site safety consultation, ~~and~~ work requests for

ADMINISTRATIVE SERVICES DEPARTMENT[11](cont'd)

the capitol complex, major maintenance projects associated with the capitol complex, special event coordination, monuments, physical security and access control.

b. *Design and construction resources.* The design and construction resources bureau is responsible for vertical infrastructure management; building and monument restoration; management of leases and office space on and off the capitol complex; assignment of office space on the capitol complex; utilities management; and management of capital projects, including architectural, engineering, and construction management services for state agencies except for the board of regents, the department of transportation, the national guard, the natural resource commission and the Iowa public employees' retirement system. provides administration of public improvement projects, including design services, contracting for construction, and construction management oversight for state agencies except any agency of the state exempted by law. Capital funding appropriated to participating state agencies shall be transferred to the design and construction resources bureau for administration. The design and construction resources bureau is responsible for the administration of major maintenance for agencies in accordance with Iowa Code section 8A.302(4).

c. *Fleet and mail.* The fleet and mail bureau is responsible for the management of vehicular risk and travel requirements for state agencies not exempted by law and for the processing and delivering of mail for state agencies on the capitol complex and in the Des Moines metropolitan area.

d. *Mail.* The mail bureau is responsible for the processing and distribution of mail, which consists of US Mail, UPS, Federal Express, courier service and interoffice mail for the state agencies on the capitol complex and in designated areas in the Des Moines metropolitan area.

d. e. *Service delivery.* The service delivery bureau is responsible for the following functions for the enterprise: parking and building access, collection of fines and other payments; coordination of special events in the public area of the capitol, in other buildings on the capitol complex (excluding the historical building), and on the capitol complex grounds; and providing general information, and work requests for the capitol complex; statewide purchasing and electronic procurement, including managing procurement of commodities, equipment and services for all state agencies not exempted by law; and administration of surplus property regarding the buildings and grounds on the capitol complex.

f. *Real estate services.* The real estate services bureau is directly responsible for the management of all leased real estate across the state while also providing real estate consultation services pertaining to acquisition, disposition, and development of real property. Specific services may include market research, opinion of property value, financial analysis, long-term real estate strategy, and project management in accordance with Iowa Code section 8A.321(6). Space planning, including moves, additions, and changes, and surplus property are also coordinated by the bureau.

1.4(2) to 1.4(6) No change.

1.4(7) *Central procurement enterprise.*

a. The central procurement enterprise is charged with procuring goods and services for agencies by Iowa Code chapter 8A. The chief operating officer of the enterprise is appointed by the director and directs the work of the enterprise. These rules and applicable Iowa Code sections apply to the purchase of goods and services of general use by any unit of the state executive branch, except any agencies or instrumentalities of the state exempted by law.

b. The central procurement enterprise shall manage statewide purchasing and electronic procurement, including managing procurement of commodities, equipment and services for all state agencies not exempted by law.

ITEM 2. Renumber 11—Chapter 105 to 11—Chapter 108 as 11—Chapter 117 to 11—Chapter 120 in new Title VI, Central Procurement.

ARC 0815C**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 sections 214.10, 214A.2(1) and 215.24, the Department of Agriculture and Land Stewardship hereby gives Notice of Intended Action to amend Chapter 85, “Weights and Measures,” Iowa Administrative Code.

The proposed amendments specify the standards used for motor fuel and update the rules for weights and measures. The amendments clarify that the gas price displayed may not reflect a discount offered for cash payment and that discounts offered for cash payment must be displayed in a manner clear to the purchaser. The amendments restate from the statutory provision the minimum octane rating for regular and premium gasoline.

Any interested persons may make written comments or suggestions on these proposed amendments on or before July 16, 2013. Written comments should be sent to Margaret Thomson, Department of Agriculture and Land Stewardship, Wallace State Office Building, 502 East Ninth Street, Des Moines, Iowa 50319; or faxed to (515)281-6236. E-mail comments may be sent to Margaret.Thomson@IowaAgriculture.gov.

No waiver provision is included in these proposed amendments. However, the Department’s general waiver provisions, found at 21—Chapter 8, apply.

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

These amendments are intended to implement Iowa Code chapter 214A as amended by 2013 Iowa Acts, House File 458, section 5.

The following amendments are proposed.

ITEM 1. Amend rule 21—85.33(214A,208A) as follows:

21—85.33(214A,208A) Motor fuel and antifreeze tests and standards. In the interest of uniformity, the tests and standards for motor fuel, including but not limited to renewable fuels such as ethanol blended gasoline, biodiesel, biodiesel blended fuel, and components such as an oxygenate, raffinate natural gasoline and motor vehicle antifreeze shall unless otherwise required by statute be those established by the American Society for Testing and Materials (ASTM) in effect on ~~October~~ July 1, 2006 2013, with the exception of ASTM D4814-13 for the distillation of gasoline for ethanol blended gasoline classified as higher than E-10 and up to E-50. Diesel fuel which does not comply with ASTM international specifications may be ~~stored in Iowa only if the~~ blended with biodiesel, additives or other diesel fuel is ~~stored at a terminal for the purposes of blending the diesel fuel with biodiesel~~ so that the finished ~~biodiesel~~ blended product does meet the applicable specifications. In addition, a motor fuel that contains more than one-half of 1 percent of methyl tertiary butyl ether (MTBE) by volume shall not be sold, offered for sale, or stored in Iowa.

This rule is intended to implement Iowa Code sections 208A.5, 208A.6, 214A.2 as amended by 2013 Iowa Acts, House File 458, and 215.18 ~~and 2006 Iowa Acts, House File 2754.~~

ITEM 2. Amend rule 21—85.39(189,215) as follows:

21—85.39(189,215) Weights and measures. The specifications, tolerances and regulations for commercial weighing and measuring devices, together with amendments thereto, as recommended by the National Institute of Standards and Technology and published in National Institute of Standards and Technology Handbook 44 amended or revised as of July ~~16, 2009~~ 1, 2013, shall be the specifications,

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

tolerances and regulations for commercial weighing and measuring devices in the state of Iowa, except as modified by state statutes, or by rules adopted and published by the Iowa department of agriculture and land stewardship and not rescinded.

The National Institute of Standards and Technology (NIST) Handbooks 130 and 133: Weights and Measures Law, Packaging and Labeling, Method of Sale, Type Evaluation, and Checking the Net Contents of Packaged Goods, and Uniform Engine Fuels and Automotive Lubricants Regulation, and all supplements, as promulgated published by the National Institute of Standards and Technology amended or revised as of July 16, 2009 1, 2013, are adopted in their entirety by this reference except as modified by state statutes, or by rules adopted and published by the Iowa department of agriculture and land stewardship.

This rule is intended to implement Iowa Code sections 189.9, 189.13, 189.17, 215.14, 215.18 and 215.23.

ITEM 3. Amend subrule 85.48(2) as follows:

85.48(2) Petroleum product retailers, if they elect to advertise the unit price of their petroleum products at or near the curb, storefront or billboard, shall display the price per gallon or liter. The advertised price shall equal the computer price settings shown on the metering pump or shall be displayed in a manner clear to the purchaser for discounts offered for cash payment.

ITEM 4. Amend subrule 85.48(14) as follows:

85.48(14) Octane rating of fuel offered for sale shall be posted on the pump in a conspicuous place. The octane rating shall be posted for registered fuels. No octane rating shall be posted on the pump for ethanol blended gasoline classified as higher than E-15. The minimum octane rating for gasoline offered for sale by a retail dealer is 87 for regular grade gasoline and 90 for premium grade gasoline.

ARC 0809C

INSPECTIONS AND APPEALS DEPARTMENT[481]

Notice of Intended Action

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

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

Pursuant to the authority of Iowa Code sections 231B.2(1), 231C.3(1), and 231D.2(2), the Department of Inspections and Appeals hereby gives Notice of Intended Action to amend Chapter 67, “General Provisions for Elder Group Homes, Assisted Living Programs, and Adult Day Services,” Iowa Administrative Code.

The proposed amendments provide clarification of rules related to nurse delegation in elder group homes, assisted living programs and adult day services. Previously, the Department had relied on Nursing Board rules to explain the provision of nursing services in assisted living programs, elder group homes and adult day services programs. Over time, the Department and affected groups determined that amendments were necessary to further clarify the provision of nursing services in these programs. The Department consulted with the Nursing Board and affected groups in writing regarding the amendments.

The Department does not believe that the proposed amendments pose a financial hardship on any regulated entity or individual.

Any interested person may make written suggestions or comments on the proposed amendments on or before July 16, 2013. Such written materials should be addressed to the Director, Department of Inspections and Appeals, Lucas State Office Building, 321 East 12th Street, Des Moines, Iowa 50319-0083; faxed to (515)242-6863; or e-mailed to David.Werning@dia.iowa.gov.

Additionally, there will be a public hearing on July 17, 2013, at 10 a.m. in Room 319 of the Lucas State Office Building, 321 East 12th Street, Des Moines, Iowa, at which time persons may present their

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

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, such as those relating to hearing or mobility impairments, should contact the Department of Inspections and Appeals and advise of special needs.

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

These amendments are intended to implement Iowa Code section 231C.3(1).

The following amendments are proposed.

ITEM 1. Amend rule **481—67.1(231B,231C,231D)**, definition of “Nurse delegation,” as follows:

“*Nurse delegation*” means the action of a registered nurse, advanced registered nurse practitioner, or licensed practical nurse to direct competent individuals certified and noncertified staff to perform selected nursing tasks in selected situations, ~~pursuant to subrule 655—6.2(5), paragraph “e.”~~ The decision of a nurse to delegate is based on the delegation process, including assessment, planning, implementation, supervision, and evaluation of the tenant, nursing tasks, personnel, and the situation. The nurse, as a licensed professional, retains accountability for the delegation process and the decision to delegate. Licensed practical nurses ~~are allowed to~~ may delegate within the scope of their license ~~with the supervision of a registered nurse.~~

ITEM 2. Rescind the definition of “Nurse-delegated assistance” in rule **481—67.1(231B,231C,231D)**.

ITEM 3. Adopt the following new definitions in rule **481—67.1(231B,231C,231D)**:

“*Assignment*” means the distribution of work for which each staff member, regardless of certification or licensure status, is responsible during a given work period and includes a nurse directing an individual to do something the individual is already authorized to do.

“*Certified staff*” means certified nursing assistants (CNAs) and certified medication assistants (CMAs) employed by the program.

“*Direct supervision*” means the provision of guidance and oversight of a delegated nursing task through the physical presence of the licensed nurse to observe and direct certified and noncertified staff.

“*Indirect supervision*” means the provision of guidance and oversight of a delegated nursing task through means other than direct supervision, including written and verbal communication.

“*Noncertified staff*” means unlicensed and uncertified personnel employed by the program.

“*Program staff*” means all employees of the program, regardless of certification or licensure status.

ITEM 4. Amend paragraph **67.5(2)“c”** as follows:

c. The program assumes partial control of medication setup at the direction of the tenant. The medication plan shall not be implemented by the program unless the program’s registered nurse deems it appropriate under applicable requirements, including those in ~~655—Chapter 6 governing nurse delegation~~ Iowa Code section 231C.16A and subrule 67.9(5). The program’s registered nurse must agree to the medication plan.

ITEM 5. Amend subrule 67.5(6) as follows:

67.5(6) When medications are administered traditionally by the program:

a. The administration of medications shall be provided by a registered nurse, licensed practical nurse or advanced registered nurse practitioner registered in Iowa or by ~~unlicensed assistive personnel certified and noncertified staff~~ in accordance with ~~requirements in 655—Chapter 6 governing nurse delegation~~ subrule 67.9(5).

b. and c. No change.

ITEM 6. Amend subrules 67.9(1), 67.9(2) and 67.9(4) to 67.9(6) as follows:

67.9(1) *Number of staff.* A sufficient number of trained staff shall be available at all times to fully meet tenants’ identified needs.

67.9(2) *Emergency procedures.* All program staff shall be able to implement the accident, fire safety, and emergency procedures.

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

67.9(4) *Training documentation.* The program shall have training and staffing plans on file and shall maintain documentation of training received by program staff, including training of certified and noncertified staff on nurse delegation procedures.

67.9(5) *Nurse delegation procedures.* ~~Any nursing services shall be provided in accordance with Iowa Code chapter 152 and 655—Chapter 6.~~ The program's registered nurse shall ensure certified and noncertified staff are competent to meet the individual needs of tenants. Nurse delegation shall, at a minimum, include the following:

a. The program's registered nurse shall within 60 days of beginning employment as the program's registered nurse document a review to ensure that staff is sufficiently trained and competent in all tasks that are assigned or delegated.

b. All program staff shall receive training by the program's registered nurse within 30 days of beginning employment.

c. Training for noncertified staff shall include, at a minimum, the provision of ADLs and IADLs.

d. Certified and noncertified staff shall receive training regarding service plan tasks (e.g., wound care, pain management, rehabilitation needs and hospice care) in accordance with medical or nursing directives and the acuity of the tenants' health, cognitive or functional status.

e. The program's registered nurse shall provide direct or indirect supervision of all certified and noncertified staff as necessary in the professional judgment of the program's registered nurse and in accordance with the needs of the tenants and certified and noncertified staff.

f. Services shall be provided to tenants in accordance with the training provided.

g. The program shall have in place a system by which certified or noncertified staff communicate in writing occurrences that differ from the tenant's normal health, functional and cognitive status. The program's registered nurse or designee shall train certified and noncertified staff on reporting to the program's registered nurse or designee and documenting occurrences that differ from the tenant's normal health, functional and cognitive status. The written communication required by this paragraph shall be retained by the program for a period of not less than three years, and shall be accessible to the department upon request.

h. In the absence of the program's registered nurse due to vacation or other temporary circumstances, the nurse assuming the duties of the program's registered nurse shall have access to staff training in relation to tenant needs.

67.9(6) *Prohibited services.* A program staff member shall not be designated as attorney-in-fact, guardian, conservator, or representative payee for a tenant unless the program staff member is related to the tenant by blood, marriage, or adoption.

ARC 0808C

INSPECTIONS AND APPEALS DEPARTMENT[481]

Notice of Intended Action

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

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

Pursuant to the authority of Iowa Code sections 231B.2(1), 231C.3(1) and 231D.2(2), the Department of Inspections and Appeals hereby gives Notice of Intended Action to amend Chapter 67, “General Provisions for Elder Group Homes, Assisted Living Programs, and Adult Day Services,” Iowa Administrative Code.

The amendments implement legislative changes, including 2013 Iowa Acts, Senate File 347, which amends Iowa Code section 135C.33 and requires elder group homes, assisted living programs and adult day services programs to conduct criminal history record checks and child abuse and dependent adult abuse record checks of prospective employees.

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

The Department does not believe that the proposed amendments impose any financial hardship on any regulated entity, body, or individual.

Any interested person may make written suggestions or comments on the proposed amendments on or before July 16, 2013. Such written materials should be addressed to the Director, Department of Inspections and Appeals, Lucas State Office Building, 321 East 12th Street, Des Moines, Iowa 50319-0083; faxed to (515)242-6863; or e-mailed to david.werning@dia.iowa.gov.

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

These amendments are intended to implement Iowa Code sections 231B.2(1), 231C.3(1), 231D.2(2), and 135C.33 and 2013 Iowa Acts, Senate File 347.

The following amendments are proposed.

ITEM 1. Rescind subrule **67.9(3)**.

ITEM 2. Renumber subrules **67.9(4)** to **67.9(6)** as **67.9(3)** to **67.9(5)**.

ITEM 3. Adopt the following **new** rule 481—67.19(135C,231B,231C,231D):

481—67.19(135C,231B,231C,231D) Criminal, dependent adult abuse, and child abuse record checks.

67.19(1) Definitions. The following definitions apply for the purposes of this rule.

“*Background check*” or “*record check*” means criminal history, child abuse and dependent adult abuse record checks.

“*Direct services*” means services provided through person-to-person contact. “Direct services” excludes services provided by individuals such as building contractors, repair workers, or others who are in a program for a very limited purpose, who are not in the program on a regular basis, and who do not provide any treatment or services for residents, patients, tenants, or participants of the provider.

“*Employed in a program*” or “*employment within a program*” means all of the following, if the provider is regulated by the state or receives any federal or state funding:

1. An employee of an assisted living program certified under Iowa Code chapter 231C, if the employee provides direct services to consumers;
2. An employee of an elder group home certified under Iowa Code chapter 231B, if the employee provides direct services to consumers;
3. An employee of an adult day services program certified under Iowa Code chapter 231D, if the employee provides direct services to consumers.

“*Employee*” means any individual who is paid, either by the program or any other entity (i.e., temporary agency, private duty, Medicare/Medicaid or independent contractors).

“*Evaluation*” means review by the department of human services to determine whether a founded child abuse, dependent adult abuse or criminal conviction warrants the person’s being prohibited from employment in a program.

“*Indirect services*” means services provided without person-to-person contact such as those provided by administration, dietary, laundry, and maintenance.

“*Program,*” for purposes of this rule, means all of the following, if the provider is regulated by the state or receives any federal or state funding:

1. An assisted living program certified under Iowa Code chapter 231C;
2. An elder group home certified under Iowa Code chapter 231B; and
3. An adult day services program certified under Iowa Code chapter 231D.

67.19(2) Explanation of “crime.” For purposes of this rule, the term “crime” does not include offenses under Iowa Code chapter 321 classified as simple misdemeanor or equivalent simple misdemeanor offenses from another jurisdiction.

67.19(3) Requirements for employer prior to employing an individual. Prior to employment of a person in a program, the program shall request that the department of public safety perform a criminal history check and the department of human services perform child and dependent adult abuse record checks of the person in this state.

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

a. Informing the prospective employee. A program shall ask each person seeking employment by the program, "Do you have a record of founded child or dependent adult abuse or have you ever been convicted of a crime other than a simple misdemeanor offense relating to motor vehicles and laws of the road under Iowa Code chapter 321 or equivalent provisions in this state or any other state?" The person shall also be informed that a background check will be conducted. The person shall indicate, by signature, that the person has been informed that the background check will be conducted.

b. Conducting a background check. The program may access the single contact repository (SING) to perform the required background check. If the SING is used, the program shall submit the person's maiden name, if applicable, with the background check request. If SING is not used, the program must obtain a criminal history check from the department of public safety and a check of the child and dependent adult abuse registries from the department of human services.

c. If a person considered for employment has been convicted of a crime. If a person being considered for employment in a program has been convicted of a crime under a law of any state, the department of public safety shall notify the program that upon the request of the program the department of human services will perform an evaluation to determine whether the crime warrants prohibition of the person's employment in the program.

d. If a person considered for employment has a record of founded child abuse or dependent adult abuse. If a department of human services child or dependent adult abuse record check shows that a person being considered for employment in a program has a record of founded child or dependent adult abuse, the department of human services shall notify the program that upon the request of the program the department of human services will perform an evaluation to determine whether the founded child or dependent adult abuse warrants prohibition of employment in the program.

e. Employment pending evaluation. The program may employ a person for not more than 60 calendar days pending the completion of the evaluation by the department of human services if all of the following apply. The 60-day period begins on the first day of the person's employment.

(1) The person is being considered for employment other than employment involving the operation of a motor vehicle;

(2) The person does not have a record of founded child or dependent adult abuse;

(3) The person has been convicted of a crime that is a simple misdemeanor offense under Iowa Code section 123.47 or a first offense of operating a motor vehicle while intoxicated under Iowa Code section 321J.2, subsection 1; and

(4) The program has requested an evaluation to determine whether the crime warrants prohibition of the person's employment.

67.19(4) Validity of background check results. The results of a background check conducted pursuant to this rule shall be valid for a period of 30 calendar days from the date the results of the background check are received by the program.

67.19(5) Employment prohibition. A person who has committed a crime or has a record of founded child or dependent adult abuse shall not be employed in a program unless an evaluation has been performed by the department of human services.

67.19(6) Transfer of an employee to another program owned or operated by the same person. If an employee transfers from one program to another program owned or operated by the same person, without a lapse in employment, the program is not required to request additional criminal and child and dependent adult abuse record checks of that employee.

67.19(7) Transfer of ownership of a program. If the ownership of a program is transferred, at the time of transfer the background check required by this rule shall be performed for each employee for whom there is no documentation that such background check has been performed. The program may continue to employ such employee pending the performance of the background check and any related evaluation.

67.19(8) Change of employment—person with criminal or abuse record—exception to record check evaluation requirements. A person with a criminal or abuse record who is or was employed by a certified program and is hired by another certified program shall be subject to the background check.

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

a. A reevaluation of the latest record check is not required, and the person may commence employment with the other certified program if the following requirements are met:

(1) The department of human services previously performed an evaluation concerning the person's criminal or abuse record and concluded the record did not warrant prohibition of the person's employment;

(2) The latest background check does not indicate a crime was committed or founded abuse record was entered subsequent to the prior evaluation;

(3) The position with the subsequent employer is substantially the same or has the same job responsibilities as the position for which the previous evaluation was performed;

(4) Any restrictions placed on the person's employment in the previous evaluation by the department of human services and still applicable shall remain applicable in the person's subsequent employment; and

(5) The person subject to the background check has maintained a copy of the previous evaluation and provided it to the subsequent employer, or the previous employer provides the previous evaluation from the person's personnel file pursuant to the person's authorization. If a physical copy of the previous evaluation is not provided to the subsequent employer, a current record check evaluation shall be performed.

b. For purposes of this subrule, a position is "substantially the same or has the same job responsibilities" if the position requires the same certification, licensure, or advanced training. For example, a licensed nurse has substantially the same or the same job responsibilities as a director of nursing; a certified nurse aide does not have substantially the same or the same job responsibilities as a licensed nurse.

c. The subsequent employer must maintain the previous evaluation in the employee's personnel file for verification of the exception to the requirement for a record check evaluation.

d. The subsequent employer may request a reevaluation of the background check and may employ the person while the reevaluation is being performed, even though an exemption under paragraph 67.19(8) "a" may be authorized.

67.19(9) *Employee notification of criminal convictions or founded abuse after employment.* If a person employed by an employer that is subject to this rule is convicted of a crime or has a record of founded child or dependent adult abuse entered in the abuse registry after the person's employment application date, the person shall inform the employer of such information within 48 hours of the criminal conviction or entry of the record of founded child or dependent adult abuse.

a. The employer shall act to verify the information within 48 hours of notification. "Verify," for purposes of this subrule, means to access the single contact repository (SING) to perform a background check, to request a criminal background check from the department of public safety, to request an abuse record check from the department of human services, to conduct an online search through the Iowa Courts Online Web site, or to contact the county clerk of court office and obtain a copy of relevant court documents.

b. If the information is verified, the program shall follow the requirements of paragraphs 67.19(3) "c" and "d."

c. The employer may continue to employ the person pending the performance of an evaluation by the department of human services.

d. A person who is required by this subrule to inform the person's employer of a conviction or entry of an abuse record and fails to do so within the required period commits a serious misdemeanor under Iowa Code section 135C.33.

e. The employer may notify the county attorney for the county where the employer is located of any violation or failure by an employee to notify the employer of a criminal conviction or entry of an abuse record within the period required under this subrule.

67.19(10) *Program receipt of credible information that an employee has been convicted of a crime or founded for abuse.* If the program receives credible information, as determined by the program, from someone other than the employee, that the employee has been convicted of a crime or a record of founded child or dependent adult abuse has been entered in the abuse registry after employment, and the employee

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

has not informed the employer of the information within the time required by subrule 67.19(9), the program shall take the following actions:

a. The program shall act to verify credible information within 48 hours of receipt. "Verify," for purposes of this subrule, means to access the single contact repository (SING) to perform a background check, to request a criminal background check from the department of public safety, to request an abuse record check from the department of human services, to conduct an online search through the Iowa Courts Online Web site, or to contact the county clerk of court office and obtain a copy of relevant court documents.

b. If the information is verified, the program shall follow the requirements of paragraphs 67.19(3) "c" and "d."

67.19(11) *Proof of background checks for temporary employment agencies and contractors.* Proof of background checks may be kept in the files maintained by temporary employment agencies and contractors. Facilities may require temporary employment agencies and contractors to provide a copy of the result of the background checks. Copies of such results shall be made available to the department upon request.

This rule is intended to implement Iowa Code sections 231B.2(1), 231C.3(1), 231D.2(2), and 135C.33 and 2013 Iowa Acts, Senate File 347.

ARC 0816C

INSURANCE DIVISION[191]

Notice of Intended Action

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

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

Pursuant to the authority of Iowa Code sections 505.8(19) and 522D.10, the Insurance Division hereby gives Notice of Intended Action to adopt new Chapter 85, "Regulation of Navigators," Iowa Administrative Code.

Chapter 85 is needed to provide additional guidance to navigators as required by Iowa Code chapter 522D. Navigators are individuals or entities that are regulated by the Iowa Insurance Division and will provide assistance to Iowa consumers in all areas required by the federal Patient Protection and Affordable Care Act and related regulations. The purpose of Chapter 85 will be to provide the licensing, training, application requirements, and other minimum practice standards for entities and individuals acting as navigators. The adopted rules shall become effective September 25, 2013. Compliance with the adopted rules will also begin on September 25, 2013, in order to allow enforcement of the rules before navigators begin their required enrollment duties on October 1, 2013.

Any interested party may make written suggestions or comments on the proposed rules on or before July 19, 2013, at 10 a.m. Such written materials should be directed to Angel Robinson, Iowa Insurance Division, 330 Maple Street, Des Moines, Iowa 50319. Comments may also be submitted by fax at (515) 281-3059 or by e-mail to angel.robinson@iid.iowa.gov.

A public hearing regarding these proposed rules will be held on July 19, 2013, at 10 a.m., at the Iowa Insurance Division office located at 330 Maple Street, Des Moines, Iowa. Persons intending to attend the hearing and requiring assistive services or devices to observe or participate should contact Angel Robinson two weeks in advance of the public hearing to allow time to accommodate the assistive need.

The proposed rules are subject to waiver consistent with the waiver provisions provided for in Iowa Code section 522D.6.

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

These rules are intended to implement Iowa Code section 505.8(19) and chapter 522D.

The following amendment is proposed.

INSURANCE DIVISION[191](cont'd)

Adopt the following new 191—Chapter 85:

CHAPTER 85
REGULATION OF NAVIGATORS

191—85.1(505,522D) Purpose and authority.

85.1(1) The purpose of these rules is to set out the requirements, procedures and fees relating to the qualification, licensure, training, continuing education and regulation of navigators.

85.1(2) These rules are established based upon the authority provided in Iowa Code sections 505.8(19) and 522D.10.

191—85.2(505,522D) Definitions. As used in this chapter:

“*ACA*” means, collectively, the Patient Protection and Affordable Care Act (Pub. L. 111-148) and Health Care and Education Reconciliation Act (Pub. L. 111-152).

“*Applicant*” means an individual or entity applying or intending to apply for a navigator license.

“*Business entity*” means a corporation, association, partnership, limited liability company, limited liability partnership or other legal entity.

“*Commissioner*” means the Iowa commissioner of insurance.

“*Credit*” means continuing education credit. One credit is 50 minutes of instruction or reading material in an acceptable topic.

“*Division*” means the Iowa insurance division.

“*Health insurance*” means insurance that is primarily for the diagnosis, cure, mitigation, treatment, or prevention of disease or amounts paid for the purpose of affecting any structure of the body, including transportation that is essential to obtaining medical care, but excluding:

1. Coverage only for accident or disability income insurance, or any combination thereof;
2. Coverage issued as a supplement to liability insurance;
3. Liability insurance, including general liability insurance and automobile liability insurance;
4. Workers’ compensation or similar insurance;
5. Automobile medical payment insurance;
6. Credit-only insurance;
7. Coverage for on-site medical clinics;
8. Coverage only for limited-scope vision benefits;
9. Benefits for long-term care, nursing home care, home health care, community-based care, or any combination thereof;
10. Coverage for specified disease or critical illness;
11. Hospital indemnity or other fixed indemnity insurance;
12. Medicare supplement policies;
13. Medicare, Medicaid, or the Federal Employee Health Benefit Program, 5 U.S.C. §§ 8901 - 8914, as it existed on January 1, 2013;
14. Coverage only for medical and surgical outpatient benefits;
15. Excess or stop-loss insurance; and
16. Other similar insurance coverage under which benefits for health insurance are secondary or incidental to other insurance benefits.

“*Individual*” means a private or natural person, as distinguished from a partnership, corporation or association.

“*License*” means the authorization by the commissioner for a person to act as a navigator in the state of Iowa.

“*Marketplace*” means any health benefit exchange authorized under the ACA and established or operating in this state, including any exchange established or operated by the U.S. Department of Health and Human Services.

“*Navigator*” means the individual or business entity that is granted the title, duties, and responsibilities under 45 CFR § 155.210 of a navigator or non-navigator by the granting or appointing

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authority. A navigator would engage in the activities and meet the standards described in 45 CFR § 155.210, including:

1. Maintaining expertise in eligibility, enrollment, and program specification;
2. Conducting public education activities to raise awareness about the marketplace;
3. Providing information and services in a fair, accurate, and impartial manner, including information that acknowledges other health programs such as Medicaid and the healthy and well kids in Iowa program;
4. Facilitating selection of a qualified health plan;
5. Providing referrals for consumers with questions, complaints, or grievances to any applicable office of health insurance consumer assistance or health insurance ombudsman established under Section 2793 of the Public Health Service Act, or other appropriate state agency or agencies;
6. Providing information in a culturally and linguistically appropriate manner, including to persons with limited English proficiency; and
7. Ensuring accessibility and usability of navigator tools and functions for persons with disabilities.

For the purposes of this chapter, other entities as provided for in 45 CFR § 155.210 shall be included in the definition of “navigator.”

“*Navigator renewal notice*” means a written or electronic communication issued by the division to inform a navigator about license renewal.

“*Negotiate*” means the act of advising a purchaser or prospective purchaser of a particular contract of insurance concerning any of the substantive benefits, terms or conditions of the contract provided that the person engaged in that act either sells insurance or obtains insurance for purchasers. The definition of “negotiate” shall not include:

1. Impartially informing a purchaser or prospective purchaser about substantive benefits, terms or conditions of a contract while facilitating the enrollment in a qualified health plan by providing fair, impartial, and accurate information that assists a purchaser or prospective purchaser with submitting an eligibility application;
2. Clarifying the distinctions among qualified health plans; and
3. Helping qualified individuals make informed decisions during a health plan selection process.

“*Person*” means an individual or entity.

“*Producer*” means a person required to be licensed in this state to sell, solicit or negotiate insurance.

“*Qualified health plan*” means a health benefit plan that has in effect a certification that the plan meets the criteria for certification described in Section 1311(c) of the ACA.

“*Sell*” means to exchange a contract of insurance by any means, for money or its equivalent, on behalf of an insurer.

“*Solicit*” means attempting to sell insurance or asking or urging a person to apply for a particular kind of insurance from a particular company.

“*U.S. Department of Health and Human Services*” means the United States Department of Health and Human Services and any of its subsidiaries.

191—85.3(505,522D) Requirement to hold a license. No person may act as a navigator in Iowa until that person has been issued an Iowa navigator license.

85.3(1) To be licensed as a navigator, a person must satisfy the following requirements:

- a. Be at least 18 years of age;
- b. Demonstrate compliance with the initial training and certification requirements set forth in rule 191—85.10(505,522D);
- c. Have not committed any act that is grounds for denial, suspension or revocation under Iowa Code section 522D.7;
- d. Submit a completed uniform application;
- e. Pass an examination on the duties and responsibilities of a navigator and the insurance laws and regulations of Iowa with a score of 70 percent or higher;
- f. Pay the nonrefundable navigator license fee of \$20; and

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g. Pass a background check or security screening.

85.3(2) The division may require any documents reasonably necessary to verify the information or attestations contained in the application or to verify that the applicant has the character and competency required to receive a navigator license. If an applicant does not provide the additional information requested by the division within 45 days of receipt of the request, the application will expire and the license fee will not be returned.

85.3(3) Except for producers licensed in Iowa, a person acting as a navigator without an Iowa navigator license or a person performing the enrollment duties of a navigator without an appointment, certification, or a grant to perform such duties by the U.S. Department of Health and Human Services shall be in violation of this chapter.

a. Upon the determination by the commissioner that a person is in violation of this chapter, the commissioner may issue a summary order directing the person to cease and desist from engaging in the act or practice in violation of this chapter. A person that has been issued a summary order under this rule may contest the order by filing a request for a contested case proceeding and hearing as provided in Iowa Code chapter 17A.

b. The person shall have at least 30 days from the date that the order is issued in order to file the request. The order shall remain effective from the date of issue unless overturned by a presiding officer of the court following a request for a hearing. If a hearing is not timely requested, the summary order becomes final by operation of law.

c. A person violating a summary order issued under this rule shall be deemed in contempt of that order. The commissioner may petition the district court to enforce the order as certified by the commissioner. The district court shall adjudge the person in contempt of the order if the court finds after hearing that the person is not in compliance with the order. The court may assess a civil penalty against the person and may issue further orders as it deems appropriate.

191—85.4(505,522D) Issuance of license.

85.4(1) A person that meets the requirements of this chapter and of Iowa Code sections 522D.4 and 522D.5, unless otherwise denied licensure pursuant to Iowa Code section 522D.7, shall be issued a navigator license. A navigator license shall be valid for three years. A navigator license remains in effect unless revoked or suspended as long as all required fees are paid and continuing education requirements are met. A renewal term is three years. If not renewed, a navigator license automatically terminates on the last day of the month of the initial or renewal term.

85.4(2) An individual navigator whose license has expired may seek reinstatement as set forth in rule 191—85.6(505,522D).

85.4(3) The license shall contain the navigator's name and address, the date of issuance, the date of expiration and any other information the division deems necessary.

85.4(4) If the division issues or renews a navigator license and subsequently determines that payment for the license or renewal was returned without payment to the division by a bank, or that the credit card company does not approve or cancels or refuses amounts charged to the credit card, the license shall be immediately suspended until the payments are made and any fees or penalties charged by the division are paid, at which time the license may be reinstated. The individual may request a hearing within 30 days of receipt of notice by the division that the license was suspended.

191—85.5(505,522D) License renewal. A navigator must apply for license renewal within 60 days prior to the expiration date of the license. Failure to apply to renew a license and pay appropriate fees prior to the expiration date of the license will result in expiration of the license.

191—85.6(505,522D) License reinstatement.

85.6(1) A navigator may reinstate an expired license up to 12 months after the license expiration date by proving that during the continuing education term the navigator met the continuing education requirements of this chapter and by paying a reinstatement fee and license renewal fees. A navigator

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that fails to apply for license reinstatement within 12 months of the license expiration date must apply for a new license.

85.6(2) A navigator that has surrendered a license for a nondisciplinary reason and stated an intent to exit the insurance business may file a request to reactivate the license. The request must be received at the division within 90 days of the date the license was placed on inactive status. The request will be granted if the former navigator is otherwise eligible to receive the license. If the request is not received within 90 days, the navigator must apply for a new license.

191—85.7(505,522D) Reinstatement or reissuance of a license after suspension, revocation or forfeiture in connection with disciplinary matters; and forfeiture in lieu of compliance.

85.7(1) The term “reinstatement” as used in this rule means the reinstatement of a suspended license. The term “reissuance” as used in this rule means the issuance of a new license following either the revocation of a license or the forfeiture of a license in connection with a disciplinary matter. This rule does not apply to the reinstatement of an expired license.

85.7(2) Any navigator whose license has been revoked or suspended by order, or that forfeited a license in connection with a disciplinary matter, may apply to the commissioner for reinstatement or reissuance in accordance with the terms of the order of revocation or suspension or the order accepting the forfeiture.

a. All proceedings for reinstatement or reissuance shall be initiated by the applicant. The applicant shall file with the commissioner an application for reinstatement or reissuance of a license.

b. An application for reinstatement or reissuance shall allege facts which, if established, will be sufficient to enable the commissioner to determine that the basis of revocation, suspension or forfeiture of the applicant’s license no longer exists and that it will be in the public interest for the application to be granted. The burden of proof to establish such facts shall be on the applicant.

c. A navigator may request reinstatement of a suspended license prior to the end of the suspension term.

d. Unless otherwise provided by law, if the order of revocation or suspension did not establish terms upon which reinstatement or reissuance may occur, or if the license was forfeited, an initial application for reinstatement or reissuance may not be made until at least one year has elapsed from the date of the order of the suspension, revocation, or acceptance of the forfeiture of a license.

85.7(3) All proceedings upon the application for reinstatement or reissuance, including matters preliminary and ancillary thereto, shall be held in accordance with Iowa Code chapter 17A. Such application shall be recorded in the original case in which the original license was suspended, revoked, or forfeited, if a case exists.

85.7(4) An order of reinstatement or reissuance shall be based upon a written decision which incorporates findings of fact and conclusions of law. An order granting an application for reinstatement or reissuance may impose such terms and conditions as the commissioner or the commissioner's designee deems desirable. The order shall be a public record, available to the public, and may be disseminated in accordance with Iowa Code chapter 22.

85.7(5) A request for voluntary forfeiture of a license shall be made in writing to the commissioner. Forfeiture of a license is effective upon submission of the request unless a contested case proceeding is pending at the time the request is submitted. If a contested case proceeding is pending at the time of the request, the forfeiture becomes effective when and upon such conditions as required by order of the commissioner. A forfeiture made during the pendency of a contested case proceeding is considered disciplinary action and shall be published in the same manner as is applicable to any other form of disciplinary order.

85.7(6) When a navigator’s license has been suspended for a period of time which extends beyond the navigator’s license expiration date, the license will terminate. The navigator may request reinstatement pursuant to this rule. If suspension for a period of time ends prior to the navigator’s license expiration date, the division shall reinstate the license at the end of the suspension period. The commissioner is not prohibited from bringing an additional immediate action if the navigator has engaged in misconduct during the period of suspension.

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191—85.8(505,522D) Change in name, address or state of residence.

85.8(1) If a navigator changes the navigator's legal name, the navigator must file written notification with the division within 30 days of the name change. The notification must include the navigator's previous name and new name.

85.8(2) If a navigator changes the navigator's address, the navigator must file written notification with the division within 30 days of the address change. The notification must include the navigator's name, previous address, and new address. A navigator may designate a business address instead of a residential address at the option of the navigator.

85.8(3) If a navigator has provided an e-mail address to the division, the division has the option to send information to the navigator through the e-mail address rather than through the mail.

191—85.9(505,522D) Licensing of a business entity.

85.9(1) A business entity that has been appointed as a navigator shall obtain a navigator license.

85.9(2) Navigator entities shall be exempt from the requirements of training, examination, and continuing education. All individual navigators that are hired, retained, recruited, employed, affiliated, work for or in conjunction, or as a part of a consortium, with a navigator entity shall be subject to all training, examination, and continuing education requirements under this chapter.

85.9(3) Navigator entities shall be liable for the acts of individual navigators that are hired, retained, recruited, employed, affiliated, work for or in conjunction, or as a part of a consortium, with a navigator entity when the individual navigator is performing the duties of or acting as a navigator.

191—85.10(505,522D) Initial training of navigators.

85.10(1) Individual navigators shall complete a minimum of 32 credits of initial training in courses approved by the commissioner. Initial training must include a minimum of 2 credits of Iowa-specific training on Medicaid and healthy and well kids in Iowa program training, as well as a minimum of 1 credit in the subject of ethics. Navigators shall be responsible for obtaining their own training.

85.10(2) Courses provided by the federal government or approved by the federal government on ACA-related topics will be considered approved by the commissioner.

85.10(3) Individual navigators shall complete all training and certification requirements provided by the U.S. Department of Health and Human Services.

191—85.11(505,522D) Continuing education requirements for navigators.

85.11(1) Prior to each renewal term, individual navigators must complete a minimum of 36 continuing education credits for each continuing education term in courses approved by the commissioner on subjects relevant to navigators, including health insurance, tax credits, tax penalties, Medicaid, the healthy and well kids in Iowa program, health care-related public assistance programs, or other ACA-related topics.

85.11(2) Courses provided by the federal government or approved by the federal government on ACA-related topics will be considered approved by the commissioner.

85.11(3) A navigator shall not carry over continuing education requirements from one term to the next term.

85.11(4) A navigator shall not receive continuing education credit for the same course taken twice in the term of license.

191—85.12(505,522D) Administration of examinations.

85.12(1) The commissioner will enter into a contractual relationship with an outside testing service to provide the licensing examinations for individual navigators.

85.12(2) The outside testing service will administer all examinations for applicants.

85.12(3) The testing service will inform the applicants of procedures and requirements for taking the licensing examination.

85.12(4) The fee for examination shall be determined by the testing service.

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85.12(5) A listing of subjects that could potentially be included on the navigator's examination may be provided on the division's Web site at <http://www.iid.state.ia.us/>.

85.12(6) Examination results are valid for 90 days after the date of the test. Failure to apply for licensure within 90 days after the examination is passed shall void the examination results.

191—85.13(505,522D) Fees.

85.13(1) Fees may be paid by check or credit card.

85.13(2) The fee for issuance or renewal of a navigator license is \$20 for three years.

85.13(3) The fee for reinstatement of a navigator license is a total of the renewal fee plus \$100.

85.13(4) The division may charge a reasonable fee for the compilation and production of navigator licensing records.

191—85.14(505,522D) Evidence of financial responsibility.

85.14(1) Prior to the issuance by the division of a license as a navigator and for the duration of the license, including any renewal thereof, a navigator shall secure and maintain evidence of financial responsibility in the form of a surety bond or other alternative financial responsibility instrument that protects individuals and entities against wrongful acts, misrepresentations, errors, omissions, or negligence of the navigator, or other violation of insurance law.

85.14(2) The minimum coverage for financial responsibility shall be \$50,000.

85.14(3) A navigator shall immediately inform the commissioner in writing of any pending termination of a written financial responsibility instrument. The navigator shall secure a new financial responsibility instrument and provide evidence of new financial responsibility to the commissioner prior to the date of termination for the existing financial responsibility instrument. If evidence of a new financial responsibility instrument is not provided to the commissioner prior to termination, the navigator's license shall be forfeited.

85.14(4) An individual navigator may meet the financial responsibility requirement if the individual navigator is covered by the financial responsibility instrument issued to a navigator entity with which the individual navigator is affiliated.

85.14(5) A navigator's financial responsibility instrument shall specifically authorize recovery by the commissioner on behalf of any person in Iowa that sustained damages as the result of wrongful acts, misrepresentations, errors, omissions, or negligence of the navigator, or other violation of insurance law in the individual's or entity's capacity as a navigator.

191—85.15(505,522D) Practices.

85.15(1) Navigators shall comply with all federal and state statutes, regulations, and rules affecting insurance and navigators.

85.15(2) Navigators shall comply with any inquiries or requests submitted by the commissioner. Navigators shall respond to requests by the commissioner within the time designated in the request. A navigator that fails to provide the information in the time requested or fails to obtain an approved extension shall be subject to penalties as set forth in Iowa Code section 522D.8.

85.15(3) Navigators shall be subject to examination upon the discretion of the commissioner and at the cost of the navigator.

85.15(4) Navigators shall maintain detailed records of all assistance provided. Consumer assistance records shall be available to the commissioner upon request.

85.15(5) Navigators shall provide duplicate copies of all data and information submitted to the U.S. Department of Health and Human Services to the commissioner upon request.

85.15(6) Unless licensed as a producer, a navigator shall not:

- a. Sell, select, solicit, refer, or negotiate insurance coverage for individuals or entities;
- b. Advise an individual or entity to cancel, to non-renew, or to select different insurance coverage;
- c. Recommend or endorse a particular health plan; and
- d. Receive compensation from an insurance company for enrollment or have a conflict of interest while serving as a navigator. A navigator that receives compensation from an insurance company for

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enrollment or enters into a conflicted relationship must forfeit the navigator's license. A navigator that fails to notify the commissioner of a conflicted relationship or receives compensation from an insurer for enrollment while licensed as a navigator shall be subject to penalties as set forth in Iowa Code section 522D.8.

191—85.16(505,522D) Severability. If any provision of this chapter or its application to any person or circumstance is held invalid by a court of competent jurisdiction or by federal law, the invalidity does not affect other provisions or applications of the chapter that can be given effect without the invalid provision or application, and to this end the provisions of this chapter that are severable and the valid provisions or applications shall remain in full force and effect.

These rules are intended to implement Iowa Code section 505.8(19) and chapter 522D.

ARC 0810C

NURSING BOARD[655]

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 17A.3 and 147.76, the Board of Nursing hereby gives Notice of Intended Action to amend Chapter 3, “Licensure to Practice—Registered Nurse/Licensed Practical Nurse,” Iowa Administrative Code.

The proposed amendments remove language relating to charging a convenience fee for online applications and also remove language regarding fees being processed as repayment receipts.

Any interested person may make written comments or suggestions on or before July 16, 2013. Such written materials should be directed to the Executive Director, Iowa Board of Nursing, RiverPoint Business Park, 400 S.W. 8th Street, Suite B, Des Moines, Iowa 50309-4685. Persons who wish to convey their views orally should contact the Executive Director at (515)281-3256, or in the Board office at 400 S.W. 8th Street, by appointment.

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

These amendments are intended to implement Iowa Code sections 147.80 and 8.2.

The following amendments are proposed.

ITEM 1. Amend rule **655—3.1(17A,147,152,272C)**, definition of “Fees,” as follows:

“Fees” means those fees collected which are based upon the cost of sustaining the board’s mission to protect the public health, safety and welfare. The nonrefundable fees set by the board are as follows:

1. to 13. No change.

~~14. For the convenience of online license renewal, a charge will be assessed.~~

~~15- 14.~~ Fee for the evaluation of the fingerprint packet and the DCI and FBI criminal history background checks, \$50. ~~The fee shall be considered a repayment receipt as defined in Iowa Code section 8.2.~~

ITEM 2. Rescind the definition of “Repayment receipts” in rule **655—3.1(17A,147,152,272C)**.

ARC 0796C**NURSING BOARD[655]****Notice of Termination**

Pursuant to the authority of Iowa Code sections 17A.3 and 147.76, the Board of Nursing terminates the rule making initiated by its Notice of Intended Action published in the Iowa Administrative Bulletin on July 25, 2012, as **ARC 0214C**, proposing to adopt an amendment to Chapter 3, "Licensure to Practice—Registered Nurse/Licensed Practical Nurse," Iowa Administrative Code.

The Notice proposed to amend Chapter 3 by adding an additional testing option to verify the English skills of an individual educated and licensed in another country.

The Board is terminating the rule making commenced in **ARC 0214C** and will renote the amendment due to the delay in adopting the changes.

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

ARC 0811C**PUBLIC HEALTH DEPARTMENT[641]****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 105.4 as amended by 2013 Iowa Acts, Senate File 427, section 5, the Plumbing and Mechanical Systems Board hereby gives Notice of Intended Action to amend Chapter 25, "State Plumbing Code," Iowa Administrative Code.

The rules in Chapter 25 describe the minimum standards for plumbing materials and plumbing methods in buildings and on premises in Iowa.

These proposed amendments include the adoption by reference of the Uniform Plumbing Code, 2012 Edition. The amendments also describe and identify the sections of the UPC 2012 that are modified with language from the International Plumbing Code and other referenced codes. A Table, IPC 2012 403.1, that identifies the minimum number of required plumbing fixtures for the specific type of buildings is also inserted. A modification has been made to Table 1002.2, Horizontal Lengths of Trap Arms. In addition, the rule related to backflow prevention and containment is amended.

Any interested person may make written suggestions or comments on these amendments on or before July 17, 2013. Written materials should be directed to Cynthia Houlson, Plumbing and Mechanical Systems Board, 321 E. 12th Street, Des Moines, Iowa 50319-0075; fax (515)281-6114; e-mail cynthia.houlson@idph.iowa.gov.

There will be a public hearing on July 17, 2013, from 11:30 a.m. to 12:30 p.m., 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. This hearing will originate from the Iowa Communications Network (ICN) and will be accessible over the ICN from the following locations:

PUBLIC HEALTH DEPARTMENT[641](cont'd)

Public Library Information Ctr.
Kelinson Rm.
2950 Learning Campus Drive
Bettendorf

Burlington High School
421 Terrace Drive
Burlington

Iowa Western Community College – 2
923 East Washington
Clarinda

Crestwood High School
1000 4th Avenue East
Cresco

Lucas State Office Building
Sixth Floor
321 E. 12th Street
Des Moines

Ottumwa Regional Health Center
1001 E. Pennsylvania
Ottumwa

Public Library
529 Pierce Street
Sioux City

Spirit Lake High School
2701 Hill Avenue
Spirit Lake

Public Library, Meeting Room C
415 Commercial Street
Waterloo

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 Department of Public Health and advise staff of specific needs.

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

These amendments are intended to implement Iowa Code section 105.4 as amended by 2013 Iowa Acts, Senate File 427, sections 5 and 36.

The following amendments are proposed.

ITEM 1. Amend rule 641—25.1(105) as follows:

641—25.1(105) Adoption. Section 101 ~~except as noted below~~ and Chapters 2 to ~~46~~ 17 of the Uniform Plumbing Code, ~~2009~~ 2012 Edition, as published by the International Association of Plumbing and Mechanical Officials, 20001 South Walnut Drive, Walnut, California 91789-2825, are hereby adopted by reference with amendments as the state plumbing code authorized by Iowa Code section 105.4 as amended by 2013 Iowa Acts, Senate File 427, section 5. Portions of this chapter reproduce excerpts from the 2012 International Plumbing Code, International Code Council, Inc., Washington, D.C. Such excerpts are reproduced with permission, all rights reserved.

~~Exception to Section 101: Delete “, except as provided for in Section 103.5.5.2” from the end of subsection 101.5.6.~~

ITEM 2. Amend rule 641—25.3(105) as follows:

641—25.3(105) Fuel gas piping. Fuel gas piping shall comply with the requirements of Chapter 12 of the Uniform Plumbing Code, ~~2009~~ 2012 Edition, unless the provisions conflict with 661—Chapter 226, Liquefied Petroleum Gas, Iowa Administrative Code. Where Chapter 12 conflicts with 661—Chapter 226, the provisions of 661—Chapter 226 shall be followed.

ITEM 3. Rescind rule 641—25.4(105) and adopt the following **new** rule in lieu thereof:

641—25.4(105) Amendments to Uniform Plumbing Code. The Uniform Plumbing Code (UPC), as adopted by reference in rule 641—25.1(105), shall be amended as follows:

25.4(1) The following amendment shall apply to UPC Chapter 1:

Subsection 101.11.5 Moved Buildings. Modify the subsection by deleting “except as provided for in Section 103.5.8.2” from the last sentence in the subsection.

25.4(2) The following amendment shall apply to UPC Chapter 3:

Subsection 301.4.1 Permit Application. Delete the subsection.

PUBLIC HEALTH DEPARTMENT[641](cont'd)

25.4(3) The following amendments shall apply to UPC Chapter 4:

a. Subsection 421.1 General. Modify the subsection by deleting “Table 1401.1 of this code” and inserting the following in lieu thereof: “Chapter 11 of the 2012 International Building Code.”

b. Section 422.1 Fixture Count. Modify the section by deleting the first paragraph and inserting the following in lieu thereof: “Plumbing fixtures shall be provided in each building, for the type of building occupancy, and in the minimum number shown in Table 422.1. The design occupant load and occupancy classification shall be determined in accordance with Section 1004 of the 2012 International Building Code. Required public facilities shall be designated by a legible sign for each sex. Signs shall be readily visible and located near the entrance to each toilet facility.”

c. Subsection 422.1.1 Family or Assisted-Use Toilet and Bathing Facilities. Modify the subsection by adding the following sentence to the end of the subsection: “Required family or assisted-use fixtures are permitted to be included in the number of required fixtures for either the male or female occupants in assembly and mercantile occupancies.”

d. Table 422.1 Minimum Plumbing Facilities. Delete the table and insert the following table in lieu thereof:

NO.	CLASSIFICATION	OCCUPANCY	DESCRIPTION	WATER CLOSETS (Urinals, see Sections 411.0 and 412.0)		LAVATORIES		BATHTUBS/ SHOWERS	DRINKING FOUNTAIN ^{e, f} (See Section 415.0)	OTHER
				MALE	FEMALE	MALE	FEMALE			
1	Assembly	A-1 ^d	Theaters and other buildings for the performing arts and motion pictures	1 per 125	1 per 65	1 per 200		—	1 per 500	1 service sink
		A-2 ^d	Nightclubs, bars, taverns, dance halls and buildings for similar purposes	1 per 40	1 per 40	1 per 75		—	1 per 500	1 service sink
			Restaurants, banquet halls and food courts	1 per 75	1 per 75	1 per 200		—	1 per 500	1 service sink
		A-3 ^d	Auditoriums without permanent seating, art galleries, exhibition halls, museums, lecture halls, libraries, arcades and gymnasiums	1 per 125	1 per 65	1 per 200		—	1 per 500	1 service sink
			Passenger terminals and transportation facilities	1 per 500	1 per 500	1 per 750		—	1 per 1,000	1 service sink
			Places of worship and other religious services	1 per 150	1 per 75	1 per 200		—	1 per 1,000	1 service sink
		A-4	Coliseums, arenas, skating rinks, pools and tennis courts for indoor sporting events and activities	1 per 75 for the first 1,500 and 1 per 120 for the remainder exceeding 1,500	1 per 40 for the first 1,520 and 1 per 60 for the remainder exceeding 1,520	1 per 200	1 per 150		—	1 per 1,000

TABLE 422.1 MINIMUM NUMBER OF REQUIRED PLUMBING FIXTURES^a
(Reprinted, with permission,* from the 2012 International Plumbing Code, IPC Table 403.1)

NO.	CLASSIFICATION	OCCUPANCY	DESCRIPTION	WATER CLOSETS (Urinals, see Sections 411.0 and 412.0)		LAVATORIES		BATHTUBS/ SHOWERS	DRINKING FOUNTAIN ^{e, f} (See Section 415.0)	OTHER
				MALE	FEMALE	MALE	FEMALE			
1	Assembly (cont'd)	A-5	Stadiums, amusement parks, bleachers and grandstands for outdoor sporting events and activities	1 per 75 for the first 1,500 and 1 per 120 for the remainder exceeding 1,500	1 per 40 for the first 1,520 and 1 per 60 for the remainder exceeding 1,520	1 per 200	1 per 150	—	1 per 1,000	1 service sink
2	Business	B	Buildings for the transaction of business, professional services, other services involving merchandise, office buildings, banks, light industrial and similar uses	1 per 25 for the first 50 and 1 per 50 for the remainder exceeding 50		1 per 40 for the first 80 and 1 per 80 for the remainder exceeding 80		—	1 per 100	1 service sink ^g
3	Educational	E	Educational facilities	1 per 50		1 per 50		—	1 per 100	1 service sink
4	Factory and Industrial	F-1 and F-2	Structures in which occupants are engaged in work fabricating, assembly or processing of products or materials	1 per 100		1 per 100		(See Section 416)	1 per 400	1 service sink
5	Institutional	I-1	Residential care	1 per 10		1 per 10		1 per 8	1 per 100	1 service sink
		I-2	Hospitals, ambulatory nursing home recipient	1 per room ^c		1 per room ^c		1 per 15	1 per 100	1 service sink per floor
			Employees, other than residential care ^b	1 per 25		1 per 35		—	1 per 100	—
			Visitors, other than residential care	1 per 75		1 per 100		—	1 per 500	—

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NO.	CLASSIFICATION	OCCUPANCY	DESCRIPTION	WATER CLOSETS (Urinals, see Sections 411.0 and 412.0)		LAVATORIES		BATHTUBS/ SHOWERS	DRINKING FOUNTAIN ^{e, f} (See Section 415.0)	OTHER
				MALE	FEMALE	MALE	FEMALE			
5	Institutional (cont'd)	I-3	Prisons ^b	1 per cell		1 per cell		1 per 15	1 per 100	1 service sink
			Reformatories, detention centers, and correctional centers ^b	1 per 15		1 per 15		1 per 15	1 per 100	1 service sink
			Employees ^b	1 per 25		1 per 35		—	1 per 100	—
		I-4	Adult day care and child care	1 per 15		1 per 15		1	1 per 100	1 service sink
6	Mercantile	M	Retail stores, service stations, shops, salesrooms, markets and shopping centers	1 per 500		1 per 750		—	1 per 1,000	1 service sinks ^g
7	Residential	R-1	Hotels, motels, boarding houses (transient)	1 per sleeping unit		1 per sleeping unit		1 per sleeping unit	—	1 service sink
		R-2	Dormitories, fraternities, sororities and boarding houses (not transient)	1 per 10		1 per 10		1 per 8	1 per 100	1 service sink
		R-2	Apartment house	1 per dwelling unit		1 per dwelling unit		1 per dwelling unit	—	1 kitchen sink per dwelling unit; 1 automatic clothes washer connection per 20 dwelling units

TABLE 422.1 MINIMUM NUMBER OF REQUIRED PLUMBING FIXTURES^a (Reprinted, with permission,* from the 2012 International Plumbing Code, IPC Table 403.1)										
NO.	CLASSIFICATION	OCCUPANCY	DESCRIPTION	WATER CLOSETS (Urinals, see Sections 411.0 and 412.0)		LAVATORIES		BATHTUBS/ SHOWERS	DRINKING FOUNTAIN ^{e, f} (See Section 415.0)	OTHER
				MALE	FEMALE	MALE	FEMALE			
7	Residential (cont'd)	R-3	One- and two-family dwellings	1 per dwelling unit		1 per dwelling unit		1 per dwelling unit	—	1 kitchen sink per dwelling unit; 1 automatic clothes washer connection per dwelling unit
		R-3	Congregate living facilities with 16 or fewer persons	1 per 10		1 per 10		1 per 8	1 per 100	1 service sink
		R-4	Congregate living facilities with 16 or fewer persons	1 per 10		1 per 10		1 per 8	1 per 100	1 service sink
8	Storage	S-1 and S-2	Structures for the storage of goods, warehouses, storehouses and freight depots. Low and Moderate Hazard.	1 per 100		1 per 100		See Section 416	1 per 1,000	1 service sink

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- a The fixtures shown are based on one fixture being the minimum required for the number of persons indicated or any fraction of the number of persons indicated. The number of occupants shall be determined by the International Building Code.
- b Toilet facilities for employees shall be separate from facilities for inmates or care recipients.
- c A single-occupant toilet room with one water closet and one lavatory serving not more than two adjacent patient sleeping units shall be permitted where such room is provided with direct access from each patient sleeping unit and with provisions for privacy.
- d The occupant load for seasonal outdoor seating and entertainment areas shall be included when determining the minimum number of facilities required.
- e The minimum number of required drinking fountains shall comply with Table 403.1 and Chapter 11 of the International Building Code.
- f Drinking fountains are not required for an occupant load of 15 or fewer.
- g For business and mercantile occupancies with an occupant load of 15 or fewer, service sinks shall not be required.

*Reprinted from the 2012 International Plumbing Code (with modifications) with permission of the International Code Council.

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e. Insert the following text at the end of Chapter 4, reprinted with permission from the 2012 International Plumbing Code:

“422.6 Pay Facilities. Where pay facilities are installed, such facilities shall be in excess of the required minimum facilities. Required facilities shall be free of charge. (Reprinted from IPC 403.3.5)

“422.7 Substitution for Water Closets. In each bathroom or toilet room, urinals shall not be substituted for more than 67 percent of the required water closets in assembly and educational occupancies. Urinals shall not be substituted for more than 50 percent of the required water closets in all other occupancies. (Reprinted from IPC 419.2)”

25.4(4) The following amendment shall apply to UPC Chapter 5:

Sections 503.0 through 503.2 Inspection. Delete the sections.

25.4(5) The following amendment shall apply to UPC Chapter 7:

Section 710.1 Backflow Protection. Modify the section by adding the following sentences to the end of the section: “The requirement for the installation of a backwater valve shall apply only when determined necessary by the authority having jurisdiction based on local conditions. When a valve is required by the authority having jurisdiction, it shall be a manually operated gate valve or fullway ball valve. An automatic backwater valve may also be installed but is not required.”

25.4(6) The following amendment shall apply to UPC Chapter 8:

Section 804.7 Domestic Dishwashing Machine. Modify the section by deleting the section and inserting the following language in lieu thereof: “No domestic dishwashing machine shall be directly connected to a drainage system or food waste disposer without the use of an approved dishwasher air gap fitting on the discharge side of the dishwashing machine, or by looping the discharge line of the dishwasher as high as possible near the flood level of the kitchen sink where the waste disposer is connected. Listed air gap fittings shall be installed with the flood level (FL) marking at or above the flood level of the sink or drainboard, whichever is higher.”

25.4(7) The following amendment shall apply to UPC Chapter 9:

Section 906.7 Frost or Snow Closure. Modify the section by deleting “two (2) inches (50.8 mm)” in the first sentence and inserting “three (3) inches (76.2 mm)” in lieu thereof.

25.4(8) The following amendment shall apply to UPC Chapter 10:

Table 1002.2 Horizontal Lengths of Trap Arms. Delete the table and insert the following table in lieu thereof:

TABLE 1002.2
Horizontal Lengths of Trap Arms
(Except for Water Closets and Similar Features)^{1,2}

Trap Arm Diameter (inches)	Distance Trap to Vent Minimum (inches)	Length Maximum (feet)
1¼	2½	5
1½	3	6
2	4	8
3	6	12
4	8	12
Exceeding 4	2 × Diameter	12

For SI units: 1 inch = 25.4 mm

Notes:

¹Maintain ¼ inch per foot slope (20.8 mm/m).

²The developed length between the trap of a water closet or similar fixture (measured from the top of the closet flange to the inner edge of the vent) and its vent shall not exceed 6 feet (1829 mm).

25.4(9) The following amendments shall apply to UPC Chapter 12:

- a. Sections 1203.0 through 1203.4 Inspection. Delete the sections.
- b. Sections 1204.0 through 1204.3 Certificate of Inspection. Delete the sections.
- c. Sections 1205.0 through 1205.2 Authority to Render Gas Service. Delete the sections.
- d. Sections 1207.0 and 1207.1 Temporary Use of Gas. Delete the sections.

25.4(10) The following amendments shall apply to UPC Chapter 13:

- a. Sections 1311.0 through 1311.4 Plan Review. Delete the sections.
- b. Section 1326.3 Advance Notice. Delete the section.
- c. Section 1326.4 Responsibility. Delete the section.
- d. Section 1326.5 Testing. Delete the section.
- e. Section 1326.6 Retesting. Modify the section by deleting “the Authority Having Jurisdiction finds that” and “or inspection” from the first sentence.
- f. Section 1327.4 Report Items. Modify the section by deleting “Authority Having Jurisdiction” and inserting “responsible facility authority” in lieu thereof.

25.4(11) The following amendment shall apply to UPC Chapter 15:

Sections 1506.0 through 1506.4 Required Inspection. Delete the sections.

25.4(12) The following amendments shall apply to UPC Chapter 16:

- a. Section 1601.3 Permit. Delete the section.
- b. Section 1601.6 Operation and Maintenance Manual. Modify the section by deleting “required to have a permit in accordance with Section 1601.3” from the first sentence.
- c. Section 1603.2 Permit. Delete the section.
- d. Subsection 1603.11.2.1 Visual System Inspection. Modify the subsection by deleting “by the Authority Having Jurisdiction and other authorities having jurisdiction” from the first sentence.
- e. Subsection 1603.11.2.2 Cross-Connection Test. Modify the subsection by deleting “by the applicant in the presence of the Authority Having Jurisdiction and other authorities having jurisdiction” from the first sentence.
- f. Subsection 1603.11.2.3 Discovery of Cross-Connection. Modify the subsection by deleting “in the presence of the Authority Having Jurisdiction.”
- g. Section 1604.2 Plumbing Plan Submission. Delete the section.
- h. Section 1604.5 Initial Cross-Connection Test. Modify the section by deleting “by the applicant in the presence of the Authority Having Jurisdiction and other authorities having jurisdiction,” and by deleting the final sentence (“The test shall be ruled successful by the Authority Having Jurisdiction before final approval is granted.”).
- i. Subsection 1604.12.2.1 Visual System Inspection. Modify the subsection by deleting “by the Authority Having Jurisdiction and other authorities having jurisdiction.”

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j. Subsection 1604.12.2.2 Cross-Connection Test. Modify the subsection by deleting “in the presence of the Authority Having Jurisdiction and other authorities having jurisdiction.”

k. Subsection 1604.12.2.3 Discovery of Cross-Connection. Modify the subsection by deleting “in the presence of the Authority Having Jurisdiction.”

25.4(13) The following amendments shall apply to UPC Chapter 17:

a. Section 1702.2 Plumbing Plan Submission. Delete the section.

b. Section 1702.5 Initial Cross-Connection Test. Modify the section by deleting the second and third sentences (“Before the building is occupied or the system is activated, the installer shall perform the initial cross-connection test in the presence of the Authority Having Jurisdiction and other authorities having jurisdiction. The test shall be ruled successful by the Authority Having Jurisdiction before final approval is granted.”).

c. Subsection 1702.11.2.1 Visual System Inspection. Modify the subsection by deleting “by the Authority Having Jurisdiction and other authorities having jurisdiction.”

d. Subsection 1702.11.2.2 Cross-Connection Test. Modify the subsection by deleting “by the applicant in the presence of the Authority Having Jurisdiction and other authorities having jurisdiction.”

e. Subsection 1702.11.2.3 Discovery of Cross-Connection. Modify the subsection by deleting “in the presence of the Authority Having Jurisdiction.”

ITEM 4. Amend rule 641—25.5(105), introductory paragraph, as follows:

641—25.5(105) Backflow prevention with containment. Cities with populations of 15,000 or greater as determined by the 1990 census or any subsequent regular or special census shall have a backflow prevention program with containment. The minimum requirements for a program are given in subrules 25.5(1) through 25.5(5). These requirements are in addition to the applicable requirements of Section 603 of the Uniform Plumbing Code, ~~2009~~ 2012 Edition.

ITEM 5. Amend subrule 25.5(1), introductory paragraph, as follows:

25.5(1) Definitions. The following definitions are added to those in Chapter 2 and Section 603 of the Uniform Plumbing Code, ~~2009~~ 2012 Edition, or are modified from those definitions for the purposes of rule 641—25.5(105) only.

ITEM 6. Amend paragraph **25.5(1)“a”** as follows:

a. Administrative authority. The administrative authority for this rule is the city council and its designees or, with respect to private water utilities, the Iowa utilities board.

ITEM 7. Amend subrule 25.5(3) as follows:

25.5(3) Existing water services.

~~*a.* The administrative authority shall publish the standards which it uses to determine the degree of hazard for a water service. These shall be consistent with standards published by the Iowa department of public health.~~

~~*b. a.* Each customer shall survey the activities and processes which receive water from the water service and shall report to the administrative authority if cross connections exist and the degree of hazard.~~

~~*e. b.* The administrative authority may inspect the plumbing of any building, property and private water system which has a water service to determine if cross connections exist and the degree of hazard.~~

~~*d. c.* If, based on information provided through 25.5(3)“~~b~~“a” and “~~e~~,”“b,” the administrative authority determines that a water service may contaminate the public water supply, the administrative authority shall require that the customer install the appropriate backflow prevention assembly for containment.~~

~~*e. d.* If a customer refuses to install a backflow prevention assembly for containment when it is required by the administrative authority, the administrative authority may order that water service to the customer be discontinued until an appropriate backflow prevention assembly is installed.~~

ITEM 8. Amend **641—Chapter 25**, implementation sentence, as follows:

These rules are intended to implement Iowa Code chapter 105 as amended by 2013 Iowa Acts, Senate File 427.

TREASURER OF STATE

Notice—Public Funds Interest Rates

In compliance with Iowa Code chapter 74A and section 12C.6, the committee composed of Treasurer of State Michael L. Fitzgerald, Superintendent of Credit Unions JoAnn Johnson, Superintendent of Banking James M. Schipper, and Auditor of State 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 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 11, 2013, 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 .05%

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

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

ARC 0800C**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.13, the Iowa Department of Veterans Affairs hereby gives Notice of Intended Action to amend Chapter 14, “Veterans Trust Fund,” Iowa Administrative Code.

The rules in Chapter 14 describe eligibility and procedures for the Veterans Trust Fund. These amendments provide clarity and implement changes required by legislation passed during the 2013 Session of the Iowa General Assembly.

Any interested person may make written suggestions or comments on these proposed amendments on or before July 16, 2013. Such written materials should be directed to Executive Director, Iowa Department of Veterans Affairs, Camp Dodge, Bldg. #3465, 7105 NW 70th Avenue, Johnston, Iowa 50131; by telephone (515)242-5331; or by fax (515)242-5659.

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

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

These amendments are intended to implement Iowa Code section 35A.13 and 2013 Iowa Acts, House Files 545 and 613.

The following amendments are proposed.

ITEM 1. Amend rule 801—14.2(35A) as follows:

801—14.2(35A) Definition Definitions. For purposes of this chapter, “veteran” means the same as defined in Iowa Code section 35.1, ~~or a resident of Iowa who served in the armed forces of the United States, completed a minimum aggregate of 90 days of active federal service, other than training, and was discharged under honorable conditions,~~ or a former member of the national guard, reserve, or regular component of the armed forces of the United States who was honorably discharged due to injuries incurred while on active federal service that precluded completion of a minimum aggregate of 90 days of active federal service, other than training. For the purposes of this chapter, “dependent” means a spouse living with the veteran, an unremarried spouse of a deceased veteran, or minor children living with the veteran.

ITEM 2. Amend rule 801—14.3(35A), introductory paragraph, as follows:

801—14.3(35A) Eligibility. ~~Veterans, their spouses, and their dependents~~ Applicants applying for benefits available under subrules 14.4(1) through 14.4(9) must meet the following threshold requirements.

ITEM 3. Amend subrule 14.3(2) as follows:

14.3(2) Resources. ~~The department commission~~ may not pay award benefits under this chapter if the available liquid assets of the veteran are in excess of \$15,000. For the purposes of this chapter, “available liquid assets” means cash on hand, cash in a checking or savings account, stocks, bonds, certificates of deposit, treasury bills, money market funds and other liquid investments owned individually or jointly by the applicant and the applicant’s spouse, unless the applicant and spouse are separated or are in the process of obtaining a divorce, ~~but does not include funds deposited in IRAs, Keogh plans or deferred compensation plans, unless the veteran is eligible to withdraw such funds without incurring a penalty.~~

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

~~Cash surrender value of life insurance policies, real property, established burial account, or a personal vehicle shall not be included as available liquid assets.~~

ITEM 4. Amend subrule 14.3(4) as follows:

14.3(4) *Additional requirements and limitations.* Applicants must meet any additional requirements and are subject to any limitations which may be set out in this chapter or which may be established for a particular benefit. The commission may require two estimates when necessary. The commission may waive the requirement for one or more estimates in emergency situations.

ITEM 5. Amend subrule 14.4(1) as follows:

14.4(1) *Travel expenses for wounded veterans, and their spouses, directly related to follow-up medical care.* Travel expenses under this subrule include the unreimbursed cost of airfare, lodging, and a per diem of ~~\$25 per day~~ rate equal to the current federal IRS daily per diem rate for the facility location for required out-of-state medical travel that exceeds 125 miles from the veteran's home. Spouses may be reimbursed for in-state lodging and a per diem of ~~\$25 per day~~ rate equal to the current federal IRS daily per diem rate for the facility location when visiting a veteran who is in a hospital for medical care related to a service-connected disability. The distance from the veteran's home to the hospital must exceed 100 miles. The veteran or the veteran's spouse shall provide such evidence as the commission may require, which includes but is not limited to evidence the injury or disability is service-connected, the necessity of treatment in a particular facility, and documentation of expenses. ~~The maximum amount for lodging reimbursement shall be \$90.~~ The maximum amount of aid payable in a consecutive 12-month period under this subrule is \$1,000 or ten days of total reimbursement. The commission may waive the income threshold for this benefit.

ITEM 6. Amend subrule 14.4(2) as follows:

14.4(2) *Job training or college tuition assistance for job retraining.*

a. The commission may ~~pay a veteran~~ award not more than \$3,000 for retraining or postsecondary education to enable the veteran to obtain gainful employment. The commission may provide aid under this subrule if all of the following apply:

(1) The veteran is enrolled in a training course in a technical college or school, is enrolled in an accredited postsecondary institution, or is engaged in a structured on-the-job training program.

(2) The veteran is unemployed, underemployed, or has received a notice of termination of employment.

(3) The commission determines that the veteran's proposed program, or current program, will provide retraining or initial training that could enable the veteran to find gainful employment. In making its determination, the commission shall consider whether the proposed program, or current program, provides adequate employment skills and is in an occupation for which favorable employment opportunities are anticipated.

(4) The veteran requesting aid has not received full reimbursement or payment from any other retraining or education scholarship programs, and the veteran does not have other assets or income available to meet retraining or initial training expenses. Applicants requesting aid under this subrule will only be granted the unpaid portion of their tuition statement, and the payment will be made directly to the institution.

b. The veteran shall provide such evidence as the commission may require to satisfy the requirements of this subrule.

ITEM 7. Amend subrule 14.4(3) as follows:

14.4(3) *Unemployment or underemployment assistance during a period of unemployment or underemployment due to prolonged physical or mental illness resulting from military service or disability resulting from military service.* A period of unemployment implies that it is possible for the veteran to be employed in the future. A rating from the VA of 100 percent due to individual unemployability (IU) rated permanent and total indicates that a veteran is unemployable and will not qualify for assistance under this subrule. The commission may provide subsistence payments only to a veteran who has suffered a loss of income due to prolonged physical or mental illness resulting

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from military service or disability resulting from military service. The commission may provide subsistence payments of up to \$500 per month of unemployment or underemployment to a veteran. No payment may be made under this subrule if the veteran has other assets or income available to meet basic subsistence needs. ~~A period of unemployment implies that it is possible for the veteran to be employed in the future. A rating from the VA of 100 percent due to individual unemployability (IU) rated permanent and total indicates that a veteran is unemployable and will not qualify for assistance under this subrule.~~ The veteran shall provide such evidence as the commission may require, which includes but is not limited to evidence that the mental illness or disability is service-connected and evidence that the veteran is unemployed or underemployed for the period of payments. To qualify as underemployed, the applicant must be currently working at an income that is below 150 percent of federal poverty guidelines due to limitations caused by the applicant's service-connected disability or illness. The maximum amount of aid payable in a consecutive 12-month period under this subrule is \$3,000 and a lifetime maximum of \$6,000.

ITEM 8. Amend subrule 14.4(4) as follows:

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

~~a. The commission may provide health care aid to a veteran, to the veteran's spouse or dependents, or to the unmarried spouse of a deceased veteran for dental care, including dentures; vision care, including eyeglass frames and lenses; hearing care, including hearing aids; and prescription drugs that are not covered by the Veterans Affairs medical center.~~

~~b. The maximum amount that may be paid under this subrule for any consecutive 12-month period may not exceed \$2,500 for dental care, \$500 for vision care, \$1,500 per ear year for hearing care, and \$1,500 for prescription drugs. The lifetime maximum may not exceed \$5,000 for dental care, \$1,000 for vision care, \$3,000 for hearing care, and \$3,000 for prescription drugs.~~

~~c. The commission shall not provide health care aid under this subrule unless the aid recipient's health care provider agrees to accept, as full payment for the health care provided, the amount of the payment; the amount of the recipient's health insurance or other third-party payments, if any; and the amount that the commission determines the veteran is capable of paying. Payment under this subrule will be provided directly to the health care provider. The commission shall not pay health care aid under this subrule if the available liquid assets of the veteran are in excess of \$5,000.~~

~~d. Applicants for assistance under this subrule will be required to provide the commission with an unpaid bill for service or an estimated cost of service from the health care provider and documentation of the need for the service. For prescription drugs, the applicant must produce documentation of the need for the prescribed drug and documentation stating whether a generic drug is available or appropriate. The commission payment will not exceed an estimated cost of service by a health care provider.~~

ITEM 9. Amend subrule 14.4(5) as follows:

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

~~a. The commission may make reimbursement payments to a veteran or to the unmarried spouse of a deceased veteran for the purchase of durable equipment that allows the veteran, the veteran's spouse or dependents, or the unmarried spouse of a deceased veteran to remain in their home or allows them the ability to utilize more of their home.~~

~~b. Individuals requesting reimbursement under this subrule will be required to provide verification of the purchase and installation of the equipment and information relating to the need for the equipment. Individuals may also will provide a product and installation cost estimate to the commission for approval, with the understanding that the commission will pay no more than the cost estimate to the supplier or installer. Applicants needing durable equipment as a medical necessity should provide information from a physician. Individuals requesting reimbursement under this subrule will be required to provide verification of the purchase and installation of the equipment.~~

~~c. Assistance under this subrule cannot duplicate assistance from other entities, and the maximum amount that may be paid may not exceed \$2,500.~~

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

~~d. The commission shall not pay a reimbursement under this subrule if the available liquid assets of the veteran are in excess of \$5,000.~~

ITEM 10. Amend subrule 14.4(6) as follows:

14.4(6) Individual counseling or family counseling programs.

a. The commission may make mental health, substance abuse, and family counseling available to veterans and their families. Individual family members are eligible for counseling.

b. The assistance may include appropriate counseling and treatment programs for veterans and their families in need of services provided that the services are from state-licensed health care professionals.

c. Any assistance provided under this subrule shall not duplicate other services readily available to veterans and their families. Veterans who are eligible for VA mental health services must initially visit their nearest VA medical facility for initial consultation and continued psychiatric treatment. Payment under this subrule will be made for additional services for the veteran in a location closer to the veteran's home and at a greater frequency than the VA medical center can accommodate.

d. The commission may provide up to \$150 per hour and \$75 per half-hour for outpatient counseling visits to providers who will accept as full payment for the counseling services the amount provided. Counseling and substance abuse services provided in a group setting may be paid up to \$40 per hour. Counseling and substance abuse services may also be provided in an inpatient setting, subject to the maximum amount eligible under 14.4(6) "f."

e. The maximum amount that may be paid under this subrule for any consecutive 12-month period shall not exceed \$5,000. Individuals seeking counseling services are eligible for up to \$2,500, individuals seeking substance abuse treatment and counseling combined are eligible for up to \$3,500, and families seeking counseling services that may also include individual counseling and substance abuse services are eligible for up to \$5,000.

f. The commission may not provide reimbursement for counseling under this subrule unless the aid recipient's counseling service provider agrees to accept, as full payment for the counseling services provided, the amount of the payment; the amount of the recipient's health insurance; or other third-party payments, if any; and the amount that the commission determines the veteran is capable of paying. The commission will make payment directly to the entity providing counseling and substance abuse services. ~~The commission shall not pay for counseling under this subrule if the available liquid assets of the veteran are in excess of \$5,000.~~

ITEM 11. Amend subrule 14.4(7) as follows:

14.4(7) Expenses relating to ambulance and emergency room services for veterans.

a. The commission may provide assistance to veterans for expenses related to ambulance trips, including air ambulance transportation, and emergency room visits for emergency care patients or VA health care patients that cannot indicate to emergency personnel that they are to be presented to a VA medical center.

b. Funding through this subrule shall be paid directly to the entity providing the emergency service or transportation after the commission is provided with an unpaid bill invoice. All efforts should be made to utilize all other methods of payment prior to accessing assistance under this subrule.

c. The maximum amount that may be paid under this subrule may not exceed \$5,000.

ITEM 12. Amend subrule 14.4(8) as follows:

14.4(8) Emergency expenses related to vehicle repair, housing repair, or temporary housing assistance.

a. The commission may provide assistance to a veteran or to the unremarried spouse of a deceased veteran for emergency vehicle repair, emergency housing repair, and temporary housing.

b. Assistance for vehicle repair is limited to expenses that are required for continued use of the vehicle. This assistance will only be granted in cases where the vehicle is needed for travel to and from work-related activities, the applicant is over the age of 65, or substantial hardship will occur if the vehicle is not repaired. Assistance may be provided in situations where the applicant does not have sufficient means to pay an insurance deductible. Assistance ~~may~~ will be paid directly to the entity performing the

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maintenance or the insurance company owed the deductible. ~~In certain circumstances, reimbursement may be made to the veteran or to the unmarried spouse of a deceased veteran in order for the vehicle to be released from the entity providing the service.~~ Assistance will not be provided for damage caused during the commission of a crime, for cosmetic needs, for damage resulting in an auto accident when automobile insurance has not been purchased, or for routine maintenance.

c. Assistance for home repair is limited to repairs that are required to improve the conditions and integrity of the home and are necessary for the safety and security of the residents. Applicants with homeowners insurance may request assistance for payment of a deductible. Assistance may be provided for applicants in disaster situations, home accidents, vandalism, or other situations as determined by the commission. ~~In situations where a home is damaged beyond repair, assistance under this subrule is available to assist the applicant in purchasing a new home.~~

d. Assistance for transitional housing may be provided to applicants who are displaced from their home during a period of repairs related to a disaster, vandalism, home accident, or other reason that makes staying in the home hazardous to the health of the residents. ~~Any refunded security deposits paid for under this subrule shall be returned to the Iowa veterans trust fund.~~

e. The maximum amount that may be paid under this subrule for any consecutive 12-month period may not exceed \$2,500 for vehicle repair, \$3,000 for housing repair, and \$1,000 for transitional housing.

f. ~~The commission shall not pay a reimbursement under this subrule if the available liquid assets of the veteran are in excess of \$3,000.~~ The commission will not approve expenditures to completely replace a vehicle.

ITEM 13. Amend subrule 14.4(9) as follows:

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

a. The commission may provide assistance to the family of veterans who are killed while serving on active federal service, for expenses related to paternity or maternity tests or the cost of procuring additional DNA samples from the deceased veteran. This assistance is available to determine whether a child is eligible for United States Department of Veterans Affairs ~~war orphan~~ dependent benefits.

~~*b.* Applicants are required to provide the results of the paternity or maternity examinations to the commission upon completion of the tests. Where the deceased veteran is not the parent of the child, the applicant will be required to repay the assistance received as provided in 801—14.6(35A).~~

~~*e. b.*~~ *b.* The maximum amount that may be paid under this subrule is \$2,500.

~~*a. c.*~~ *c.* The commission may waive the income threshold for this benefit.

ITEM 14. Amend subrule 14.4(11) as follows:

14.4(11) *Honor guard services.*

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

(1) If a single veterans organization provides basic honors, \$25. (Flag fold and presentation, TAPS)

(2) If a single veterans organization provides full honors, \$50. (Basic plus rifle volley)

(3) If two or more veterans organizations participate in providing full honors and one of the organizations provides a firing detail, \$50. ~~The organizations may request that the commission split the reimbursement.~~

(4) If two or more veterans organizations participate in providing basic honors, \$25. Payment shall be to one veterans organization, as ~~determined by the commission~~ requested.

b. Notwithstanding paragraph 14.4(11)“a,” the commission shall not reimburse a veterans organization if federal funding is available to reimburse the veterans organization for providing military funeral honors. The veterans organization shall request reimbursement from federal sources. If a veterans organization receives federal funding for providing military funeral honors at the reimbursement rate of one funeral per day, the department shall reimburse the organization for the provision of military funeral honors at any additional funerals on that day.

c. The maximum amount of aid payable in a calendar state fiscal year under this subrule to a veterans organization is \$500, except veterans organizations that perform alone more than 50 services in one fiscal year may apply for a maximum of \$1,000.

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d. Veterans service organizations that are not currently providing honor guard services may apply for a \$500, up-front grant, for the use of creating a new honor guard within their organization. Applicants must present the commission with an estimated cost for purchasing uniforms and firearms for providing military honors and an estimated number of members who will be available to perform honor guard services. Organizations should also provide information regarding how they plan to pay for additional expenses that may occur outside of trust fund assistance. ~~Applicants will be eligible for reimbursements under 14.4(11) "a" to "e" 12 months after the receipt of their original \$500 grant.~~

ITEM 15. Adopt the following **new** subrule 14.4(13):

14.4(13) *Expenses related to initial screening for any military service-connected traumatic brain injury.*

a. The commission may provide funding for expenses related to initial screening for any military service-connected traumatic brain injury sustained while on federal active duty, state active duty, or national guard duty, as defined in Iowa Code section 29A.1, or sustained while on federal reserve duty pursuant to orders issued under Title 10 of the United States Code for which payment or reimbursement is not otherwise available through any other federal or state program, or if applicable, through a veteran's private insurance or managed care organization. A veteran seeking moneys for expenses pursuant to this paragraph 14.4(13) "a" shall not be subject to an income limit.

b. The commission and appropriate veteran service officer (VSO) or county veteran service officer (CVSO) will assist the veteran with enrollment in VA health care.

ITEM 16. Adopt the following **new** subrule 14.4(14):

14.4(14) *War orphan educational assistance.*

a. The commission may provide war orphan educational assistance as outlined in 2013 Iowa Acts, House File 613, section 2.

b. Funding for this category will be from the war orphans educational assistance account of the veterans trust fund.

ITEM 17. Amend rule 801—14.5(35A), introductory paragraph, as follows:

801—14.5(35A) Application procedure. Applications for benefits from the veterans trust fund may be obtained at any county veterans affairs office. The county director of veterans affairs shall date-stamp the application and submit it to the Iowa Department of Veterans Affairs, Camp Dodge, Bldg. A6A, 7105 NW 70th Avenue, Johnston, Iowa 50131-1824.

ITEM 18. Amend subrule 14.5(3) as follows:

14.5(3) *Eligibility determination.*

~~The~~ The county director of veterans affairs or members of the county commission shall make a recommendation to the Iowa commission of veterans affairs as to whether to approve or deny the application. The Iowa commission of veterans affairs or a subcommittee appointed by the chair shall approve or deny all applications. Applications submitted to the Iowa commission of veterans affairs will be processed at its quarterly meetings as set forth in 801—paragraph 1.2(2) "a" or during a conference call for the purpose of voting on a trust fund expenditure. Applications must be approved by a majority vote of the commission membership or appointed subcommittee. The designee of the director of the Iowa department of veterans affairs shall notify an applicant within 15 days of the commission's decision. An explanation of the reasons for ~~rejection~~ denial or deferral of an application will ~~accompany denials~~ be stated in the notification.

~~*b.* Applications for honor guard reimbursements under subrule 14.4(11) shall be processed solely by the Iowa department of veterans affairs and do not need commission approval for expenditure of trust fund interest balance funds for this purpose.~~

ITEM 19. Amend subrule 14.5(4) as follows:

14.5(4) *Waiting list.* If sufficient funds are not available, a waiting list will be implemented. After all veterans trust fund moneys have been obligated, the commission shall approve or deny pending applications based on eligibility. Applicants who meet the eligibility requirements and are approved

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for payment by the commission shall be placed on a waiting list based on the date of approval and then according to the order in which the completed applications and verification were received by the Iowa commission of veterans affairs. In the event that more than one application is received at one time, the applicant shall be entered on the waiting list on the basis of the applicant's birthday, the oldest applicant being first on the waiting list.

ARC 0814C

EDUCATION DEPARTMENT[281]

Adopted and Filed

Pursuant to the authority of Iowa Code section 256B.3(16), the State Board of Education hereby amends Chapter 41, "Special Education," Iowa Administrative Code.

In February 2013, the United States Department of Education amended its special education regulations related to access to Medicaid to pay for special education services. This amended federal regulation requires one-time consent and written notification for schools to access Medicaid or other public insurance benefits and annual notification thereafter. The amendments to Chapter 41 make changes required to conform to this federal rule making.

An agencywide waiver provision is provided in 281—Chapter 4.

Notice of Intended Action was published in the April 17, 2013, Iowa Administrative Bulletin as **ARC 0693C**. Public comments were allowed until 4:30 p.m. on May 22, 2013. Two public hearings were held on May 15 and May 22, 2013, to conform with federal regulations that require multiple hearing dates. No person attended either hearing. No written comments were received on these amendments.

These amendments are identical to those published under Notice.

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

These amendments are intended to implement 34 CFR Section 300.154 as amended by 78 Federal Register 10525 (Feb.14, 2013).

These amendments shall become effective on July 31, 2013.

The following amendments are adopted.

ITEM 1. Amend paragraph **41.154(4)“a”** as follows:

a. General. A public agency may use the Medicaid or other public benefits or insurance programs in which a child participates to provide or pay for services required under this chapter, as permitted under the public benefits or insurance program, except as provided in 41.154(4) “*b.*” through “*d.*”

ITEM 2. Amend paragraph **41.154(4)“b”** as follows:

b. Exceptions to ability to use public benefits or insurance. With regard to services required to provide FAPE to an eligible child under this chapter, the public agency:

- (1) No change.
- (2) May not require parents to incur an out-of-pocket expense such as the payment of a deductible or copay amount incurred in filing a claim for services provided pursuant to this chapter but, pursuant to 41.154(6) “*b.*,” may pay the cost that the parents otherwise would be required to pay; and
- (3) May not use a child’s benefits under a public benefits or insurance program if that use would do any of the following:

1. to 3. No change.
4. Risk loss of eligibility for home- and community-based waivers, based on aggregate health-related expenditures; and

~~(4) Must obtain parental consent, consistent with rule 281—41.9(256B,34CFR300), each time that access to public benefits or insurance is sought and notify parents that the parents’ refusal to allow access to their public benefits or insurance does not relieve the public agency of its responsibility to ensure that all required services are provided at no cost to the parents.~~

ITEM 3. Adopt the following new paragraphs **41.154(4)“c”** and “**d**”:

c. Consent requirements. Prior to accessing a child’s or parent’s public benefits or insurance for the first time, and after providing notification to the child’s parents consistent with 41.154(4) “*d.*” the public agency must obtain written parental consent that:

- (1) Meets the requirements of 34 CFR Section 99.30 and rule 281—41.622(256B,34CFR300), which consent must specify the personally identifiable information that may be disclosed (e.g., records or information about the services that may be provided to a particular child), the purpose of the disclosure

EDUCATION DEPARTMENT[281](cont'd)

(e.g., billing for services under this chapter), and the agency to which the disclosure may be made (e.g., the state's public benefits or insurance program (e.g., Medicaid)); and

(2) Specifies that the parent understands and agrees that the public agency may access the parent's or child's public benefits or insurance to pay for services under this chapter.

d. Notification requirements. Prior to accessing a child's or parent's public benefits or insurance for the first time, and annually thereafter, the public agency must provide written notification, consistent with 41.503(3), to the child's parents, that includes:

(1) A statement of the parental consent provisions in paragraph 41.154(4) "c";

(2) A statement of the "no cost" provisions in 41.154(4) "b";

(3) A statement that the parents have the right under 34 CFR Part 99 and this chapter to withdraw their consent to disclosure of their child's personally identifiable information to the agency responsible for the administration of the state's public benefits or insurance program (e.g., Medicaid) at any time; and

(4) A statement that the withdrawal of consent or refusal to provide consent under 34 CFR Part 99 and this chapter to disclose personally identifiable information to the agency responsible for the administration of the state's public benefits or insurance program (e.g., Medicaid) does not relieve the public agency of its responsibility to ensure that all required services are provided at no cost to the parents.

[Filed 6/6/13, effective 7/31/13]

[Published 6/26/13]

EDITOR'S NOTE: For replacement pages for IAC, see IAC Supplement 6/26/13.

ARC 0813C

EDUCATION DEPARTMENT[281]

Adopted and Filed

Pursuant to the authority of Iowa Code section 256.7(5), the State Board of Education hereby adopts new Chapter 82, "Standards for School Administration Manager Programs," Iowa Administrative Code.

This new chapter establishes rules which provide guidelines and standards for school administration manager programs in the state of Iowa. These rules provide detail for the establishment of programs and the authorization of individuals who have received school administration manager training. In addition, the rules provide clarity to the reauthorization of school administration manager programs.

An agencywide waiver provision is provided in 281—Chapter 4.

Notice of Intended Action was published in the April 17, 2013, Iowa Administrative Bulletin as **ARC 0694C**. Public comments were allowed until 4:30 p.m. on May 7, 2013. A public hearing was held on that date; no person attended. No written comments were received on the proposed rules. These rules are identical to those published under Notice.

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

These rules are intended to implement Iowa Code sections 256.7(30)"b," 272.1(12), and 272.31(3).

These rules shall become effective on July 31, 2013.

The following amendment is adopted.

Adopt the following **new** 281—Chapter 82:

CHAPTER 82

STANDARDS FOR SCHOOL ADMINISTRATION MANAGER PROGRAMS

281—82.1(272) Definitions.

"*Coach*" means a person who provides regularly scheduled coaching visits to SAM/administrator teams.

"*Department*" means the department of education.

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“*Director*” means the director of the department of education.

“*Model 1 SAM*” means a person who is hired to be a full-time SAM and who is authorized to assume the responsibilities of a SAM.

“*Model 2 SAM*” means a person whose position in the school is reconfigured to include the responsibilities of being a SAM and who is authorized as a SAM.

“*Model 3 SAM*” means a person who is a secretary/administrative assistant and is also authorized as a SAM.

“*National SAM Innovation Project*” means the National SAM Innovation Project board and its governance of school administration managers.

“*Organization*” means a professional organization offering an approved training program and support for SAMs.

“*SAM*” means school administration manager.

“*School administration manager*” means a person or persons who are authorized to assist a school administrator in performing noninstructional administrative duties.

“*School administration manager program*” means a program of SAM training and preparation that leads to authorization to practice as a school administration manager.

“*State board*” means the Iowa state board of education.

“*Trainer*” means a person with responsibility for providing approved training for school administration managers.

281—82.2(272) Organizations eligible to provide a school administration manager training program. Approved professional organizations engaged in the preparation and training of SAMs shall meet the standards contained in this chapter in order to obtain and maintain state board approval of the organizations’ training programs for SAMs. Any organization that seeks state board approval of its training program for SAMs shall file evidence of the extent to which its training and support meet the standards contained in this chapter. Such evidence shall be demonstrated by means of a written self-evaluation report and an evaluation conducted by the department. The evaluation shall be prepared using a template developed by the department. Only approved programs may recommend candidates for SAM authorization.

281—82.3(272) Approval of training programs. Approval by the state board of an organization’s training program shall be based on the recommendation of the director after study of the evidence about the program in terms of the standards contained in this chapter. The department will seek maximum flexibility in the design of systems allowed to meet the goals of this program. The department has the ability to designate existing school administration manager training programs as eligible to immediately engage in this work, subject to recertification in five years.

82.3(1) Approval, if granted, shall be for a term of seven years; however, approval for a lesser term may be granted by the state board if it determines conditions so warrant.

82.3(2) If approval is not granted, the applicant organization will be advised concerning the areas in which improvement or changes appear to be essential for approval. In this case, the organization shall be given the opportunity to present factual information concerning its program at a regularly scheduled meeting of the state board no later than three months following the board’s decision.

82.3(3) Programs may be granted conditional approval upon review of appropriate documentation. In such an instance, the program shall receive a full review after one year or, in the case of a new program, at the point at which candidates demonstrate mastery of standards for authorization.

82.3(4) The standards herein apply regardless of delivery mode of the training.

82.3(5) All programs in existence prior to July 31, 2013, shall be deemed sufficient and to meet program standards without having to submit an application for review. This provision does not preclude the department and state board from further review of any existing program or preclude the state board from terminating programs that do not meet program standards. Absent further review by the department or state board, these preexisting programs will need to be renewed five years after July 31, 2013, with the same seven-year program renewal process after that review.

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281—82.4(272) Governance and resources standard. An organization's governance structure and resources shall adequately support the training of SAMs to meet professional, state, and organizational standards in accordance with the following provisions.

82.4(1) A clearly understood governance structure provides training and support for SAMs.

82.4(2) An organization's commitment to the program includes financial resources, facilities, appropriate educational materials, media services, and equipment to ensure the fulfillment of the organization's and program's missions and the delivery and support of a quality program.

82.4(3) The organization provides sufficient trainers, coaches, and administrative, clerical, and technical staff to plan and deliver a quality school administration manager program.

82.4(4) Resources are available to support professional development opportunities for trainers of SAMs.

82.4(5) Resources are available to support technological and instructional needs to enhance trainer and authorized SAM learning.

281—82.5(272) Trainer and coach standard. Trainer and coach qualifications and performance shall facilitate the professional development of SAMs in accordance with the following provisions.

82.5(1) Trainers and coaches are adequately prepared for assigned responsibilities and have had experiences relative to the content they are teaching and in situations similar to those for which the SAMs are being prepared. Trainers and coaches have experience and adequate preparation in effective methods for any mode of program delivery in which the trainers and coaches are assigned responsibilities.

82.5(2) Trainers and coaches model best practices in instruction, including the assessment of the trainers' and coaches' own effectiveness as it relates to SAM performance.

82.5(3) Trainers and coaches are engaged in professional development that relates to SAMs.

82.5(4) Trainers and coaches collaborate regularly and in significant ways with colleagues in the organization, schools, the department, and the National SAM Innovation Project.

281—82.6(272) Assessment system and organization evaluation standard. An organization's assessment system shall monitor individual candidate performance and use the performance data in concert with other information to evaluate and improve the organization and its program. The actual annual evaluation of each SAM shall be performed by the administrator or the administrator's designee, and the evaluation shall be conducted in accordance with the standards set forth in rule 281—82.7(272).

82.6(1) Program assessment system.

a. The school administration manager program utilizes a clearly defined software system for the collection, analysis, and use of data.

b. The organization clearly documents SAMs' attainment of the program standards.

c. The organization documents the quality of its program through the collective presentation of data related to the performance of SAMs. Documentation shall include the following:

(1) Data collected throughout the program, including data from all models of SAMs.

(2) Evidence of data collected by the organization through follow-up surveys of schools that have a SAM.

82.6(2) Annual reports. The organization annually reports to the department data required by the state, as determined by the department.

82.6(3) Survey of SAM/administrator teams. The department periodically conducts a survey of schools or facilities that employ authorized SAMs to ensure that the schools' and facilities' needs are adequately met by the programs and the approval process herein.

281—82.7(272) School administration manager knowledge and skills standards and criteria. SAMs shall demonstrate the content knowledge and professional knowledge and skills in accordance with the following standards and supporting criteria.

82.7(1) Standard 1. Each SAM shall demonstrate an understanding of the instructional and management codes and how to best support the SAM's administrator in instructional leadership. If

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a SAM is also employed as a secretary or administrative assistant (Model 3 SAM), the SAM's job responsibilities shall be modified as established by the school district. The SAM shall:

- a. Code specific times and events as primarily instruction or primarily management.
- b. Use a collaborative process of reflective decision making to determine the most appropriate code for specific events within the calendar.
- c. Assist in protecting the administrator's instructional time by handling or delegating on a first-responder basis the majority of management issues.
- d. Meet a minimum of three times per week with the administrator to pre-calendar and reconcile the administrator's calendar.
- e. Regularly and consistently update the administrator on daily decisions, issues, and concerns.

82.7(2) Standard 2. SAMs shall attend an approved training program at the onset of their hire as SAMs. The training for SAMs and administrators shall include the following:

- a. Background information on SAMs.
- b. Understanding of the instructional and management descriptors.
- c. Introduction and practice using approved time-tracking software.
- d. First responders and delegation responsibilities.
- e. Job responsibilities and variations.
- f. Daily meeting protocols.
- g. Training of office staff on communication with others.
- h. Use of reflective questions.
- i. Understanding of conflict resolution skills.
- j. Action planning for building implementation and timelines.
- k. SAM/administrator rubric process.

82.7(3) Standard 3. Each SAM shall demonstrate competence in technology appropriate to the SAM's position. The SAM will:

- a. Become proficient in the use of the approved time-tracking software tool.
- b. Schedule the administrator's time using the approved software, update and reconcile the calendar daily, and attempt to pre-calendar the administrator at or above the administrator's goal.
- c. Regularly schedule time with the administrator to review and reflect on the graphs and data provided through the software.

82.7(4) Standard 4. Each SAM shall demonstrate appropriate personal skills. The SAM:

- a. Is an effective communicator with all stakeholders, including but not limited to colleagues, community members, parents, and students.
- b. Works effectively with employees, students, and other stakeholders.
- c. Maintains confidentiality when dealing with student, parent, and staff issues.
- d. Clearly understands the administrator's philosophy of behavior expectations and consequences.
- e. Maintains an environment of mutual respect, rapport, and fairness.
- f. Participates in and contributes to a school culture that focuses on change in teacher practices and improved student learning by supporting the administrator in the administrator's instructional leadership role.

82.7(5) Standard 5. Each SAM shall fulfill professional responsibilities as established by the SAM's school district. The SAM:

- a. Addresses current and potential issues in a timely manner.
- b. Manages facility resources responsibly, efficiently, and effectively.
- c. Protects instructional time by designing and managing operational procedures to maximize building efficiencies.
- d. Communicates effectively with both internal and external audiences.

82.7(6) Standard 6. Each SAM shall engage in professional growth that continuously improves the SAM's skills of professional inquiry and learning. The SAM:

- a. Works collaboratively with the SAM's administrator to improve professional practice.
- b. Applies research, knowledge, and skills acquired from formal and informal professional development opportunities to improve the SAM's skills as a SAM.

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c. Participates in the decision-making process with the SAM's administrator, staff, and community.

281—82.8(272) Periodic reports. Upon request by the department, programs shall make periodic reports which shall include, but not be limited to, basic information necessary to maintain up-to-date data of the school administration manager program and to carry out research studies relating to SAMs.

281—82.9(272) Reevaluation of school administration manager programs. Every seven years or sooner if deemed necessary by the director, an organization shall file a written self-evaluation of its school administration manager program. Any action for continued approval or denial of approval shall be approved by the state board.

281—82.10(272) Approval of program changes and flexibility of programs. Upon application by an organization, the director is authorized to approve minor additions to or changes within the organization's approved school administration manager program. When an organization proposes a revision that exceeds the primary scope of the organization's program, the revision shall become operative only after approval by the state board. Districts may have a variety of programs and job descriptions that meet the requirements of a legal school administration management system but must receive permission to make changes to those programs in the manner prescribed. The department will seek maximum flexibility in systems allowed to meet the goals of this program. Essential components of any approved school administration manager program shall include readiness, data collection of administrator time, ongoing training of the program administrator, use of time-tracking software and ongoing coaching for participants in the program.

281—82.11(272) Fees. The department shall have the ability to set and collect a fee sufficient to cover the costs of the program, pending approval by the state board. All fees collected pursuant to this rule shall only be used by the department for the purposes of this program and must be kept separately from other funds held.

These rules are intended to implement Iowa Code sections 256.7(30) "b," 272.1(12), and 272.31(3).

[Filed 6/6/13, effective 7/31/13]

[Published 6/26/13]

EDITOR'S NOTE: For replacement pages for IAC, see IAC Supplement 6/26/13.

ARC 0793C

NURSING BOARD[655]

Adopted and Filed

Pursuant to the authority of Iowa Code sections 17A.3 and 147.76, the Board of Nursing hereby amends Chapter 16, "Nurse Licensure Compact," Iowa Administrative Code.

These amendments allow sufficient time to obtain documents and process requests to change the primary state of residence in a compact state. This change extends the time to practice using the licensee's former state license from 30 to 90 days. This change conveys a benefit to the licensee.

These amendments were published under Notice of Intended Action in the Iowa Administrative Bulletin on April 3, 2013, as **ARC 0673C**. These amendments are identical to those published under Notice.

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

These amendments are intended to implement Iowa Code chapter 16.

These amendments will become effective July 31, 2013.

The following amendments are adopted.

NURSING BOARD[655](cont'd)

ITEM 1. Amend subrule 16.2(6) as follows:

16.2(6) A nurse changing primary state of residence, from one party state to another party state, may continue to practice under the former home state license and multistate licensure privilege during the processing of the nurse's licensure application in the new home state for a period not to exceed 30 ~~90~~ days.

ITEM 2. Amend subrule 16.2(7) as follows:

16.2(7) The licensure application in the new home state of a nurse under pending investigation by the former home state shall be held in abeyance and the 30 ~~90~~-day period set out in ~~16.2(2)~~ 16.2(6) of this rule shall be stayed until resolution of the pending investigation.

[Filed 5/28/13, effective 7/31/13]

[Published 6/26/13]

EDITOR'S NOTE: For replacement pages for IAC, see IAC Supplement 6/26/13.

ARC 0797C

PROFESSIONAL LICENSURE DIVISION[645]

Adopted and Filed

Pursuant to the authority of Iowa Code section 147.76, the Board of Nursing Home Administrators hereby amends Chapter 141, "Licensure of Nursing Home Administrators," and Chapter 144, "Discipline for Nursing Home Administrators," Iowa Administrative Code.

These amendments add a definition of a provisional license; clarify that the provisional license shall not count toward the experience required of a practicum preceptor; provide the circumstances under which a provisional license may be obtained; establish the time limits for serving as a provisional administrator; define the provisional license application requirements; and add "provisional license" to the definitions for discipline to be consistent with changes in Iowa Code chapter 155.

Notice of Intended Action was published in the Iowa Administrative Bulletin on March 20, 2013, as **ARC 0651C**. A public hearing was held on April 9, 2013, from 10 to 11 a.m. in the Fifth Floor Board Conference Room, Lucas State Office Building, Des Moines, Iowa. No public comments were received. These amendments are identical to those published under Notice.

These amendments are subject to the waiver provisions at 645—Chapter 18.

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

These amendments are intended to implement Iowa Code chapters 21, 147, 155 and 272C.

These amendments will become effective July 31, 2013.

The following amendments are adopted.

ITEM 1. Adopt the following **new** definition in rule **645—141.1(155)**:

"Provisional license" means a license issued to an administrator appointed on a temporary basis to perform the duties of a nursing home administrator.

ITEM 2. Amend subparagraph **141.5(1)"e"(2)** as follows:

(2) Shall have at least two years' experience as a licensed nursing home administrator. Any experience as an administrator under a provisional license shall not count toward the required two years; and

ITEM 3. Rescind rule 645—141.6(155) and adopt the following **new** rule in lieu thereof:

645—141.6(155) Provisional license. Under certain limited circumstances, and only upon the filing of an application requesting approval, a provisional license may be issued to an administrator appointed on a temporary basis to perform the duties of a nursing home administrator. A provisional license is considered a temporary appointment, and the person appointed may serve as an administrator for a period of time not to exceed 12 months in an entire career. The 12 months in service are not required to be consecutive; however, a new application is required for each appointment period. It is the responsibility

PROFESSIONAL LICENSURE DIVISION[645](cont'd)

of the approved provisional administrator to maintain documentation of the actual dates the administrator serves in that capacity.

141.6(1) The limited circumstances under which the request for a provisional appointment shall be granted include the inability of the licensed administrator to perform the administrator's duties, the death of the licensed administrator, or circumstances which prevent the immediate transfer of the licensed administrator's duties to another licensed administrator. A provisional license shall not be issued to a licensed nursing home administrator.

141.6(2) Application for a provisional license shall be in writing on forms prescribed by the board. Application forms may be obtained from the board's Web site (<http://www.idph.state.ia.us/licensure>) or directly from the board office. All applications shall be sent to the Board of Nursing Home Administrators, Professional Licensure Division, Fifth Floor, Lucas State Office Building, Des Moines, Iowa 50319-0075. Applicants shall meet the following minimum qualifications:

- a. Be at least 18 years of age.
- b. Be employed on a full-time basis of no less than 40 hours per week to perform the duties of the nursing home administrator.
- c. Be knowledgeable about the nursing home administrator's domains of practice including resident care; human resources; finance; physical environment; and leadership and management.
- d. Be without a history of unprofessional conduct or denial of or disciplinary action against a license to practice nursing home administration or any other profession by any lawful licensing authority for reasons outlined in 645—Chapter 144.
- e. Provide evidence to establish that the provisional appointment will not exceed the lifetime maximum period of 12 calendar months in duration. For any period in which the applicant previously served as a provisional administrator, written employment verification or a written attestation of the facility owner, chief operating officer, or board officer shall satisfy this requirement.
- f. Provide evidence that the provisional appointment complies with the requirements in 481—subrule 58.8(4). A written attestation of the facility owner, chief operating officer, or board officer shall satisfy this requirement.

141.6(3) Applications for an extension of the time period for the provisional appointment within the same facility do not require the payment of an additional fee, as long as all other requirements stated in this rule are met.

141.6(4) The board expressly reserves the right to withdraw approval of a provisional appointment. Withdrawal of approval shall be based on information or circumstances warranting such action. The provisional administrator shall be notified of the withdrawal of approval in writing by certified mail.

ITEM 4. Adopt the following new definition in rule **645—144.1(155)**:

"Provisional license" means a license issued to an administrator appointed on a temporary basis to perform the duties of a nursing home administrator.

[Filed 6/3/13, effective 7/31/13]

[Published 6/26/13]

EDITOR'S NOTE: For replacement pages for IAC, see IAC Supplement 6/26/13.

ARC 0804C

SECRETARY OF STATE[721]

Adopted and Filed

Pursuant to the authority of Iowa Code sections 17A.3 and 631.4, the Secretary of State hereby amends Chapter 2, "Rules of Practice," Iowa Administrative Code.

Iowa Code section 631.4 directs the Secretary of State to accept notice of an action involving small claims and nonresidents. The practice for the past several years has been to assess a fee of \$10 to offset the costs associated with accepting and delivering notice. This is the same fee charged for other similar filings. The amendment reflects what has been the policy for years.

SECRETARY OF STATE[721](cont'd)

This amendment was published under Notice of Intended Action in the Iowa Administrative Bulletin as **ARC 0729C** on May 1, 2013. No public comments were received. This amendment is identical to that published under Notice.

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

This amendment is intended to implement Iowa Code section 631.4.

This amendment will become effective on July 31, 2013.

The following amendment is adopted.

Amend rule 721—2.3(17A) as follows:

721—2.3(17A 631) Payment for services. The secretary of state may approve accounts to be used for the payment of services provided by the secretary of state. A user of a service provided by the secretary of state may make payment for the service by authorizing a charge to be made upon an account held by the user.

2.3(1) to 2.3(6) No change.

2.3(7) The secretary of state shall assess a fee of \$10 for the receipt of a document filed under Iowa Code section 631.4(1)“d.”

[Filed 6/6/13, effective 7/31/13]

[Published 6/26/13]

EDITOR’S NOTE: For replacement pages for IAC, see IAC Supplement 6/26/13.

ARC 0801C

SECRETARY OF STATE[721]

Adopted and Filed

Pursuant to the authority of Iowa Code sections 47.1 and 17A.3, the Secretary of State hereby amends Chapter 22, “Voting Systems,” Iowa Administrative Code.

These amendments are necessary due to the certification by the Board of Examiners for Voting Systems of two new voting systems for use in the state of Iowa. Chapter 22 does not contain any standards for use of these systems, and counties may be in the process of proceeding with purchases of the newly certified systems. Iowa Code section 52.5, subsection 4, requires administrative rules to be adopted governing the development of vote-counting programs and all procedures used in actual counting of votes by means of the new systems before they can be used in an actual election.

These amendments were published under Notice of Intended Action in the Iowa Administrative Bulletin as **ARC 0695C** on May 1, 2013. No public comments were received that require changes to the amendments as 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 chapters 39 through 53.

These amendments will become effective July 31, 2013.

EDITOR’S NOTE: Pursuant to recommendation of the Administrative Rules Review Committee published in the Iowa Administrative Bulletin, September 10, 1986, the text of these amendments [amendments to Ch 22] is being omitted. These amendments are identical to those published under Notice as **ARC 0695C**, IAB 5/1/13.

[Filed 6/6/13, effective 7/31/13]

[Published 6/26/13]

[For replacement pages for IAC, see IAC Supplement 6/26/13.]

ARC 0805C**SECRETARY OF STATE[721]****Adopted and Filed**

Pursuant to the authority of Iowa Code sections 17A.3 and 9.4, the Secretary of State hereby rescinds Chapter 31, "Registration of Postsecondary Schools," Iowa Administrative Code.

Chapter 31 provides that the Secretary of State shall collect a registration fee for each postsecondary school registration filing pursuant to Iowa Code section 261.2(7). However, this statute has since been amended so that the Secretary of State no longer collects this fee. The amendment rescinds Chapter 31 as the rules are no longer applicable.

This amendment was published under Notice of Intended Action in the Iowa Administrative Bulletin as **ARC 0728C** on May 1, 2013. No public comments were received. This amendment is identical to that published under Notice.

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

This amendment is intended to implement Iowa Code sections 9.4 and 261.2.

This amendment will become effective on July 31, 2013.

The following amendment is adopted.

Rescind and reserve **721—Chapter 31**.

[Filed 6/6/13, effective 7/31/13]

[Published 6/26/13]

EDITOR'S NOTE: For replacement pages for IAC, see IAC Supplement 6/26/13.

ARC 0803C**SECRETARY OF STATE[721]****Adopted and Filed**

Pursuant to the authority of Iowa Code sections 488.206, 489.205, and 504.111, the Secretary of State hereby amends Chapter 40, "Corporations," Iowa Administrative Code.

Current rule 721—40.9(490) requires that a registered agent filing online provide an e-mail address for purposes of receiving communications from the Secretary of State. The rule provides that the e-mail addresses are not public records. The practice of the Secretary of State has been to require all registered agents to provide an e-mail address. The amendment requires the registered agent of any business organization that files with the Secretary of State to provide an e-mail address.

This amendment was published under Notice of Intended Action in the Iowa Administrative Bulletin as **ARC 0730C** on May 1, 2013. No public comments were received. This amendment is identical to that published under Notice.

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

This amendment is intended to implement Iowa Code sections 488.206, 489.205, and 504.111.

This amendment will become effective on July 31, 2013.

The following amendment is adopted.

Amend rule 721—40.9(490), introductory paragraph, as follows:

721—40.9(488,489,490,504) Online filing requirements. The following requirements apply to the electronic filing of documents and the certification of electronic documents. This rule applies to

SECRETARY OF STATE[721](cont'd)

documents filed in conjunction with the filing requirements in Iowa Code chapters 488, 489, 490, and 504.

[Filed 6/6/13, effective 7/31/13]

[Published 6/26/13]

EDITOR'S NOTE: For replacement pages for IAC, see IAC Supplement 6/26/13.

ARC 0802C

SECRETARY OF STATE[721]

Adopted and Filed

Pursuant to the authority of Iowa Code sections 17A.3 and 9A.109, the Secretary of State hereby amends Chapter 42, "Athlete Agent Registration," Iowa Administrative Code.

Chapter 42 implements Iowa Code chapter 9A, the Uniform Athlete Agents Act. Iowa Code chapter 9A includes the direction to the Secretary of State to receive registrations of an athlete agent and to assess a fee for doing so. The fee assessed for several years has been for a different amount than was stated in the rule. The amendments reflect what has been the policy for years. The amendments also rescind two rules that are no longer applicable in implementing Iowa Code chapter 9A.

These amendments were published under Notice of Intended Action in the Iowa Administrative Bulletin as **ARC 0731C** on May 1, 2013. No public comments were received. These amendments are identical to those published under Notice.

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

These amendments are intended to implement Iowa Code chapter 9A.

These amendments will become effective on July 31, 2013.

The following amendments are adopted.

ITEM 1. Amend rule 721—42.1(9A,17A) as follows:

721—42.1(9A,17A) Fees. The fee for the initial application for certificate of registration as an athlete agent is ~~\$300~~ 500. The fee for a renewal application for certificate of registration is ~~\$150~~ 500.

ITEM 2. Rescind and reserve rules **721—42.2(9A,17A)** and **721—42.3(9A,17A)**.

[Filed 6/6/13, effective 7/31/13]

[Published 6/26/13]

EDITOR'S NOTE: For replacement pages for IAC, see IAC Supplement 6/26/13.

ARC 0806C

SECRETARY OF STATE[721]

Adopted and Filed

Pursuant to the authority of Iowa Code section 17A.3 and Iowa Code chapter 9B, the Secretary of State hereby amends Chapter 43, "Notarial Acts," Iowa Administrative Code.

The amendments implement the rule makings required under new Iowa Code chapter 9B dealing with notarial acts by notarial officers and notaries public. The statutes governing notarial acts were previously set out in Iowa Code chapter 9E. This is the first of additional rule makings to implement Iowa Code chapter 9B.

These amendments were published under Notice of Intended Action in the Iowa Administrative Bulletin as **ARC 0727C** on May 1, 2013. No public comments were received. These amendments are identical to those published under Notice.

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

These amendments are intended to implement Iowa Code chapter 9B.

SECRETARY OF STATE[721](cont'd)

These amendments will become effective on July 31, 2013.

The following amendments are adopted.

ITEM 1. Amend rule 721—43.1(9E) as follows:

721—43.1(9E 9B) Certificate of notarial acts. A notarial act shall be evidenced by a certificate signed and dated by a notarial officer, ~~be executed contemporaneously with the performance of the notarial act for which the certificate applies, and not be completed until the notarial act has been performed.~~ The certificate shall include ~~identification of the jurisdiction in which the notarial act is performed and the title of the office of the notarial officer (for example, notary public, judge, clerk of court) and shall include the official stamp or seal of office~~ all of the information required by Iowa Code section 9B.15(1). A certificate of a notarial act is sufficient if it ~~substantially meets the requirements of this rule, or other applicable law~~ meets the requirements set out in Iowa Code section 9B.15(3). ~~The form of the certificate may consist of:~~

- ~~1. The short form set forth in rule 721—43.2(9E);~~
- ~~2. A form otherwise prescribed by the law of this state;~~
- ~~3. A form prescribed by laws or regulations applicable in the place in which the notarial act was performed; or~~
- ~~4. Any description of the actions of the notarial officer sufficient to meet the requirements of the designated notarial act.~~

~~By executing a certificate of a notarial act, the notarial officer certifies that the officer has made the determination required by Iowa Code section 9E.9.~~

ITEM 2. Rescind rule 721—43.2(9E) and adopt the following **new** rule in lieu thereof:

721—43.2(9B) Short form certificates. Short form certificates of notarial acts may be used provided the certificates comply with the provisions of Iowa Code sections 9B.15 and 9B.16. For purposes of this rule, a “record” and an “instrument” have the same meaning and effect.

ITEM 3. Rescind rule 721—43.3(9E) and adopt the following **new** rule in lieu thereof:

721—43.3(9B) Conflict of interest. A notarial officer shall not perform a notarial act that creates a conflict of interest as prohibited in Iowa Code section 9B.4(2). For purposes of this rule, a direct financial benefit does not exist when the notarial officer is compensated on an individual loan commission basis or as provided in Iowa Code section 9B.26(2).

ITEM 4. Rescind rule 721—43.4(9E) and adopt the following **new** rule in lieu thereof:

721—43.4(9B) Commission as notary public. An individual applying to the secretary of state for a commission as a notary public shall comply with the requirements and qualifications of Iowa Code section 9B.21. The applicant shall complete and file with the secretary of state an Application for Appointment as Notary Public. The affirmation section on an Application for Appointment as Notary Public shall constitute an executed oath of office as required by Iowa Code section 9B.21(3).

ITEM 5. Rescind and reserve rule **721—43.5(9E)**.

ITEM 6. Rescind rule 721—43.6(9E) and adopt the following **new** rule in lieu thereof:

721—43.6(9B) Sanctions. The secretary of state may impose any of the sanctions set out in Iowa Code section 9B.23 including issuing a letter of reprimand as a condition on a commission as a notary public.

43.6(1) Complaint. A person alleging misconduct by a notary public shall complete and file a Statement of Complaint with the secretary of state. The secretary of state may also initiate investigations without the filing of a complaint if information is provided to the secretary of state that a notary public has allegedly engaged in conduct prohibited in Iowa Code section 9B.23. A copy of the complaint or a notice of investigation shall be sent to the notary public.

SECRETARY OF STATE[721](cont'd)

43.6(2) Investigation. The secretary of state shall conduct an investigation to determine if the conduct alleged occurred and if sanctions should be imposed. Upon completion of an investigation, the secretary of state shall dismiss the matter, issue a letter of reprimand as a condition on commission, or set the matter for hearing as a contested case proceeding. A dismissal or issuance of a letter of reprimand as a condition on commission is deemed final agency action for purposes of judicial review under Iowa Code section 17A.19.

43.6(3) Hearing. If a hearing is set, it shall be conducted as a contested case proceeding in accordance with Iowa Code chapter 17A and administrative rules in 721—Chapter 3. A final decision by the secretary of state is subject to judicial review as provided in Iowa Code section 17A.19.

ITEM 7. Amend **721—Chapter 43**, implementation sentence, as follows:

These rules are intended to implement Iowa Code chapter ~~9E~~ 9B.

[Filed 6/6/13, effective 7/31/13]

[Published 6/26/13]

EDITOR'S NOTE: For replacement pages for IAC, see IAC Supplement 6/26/13.

ARC 0798C

SOIL CONSERVATION DIVISION[27]

Adopted and Filed

Pursuant to the authority of Iowa Code section 161A.71(3)“a,” the Division of Soil Conservation hereby amends Chapter 11, “Conservation Practices Revolving Loan Fund,” Iowa Administrative Code.

The amendments conform the rules to statutory changes made in 2013 Iowa Acts, House File 458, effective July 1, 2013. The amendments remove the prohibition against funding a conservation practice by using both a conservation practices loan and cost share funds. The amendments also increase the maximum amount that can be loaned from \$10,000 to \$20,000.

Notice of Intended Action was published in the Iowa Administrative Bulletin as **ARC 0689C** on April 17, 2013. No comments were received from the public. These amendments are identical to the amendments published under Notice of Intended Action.

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

These amendments are intended to implement 2013 Iowa Acts, House File 458, section 1.

These amendments will become effective July 31, 2013.

The following amendments are adopted.

ITEM 1. Amend subrule 11.23(3) as follows:

11.23(3) Use of the loan. Loan funds shall be used only to pay the total eligible cost of installing permanent soil and water conservation practices listed in 27—subrule 10.82(2) of the Iowa financial incentive program for soil erosion control. District commissioners may designate which soil and water conservation practices will be eligible for loans in their district. The selected practices must be from the state-approved practices contained in rule 27—10.82(161A). The general conditions contained in rule 27—10.81(161A) and the specifications contained in rule 27—10.84(161A) shall apply to the district-designated practices. Revolving loan funds and public cost-sharing funds ~~shall not~~ may be used in combination for funding a particular soil and water conservation practice.

ITEM 2. Amend subrules 11.27(2) and 11.27(3) as follows:

11.27(2) Maximum loan. The maximum loan that a landowner may receive in one year pursuant to this program shall not exceed ~~\$10,000~~ \$20,000.

SOIL CONSERVATION DIVISION[27](cont'd)

11.27(3) *Number of loans.* There will be no limit to the number of loans an applicant can receive, except that an applicant shall be eligible for no more than ~~\$10,000~~ \$20,000 in loans outstanding at any time under this program. Each approved application will be handled as a new loan.

[Filed 6/4/13, effective 7/31/13]

[Published 6/26/13]

EDITOR'S NOTE: For replacement pages for IAC, see IAC Supplement 6/26/13.

ARC 0807C

VOTER REGISTRATION COMMISSION[821]

Adopted and Filed Without Notice

Pursuant to the authority of Iowa Code sections 47.8 and 17A.3, the Voter Registration Commission hereby amends Chapter 2, "Voter Registration Forms, Acceptability, Registration Dates, and Effective Dates," Iowa Administrative Code.

This rule is necessary to meet the Commission's statutory requirement to adopt the voter registration form by administrative rule.

In compliance with Iowa Code section 17A.4(3), the Voter Registration Commission finds that notice and public participation are unnecessary because the required elements of the form are established by Iowa Code section 48A.11 and existing rule 821—2.1(48A). Any interested person may request an electronic or paper copy of the form by contacting the Secretary of State's office by telephone at (515)281-0145 or in person at the Secretary of State's office on the first floor of the Lucas State Office Building, Des Moines, Iowa.

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

This rule is intended to implement Iowa Code sections 47.8(2) and 48A.11.

This rule will become effective August 1, 2013.

The following amendment is adopted.

Adopt the following new rule 821—2.16(47,48A):

821—2.16(47,48A) Form of official Iowa voter registration application. The official Iowa voter registration application pursuant to Iowa Code section 48A.11 shall be the State of Iowa Official Voter Registration Form Revised 8/1/2013.

[Filed Without Notice 6/6/13, effective 8/1/13]

[Published 6/26/13]

EDITOR'S NOTE: For replacement pages for IAC, see IAC Supplement 6/26/13.

AGENCY	RULE	DELAY
Racing and Gaming Commission[491]	4.10, 10.4(4)“a”(6), 10.4(4)“d”(3)“1” [IAB 5/5/13, ARC 0734C]	Effective date of June 19, 2013, delayed until the adjournment of the 2014 General Assembly by the Administrative Rules Review Committee at its meeting held June 11, 2013. [Pursuant to §17A.8(9)]