



IOWA ADMINISTRATIVE BULLETIN

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Pages 2907 to 2980

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Filed, Medical child care—prior authorization forms, 78.57(6)“c”(12) ARC 6390C 2960

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PREFACE

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

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

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

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

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CITATION of Administrative Rules

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

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

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

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

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

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

Schedule for Rule Making 2022

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

PRINTING SCHEDULE FOR IAB

<u>ISSUE NUMBER</u>	<u>SUBMISSION DEADLINE</u>	<u>ISSUE DATE</u>
2	Friday, July 8, 2022	July 27, 2022
3	Friday, July 22, 2022	August 10, 2022
4	Friday, August 5, 2022	August 24, 2022

PLEASE NOTE:

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

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

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

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

The Administrative Rules Review Committee will hold its regular, statutory meeting on Tuesday, July 19, 2022, at 9 a.m. in Room 116, State Capitol, Des Moines, Iowa. For more information, contact Jack Ewing at jack.ewing@legis.iowa.gov. The following rules will be reviewed:

ECONOMIC DEVELOPMENT AUTHORITY[261]

Bioscience development corporation, 1.2, 1.3(5)"a," 1.4, 1.5, 101.2(1), 106.1, 106.3, 108.1, 108.3, 108.4, 108.6(1) <u>Filed</u> ARC 6356C	6/15/22
Workforce housing tax incentives program, amendments to ch 48 <u>Notice</u> ARC 6359C	6/15/22
Iowa energy center—purpose, quorum, electronic meetings, 403.1, 403.3 <u>Notice</u> ARC 6383C	6/29/22

EDUCATION DEPARTMENT[281]

Gap tuition assistance program, 25.1, 25.24 <u>Filed</u> ARC 6380C	6/29/22
Iowa vocational rehabilitation services, ch 56 <u>Notice</u> ARC 6373C	6/15/22
School-based youth services programs, rescind ch 66 <u>Filed</u> ARC 6379C	6/29/22

ENVIRONMENTAL PROTECTION COMMISSION[567]

NATURAL RESOURCES DEPARTMENT[561]"umbrella"	
NPDES general permit nos.5, 6, 7, 8, and 9, 64.15 <u>Notice</u> ARC 6358C	6/15/22
Floodplain permitting for bridges—backwater Q100, 72.1(2)"a" <u>Filed</u> ARC 6353C	6/15/22
Cathode ray tube recycling, amend ch 100; adopt ch 122 <u>Filed</u> ARC 6352C	6/15/22

HUMAN SERVICES DEPARTMENT[441]

Department procedure for rule making—five-year review of rules, 3.3 to 3.6, 3.10 to 3.16 <u>Filed</u> ARC 6345C	6/15/22
Petitions for rule making—five-year review of rules, 4.1, 4.3 <u>Filed</u> ARC 6347C	6/15/22
Appeals and hearings, 7.1 to 7.3, 7.6(3)"b," 7.7(1), 7.9, 7.11, 7.16(3), 7.19 <u>Filed</u> ARC 6384C	6/29/22
Payment of small claims, 8.1(4) <u>Filed</u> ARC 6346C	6/15/22
Collection of public assistance debts—five-year review of rules, 11.1, 11.2(2), 11.3, 11.5 <u>Notice</u> ARC 6362C	6/15/22
Food assistance program—change of name to supplemental nutrition assistance program (SNAP), amendments to ch 13 <u>Filed</u> ARC 6385C	6/29/22
Offset of county debts owed department, rescind ch 14 <u>Filed</u> ARC 6348C	6/15/22
Autism support program—notice of adverse action, amendments to ch 22 <u>Filed</u> ARC 6386C	6/29/22
Mental health institutes and resource centers—definitions, selection of facility, 28.1, 28.2, 28.7 <u>Filed</u> ARC 6349C	6/15/22
Five-year review of rules—facility assessments, 36.2, 36.6(2)"c," 36.7, 36.11(5)"b" <u>Notice</u> ARC 6377C	6/29/22
Family investment program, refugee cash assistance—five-year review of rules, amendments to chs 40, 41, 46, 60 <u>Notice</u> ARC 6369C	6/15/22
Interim assistance reimbursement—forms, 57.2, 57.3(1) <u>Filed</u> ARC 6387C	6/29/22
Rent reimbursement program, adopt ch 62 <u>Notice</u> ARC 6382C	6/29/22
Five-year review of rules—food assistance program, amendments to ch 65 <u>Notice</u> ARC 6394C	6/29/22
Applied behavior analysis services—registered behavior technicians, 77.26(10) <u>Filed</u> ARC 6388C	6/29/22
Dental program—payment for emergency services, annual benefit maximum, amendments to ch 78 <u>Filed</u> ARC 6389C	6/29/22
Medical child care—prior authorization forms, 78.57(6)"c"(12) <u>Filed</u> ARC 6390C	6/29/22
Nurse aide program—training, instructor-to-student ratio, 81.16(3)"a" <u>Filed</u> ARC 6391C	6/29/22
Certification of adoption investigators—dependent adult abuse, record checks and reports, forms, 107.4(5), 107.5(2)"a"(6), 107.8(1) <u>Notice</u> ARC 6370C	6/15/22
Family-life homes—five-year review of rules, amendments to ch 111 <u>Notice</u> ARC 6368C	6/15/22
Service administration general provisions—five-year review of rules, 130.2(4), 130.3(1), 130.4, 130.6, 130.7 <u>Notice</u> ARC 6371C	6/15/22
Social casework—adverse actions, 131.5 <u>Notice</u> ARC 6372C	6/15/22
Funding for local services—five-year review of rules, amendments to ch 153 <u>Filed</u> ARC 6350C	6/15/22
Adoption opportunity grant program, rescind ch 160 <u>Notice</u> ARC 6364C	6/15/22
Iowa senior living trust fund; nursing facility conversion and long-term care services development grants; Iowa hospital trust fund, rescind chs 161, 162, 164 <u>Filed</u> ARC 6392C	6/29/22
Individual and family direct support—five-year review of rules, amendments to ch 184 <u>Filed</u> ARC 6351C	6/15/22
Aftercare services program—five-year review of rules, 187.2(3), 187.3, 187.4 <u>Notice</u> ARC 6366C	6/15/22
Iowa adoption exchange—definitions, process, 203.1, 203.2 <u>Notice</u> ARC 6365C	6/15/22
Guardianship subsidy agreements—five-year review of rules, amendments to ch 204 <u>Notice</u> ARC 6367C	6/15/22

IOWA PUBLIC INFORMATION BOARD[497]

Complaints; contested case withdrawals; public records, amend chs 2, 4; adopt ch 11
Notice **ARC 6360C** 6/15/22

MEDICINE BOARD[653]

PUBLIC HEALTH DEPARTMENT[641]“umbrella”
Licensure—nonaccredited resident training, 9.3(1)“c” Notice **ARC 6378C** 6/29/22
Retention of medical records—sudden death or absence of physician, 13.7(8) Notice **ARC 6381C**..... 6/29/22

NATURAL RESOURCE COMMISSION[571]

NATURAL RESOURCES DEPARTMENT[561]“umbrella”
Wildlife refuges; waterfowl and coot hunting seasons; migratory game bird hunting methods,
52.1, 91.1, 91.3, 91.4, 91.5(1)“b,” 92.3(11) Filed **ARC 6355C** 6/15/22
Deer hunting—licenses, counties, quotas, method of take, 94.1, 106.1(6), 106.6(6), 106.7(5)
Filed **ARC 6354C**..... 6/15/22

PROFESSIONAL LICENSURE DIVISION[645]

PUBLIC HEALTH DEPARTMENT[641]“umbrella”
Barbers—apprenticeship, 21.1, 21.2, 22.1, 22.3, 22.4(3) Filed **ARC 6396C** 6/29/22
Marital and family therapists, mental health counselors, behavior analysts, assistant behavior
analysts, and social workers—supervision, 31.2, 31.5, 31.7, 280.6 Filed **ARC 6357C** 6/15/22
Cosmetology arts and sciences—apprenticeship, 60.1, 60.2(1), 60.5(7), 61.1, 61.5(5),
61.24(3) Filed **ARC 6376C** 6/29/22
Optometrists—licensure, 180.2(1), 180.3(1), 180.11 Filed **ARC 6374C** 6/29/22

PUBLIC HEALTH DEPARTMENT[641]

Medical cannabidiol program, amendments to ch 154 Filed **ARC 6343C** 6/15/22

REAL ESTATE APPRAISER EXAMINING BOARD[193F]

Professional Licensing and Regulation Bureau[193]
COMMERCE DEPARTMENT[181]“umbrella”
Alternative experience pathways; distance education, 1.19, 5.6(2), 5.8, 6.8, 6.9, 11.1, 11.5(2),
11.6, 11.7(1) Filed **ARC 6375C** 6/29/22

REVENUE DEPARTMENT[701]

Excise tax rate on motor fuels, 68.2(1) Filed **ARC 6393C**..... 6/29/22

TRANSPORTATION DEPARTMENT[761]

Intermodal pilot project program, rescind ch 201 Notice **ARC 6395C** 6/29/22
Vehicle recyclers—licensing, regulation, 400.23, 431.1 to 431.3 Notice **ARC 6361C** 6/15/22

VETERANS AFFAIRS, IOWA DEPARTMENT OF[801]

Veterans trust fund, amendments to ch 14 Filed **ARC 6344C**..... 6/15/22

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 Waylon Brown
2415 Highway 218
Osage, Iowa 50461

Senator Julian Garrett
P.O. Box 493
Indianola, Iowa 50125

Senator Jesse Green
2344 360th Street
Harcourt, Iowa 50544

Senator Robert Hogg
P.O. Box 1361
Cedar Rapids, Iowa 52406

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

Representative Mike Sexton
2202 Ogden Avenue
Rockwell City, Iowa 50579

Michael Boal
Administrative Rules Coordinator
Governor's Ex Officio Representative
Capitol, Room 18
Des Moines, Iowa 50319
Telephone: 515.281.5211

EDUCATION DEPARTMENT[281]

Iowa vocational rehabilitation
services, ch 56
IAB 6/15/22 **ARC 6373C**

Iowa Vocational Rehabilitation Services
Mitchell Training Room
510 E. 12th St.
Des Moines, Iowa
Via videoconference:
[IDOE.zoom.us/j/95809640090?pwd=SXVBVjE1VGRNUTRSSzJvQ0l5OGI0UT09](https://doe.zoom.us/j/95809640090?pwd=SXVBVjE1VGRNUTRSSzJvQ0l5OGI0UT09)

July 5, 2022
2 to 3 p.m.

ENVIRONMENTAL PROTECTION COMMISSION[567]

NPDES general permit nos. 5, 6,
7, 8, and 9, 64.15
IAB 6/15/22 **ARC 6358C**

Via video/conference call
Contact David Schelling
Email: david.schelling@dnr.iowa.gov

July 6, 2022
1 to 2 p.m.

IOWA PUBLIC INFORMATION BOARD[497]

Complaints; contested case
withdrawals; public records,
amend chs 2, 4; adopt ch 11
IAB 6/15/22 **ARC 6360C**

Third Floor Board Conference Room
Wallace State Office Bldg.
Des Moines, Iowa

July 11, 2022
3 p.m.

TRANSPORTATION DEPARTMENT[761]

Intermodal pilot project program,
rescind ch 201
IAB 6/29/22 **ARC 6395C**

Via conference call
Contact Tracy George
Email: tracy.george@iowadot.us

July 21, 2022
10 a.m.
(If requested)

Vehicle recyclers—licensing,
regulation, 400.23, 431.1 to
431.3
IAB 6/15/22 **ARC 6361C**

Via conference call
Contact Tracy George
Email: tracy.george@iowadot.us

July 7, 2022
10 a.m.
(If requested)

The following list will be updated as changes occur.

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

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

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

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ARC 6383C**ECONOMIC DEVELOPMENT AUTHORITY[261]****Notice of Intended Action****Proposing rule making related to the Iowa energy center
and providing an opportunity for public comment**

The Iowa Energy Center Board hereby proposes to amend Chapter 403, "Iowa Energy Center," Iowa Administrative Code.

Legal Authority for Rule Making

This rule making is proposed under the authority provided in Iowa Code section 15.120.

State or Federal Law Implemented

This rule making implements, in whole or in part, Iowa Code section 15.120 as amended by 2022 Iowa Acts, Senate File 2325.

Purpose and Summary

The purposes of the Iowa Energy Center are listed in Iowa Code section 15.120, which has been amended by 2022 Iowa Acts, Senate File 2325, to add the following purpose: "To support research and development of strategies for carbon management."

The proposed amendments incorporate the additional purpose, change the number of Board members required for a quorum from nine to seven, and clarify that Board meetings may be held electronically.

Fiscal Impact

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

Jobs Impact

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

Waivers

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

Public Comment

Any interested person may submit written or oral comments concerning this proposed rule making. Written or oral comments in response to this rule making must be received by the Authority no later than 4:30 p.m. on July 19, 2022. Comments should be directed to:

Lisa Connell
Iowa Economic Development Authority
1963 Bell Avenue, Suite 200
Des Moines, Iowa 50315
Phone: 515.348.6163
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ECONOMIC DEVELOPMENT AUTHORITY[261](cont'd)

Public Hearing

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

Review by Administrative Rules Review Committee

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

The following rule-making actions are proposed:

ITEM 1. Amend rule 261—403.1(15) as follows:

261—403.1(15) Purpose. The Iowa energy center is established within the authority with the following purposes:

1. To expand workforce and career opportunities for workers in the energy sector to ensure that the state is able to attract and train professionals to meet the state’s future energy needs.
2. To support technology-based development by encouraging public-private partnerships and innovative manufacturers to develop and bring to market new energy technologies.
3. To support rural and underserved areas and vulnerable populations by creating opportunities for greater access to energy efficiency expertise, training, programs, and cyber security preparedness for small utilities.
4. To support the expansion of natural gas infrastructure to rural and underserved areas of the state where the absence is a limiting factor to economic development.
5. To promote and fund research, development, and commercialization of biomass technology to benefit the state economically and environmentally by further realizing the value-added attributes of biomass in the development of bioenergy, biofuels, and biochemicals.
6. To encourage growth of the alternative fuel vehicle market, particularly for electric vehicles, and the infrastructure necessary to support the market.
7. To support efforts to modernize the electric grid infrastructure of the state to support increased capacity and new technologies.
8. To support research and development of strategies for carbon management.

ITEM 2. Amend subrule 403.3(3) as follows:

403.3(3) Quorum and voting requirements. ~~A quorum of the board requires nine~~ Seven or more members of the board constitute a quorum, and any board action requires an affirmative vote by a majority of the members present.

ITEM 3. Amend paragraph **403.3(5)“a”** as follows:

a. Meetings of the board are held at the call of the chairperson or when two members of the board request a meeting. The board generally meets quarterly at the authority’s offices or by electronic means. By notice of the regularly published meeting agendas, the board and its committees may hold regular or special meetings at other locations within the state. Meeting agendas are available on the authority’s Internet site.

ARC 6377C**HUMAN SERVICES DEPARTMENT[441]****Notice of Intended Action****Proposing rule making related to five-year rules review
and providing an opportunity for public comment**

The Human Services Department hereby proposes to amend Chapter 36, “Facility Assessments,” Iowa Administrative Code.

Legal Authority for Rule Making

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

State or Federal Law Implemented

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

Purpose and Summary

The rules in Chapter 36 were reviewed as part of the Department’s five-year rules review. This rule making proposes technical changes to remove the word “enterprise” from Iowa Medicaid, to remove form names, and to update unit names and addresses.

Fiscal Impact

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

Jobs Impact

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

Waivers

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

Public Comment

Any interested person may submit written comments concerning this proposed rule making. Written comments in response to this rule making must be received by the Department no later than 4:30 p.m. on July 19, 2022. Comments should be directed to:

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

Public Hearing

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

HUMAN SERVICES DEPARTMENT[441](cont'd)

Review by Administrative Rules Review Committee

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

The following rule-making actions are proposed:

ITEM 1. Amend paragraph **36.2(1)“a”** as follows:

a. Use Form 470-5422, ~~Intermediate Care Facilities for Individuals with an Intellectual Disability Assessment Calculation Worksheet~~, to calculate the quarterly fee due.

ITEM 2. Amend paragraph **36.2(4)“b”** as follows:

b. Requests for a ~~good-cause~~ good cause waiver must be submitted to the Iowa Medicaid ~~enterprise~~, provider cost audit and rate setting unit, within 30 days of notice to the facility that the penalty is due.

ITEM 3. Amend paragraph **36.6(2)“c”** as follows:

c. Effective July 1, 2019, nursing facilities with annual Iowa Medicaid patient days of 21,000 or more are required to pay a quality assurance assessment of \$2.45 per non-Medicare patient day. Effective with assessment for the state fiscal year beginning July 1, 2021, the annual number of Iowa Medicaid patient days reported in the most current cost report submitted to the Iowa Medicaid ~~enterprise~~ as of June 1 of each year shall be used to determine the assessment level for the following state fiscal year.

ITEM 4. Amend paragraph **36.7(1)“a”** as follows:

a. Use Form 470-4836, ~~Nursing Facility Quality Assurance Assessment Calculation Worksheet~~, to calculate the quarterly assessment amount due.

ITEM 5. Amend paragraph **36.7(4)“b”** as follows:

b. Requests for a good cause waiver must be submitted to the Iowa Medicaid ~~Enterprise~~, Provider Cost Audit and Rate Setting Unit, ~~400 Army Post Road~~ 1305 East Walnut Street, Des Moines, Iowa ~~50315~~ 50319-0114, within 30 days of notice to the facility that the penalty is due.

ITEM 6. Amend paragraph **36.11(5)“b”** as follows:

b. Requests for a good cause waiver must be submitted to the Iowa Medicaid ~~Enterprise~~, Provider Cost Audit and Rate Setting Unit, ~~400 Army Post Road~~ 1305 East Walnut Street, Des Moines, Iowa ~~50315~~ 50319-0114, within 30 days of notice to the facility that the penalty is due.

ARC 6382C

HUMAN SERVICES DEPARTMENT[441]

Notice of Intended Action

**Proposing rule making related to rent reimbursement program
and providing an opportunity for public comment**

The Human Services Department hereby proposes to adopt new Chapter 62, “Rent Reimbursement Program,” Iowa Administrative Code.

Legal Authority for Rule Making

This rule making is proposed under the authority provided in Iowa Code chapter 425.

State or Federal Law Implemented

This rule making implements, in whole or in part, Iowa Code section 425.37.

HUMAN SERVICES DEPARTMENT[441](cont'd)

Purpose and Summary

Iowa Code chapter 425 provides for a property tax credit for low-income elderly and disabled Iowans. To provide parity for low-income elderly and disabled Iowans who do not own property, the law also establishes reimbursement for rent constituting property taxes paid by the property owner. Currently, both the property tax credit and the rent reimbursement program are administered by the Iowa Department of Revenue (IDR). Effective January 1, 2023, the Department of Human Services (DHS) will take over administration of the rent reimbursement portion of Iowa Code sections 425.15 through 425.40. The proposed rule making establishes rules for the rent reimbursement program.

Fiscal Impact

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

Jobs Impact

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

Waivers

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

Public Comment

Any interested person may submit written comments concerning this proposed rule making. Written comments in response to this rule making must be received by the Department no later than 4:30 p.m. on July 19, 2022. Comments should be directed to:

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

Public Hearing

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

Review by Administrative Rules Review Committee

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

The following rule-making action is proposed:

HUMAN SERVICES DEPARTMENT[441](cont'd)

Adopt the following new 441—Chapter 62:

CHAPTER 62
RENT REIMBURSEMENT

441—62.1(425) Eligible claimants. This rule is effective for rent reimbursement claims filed on or after January 1, 2023.

62.1(1) The rent reimbursement program is available to claimants who:

- a.* Were at least 23 years of age or a head of household on December 31 of the base year,
- b.* Were not or will not be claimed as a dependent on another person's federal or state income tax return for the base year in the case of a claimant who is not disabled or at least 65 years of age,
- c.* Did not have household income in excess of the indexed amount determined pursuant to Iowa Code section 425.23(4) during the base year,
- d.* Are domiciled in Iowa at the time the claim is filed or were at the time of the claimant's death, and occupied and rented the property during any part of the base year.

62.1(2) If a homestead is occupied by two or more eligible claimants, each person may file a claim based upon each person's income and each person's share of the rent paid.

62.1(3) The computed reimbursement shall be determined in accordance with the applicable schedule provided in Iowa Code section 425.23(1) as adjusted by the indexed amount determined in Iowa Code section 425.23(4).

This rule is intended to implement Iowa Code sections 425.17(2) and 425.23.

441—62.2(425) Dual claims.

62.2(1) A claimant changing homesteads during the base year who will make property tax payments during the fiscal year following the base year and who also made rent payments during the base year is entitled to receive both a property tax credit and rent reimbursement.

62.2(2) Separate claim forms for the property tax credit and the rental reimbursement shall be filed with the county treasurer and the Iowa department of human services (DHS), respectively.

62.2(3) The claims are to be based on the actual property tax due and rent constituting property tax paid, with a combined maximum of \$1,000 upon which the credit and reimbursement can be calculated.

EXAMPLE: \$800 property tax due

\$400 rent constituting property taxes paid

- a.* The claim form for calculating the property tax credit shall reflect the entire \$800 amount.
- b.* The claim form for calculating the rent reimbursement shall reflect only the remaining \$200 of the \$1,000 maximum allowance.
- c.* DHS will issue refund warrants for rent reimbursement claims. The county treasurer shall apply the credit.

This rule is intended to implement Iowa Code section 425.24.

441—62.3(425) Multipurpose building.

62.3(1) A multipurpose building is a building which is used for other purposes in addition to being used for living accommodations. If a portion of a homestead property is utilized for business purposes, the property is considered to be a multipurpose building.

62.3(2) The portion of the property tax due or rent constituting property tax paid attributable to the homestead only is to be used in determining the allowable credit or reimbursement. This portion is to be calculated by determining the percentage of the homestead square footage to the square footage of the entire multipurpose structure. This percentage is then to be applied to the property tax due in the current fiscal year or rent constituting property tax paid for the base year.

This rule is intended to implement Iowa Code section 425.17(8).

441—62.4(425) Income.

HUMAN SERVICES DEPARTMENT[441](cont'd)

62.4(1) Income includes the amount of in-kind assistance received by the claimant for housing expenses such as federal rent subsidy payments made directly to the landlord on behalf of the claimant and energy assistance benefits received by the claimant from or through a public utility.

62.4(2) In determining income, net operating losses and net capital losses are not to be considered. If the comparison of gains and losses results in a net gain, such amount shall be considered income. If the comparison results in a net loss, the net loss shall be disregarded.

This rule is intended to implement Iowa Code section 425.17(7).

441—62.5(425) Simultaneous homesteads. A person who rents one property and also rents another property for a simultaneous period of time is limited to claiming rent reimbursement on the property which is considered the person's domicile.

This rule is intended to implement Iowa Code section 425.17(4).

441—62.6(425) Confidential information. Information contained on a rent reimbursement claim form is confidential except that the information may be released to an employee of the department of inspections and appeals to assist in the performance of an audit or investigation. Rule 701—6.3(17A) contains guidelines that govern such audits and investigations.

This rule is intended to implement Iowa Code section 425.28.

441—62.7(425) Mobile, modular, and manufactured homes. Rent paid by an eligible claimant for occupancy of a mobile, modular, or manufactured home subject to the annual tax as provided in Iowa Code chapter 435 is subject to reimbursement regardless of how the home is taxed.

This rule is intended to implement Iowa Code section 425.17(4).

441—62.8(425) Totally disabled.

62.8(1) A person who is totally disabled must be unable to engage in any substantial gainful employment by reason of any medically determinable physical or mental impairment. In addition, the impairment must have lasted or must be reasonably expected to last for a continuous period of 12 months or must be expected to result in death. This disabled condition must be the determining factor in the person's inability to engage in gainful employment.

62.8(2) A claimant is considered totally disabled only if the physical or mental impairment or impairments are of such severity that the claimant is not only unable to do work previously performed but cannot, considering the claimant's age, education, and work experience, engage in any other kind of substantial gainful work which exists in the national economy, regardless of whether such work exists in the immediate area in which the claimant lives, or whether a specific job vacancy exists, or whether the claimant would be hired if the claimant applied for work. 42 U.S.C. §423 contains more information about disability insurance benefit payments.

62.8(3) Examples of physical conditions which could possibly constitute total disability would include, but are not limited to:

- a.* Loss of major function of one or both legs or arms;
- b.* Progressive diseases which have resulted in the loss of one or both legs or arms or which have caused them to become useless; severe arthritis;
- c.* Diseases of the heart, lungs, or blood vessels which have resulted in serious loss of heart or lung reserve;
- d.* Diseases of the digestive system which have resulted in severe malnutrition, weakness, or anemia prohibiting gainful employment;
- e.* Damage to the brain or brain abnormality which has resulted in severe loss of judgment, intellect, orientation, or memory; or
- f.* Paralysis or diseases of the nervous system which prohibit coordination or major functioning of the body so as to prevent gainful employment.

HUMAN SERVICES DEPARTMENT[441](cont'd)

62.8(4) For purposes of this rule, a person shall not be considered unable to engage in substantial gainful employment unless the person has attained the age of 18 on or before December 31 of the base year.

This rule is intended to implement Iowa Code section 425.17(11).

441—62.9(425) Nursing homes. A claimant whose homestead is a nursing home is eligible to file a reimbursement claim for rent constituting property tax paid unless the person is eligible for a property tax credit on an owned homestead.

This rule is intended to implement Iowa Code section 425.17(4).

441—62.10(425) Household. “Household” includes the claimant and the claimant’s spouse if living with the claimant at any time during the base year. “Living with” does not include a temporary visit. Only one claimant per household is entitled to a reimbursement.

This rule is intended to implement Iowa Code sections 425.17(5) and 425.22.

441—62.11(425) Homestead. A person who owns a homestead but is confined to a care facility shall be considered as occupying the owned homestead provided the person does not lease or otherwise receive profits from others for the use of the homestead. The person shall be eligible for a property tax credit but shall not be eligible for a rent reimbursement.

This rule is intended to implement Iowa Code section 425.17(4).

441—62.12(425) Household income.

62.12(1) Household income includes income of the claimant and the claimant’s spouse and actual monetary payments made to the claimant by any other person living with the claimant. Household income does not include social security benefits received by the claimant’s child and given to the claimant.

62.12(2) Monetary payments do not include goods and services provided to the claimant by a person living with the claimant.

This rule is intended to implement Iowa Code sections 425.17(6) and 425.17(7).

441—62.13(425) Timely filing of claims. If a timely mailed rent reimbursement claim is not received by DHS or is received after the June 1 filing deadline, the claim will be considered to have been timely filed if the claimant complies with the provisions of Iowa Code section 622.105. The director of DHS or the director’s designee may also extend the filing deadline for rent reimbursement claims through December 31 of the following year.

This rule is intended to implement Iowa Code section 425.20.

441—62.14(425) Separate homestead—spousal rent reimbursements. If two spouses are both qualified claimants renting separate and distinct homesteads, and rent is paid by each, each is eligible to file an individual reimbursement claim for rent constituting property tax paid.

This rule is intended to implement Iowa Code section 425.17(4).

441—62.15(425) Gross rent/rent constituting property taxes paid. “Gross rent” means the total amount of rent paid for use of the homestead by the claimant, and “rent constituting property taxes paid” means 23 percent of the gross rent.

This rule is intended to implement Iowa Code sections 425.17(3) and 425.17(9).

441—62.16(425) Leased land. An individual who owns a dwelling located on land owned by another may claim a credit of property taxes due on the dwelling and a reimbursement of rental payments made for the use of the land if the land has been assessed for taxation.

This rule is intended to implement Iowa Code section 425.17(4).

HUMAN SERVICES DEPARTMENT[441](cont'd)

441—62.17(425) Property: taxable status. In order for a claimant to be eligible to file a rent reimbursement claim, the property upon which the claimant resided during the base year must have been in a taxable status during the base year. If the property was taxable for only part of the base year, the rent reimbursement must be prorated accordingly (OP.ST. BD. Tax Rev. 187). However, this restriction does not apply to property that became tax exempt on or after July 1, 1986, provided the claimant received a reimbursement of rent constituting property taxes paid on the property when it was in a taxable status and continues to reside in the same property.

This rule is intended to implement Iowa Code section 425.17(4).

441—62.18(425) Income: spouse. The income of a spouse does not have to be reported on the claimant's return unless the spouse lived with the claimant at the property upon which rent reimbursement is claimed. If the spouse lived with the claimant for only a portion of the base year, only that portion of the spouse's income which was received while living with the claimant must be reported as income on the claimant's return. If the spouse is eligible to claim reimbursement, the spouse does not have to include any income that was reported on the other claimant's (spouse's) return.

This rule is intended to implement Iowa Code section 425.17(6).

441—62.19(425) Common law marriage.

62.19(1) A common law marriage is a social relationship between two persons that meets all the necessary requisites of a marriage except that it was not solemnized, performed, or witnessed by an official authorized by law to perform marriages.

62.19(2) The necessary elements of a common law marriage are:

- a. A present intent of both parties freely given to become married,
- b. A public declaration by the parties or a holding out to the public that they are spouses,
- c. Continuous cohabitation together as spouses (this means consummation of the marriage), and
- d. Both parties must be capable of entering into the marriage relationship.

62.19(3) No special time limit is necessary to establish a common law marriage.

This rule is intended to implement Iowa Code section 425.17.

441—62.20(425) Deceased claimant. A claim for rent reimbursement may be filed on behalf of a deceased person by the person's spouse, attorney, guardian, or the executor or administrator of the person's estate.

This rule is intended to implement Iowa Code sections 425.17(2) and 425.18.

441—62.21(425) Audit of claim.

62.21(1) Authority. DHS may investigate the eligibility of a claimant for rent reimbursement.

62.21(2) Recomputed rent reimbursement claim. If DHS determines a computed rent reimbursement is in error, DHS shall collect any overpayment from the claimant or reimburse the claimant for any underpayment. If a claimant fails to reimburse DHS for an overpayment, the amount of overpayment shall be deducted from any future rent reimbursement to which the claimant is entitled.

This rule is intended to implement Iowa Code section 425.27.

441—62.22(425) Extension of time for filing a claim. The granting of an extension of time for filing a claim for reimbursement does not extend the time within which or the dates on or by which eligibility requirements must be satisfied.

This rule is intended to implement Iowa Code section 425.20.

441—62.23(425) Annual adjustment factor. The income levels used for determining the allowable percent rent reimbursement shall be adjusted each year to reflect the inflation factor as computed pursuant to Iowa Code section 422.4.

This rule is intended to implement Iowa Code sections 425.23 and 435.22(2).

HUMAN SERVICES DEPARTMENT[441](cont'd)

441—62.24(425) Proration of claims. If the director of DHS or the director’s designee determines that the amount of funding provided pursuant to Iowa Code section 425.39 will be insufficient to pay all rent reimbursement claims filed, the director or the director’s designee shall estimate the percentage at which the claims will be paid and shall prorate the payment of each rent reimbursement claim by the same estimated percentage.

This rule is intended to implement Iowa Code sections 25B.7 and 425.39.

441—62.25(425) Unreasonable hardship. In order to avoid any unreasonable hardship to a claimant, the director of DHS or the director’s designee may review the facts and circumstances of the claim as set forth by the claimant. The director or the director’s designee may investigate all factors related to the specific case as deemed appropriate by the director or the director’s designee. If the director or the director’s designee is satisfied that the claim qualifies as an undue hardship for the claimant, the claim will be approved by the director or the director’s designee.

This rule is intended to implement Iowa Code section 425.37.

441—62.26(425) Appeal. Notice of adverse action taken by DHS shall be issued in accordance with 441—Chapter 16, and the right to appeal shall be given in accordance with 441—Chapter 7.

This rule is intended to implement Iowa Code chapter 17A.

ARC 6394C

HUMAN SERVICES DEPARTMENT[441]

Notice of Intended Action

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

The Human Services Department hereby proposes to amend Chapter 65, “Food Assistance Program Administration,” Iowa Administrative Code.

Legal Authority for Rule Making

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

State or Federal Law Implemented

This rule making implements, in whole or in part, Iowa Code section 234.6 and 7 CFR Part 273.

Purpose and Summary

The rules in Chapter 65 were reviewed as part of the Department’s five-year rules review.

This proposed rule making:

- Changes the name of the program from Food Assistance (FA) to the federal Supplemental Nutrition Assistance Program (SNAP).
- Removes obsolete form names and numbers.
- Updates the rules with current requirements for verifying expenses, how the expenses are calculated, and how the Department acts on reported changes.
- Removes specific dollar amounts of reporting requirements and deductions and replaces those amounts with information about how the deduction or reporting requirement is determined.
- Updates the employment and training section with current information about who is eligible to receive services and how those services are managed.

Fiscal Impact

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

HUMAN SERVICES DEPARTMENT[441](cont'd)

Jobs Impact

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

Waivers

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

Public Comment

Any interested person may submit written comments concerning this proposed rule making. Written comments in response to this rule making must be received by the Department no later than 4:30 p.m. on July 19, 2022. Comments should be directed to:

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

Public Hearing

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

Review by Administrative Rules Review Committee

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

The following rule-making actions are proposed:

ITEM 1. Amend **441—Chapter 65**, title, as follows:

~~FOOD~~ SUPPLEMENTAL NUTRITION ASSISTANCE PROGRAM ADMINISTRATION

ITEM 2. Amend **441—Chapter 65**, preamble, as follows:

PREAMBLE

The basis for the ~~food assistance program~~ Supplemental Nutrition Assistance Program (SNAP) is as provided in Title 7 of the Code of Federal Regulations. The purpose of this chapter is to provide for adoption of new and amended federal regulations as they are published, to establish a legal basis for Iowa's choice of administrative options when administrative options are given to the state in federal regulations, to implement the policy changes that the United States Department of Agriculture (USDA) directs states to implement that are required by law but are not yet included in federal regulations, and to implement USDA-approved demonstration projects and waivers of federal regulations.

ITEM 3. Amend rule 441—65.1(234) as follows:

441—65.1(234) Definitions.

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

HUMAN SERVICES DEPARTMENT[441](cont'd)

~~“Food assistance” means benefits provided by the federal program administered through Title 7, Chapter II of the Code of Federal Regulations, Parts 270 through 283.~~

~~“Notice of expiration” means either a message printed on an application for continued program participation, Review/Recertification Eligibility Document (RRED), Form 470-2881, which is automatically issued to the household, or a hand-issued Form 470-0325, Notice of Expiration.~~

~~“Parent” means natural, legal, or stepmother or stepfather.~~

~~“Sibling” means biological, legal, step, half, or adoptive brother or sister.~~

~~“Supplemental Nutrition Assistance Program” or “SNAP” means benefits provided by the federal program administered through 7 CFR Parts 270 through 283 as amended to May 2, 2022.~~

ITEM 4. Amend subrule 65.2(1) as follows:

65.2(1) Application filing. Persons in need of ~~food assistance~~ SNAP benefits may file an application in person at any local department office in Iowa or ~~over the Internet~~ by mail, by fax, or online.

a. An application is filed the day a local department office receives an application for ~~food assistance~~ SNAP benefits that contains the applicant’s name and address and is signed by either a responsible member of the household or the household’s authorized representative. The application ~~may~~ must be filed on: Form 470-0462 or 470-0462(S). Applying through the self-service portal constitutes submission of this application.

~~(1) Form 470-0306 or 470-0307 (Spanish), Application for Food Assistance;~~

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

~~(3) Form 470-4080 or 470-4080(S), Electronic Food Assistance Application.~~

b. When an application is ~~delivered~~ submitted to a closed office, it will be considered received on the first day that is not a weekend or state holiday following the day that the office was last open. An electronic application received outside of normal business hours is considered received on the first department workday following the date the department office received the application.

e. ~~A household shall complete a Health and Financial Support Application when any person in the household is applying for or receiving aid through the family investment program, family medical assistance program (FMAP)-related Medicaid, or the refugee resettlement assistance programs.~~

~~*d. c.* The application is complete when a completed application form is submitted. If an incomplete application form is submitted, it cannot be processed until a completed form is received.~~

e. d. Households receiving ~~food assistance~~ SNAP benefits in Iowa may apply for continued participation by submitting Form 470-2881, ~~Review/Recertification Eligibility Document.~~

ITEM 5. Amend rule 441—65.3(234) as follows:

441—65.3(234) Administration of program. ~~The food assistance program~~ SNAP shall be administered in accordance with the Food and Nutrition Act of 2008, 7 U.S.C. 2011 et seq., and in accordance with ~~federal regulation, Title 7, Parts 270 through 283~~ 7 CFR Parts 270 through 283 as amended to ~~June 19, 2006~~ May 2, 2022. A copy of the federal law and regulations may be obtained at no more than the actual cost of reproduction by contacting the Division of Financial, ~~Health~~ Food, and Work Supports, Department of Human Services, Hoover State Office Building, 1305 East Walnut Street, Des Moines, Iowa 50319-0114, ~~(515)281-3133~~.

ITEM 6. Amend rule 441—65.4(234), introductory paragraph, as follows:

441—65.4(234) Issuance. The department shall issue ~~food assistance~~ SNAP benefits by electronic benefits transfer (EBT) cards.

ITEM 7. Amend rule 441—65.5(234) as follows:

441—65.5(234) Simplified reporting.

65.5(1) and 65.5(2) No change.

65.5(3) Certification periods. Households shall be certified as follows:

a. and *b.* No change.

c. Exceptions:

HUMAN SERVICES DEPARTMENT[441](cont'd)

(1) A household that has unstable circumstances or that includes an able-bodied adult without dependents shall be assigned a shorter certification period consistent with the household's circumstances, but ~~generally~~ no less than ~~three~~ four months.

(2) A shorter certification period may be assigned at application or recertification to match the ~~food assistance~~ SNAP recertification date to the family investment program (FIP) or medical assistance annual review date.

65.5(4) Reporting responsibilities. Simplified reporting households are required to report changes as follows:

a. and b. No change.

c. The household shall report if a member wins substantial lottery or gambling winnings. Substantial winnings are defined as a cash prize equal to or greater than the maximum allowable financial resource limit for elderly or disabled households. The household must report this change within ten days of the end of the month in which the winning occurs.

~~65.5(5) Verification submitted with report form.~~ Rescinded IAB 9/10/08, effective 10/1/08.

~~65.5(6) Additional information and verification.~~ Rescinded IAB 9/10/08, effective 10/1/08.

~~65.5(7) Action on reported changes.~~ The department shall act on all reported changes for households regardless of the household's reporting requirements.

~~65.5(8) Entering or leaving simplified reporting.~~ Rescinded IAB 9/10/08, effective 10/1/08.

~~65.5(9) Reinstatement.~~ Rescinded IAB 9/10/08, effective 10/1/08.

ITEM 8. Amend rule 441—65.8(234) as follows:

441—65.8(234) Deductions.

65.8(1) Standard allowance for households with heating or air-conditioning expenses. When a household is receiving heating or air-conditioning service for which it is required to pay all or part of the expense or receives assistance under the Low-Income Home Energy Assistance Act (LIHEAA) of 1981, the heating or air-conditioning standard shall be allowed.

a. No change.

b. Effective October 1, ~~2013~~ 2021, ~~five~~ four dollars will be subtracted from this amount to allow for cost neutrality necessary for the standard medical expense deduction.

65.8(2) to 65.8(4) No change.

65.8(5) Standard allowance for households without heating or air-conditioning expenses. When a household is receiving some utility service other than heating or air-conditioning for which it is responsible to pay all or part of the expense, the nonheating or air-conditioning standard shall be allowed. These utility expenses cannot be solely for telephone.

a. No change.

b. Effective October 1, ~~2013~~ 2021, ~~five~~ four dollars will be subtracted from this amount to allow for cost neutrality necessary for the standard medical expense deduction.

65.8(6) No change.

65.8(7) Excess medical expense deduction. Notwithstanding anything to the contrary in these rules or regulations, at certification, households having a member eligible for the excess medical expense deduction shall be allowed to provide verification of expenses so that a reasonable projection of the member's medical expenses anticipated to occur during the household's certification period can be made. The household may choose to claim actual expenses or to use the standard medical expense deduction.

a. No change.

b. *Standard medical expense.*

(1) A household may choose a standard medical expense deduction of ~~\$105~~ if the household incurs more than \$35 per month in medical expenses.

(2) No change.

(3) The amount of the standard medical expense deduction must be approved by the Food and Nutrition Service of the U.S. Department of Agriculture. The amount of the standard is reviewed periodically and adjustments are requested when needed.

~~e. Rescinded IAB 8/1/07, effective 10/1/07.~~

HUMAN SERVICES DEPARTMENT[441](cont'd)

~~65.8(8) *Child support payment deduction.* Rescinded IAB 5/2/01, effective 6/1/01. A household may receive a deduction equal to the amount paid for legally obligated child support.~~

~~65.8(9) *Standard deduction.* Each household will receive a standard deduction from income equal to 8.31 percent of the net income limit for food assistance eligibility. No household will receive an amount less than \$144 or more than 8.31 percent of the net income limit for a household of six members based on a formula set forth in regulations at 7 CFR 273.9(d) as amended to May 2, 2022. The amount of the standard deduction is adjusted for inflation annually as directed by the Food and Nutrition Service of the U.S. Department of Agriculture.~~

~~65.8(10) *Sharing utility standards.* Rescinded IAB 9/4/02, effective 10/1/02.~~

~~65.8(11) *Excess shelter cap.* Rescinded IAB 5/2/01, effective 6/1/01.~~

~~65.8(10) *Homeless standard deduction.* A household in which all members are homeless may choose the homeless standard deduction in place of the shelter and utility expenses deduction.~~

~~a. Households choosing this option are not required to verify shelter-related expenses.~~

~~b. Households choosing this option are not eligible to receive a shelter or utility deduction.~~

~~c. The amount of the homeless standard deduction is determined by the Food and Nutrition Service of the U.S. Department of Agriculture and adjusted annually.~~

~~This rule is intended to implement Iowa Code section 234.12.~~

ITEM 9. Amend rule 441—65.9(234) as follows:

441—65.9(234) Treatment centers and group living arrangements. Alcohol or drug treatment or rehabilitation centers and group living arrangements shall ~~complete Form 470-2724, Monthly Facility Report, provide a list of participating residents to the department on a monthly basis and return the form to the local department office where the center is assigned.~~

ITEM 10. Amend rule 441—65.13(234) as follows:

441—65.13(234) Joint processing.

~~65.13(1) *Joint processing with SSI.* The department will handle joint processing of supplemental security income and food assistance SNAP applications by having the social security administration complete and forward food assistance SNAP applications.~~

~~65.13(2) *Joint processing with public assistance.* The department shall jointly process public assistance and food assistance SNAP applications.~~

~~65.13(3) *Single interview for assistance.* In joint processing of public assistance and food assistance SNAP applications, the department shall conduct a single interview at initial application for both purposes.~~

ITEM 11. Amend rule 441—65.16(234) as follows:

441—65.16(234) Complaint system. Clients wishing to file a formal written complaint concerning ~~the food assistance program SNAP~~ may submit Form 470-0323, or 470-0323(S), ~~Food Assistance Complaint~~, to the office of field support. Department staff shall encourage clients to use the form.

ITEM 12. Amend rule 441—65.20(234) as follows:

441—65.20(234) Notice of expiration issuance. Issuance of the automated Notice of Expiration will occur with the mailing of Form 470-2881, 470-2881(M), 470-2881(S), or 470-2881(MS).

~~65.20(1) Issuance of the automated Notice of Expiration will occur with the mailing of Form 470-2881, 470-2881(M), 470-2881(S), or 470-2881(MS), Review/Recertification Eligibility Document (RRED), or a hand-issued Form 470-0325, Notice of Expiration.~~

~~65.20(2) Issuance of the Notice of Expiration, Form 470-0325, will occur at the time of certification if the household is certified for one month, or for two months, and will not receive the automated Notice of Expiration.~~

HUMAN SERVICES DEPARTMENT[441](cont'd)

ITEM 13. Amend rule 441—65.21(234) as follows:

441—65.21(234) Claims.

65.21(1) No change.

~~**65.21(2)** *Suspension status.* Rescinded IAB 7/1/98, effective 8/5/98.~~

~~**65.21(3)** *Application of restoration of lost benefits.* Rescinded IAB 3/6/02, effective 5/1/02.~~

65.21(4) ~~**65.21(2)**~~ *Demand letters.* Households that have food assistance SNAP claims shall return the repayment agreement no later than 20 days after the date the demand letter is mailed.

a. and b. No change.

~~**65.21(5)**~~ **65.21(3)** *Adjustments for claim repayment.* A household or authorized representative may initiate a claim repayment by using benefits in an EBT account. The client or authorized representative shall complete Form 470-2574, ~~EBT Adjustment Request~~, to authorize adjustments to a household's EBT account.

~~**65.21(6)** *Collection of claims.* Rescinded IAB 5/30/01, effective 8/1/01.~~

ITEM 14. Amend subrule 65.22(1) as follows:

65.22(1) *Required verification.*

a. Income. Households shall be required to verify income at time of application, recertification and when income is reported or when income changes with the following exceptions:

~~1-~~ **(1)** Households are not required to verify the public assistance grant.

~~2-~~ **(2)** Households are not required to verify job unemployment insurance benefits when the information is available to the department from the department of employment services.

~~3-~~ **(3)** Households are only required to verify interest income at the time of application and recertification.

(4) If the reported income does not meet federal requirements for acting on changes during the certification period, verification will not be required until the next certification.

b. Dependent care costs. ~~Rescinded IAB 3/10/10, effective 2/10/10.~~ Households shall be required to verify dependent care costs at the time of application and recertification.

c. No change.

d. Shelter costs. ~~Rescinded IAB 3/10/10, effective 2/10/10.~~ Households shall be required to verify shelter costs at the time of application, recertification, or when an address change is reported.

e. Utilities. ~~Rescinded IAB 3/10/10, effective 2/10/10.~~ Households shall be required to verify utility costs at the time of application, recertification, or when an address change is reported.

f. Telephone expense. ~~Rescinded IAB 5/2/01, effective 6/1/01.~~ Households shall be required to verify telephone costs at the time of application and recertification.

g. Child support payment deduction. Households shall be required to verify legally obligated child support and child medical support payments made to a person outside of the food assistance SNAP household only at certification and recertification and whenever the household reports a change.

ITEM 15. Amend subrule 65.22(3) as follows:

65.22(3) *Special verification procedures.* Persons whose applications meet the initial criteria for error-prone cases may be subject to special verification procedures, including a second face-to-face interview and additional documentation requirements in accordance with department of inspections and appeals' rules in 481—Chapter 72.

~~Clients are required Failure to cooperate with the investigation division of the department of inspections and appeals in establishing eligibility factors, including attending requested interviews. Refusal to cooperate will not result in denial or cancellation of the household's food assistance SNAP benefits. Once denied or terminated for refusal to cooperate, the household may reapply but shall not be determined eligible until cooperation occurs. The investigations division will gather as much information as possible without the client's cooperation. If further information is needed based on those findings, a request for information must be sent to the household.~~

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ITEM 16. Amend rule 441—65.24(234) as follows:

441—65.24(234) Inclusion of foster children in household. Foster children living with foster parents will not be considered to be members of the ~~food assistance~~ SNAP household unless the household elects to include the foster children in the household. Foster care payments received for foster children not included in the household will be excluded from the income of the household receiving the payment.

ITEM 17. Amend rule 441—65.25(234) as follows:

441—65.25(234) Effective date of change. A ~~food assistance~~ SNAP change caused by, or related to, a public assistance grant change will have the same effective date as the public assistance change.

ITEM 18. Amend rule 441—65.27(234) as follows:

441—65.27(234) Voluntary quit or reduction in hours of work.

65.27(1) Applicant households. A member of an applicant household who without good cause voluntarily quits a job or reduces hours of work to less than 30 hours weekly within 30 days before the date the household applies for benefits shall be disqualified from participating in ~~the food assistance program~~ SNAP according to the provisions of paragraphs ~~65.28(12)“a”~~ 65.28(10)“a” and “b.”

65.27(2) Participating individuals. Participating individuals are subject to the same disqualification periods as provided under subrule ~~65.28(12)~~ 65.28(10) when the participating individuals voluntarily quit employment without good cause or voluntarily reduce hours of work to less than 30 hours per week, beginning with the month following the adverse notice period.

ITEM 19. Amend rule 441—65.28(234) as follows:

441—65.28(234) Work requirements.

65.28(1) Persons required to register. Each household member who is not exempt by subrule 65.28(2) shall be registered for employment at the time of application, and once every 12 months after initial registration, as a condition of eligibility. Registration is accomplished when the applicant signs an application form that contains a statement that all members in the household who are required to register for work are willing to register for work. This signature registers all members of that ~~food assistance~~ SNAP household ~~that who~~ are required to register.

65.28(2) to 65.28(6) No change.

65.28(7) Employment and training (E&T) program. The department shall design and operate an employment and training program with the purpose of providing SNAP participants opportunities to gain skills, training, work, or experience that will increase their ability to obtain regular employment and meet state or local workforce needs in accordance with the Food and Nutrition Act of 2008, 7 U.S.C. 2011 et seq.

a. The employment and training program for food assistance recipients is designed to assist serves individuals who are:

(1) Persons who have lost jobs or are underemployed and who need new skills in order to reenter the workplace because there are no jobs available for which the persons are trained SNAP recipients or SNAP applicants.

(2) Persons who have been out of the workforce for a period of time to regain licensure or certification in an area in which they are already trained Not receiving FIP assistance or other cash assistance under Title IV such as Tribal Temporary Assistance for Needy Families (TANF) or Refugee Cash Assistance.

(3) Persons who wish to upgrade their employment for better wages and benefits Physically and mentally able to work or will be able to work within the next one year.

b. The department or its designee shall serve as the provider of employment and training services for ~~food assistance~~ SNAP recipients who wish to volunteer, except for those who are also recipients of ~~family investment program (FIP)~~ FIP benefits. Federal law prohibits FIP recipients from participating in any ~~food assistance~~ SNAP employment and training program.

HUMAN SERVICES DEPARTMENT[441](cont'd)

c. The program offers a range of services from basic skills to advanced occupational training in order to accommodate persons with various levels of need and abilities. The department or its designee may require a ~~volunteer~~ potential E&T participant to engage in aptitude or vocational testing activities when deemed necessary to determine if a component is appropriate for improving ~~the volunteer's opportunity for employment~~ employability.

d. The E&T program shall be designed in consultation with the state workforce development board, or with private employers or employer organizations if the department determines the latter approach is more effective and efficient.

(1) The E&T program shall be designed to include case management services and at least one or more, or a combination of employment and training components.

(2) An E&T plan shall be submitted to the Food and Nutrition Service (FNS) of the U.S. Department of Agriculture annually in accordance with 7 CFR 273.7(c)(6) as amended to May 2, 2022, and shall be amended as necessary within the required time frame prior to implementation.

~~65.28(8) Employment and training components. All E&T participants shall be provided case management services and at least one employment and training component in accordance with 7 CFR 237.7(e) as amended to May 2, 2022. Employment and training components include individual job search, job club, educational services, and job retention services. The department or its designee shall offer employment and training components subject to the availability of sufficient funding to cover program costs. Availability of components may vary among the areas where employment and training are offered shall be provided as approved in the most recent FNS-approved E&T state plan.~~

~~*a.* Individual job search. The individual job search shall be modeled after the family investment program's PROMISE JOBS individual job search component, as described at 441—subrule 93.6(2).~~

~~*b.* Job club. The employment and training job club shall be modeled after the family investment program's PROMISE JOBS job club, as described at 441—subrule 93.6(1).~~

~~*c.* Educational services. Educational services offered shall include general educational development (GED), adult basic education (ABE), English as a second language (ESL), and vocational training or educational opportunities limited to a two-year college degree. Educational services may include, but are not limited to, obtaining continuing education credit hours needed for a recipient to become recertified or to renew licensure for a profession.~~

~~*d.* Job retention services. Job retention services are intended to provide needed assistance with costs associated with beginning employment. Services are available only to persons who have received employment or training services under this subrule. Job retention services will be offered up to 90 days after the person secures employment. Services may include payment of:~~

~~(1) A transportation allowance of \$50 per month for round-trip travel of 50 miles or less or \$100 per month for round-trip travel of 51 miles or more.~~

~~(2) The cost of testing, certification, licensing, bonding, or legal services required for employment.~~

~~(3) The cost of equipment, tools, uniforms, or other special clothing required by the job.~~

~~(4) Other reasonable and necessary costs related to starting and retaining employment.~~

~~65.28(9) Exemptions from employment and training programs. Rescinded IAB 5/5/10, effective 4/15/10.~~

~~65.28(10) Time spent in an employment and training program. Rescinded IAB 5/5/10, effective 4/15/10.~~

~~65.28(11) 65.28(9) Supportive services. Program participants shall be provided with services necessary to complete an employment and training component to the extent allowable under federal regulations at 7 CFR 237.7(e)(4) as amended to January 1, 2009, and to the extent there is sufficient funding to cover the costs. The department shall provide participant reimbursements for expenses that are reasonable and necessary and directly related to participation in the E&T program. Supportive services shall be provided to the extent allowable under federal regulations at 7 CFR 237.7(d)(4) as amended to May 2, 2022, and as approved in the most recent FNS-approved E&T state plan and to the extent there is sufficient funding to cover the costs.~~

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~~a. The department shall provide participants in employment and training components an allowance for costs of transportation or other costs reasonably necessary and directly related to participation in the components as follows:~~

~~(1) A transportation allowance of \$50 per month for round-trip travel of 50 miles or less or \$100 per month for round-trip travel of 51 miles or more.~~

~~(2) Reasonable and necessary costs of attending a specific course of study, such as tuition, books, fees, training manuals, tools, equipment, uniforms and special clothing, safety items, and other items that all students in the course are required to have.~~

~~b. The department may authorize the employment and training service provider to reimburse the provider of care directly for the costs of dependent care expenses that the employment and training service provider determines to be necessary for the participation of a person in the components.~~

~~(1) Reimbursement for dependent care shall be authorized only to the extent that another source is not available to provide the care at no cost to the employment and training program and shall be based on the child care assistance program reimbursement rates as described at 441—paragraph 170.4(7) “a.”~~

~~(2) The caretaker relative of a dependent in a family receiving FIP is not eligible for the dependent care reimbursement.~~

~~65.28(12) 65.28(10) Failure to comply.~~ This subrule applies only to persons who are mandatory work registrants as required by subrule 65.28(1).

~~a. When a person has refused or failed without good cause to comply with the work registration requirements in this rule, that person shall be ineligible to participate in the food assistance program SNAP as follows:~~

~~(1) to (3) No change.~~

~~b. No change.~~

~~65.28(13) 65.28(11) Noncompliance with comparable requirements.~~ The department shall treat a mandatory work registrant's failure to comply with an unemployment compensation requirement that is comparable to a food assistance SNAP work registration requirement as a failure to comply with the corresponding food assistance SNAP requirement. Disqualification procedures in subrule 65.28(12) 65.28(10) shall be followed.

~~65.28(14) 65.28(12) Ending disqualification.~~ Following the end of the disqualification periods for noncompliance and as provided in rules 441—65.27(234) and 441—65.28(234), participation may resume.

~~a. to c. No change.~~

~~65.28(15) 65.28(13) Suitable employment.~~ Employment shall be considered unsuitable if:

~~a. to e. No change.~~

~~65.28(16) 65.28(14) Applicants for supplemental security income (SSI) and food assistance SNAP.~~ Household members who are jointly applying for SSI and for food assistance SNAP shall have the requirements for work registration waived until:

~~a. and b. No change.~~

~~65.28(17) 65.28(15) Determining good cause.~~ The department or its designee shall determine whether good cause exists for failure to comply with the work registration, employment and training, and voluntary quit requirements in 441—Chapter 65. In determining whether good cause exists, the facts and circumstances shall be considered, including information submitted by the household member involved and the employer.

Good cause shall include circumstances beyond the member's control, such as, but not limited to, illness of the registrant or of another household member requiring the presence of the registrant, a household emergency, the unavailability of transportation, or the lack of adequate child care for children who have reached age 6 but are under age 12.

~~65.28(18) 65.28(16) Measuring the three-year period for able-bodied nonexempt adults without dependents.~~ The three-year period as provided for in federal regulations at 7 CFR 273.24 as amended to ~~June 19, 2002~~ May 2, 2022, starts on December 1, 2002, and ends November 30, 2005. Subsequent three-year periods start with the month of December following the end of the previous period.

~~65.28(19) 65.28(17) Mini-simplified food assistance program SNAP.~~

HUMAN SERVICES DEPARTMENT[441](cont'd)

a. Scope. The department operates a mini-simplified ~~food assistance program~~ SNAP for households that:

- (1) Also receive benefits under ~~the family investment program~~ FIP; and
- (2) Include a parent who is exempt from ~~food assistance~~ SNAP requirements for work registration due to caring for a child under the age of six.

b. Effect. The mini-simplified ~~food assistance program~~ SNAP allows replacement of certain ~~food assistance program~~ SNAP work rules with work rules of the Temporary Assistance to Needy Families TANF program. The value of the household's monthly ~~food assistance~~ SNAP benefits shall be combined with the household's monthly ~~family investment program~~ FIP benefit amount to determine the maximum number of hours the department can require a household member under ~~the family investment program~~ FIP to participate in an unpaid work activity that is subject to the federal Fair Labor Standards Act. Maximum required hours of participation for a month are determined by dividing the total amount of benefits by the state or federal minimum wage, whichever wage is higher.

ITEM 20. Amend rule 441—65.29(234) as follows:

441—65.29(234) Income.

65.29(1) *Self-employment income.* “Self-employment income” means the net profit from self-employment.

a. Determination of net profit. “Net profit from self-employment” means gross self-employment income less:

- (1) No change.
- (2) At the household's request, actual allowable expenses as specified in federal regulations at 7 CFR 273.11 as amended to ~~January 1, 2011~~ May 2, 2022.

b. No change.

65.29(2) *Job Unemployment insurance benefits.* ~~When the department of human services uses information provided by the department of workforce development to verify job insurance benefits, the benefits shall be considered received the second day after the date that the check was mailed. When the second day falls on a Sunday or federal legal holiday, the time shall be extended to the next mail delivery day. The department shall verify unemployment insurance benefits by using information supplied by the department of workforce development.~~

When the client notifies the agency that the amount of job unemployment insurance benefits used is incorrect, the client shall be allowed to verify the discrepancy. A benefit adjustment shall be made when indicated. ~~The client must report the discrepancy before the benefit month or within ten days of the date on the Notice of Decision, Form 470-0485, 470-0486, or 470-0486(S), applicable to the benefit month, whichever is later, in order to receive corrected benefits.~~

~~**65.29(3) *Exclusion of income from 2000 census employment.*** Rescinded IAB 9/4/02, effective 10/1/02.~~

~~**65.29(4) 65.29(3) *Interest income.*** Prorate interest income by dividing the amount anticipated during the certification period by the number of months in the certification period.~~

~~**65.29(5) 65.29(4) *Social security plans for achieving self-support (PASS).*** Notwithstanding anything to the contrary in these rules or regulations, exclude income amounts necessary for fulfillment of a plan for achieving self-support (PASS) under Title XVI of the Social Security Act.~~

~~**65.29(6) 65.29(5) *Student income.*** In determining eligibility, the department shall exclude educational income, including any educational loans on which payment is deferred, grants, scholarships, fellowships, veterans' educational benefits, and the like excluded under Title XIX of the Social Security Act (42 U.S.C. 1396 et seq.): for the state's modified adjusted gross income (MAGI)-related Medicaid program, subject to paragraph 65.29(5) "d."~~

a. to c. No change.

d. Certain types of student income must be treated as follows, regardless of how they are considered for MAGI-related Medicaid.

- (1) Wages may not be excluded.
- (2) Federally funded work study is excluded.

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(3) State-funded work study is excluded up to the amount earmarked for educational expenses.

~~65.29(7) Elementary and high school student income.~~ Rescinded IAB 5/2/01, effective 6/1/01.

~~65.29(8) Vendor payments.~~ Rescinded IAB 5/2/01, effective 6/1/01.

~~65.29(9) HUD or FmHA utility reimbursement.~~ Rescinded IAB 5/2/01, effective 6/1/01.

~~65.29(10)~~ **65.29(6)** *Welfare reform and regular household honorarium income.* All moneys paid to a ~~food assistance~~ SNAP household in connection with the welfare reform demonstration longitudinal study or focus groups shall be exempted.

~~65.29(11)~~ **65.29(7)** *Income of ineligible aliens.* The department shall use all but a ~~pro-rata~~ pro rata share of ineligible aliens' income and deductible expenses to determine eligibility and benefits of any remaining household members.

~~65.29(12)~~ **65.29(8)** *Unearned income.* Unearned income is any income in cash that is not gained by labor or service. When taxes are withheld from nongovernment sources of unearned income, the amount considered will be the net income after the withholding of taxes (Federal Insurance Contribution Act, state and federal income taxes). Net unearned income shall be determined by deducting reasonable income-producing costs from the gross unearned income. Money left after this deduction shall be considered gross income available to the household.

ITEM 21. Amend subrule 65.30(2) as follows:

65.30(2) *Resource limit.* The resource ~~limit for a household that includes a person aged 60 or over or a disabled person is \$3000.~~ The resource limit for other households is \$2000. These amounts ~~limits~~ follow federal regulations at 7 CFR 273.8(b) as amended to May 2, 2022, and are adjusted for inflation annually as directed by the Food and Nutrition Service of the U.S. Department of Agriculture.

ITEM 22. Amend subrule 65.30(3) as follows:

65.30(3) *Resources of SSI and FIP household members.* Notwithstanding anything to the contrary in these rules or in federal regulations, all resources of SSI or FIP recipients are excluded. For ~~food assistance~~ SNAP purposes, those members' resources, if identified, cannot be included when a household's total resources are calculated.

ITEM 23. Amend paragraph **65.30(4)“a”** as follows:

a. The person receiving the EITC was participating in ~~the food assistance program~~ SNAP at the time the credits were received; and

ITEM 24. Amend subrule 65.30(5) as follows:

65.30(5) *Student income.* Exclude from resources any income excluded by subrule ~~65.29(6)~~ 65.29(5).

ITEM 25. Amend subrule 65.30(6) as follows:

65.30(6) *Motor vehicles.* One motor vehicle per household shall be excluded without regard to its value. The value of remaining motor vehicles shall be determined using federal regulations at 7 CFR 273.8, as amended to ~~April 29, 2003~~ May 2, 2022.

ITEM 26. Amend rule 441—65.31(234) as follows:

441—65.31(234) Homeless meal providers. When a local office of the department is notified that an establishment or shelter has applied to be able to accept ~~food assistance~~ SNAP benefits for homeless persons, staff shall obtain a written statement from the establishment or shelter. The statement must contain information on how often meals are served by the establishment or shelter, the approximate number of meals served per month, and a statement that the establishment or shelter does serve meals to homeless persons. This information must be dated and signed by a person in charge of the administration of the establishment or shelter and give the person's title or function with the establishment.

The establishment or shelter shall cooperate with agency staff in the determination of whether or not meals are served to the homeless.

HUMAN SERVICES DEPARTMENT[441](cont'd)

ITEM 27. Amend rule 441—65.37(234) as follows:

441—65.37(234) Eligibility of noncitizens. The following groups of aliens who are lawfully residing in the United States and are otherwise eligible are eligible for ~~food assistance~~ SNAP benefits:

65.37(1) Aliens who are receiving benefits or assistance for blindness or disability as specified in 7 CFR 271.2, as amended to ~~April 6, 1994~~ May 2, 2022, regardless of their immigration date.

65.37(2) and **65.37(3)** No change.

65.37(4) Aliens aged 18 or under, regardless of their immigration date. The department shall exclude the income and resources of a sponsor when determining ~~food assistance~~ SNAP eligibility and benefits for an alien aged 18 or under.

ITEM 28. Amend rule 441—65.39(234) as follows:

441—65.39(234) Categorical eligibility.

65.39(1) Notwithstanding anything to the contrary in these rules or in federal regulations, a household in which all members are recipients of a state or local general assistance (GA) program is subject to categorical eligibility provisions of ~~the food assistance program~~ SNAP provided that the state or local program:

a. Has income limits at least as stringent as the ~~food assistance~~ SNAP gross income test; and

b. No change.

65.39(2) Notwithstanding anything to the contrary in these rules or in federal regulations, a household is subject to categorical eligibility provisions of ~~the food assistance program~~ SNAP for any month in which the household is determined eligible for the Iowa promoting healthy marriage program pursuant to rule 441—47.2(234).

ITEM 29. Amend rule 441—65.46(234) as follows:

441—65.46(234) Disqualifications. Notwithstanding anything to the contrary in these rules, ~~food assistance program~~ SNAP violation disqualifications for persons who are not participating in ~~the food assistance program~~ SNAP shall be imposed in the same manner as program violation disqualifications are imposed for persons who are participating in ~~the food assistance program~~ SNAP.

65.46(1) No change.

65.46(2) *Conviction on trafficking in ~~food assistance~~ SNAP benefits.* The penalty for any individual convicted of trafficking in ~~food assistance~~ SNAP benefits of \$500 or more shall be permanent disqualification.

65.46(3) *Receiving or attempting to receive multiple benefits.* An individual found to have made a fraudulent statement or representation with respect to identity or residency in order to receive multiple benefits shall be ineligible to participate in ~~the food assistance program~~ SNAP for a period of ten years.

65.46(4) *Fleeing felons and probation or parole violators.* ~~Rescinded IAB 10/3/01, effective 10/1/01.~~

65.46(5) **65.46(4)** *Conviction of trading firearms, ammunition or explosives for benefits.* The penalty for any individual convicted of trading firearms, ammunition or explosives for ~~food assistance~~ SNAP benefits shall be permanent disqualification.

ITEM 30. Amend rule 441—65.50(234) as follows:

441—65.50(234) No increase in benefits. When a household's means-tested federal, state, or local public assistance cash benefits are reduced because of a failure to perform an action required by the public assistance program, the department shall reduce the household's ~~food assistance~~ SNAP benefit allotment by 10 percent as provided for in federal regulations at 7 CFR 273.11(j), (k), and (l) as amended to ~~June 1, 2001~~ May 2, 2022, for the duration of the other program's penalty.

HUMAN SERVICES DEPARTMENT[441](cont'd)

ITEM 31. Amend rule 441—65.51(234) as follows:

441—65.51(234) State income and eligibility verification system. The department shall maintain and use an income and eligibility verification system (IEVS) as specified in 7 CFR 272.8 as amended to ~~November 21, 2000~~ May 2, 2022.

ITEM 32. Amend rule 441—65.52(234) as follows:

441—65.52(234) Systematic alien verification for entitlements (SAVE) program. The department shall participate in the SAVE program established by the ~~U.S. Bureau of Citizenship and Immigration Service (BCIS)~~ U.S. Citizenship and Immigration Services (USCIS) as specified in 7 CFR 272.11 as amended to ~~November 21, 2000~~ May 2, 2022, in order to verify the validity of documents provided by aliens applying for food assistance SNAP benefits with the central data files maintained by ~~BCIS~~ USCIS.

ARC 6378C

MEDICINE BOARD[653]

Notice of Intended Action

Proposing rule making related to nonaccredited resident training and providing an opportunity for public comment

The Board of Medicine hereby proposes to amend Chapter 9, “Permanent and Administrative Medicine Physician Licensure,” Iowa Administrative Code.

Legal Authority for Rule Making

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

State or Federal Law Implemented

This rule making implements, in whole or in part, Iowa Code section 148.3.

Purpose and Summary

In recent years, the Board has witnessed a marked increase in applications by individuals who lack two years of accredited postgraduate training but who nonetheless possess the skill to safely and effectively practice medicine. While the Board still maintains that accreditation is a significant factor in determining whether a program is suitable for the Board’s postgraduate education requirements, the Board recognizes that not all appropriate programs have the necessary accreditation for reasons unrelated to their overall quality. For example, a program may be very well established outside of the United States or Canada but lack accreditation, or the field may be so highly specialized that the program has not sought accreditation. In recent years, the Board has issued numerous waivers of its current postgraduate training provisions to account for this gap.

This proposed rule making would permit the Board more leeway in approving appropriate postgraduate training without the need for formal rule waivers. This would greatly expedite the licensure process for these applicants, many of whom are international graduates or practice in highly specialized fields where more practitioners are needed.

Fiscal Impact

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

Jobs Impact

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

MEDICINE BOARD[653](cont'd)

Waivers

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

Public Comment

Any interested person may submit written or oral comments concerning this proposed rule making. Written or oral comments in response to this rule making must be received by the Board no later than 4:30 p.m. on July 20, 2022. Comments should be directed to:

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

Public Hearing

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

Review by Administrative Rules Review Committee

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

The following rule-making action is proposed:

Amend paragraph **9.3(1)“c”** as follows:

c. Have successfully completed one year of resident training in a hospital-affiliated program approved by the board at the time the applicant was enrolled in the program. An applicant who is a graduate of an international medical school shall have successfully completed 24 months of such training.

(1) For those required to have 12 months of training, the program shall have been 12 months of progressive training in not more than two specialties and in not more than two programs approved for resident training by the board. For those required to have 24 months of training, the program shall have been 24 continuous months of progressive training in not more than two specialties and in not more than two programs approved for resident training by the board.

(2) Resident training approved by the board shall be accredited by an accrediting agency recognized by the board for the purpose of accrediting resident training programs.

(3) The board approves resident training programs accredited by:

1. ACGME;
2. AOA;
3. RCPSC; and
4. CFPC.

MEDICINE BOARD[653](cont'd)

(4) The board or the board's designee may accept resident training that is not accredited as specified in subparagraph 9.3(1) "c"(3) on a case-by-case determination. In making this determination, the board may consider any relevant factors, including but not limited to the following:

1. The length of time the program has been in existence;
2. The location of the program;
3. The institution or organization that administers the program;
4. The reason that the program is not accredited; and
5. Whether the program is accredited or recognized by any agency other than those listed in subparagraph 9.3(1) "c"(3).

~~(4)~~ ~~(5)~~ The board shall accept each 12 months of practice as a special licensee as equivalent to one year of resident training in a hospital-affiliated program approved by the board.

~~(5)~~ ~~(6)~~ The board may accept a current, active ABMS or AOA board certification obtained through an alternate pathway as equivalent to resident training in a hospital-affiliated program approved by the board. The alternate pathway must be a minimum of 24 months completed at an institution with a program approved by the board as specified in subparagraph 9.3(1) "c"(3).

ARC 6381C

MEDICINE BOARD[653]

Notice of Intended Action

**Proposing rule making related to retention of medical records
and providing an opportunity for public comment**

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

Legal Authority for Rule Making

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

State or Federal Law Implemented

This rule making implements, in whole or in part, Iowa Code chapters 147, 148 and 272C.

Purpose and Summary

Currently, there are no requirements that physicians in Iowa have a plan in place for management of medical records in the event of a physician's unexpected incapacitation or death. The Board receives regular inquiries from the public about how to obtain medical records from a physician who died suddenly or who absconds the physician's practice and leaves the state. This proposed rule making is the first step in creating a formal process for identifying third parties to assume responsibility for those records under such circumstances and ensure that patients in Iowa have continued access to their medical records. The Board voted to notice this rule making at its May 20, 2022, meeting.

Fiscal Impact

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

Jobs Impact

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

MEDICINE BOARD[653](cont'd)

Waivers

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

Public Comment

Any interested person may submit written or oral comments concerning this proposed rule making. Written or oral comments in response to this rule making must be received by the Board no later than 4:30 p.m. on July 20, 2022. Comments should be directed to:

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

Public Hearing

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

Review by Administrative Rules Review Committee

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

The following rule-making action is proposed:

Amend subrule 13.7(8) as follows:

13.7(8) Retention of medical records. ~~The following paragraphs become effective on January 1, 2004.~~

a. A physician shall retain all medical records, not appropriately transferred to another physician or entity, for at least seven years from the last date of service for each patient, except as otherwise required by law.

b. A physician must retain all medical records of minor patients, not appropriately transferred to another physician or entity, for a period consistent with that established by Iowa Code section 614.8.

c. Beginning July 1, 2023, a physician must appoint another Iowa-licensed physician, or other representative or entity that is held to the same standards of confidentiality as the physician, to ensure that all requirements of this subrule are met in the event of the physician’s death or incapacitation. Upon request by the board, the physician must be able to establish by sufficient proof the appointment of a representative pursuant to this paragraph.

e. d. Upon a physician’s death or retirement, the sale of a medical practice, or a physician’s departure from the physician’s medical practice:

(1) The physician or the physician’s representative must ensure that all medical records are transferred to another physician or entity that is held to the same standards of confidentiality and agrees to act as custodian of the records.

MEDICINE BOARD[653](cont'd)

(2) The physician or the physician's representative shall notify all active patients that their records will be transferred to another physician or entity that will retain custody of their records and that, at their written request, the records will be sent to the physician or entity of the patient's choice.

ARC 6395C

TRANSPORTATION DEPARTMENT[761]

Notice of Intended Action

**Proposing rule making related to the intermodal pilot project program
and providing an opportunity for public comment**

The Transportation Department hereby proposes to rescind Chapter 201, "Intermodal Pilot Project Program," Iowa Administrative Code.

Legal Authority for Rule Making

This rule making is proposed under the authority provided in Iowa Code section 307.12.

State or Federal Law Implemented

This rule making implements, in whole or in part, 2008 Iowa Acts, chapter 1126, section 32; 1987 Iowa Acts, chapter 230, sections 1 and 4; and 1998 Iowa Acts, chapter 1211, section 1.

Purpose and Summary

This rule making proposes to rescind Chapter 201 because 2008 Iowa Acts, chapter 1126, section 32, repealed Iowa Code section 473.11, which created the Energy Conservation Trust. The Energy Conservation Trust Fund moneys appropriated to the Department for the Intermodal Pilot Project Program have all been used.

This program began in 1989 with a transfer of \$725,000 in overcharge funds for energy efficiency from the Department of Natural Resources (DNR). In 2000, an additional \$725,000 was received from the DNR. A number of projects were completed under this program with grants or loans. However, eligibility for projects was very narrow and exclusively dependent on energy savings benefits as a criterion. In 2008, the last project was funded. The Intermodal Pilot Project Program is no longer active, and any funds have either been expended or returned to the DNR, the original source of the funding.

Fiscal Impact

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

Jobs Impact

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

Waivers

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

Public Comment

Any interested person may submit written comments concerning this proposed rule making or may submit a written request to make an oral presentation at a public hearing. Written comments or requests to present oral comments in response to this rule making must be received by the Department no later than 4:30 p.m. on July 19, 2022. Comments should be directed to:

TRANSPORTATION DEPARTMENT[761](cont'd)

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

Public Hearing

If requested, a public hearing to hear oral presentations will be held on July 21, 2022, via conference call at 10 a.m. Persons who wish to participate in the conference call should contact Tracy George before 4:30 p.m. on July 19, 2022, to facilitate an orderly hearing. A conference call number will be provided to participants prior to the hearing.

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

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

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

Review by Administrative Rules Review Committee

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

The following rule-making action is proposed:

Rescind and reserve 761—Chapter 201.

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 Katie Averill, Superintendent of Banking Jeff Plagge, and Auditor of State Rob Sand has established today the following rates of interest for public obligations and special assessments. The usury rate for June is 4.75%.

INTEREST RATES FOR PUBLIC OBLIGATIONS AND ASSESSMENTS

Table with 2 columns: Item and Maximum Rate. Row 1: 74A.2 Unpaid Warrants, Maximum 6.0%. Row 2: 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

TREASURER OF STATE(cont'd)

provide the committee with a written description of their commitment to provide credit services in the community. This statement is available for examination by citizens.

New official state interest rates, effective June 9, 2022, 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 .15%

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

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

USURY

In accordance with the provisions of Iowa Code section 535.2, subsection 3, paragraph "a," the Superintendent of Banking has determined that the maximum lawful rate of interest shall be:

July 1, 2021 — July 31, 2021	3.50%
August 1, 2021 — August 31, 2021	3.50%
September 1, 2021 — September 30, 2021	3.25%
October 1, 2021 — October 31, 2021	3.25%
November 1, 2021 — November 30, 2021	3.25%
December 1, 2021 — December 31, 2021	3.50%
January 1, 2022 — January 31, 2022	3.50%
February 1, 2022 — February 28, 2022	3.50%
March 1, 2022 — March 31, 2022	3.75%
April 1, 2022 — April 30, 2022	4.00%
May 1, 2022 — May 31, 2022	4.25%
June 1, 2022 — June 30, 2022	4.75%
July 1, 2022 — July 31, 2022	5.00%

ARC 6380C

EDUCATION DEPARTMENT[281]

Adopted and Filed

Rule making related to gap tuition assistance program initial assessment

The State Board of Education hereby amends Chapter 25, “Pathways for Academic Career and Employment Program; Gap Tuition Assistance Program,” Iowa Administrative Code.

Legal Authority for Rule Making

This rule making is adopted under the authority provided in Iowa Code section 256.7(5).

State or Federal Law Implemented

This rule making implements, in whole or in part, Iowa Code chapter 260I.

Purpose and Summary

Items 1 and 3 of this rule making modernize the citations to the Iowa Code in rule 281—25.1(260H,260I) and in the chapter’s implementation sentence, respectively. Item 2 expands the list of allowable assessments for applicants for tuition assistance under the Gap Tuition Assistance Program. All applicants must complete an initial assessment to determine the applicant’s preparedness for the eligible program. The amendment adds to the list of allowable assessments to include those used by a community college to determine academic eligibility for credit programs.

Public Comment and Changes to Rule Making

Notice of Intended Action for this rule making was published in the Iowa Administrative Bulletin on April 20, 2022, as ARC 6301C. No public comments were received. No changes from the Notice have been made.

Adoption of Rule Making

This rule making was adopted by the State Board on June 9, 2022.

Fiscal Impact

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

Jobs Impact

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

Waivers

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

Review by Administrative Rules Review Committee

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

EDUCATION DEPARTMENT[281](cont'd)

Effective Date

This rule making will become effective on August 3, 2022.

The following rule-making actions are adopted:

ITEM 1. Amend rule 281—25.1(260H,260I) as follows:

281—25.1(260H,260I) Scope. The rules in this chapter implement the pathways for academic career and employment (PACE) program under ~~2014~~ Iowa Code Supplement chapter 260H and the gap tuition assistance program under ~~2014~~ Iowa Code Supplement chapter 260I.

ITEM 2. Amend rule 281—25.24(260I) as follows:

281—25.24(260I) Initial assessment. An eligible applicant for tuition assistance under Division III of this chapter shall complete an initial assessment administered by the community college receiving the application to determine the applicant's readiness to complete an eligible certificate program. The assessment shall include the areas of reading and mathematics. In assessing an applicant under this division, a community college shall use the national career readiness certificate, ~~or~~; an assessment eligible under the Adult Education and Family Literacy Act, 20 U.S.C. Ch. 73, and approved by the department for use in an adult education and literacy program; or an established process utilizing valid measures for determining preparedness for the eligible certificate program, which may include processes for measuring academic preparedness used by the community college for placement of students into credit coursework. An applicant shall complete any additional assessments and occupation research required by the gap tuition assistance program or an eligible certificate program, or both.

ITEM 3. Amend **281—Chapter 25**, implementation sentence, as follows:

These rules are intended to implement ~~2014~~ Iowa Code chapters 260H and 260I.

[Filed 6/9/22, effective 8/3/22]

[Published 6/29/22]

EDITOR'S NOTE: For replacement pages for IAC, see IAC Supplement 6/29/22.

ARC 6379C

EDUCATION DEPARTMENT[281]

Adopted and Filed

Rule making related to school-based youth services programs

The State Board of Education hereby rescinds Chapter 66, "School-Based Youth Services Programs," Iowa Administrative Code.

Legal Authority for Rule Making

This rule making is adopted under the authority provided in Iowa Code section 256.7.

State or Federal Law Implemented

This rule making implements, in whole or in part, 2000 Iowa Acts, House File 2496.

Purpose and Summary

The statutory authority for this chapter was repealed in 2000. The chapter has not been funded and is entirely obsolete. This rule making therefore rescinds the chapter.

EDUCATION DEPARTMENT[281](cont'd)

Public Comment and Changes to Rule Making

Notice of Intended Action for this rule making was published in the Iowa Administrative Bulletin on April 20, 2022, as **ARC 6302C**. No public comments were received. No changes from the Notice have been made.

Adoption of Rule Making

This rule making was adopted by the State Board on June 9, 2022.

Fiscal Impact

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

Jobs Impact

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

Waivers

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

Review by Administrative Rules Review Committee

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

Effective Date

This rule making will become effective on August 3, 2022.

The following rule-making action is adopted:

Rescind and reserve **281—Chapter 66**.

[Filed 6/9/22, effective 8/3/22]

[Published 6/29/22]

EDITOR'S NOTE: For replacement pages for IAC, see IAC Supplement 6/29/22.

ARC 6384C**HUMAN SERVICES DEPARTMENT[441]****Adopted and Filed****Rule making related to appeals and hearings**

The Human Services Department hereby amends Chapter 7, "Appeals and Hearings," Iowa Administrative Code.

Legal Authority for Rule Making

This rule making is adopted under the authority provided in Iowa Code section 217.6.

HUMAN SERVICES DEPARTMENT[441](cont'd)

State or Federal Law Implemented

This rule making implements, in whole or in part, Iowa Code section 217.6.

Purpose and Summary

As part of the five-year rules review process, the Department's appeal rules were reviewed.

This rule making reflects changes in the new service standards implemented for first-class mail by the United States Postal Service (USPS). These amendments ensure consistency with other state agencies regarding the use of the Rules of Civil Procedure for abandoned appeals. Further clarification has been added when an appeal hearing cannot be granted in specific situations.

In October 2021, the USPS implemented new service standards for first-class mail. Mail traveling within a local area will continue to be two-day delivery. A local area is defined as a three-hour drive (or less than 140 miles) between an originating facility and destination-processing facility. However, mail that must travel greater distances will take longer to deliver. Mail pieces can take up to five days for delivery.

Due to the new service standards, the USPS recommends mail or correspondence that requires a deadline be sent early. Federal and state regulations dictate time frames for appeals from start to finish, as well as for specific steps throughout the process. These same regulations restrict the early issuance of appeal correspondence. Based on this change, the Department is amending the time frame for requesting a review or submitting a motion to vacate from 10 days to 14 days.

When a party fails to appear for an appeal hearing, an Abandonment Order may be issued and the party is given an opportunity to file a motion to vacate stating the good cause reasons the party missed the appeal hearing. These amendments revise the definition of "good cause" for setting aside a default judgment to match the definition used in Iowa Rule of Civil Procedure 1.971 and make the definition consistent with definitions used by other departments within state government.

A hearing may not be granted when the appeal involves patient treatment interventions outlined in the patient handbook of the Civil Commitment Unit for Sexual Offenders. These amendments reflect that a hearing cannot be granted in this circumstance.

For persons other than attorneys seeking to act as authorized representative of a party-in-interest in a Medicaid managed care appeal, the authorized representative's written designation of authority pursuant to subrule 7.16(2) shall be Form 470-5526, Authorized Representative for Managed Care Appeals. These amendments reflect that the form is required for appeals that are handled through the expedited and standard appeals processes and allows for an appeal to be denied if a completed form is not provided.

Language regarding dates for adoption of federal law or regulation is added in this rule making.

As part of this review, the Department reached out to Iowa Legal Aid and Disability Rights Iowa as stakeholders in the appeals process. Iowa Legal Aid suggested a clarification be made in subrule 7.16(3) indicating attorneys are not required to submit a completed Form 470-5526 to represent an appellant during a managed care organization state fair hearing. The Department concurs with this suggestion. This is a positive change for parties-in-interest.

Public Comment and Changes to Rule Making

Notice of Intended Action for this rule making was published in the Iowa Administrative Bulletin on April 20, 2022, as **ARC 6298C**. No public comments were received. No changes from the Notice have been made.

Adoption of Rule Making

This rule making was adopted by the Council on Human Services on June 9, 2022.

Fiscal Impact

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

HUMAN SERVICES DEPARTMENT[441](cont'd)

Jobs Impact

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

Waivers

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

Review by Administrative Rules Review Committee

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

Effective Date

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

The following rule-making actions are adopted:

ITEM 1. Adopt the following **new** definition of “In-person hearing” in rule **441—7.1(17A)**:

“*In-person hearing*” means an appeal hearing where the administrative law judge and appellant are physically present in the same location but witnesses are not required to be physically present.

ITEM 2. Amend rule **441—7.1(17A)**, definition of “Good cause,” as follows:

“*Good cause*,” ~~means an intervening cause, not attributable to the negligence of a party, reasonably resulting in a delay or failure to attend, for purposes of subrules 7.4(3) and 7.9(2) for purposes of this rule, shall have the same meaning as “good cause” for setting aside a default judgment under Iowa Rule of Civil Procedure 1.971.~~

ITEM 3. Amend rule 441—7.2(17A) as follows:

441—7.2(17A) Governing law and regulations. In the absence of an applicable rule in this chapter, the DIA rules found at 481—Chapter 10 govern department appeals. Notwithstanding the foregoing and the rules contained in this chapter, to the extent that federal or state law (including regulations and rules) related to a specific program is more specific than or contradicts these rules or the applicable DIA rules, the program-specific federal or state law shall control. For example, Supplemental Nutrition Assistance Program (SNAP) appeals shall be conducted in accordance with 7 CFR 273.15 and 7 CFR 273.16 as amended to December 8, 2021, and medical assistance appeals shall be conducted in accordance with 42 CFR Part 431, subpart E, and Part 438, subpart F, as both are amended to December 8, 2021.

ITEM 4. Renumber subrules **7.3(2)** to **7.3(4)** as **7.3(4)** to **7.3(6)**.

ITEM 5. Adopt the following **new** subrules 7.3(2) and 7.3(3):

7.3(2) Refusal to process an application. Unless otherwise provided by law, when an appellant seeks a contested case hearing after the department refuses to process an application for benefits or services, a hearing shall be granted.

7.3(3) When a hearing is not granted. A hearing shall not be granted when one of the following issues is appealed:

a. Patient treatment interventions outlined in the patient handbook of the civil commitment unit for sexual offenders.

b. Children have been removed from or placed in a specific foster care setting or preadoptive placement.

HUMAN SERVICES DEPARTMENT[441](cont'd)

ITEM 6. Amend paragraph **7.6(3)“b”** as follows:

b. Additional designation of issues. If any party believes additional issues should be designated, ~~on or before the tenth day following the date of the notice of hearing,~~ the party shall identify ~~those the~~ additional issues within the following timelines. The presiding officer shall determine whether all issues have properly been preserved.

(1) Child abuse and dependent adult abuse registry appeals. For child abuse and dependent adult abuse registry appeals, the party shall identify additional issues at least 30 days before the date of hearing.

(2) Appeals set on or before the tenth day following the notice of hearing. If the hearing is ~~within ten days of~~ on or before the tenth day following the date of the notice of hearing, the party shall identify any additional issues at the hearing.

(3) All other appeals. For all other appeals not identified in this paragraph, the party shall identify the additional issues on or before the tenth day following the date of the notice of hearing.

ITEM 7. Amend subrule 7.7(1) as follows:

7.7(1) Medical assistance. In cases involving the determination of medical assistance, the contested case hearing shall be held within a time frame such that the final administrative action is timely pursuant to 42 CFR 431.244(f) as amended to December 8, 2021.

ITEM 8. Renumber subrules **7.9(5)** and **7.9(6)** as **7.9(6)** and **7.9(7)**.

ITEM 9. Adopt the following **new** subrule 7.9(5):

7.9(5) Standard of review. In child abuse appeals, the criteria and level of deference by which the presiding officer shall render a decision is based on a preponderance of evidence.

ITEM 10. Amend paragraph **7.11(1)“a”** as follows:

a. A request for director's review shall be in writing and postmarked or received within ~~ten~~ 14 calendar days of the date on which the proposed decision was issued, except as provided for under paragraph 7.11(1)“b.” A request for director's review may be accompanied by a brief written summary of the arguments in favor of director's review.

ITEM 11. Amend subrule 7.11(2) as follows:

7.11(2) Grant or denial of review. The department has full discretion to grant or deny a request for review. In addition, the director may initiate review of a proposed decision on the director's own motion at any time on or before the ~~tenth~~ fourteenth day following the issuance of the proposed decision.

When the department grants a request for director's review, the appeals section shall notify the parties to the appeal of the review request and enclose a copy of the request. All other parties shall have ~~ten~~ 14 calendar days from the date of notification to submit further written arguments or objections for consideration upon review.

ITEM 12. Amend subrule 7.11(3) as follows:

7.11(3) Cross-appeal. When a party requests director's review in accordance with subrule 7.11(1), the remaining parties shall have ~~ten~~ 14 calendar days from that date to submit cross-requests for director's review. The party originally seeking director's review shall have ~~ten~~ 14 calendar days from the date of the cross-request for director's review to submit further written arguments or objections for consideration upon review.

ITEM 13. Amend subrule 7.16(3) as follows:

7.16(3) Written designation. For persons other than attorneys seeking to act as authorized representative of a party-in-interest in a Medicaid managed care appeal, the authorized representative's written designation of authority pursuant to subrule 7.16(2) shall be Form 470-5526, Authorized Representative for Managed Care Appeals. This form is required for all managed care appeals, including those handled through the expedited appeals process. Failure to provide the form or legal documentation may result in denial of the appeal request.

HUMAN SERVICES DEPARTMENT[441](cont'd)

ITEM 14. Amend rule 441—7.19(17A), introductory paragraph, as follows:

441—7.19(17A) Supplemental Nutrition Assistance Program (SNAP) administrative disqualification hearings. The department acts on alleged intentional program violations either through an administrative disqualification hearing or referral to a court of appropriate jurisdiction. An individual accused of an intentional program violation may waive the individual's right to an administrative disqualification hearing in accordance with the procedures outlined in this rule and in 7 CFR 273.16(e) and (f) as amended to December 8, 2021.

[Filed 6/9/22, effective 9/1/22]

[Published 6/29/22]

EDITOR'S NOTE: For replacement pages for IAC, see IAC Supplement 6/29/22.

ARC 6385C

HUMAN SERVICES DEPARTMENT[441]

Adopted and Filed

Rule making related to food program terminology

The Human Services Department hereby amends Chapter 13, "Program Evaluation," Iowa Administrative Code.

Legal Authority for Rule Making

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

State or Federal Law Implemented

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

Purpose and Summary

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

Public Comment and Changes to Rule Making

Notice of Intended Action for this rule making was published in the Iowa Administrative Bulletin on April 6, 2022, as **ARC 6283C**. No public comments were received. No changes from the Notice have been made.

Adoption of Rule Making

This rule making was adopted by the Council on Human Services on June 9, 2022.

Fiscal Impact

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

Jobs Impact

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

HUMAN SERVICES DEPARTMENT[441](cont'd)

Waivers

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

Review by Administrative Rules Review Committee

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

Effective Date

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

The following rule-making actions are adopted:

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

PREAMBLE

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

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

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

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

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

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

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

[Filed 6/10/22, effective 9/1/22]

[Published 6/29/22]

EDITOR’S NOTE: For replacement pages for IAC, see IAC Supplement 6/29/22.

ARC 6386C**HUMAN SERVICES DEPARTMENT[441]****Adopted and Filed****Rule making related to notice of adverse action**

The Human Services Department hereby amends Chapter 22, “Autism Support Program,” Iowa Administrative Code.

Legal Authority for Rule Making

This rule making is adopted under the authority provided in Iowa Code section 225C.6.

State or Federal Law Implemented

This rule making implements, in whole or in part, Iowa Code section 225C.6.

Purpose and Summary

This rule making is part of the Department’s five-year rules review process. Requirements for notices of adverse action were moved from Chapter 7 to Chapter 16 effective April 15, 2020. This chapter is updated to reflect that change. The Chapter 22 preamble is also updated to replace the reference to 2013 Iowa Acts with a reference to the Iowa Code.

Public Comment and Changes to Rule Making

Notice of Intended Action for this rule making was published in the Iowa Administrative Bulletin on April 20, 2022, as **ARC 6299C**. No public comments were received. No changes from the Notice have been made.

Adoption of Rule Making

This rule making was adopted by the Council on Human Services on June 9, 2022.

Fiscal Impact

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

Jobs Impact

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

Waivers

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

Review by Administrative Rules Review Committee

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

Effective Date

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

HUMAN SERVICES DEPARTMENT[441](cont'd)

The following rule-making actions are adopted:

ITEM 1. Amend **441—Chapter 22**, preamble, as follows:

PREAMBLE

These rules provide for definitions of diagnostic and financial eligibility, provider qualifications, and appeal procedures related to the autism support program created in ~~2013 Iowa Acts, Senate File 446, division XVII Iowa Code chapter 225D~~. The purpose of the autism support program is to provide funding for applied behavioral analysis services and care coordination for children with a diagnosis of autism who meet certain financial and clinical eligibility criteria.

ITEM 2. Amend rule 441—22.8(225D) as follows:

441—22.8(225D) Appeal. Notice of adverse action ~~and shall be given~~ in accordance with 441—Chapter 16. The right to appeal shall be given in accordance with 441—Chapter 7.

[Filed 6/10/22, effective 9/1/22]

[Published 6/29/22]

EDITOR'S NOTE: For replacement pages for IAC, see IAC Supplement 6/29/22.

ARC 6387C

HUMAN SERVICES DEPARTMENT[441]

Adopted and Filed

Rule making related to interim assistance reimbursement forms

The Human Services Department hereby amends Chapter 57, “Interim Assistance Reimbursement,” Iowa Administrative Code.

Legal Authority for Rule Making

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

State or Federal Law Implemented

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

Purpose and Summary

This rule making is part of the Department’s five-year rules review process. Form names are removed from this chapter as the names are outdated. This change will reduce confusion for individuals who obtain assistance through this program.

Public Comment and Changes to Rule Making

Notice of Intended Action for this rule making was published in the Iowa Administrative Bulletin on April 20, 2022, as **ARC 6297C**. No public comments were received. No changes from the Notice have been made.

Adoption of Rule Making

This rule making was adopted by the Council on Human Services on June 9, 2022.

Fiscal Impact

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

HUMAN SERVICES DEPARTMENT[441](cont'd)

Jobs Impact

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

Waivers

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

Review by Administrative Rules Review Committee

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

Effective Date

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

The following rule-making actions are adopted:

ITEM 1. Amend subrule 57.2(1) as follows:

57.2(1) Agreement. The county agency shall enter into a written agreement with the department of human services on Form 470-1948, ~~Interim Assistance Reimbursement Agreement~~.

ITEM 2. Amend subrule 57.2(2) as follows:

57.2(2) Authorization. The county agency shall secure written authorization from the person seeking interim assistance. By signing Form 470-1950, ~~Authorization for Reimbursement of Interim Assistance~~, the person:

- a. Indicates the intent to apply for SSI benefits.
- b. Authorizes the Social Security Administration to:
 - (1) Withhold the amount of interim assistance from the person's initial payment or initial posteligibility payment, and
 - (2) Make this amount payable to the county agency.

ITEM 3. Amend subrule 57.3(1) as follows:

57.3(1) The county agency shall submit the information requested on ~~the Certificate of Authority~~, Form 470-1947, to the Social Security Administration at the address given on the form:

- a. Before the date the agency first participates in the program, and
- b. Subsequently when changes in the list of authorized officials occur.

[Filed 6/10/22, effective 9/1/22]

[Published 6/29/22]

EDITOR'S NOTE: For replacement pages for IAC, see IAC Supplement 6/29/22.

ARC 6388C**HUMAN SERVICES DEPARTMENT[441]****Adopted and Filed****Rule making related to applied behavior analysis services
delivered by registered behavior technicians**

The Human Services Department hereby amends Chapter 77, “Conditions of Participation for Providers of Medical and Remedial Care,” Iowa Administrative Code.

Legal Authority for Rule Making

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

State or Federal Law Implemented

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

Purpose and Summary

This rule making allows registered behavior technicians (RBTs) to deliver applied behavior analysis (ABA) services under the direct supervision of behavior analysts or assistant behavior analysts licensed pursuant to Iowa Code chapter 154D. Claims for payment for such services must be submitted by the licensed supervisor.

ABA services are covered as a benefit under Medicaid. This rule making recognizes a new level of certification to provide a pathway for staff under the supervision of a board-certified behavior analyst (BCBA) to provide services to enrolled members. BCBA's must directly supervise individuals working in this new provider class.

This rule making outlines the qualifications for a registered behavior technician, the treatment limitations, and how claims must be submitted. It will also position providers to expand their organizations by creating positions for registered behavior technicians.

Public Comment and Changes to Rule Making

Notice of Intended Action for this rule making was published in the Iowa Administrative Bulletin on April 20, 2022, as **ARC 6300C**.

The Department received 11 comments from four respondents on the proposed rule making. The comments and corresponding responses from the Department are divided into three topic areas as follows:

General:

Comment 1: A respondent asked for clarification around the intent of the rule change. Specifically, the respondent questioned whether the intent was to add RBTs to the pool of providers eligible to deliver ABA services billed to Iowa Medicaid.

Response 1: The rule making is intended to allow providers to bill for services delivered by a credentialed RBT. The educational requirement for obtaining an RBT credential is a high school diploma or its equivalent. There was not previously a pathway for an individual without a bachelor's degree to deliver ABA services billed to Iowa Medicaid. This rule making creates one and, as such, expands the eligible provider pool.

Comment 2: A respondent requested that a work group be created to facilitate ongoing discussion of this rule making, address concerns not addressed in the existing rule making, and explore alternate ways Iowa Medicaid can support providers in increasing their capacity to provide ABA services to Medicaid members.

HUMAN SERVICES DEPARTMENT[441](cont'd)

Response 2: The Department agrees that a work group is an appropriate forum to determine how best to support providers and increase the accessibility of quality ABA services statewide. A work group will be convened prior to July 1, 2023.

Comment 3: A respondent noted that the respondent does not support state licensure of RBTs.

Response 3: The Department agrees and is not pursuing that action as part of this rule making.

Bachelor's Degree Requirement:

Comment 1: A respondent recommended the subrule be expanded to include individuals with any bachelor's degree and 40 hours of ABA training.

Response 1: The subrule has been revised so that individuals with any bachelor's degree are eligible to provide ABA services billed to Iowa Medicaid.

Comment 2: A respondent stated that an individual currently holding a bachelor's degree and working as a behavior technician should not have to submit an exception to policy to become eligible to provide billable services.

Response 2: The subrule as revised and adopted allows for an individual with any bachelor's degree to provide ABA services billed to Iowa Medicaid.

Comment 3: A respondent noted that it seems inconsistent to require specialized bachelor's degrees when RBT credentialing requires only a high school diploma or its equivalent.

Response 3: The Department agrees and has removed the language indicating that an individual must hold a specific bachelor's degree to be eligible to provide billable services.

Comment 4: A respondent requested that, given workforce shortages, Iowa Medicaid allow individuals with any bachelor's degree to deliver billable services.

Response 4: The Department has revised the subrule to allow individuals with any bachelor's degree to deliver billable services.

Delivering Services Prior to Obtaining an RBT Credential:

Comment 1: A respondent commented that staff hired without a bachelor's degree should be eligible to provide billable services for a 45- to 60-day window of time while they work to obtain an RBT credential.

Response 1: The Department did not make the requested change to the rule making. The Department has a responsibility to ensure that individuals providing services to Medicaid members have demonstrated competency in delivering those services. Individuals with bachelor's degrees are eligible under the new subrule to provide billable services without obtaining an RBT credential. For an individual without a bachelor's degree to be eligible to provide billable services, the individual must be credentialed as an RBT, which provides assurance that relevant competencies have been demonstrated.

Comment 2: A respondent indicated that a window of time (for example, 90 days) that allows an employee to deliver billable services while working to obtain RBT credentials would prevent long stretches of time where someone cannot bill for services, but should be getting paid by the person's employer.

Response 2: The Department did not make the requested change to the rule making, for the reasons stated in the response to the previous comment. Staff training is not a covered benefit under the Medicaid program.

Comment 3: A respondent suggested mirroring language found in Iowa Code section 154D.4(3)"g," which would allow individuals "pursuing supervised experience in applied behavior analysis consistent with the experience requirements of a certifying entity" to deliver ABA services billed to Medicaid.

Response 3: The Department did not make the requested change to the rule making, for the reasons stated in the response to the first comment in this topic area.

Comment 4: A respondent commented that the requirements do not align with Iowa Code sections 154D.4(3)"c," "f," and "g."

Response 4: The introductory wording of Iowa Code section 154D.4(3) states that "this chapter and chapter 147 do not prevent or restrict the practice of applied behavior analysis by any of the following:" and is then followed by a list of specific exemptions. There is a difference between being allowed to practice under Iowa law and being eligible to participate in the Medicaid program. The Medicaid program operates under the authority of the Centers for Medicare and Medicaid Services (CMS).

HUMAN SERVICES DEPARTMENT[441](cont'd)

After receipt of comments, the Department revised subparagraph 77.26(10)“a”(2) to remove the requirement that a bachelor’s degree be in specific areas. The Department made no other changes to the rule making.

Adoption of Rule Making

This rule making was adopted by the Council on Human Services on June 9, 2022.

Fiscal Impact

ABA services are provided today by BCBAs and assistant BCBAs. A limited number of ABA providers practice in the state currently, and expanding that workforce could increase the utilization of services, but it is unknown what the increase in utilization would be. ABA services are currently covered under Medicaid as a benefit. The subrule recognizes a new level of certification to provide a pathway for staff under the supervision of a BCBA. BCBAs must directly supervise individuals working in this new provider class. The number of BCBAs practicing across the state would limit overall utilization. The fiscal impact is expected to be minimal. Any expenditures will be absorbed within the medical assistance appropriation.

Jobs Impact

The rules will position providers to expand their organizations by creating positions for registered behavior technicians. Specific projections are not available.

Waivers

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

Review by Administrative Rules Review Committee

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

Effective Date

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

The following rule-making action is adopted:

Adopt the following **new** subrule 77.26(10):

77.26(10) Registered behavior technicians.

- a.* A person is eligible to participate as a registered behavior technician when the person holds:
- (1) A current certification from the Behavior Analyst Certification Board as a registered behavior technician; or
 - (2) A bachelor’s degree.

HUMAN SERVICES DEPARTMENT[441](cont'd)

b. A registered behavior technician must provide treatment under the supervision of a behavior analyst or assistant behavior analyst licensed pursuant to Iowa Code chapter 154D. Claims for payment for such services must be submitted by the supervising licensed behavior analyst.

[Filed 6/10/22, effective 9/1/22]

[Published 6/29/22]

EDITOR'S NOTE: For replacement pages for IAC, see IAC Supplement 6/29/22.

ARC 6389C

HUMAN SERVICES DEPARTMENT[441]

Adopted and Filed

Rule making related to emergency dental services

The Human Services Department hereby amends Chapter 78, "Amount, Duration and Scope of Medical and Remedial Services," Iowa Administrative Code.

Legal Authority for Rule Making

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

State or Federal Law Implemented

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

Purpose and Summary

The Department is adopting this rule making for the dental program to clarify that payment will be made for emergency services as defined in the federal regulations set forth in 42 CFR 438.114 as amended to April 7, 2022. This rule making also sets an annual benefit maximum for members 21 years of age or older of \$1,000 per fiscal year for coverage of dental services as set forth in rule 441—78.4(249A). Preventive services, diagnostic services, emergency services, anesthesia, and fabrication of removable dentures and related services do not count toward the annual benefit amount.

Public Comment and Changes to Rule Making

Notice of Intended Action for this rule making was published in the Iowa Administrative Bulletin on May 4, 2022, as **ARC 6313C**. No public comments were received. No changes from the Notice have been made.

Adoption of Rule Making

This rule making was adopted by the Council on Human Services on June 9, 2022.

Fiscal Impact

This rule making aligns rules with waiver and State Plan Amendment policies. Based on analysis by the Iowa Medicaid actuary and incorporated within current capitation rates, it is anticipated this rule making will result in a cost savings to the State. This change is already in effect, and savings have been incorporated into the Medicaid budget.

Jobs Impact

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

HUMAN SERVICES DEPARTMENT[441](cont'd)

Waivers

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

Review by Administrative Rules Review Committee

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

Effective Date

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

The following rule-making actions are adopted:

ITEM 1. Adopt the following **new** subrules 78.4(11) and 78.4(12):

78.4(11) Emergency services. Payment shall be made for emergency services, as defined in and pursuant to the requirements set forth in 42 CFR 438.114, as amended to April 7, 2022.

78.4(12) Annual benefit maximum.

a. Members 21 years of age or older have an annual benefit maximum of \$1,000 per state fiscal year for coverage of dental services set forth in this rule. Payment for services exceeding the \$1,000 annual benefit maximum is the responsibility of the member.

b. The following services do not count toward the annual benefit maximum:

- (1) Preventive services as set forth in subrule 78.4(1);
- (2) Diagnostic services as set forth in subrule 78.4(2);
- (3) Fabrication of removable dentures and related services as set forth in paragraphs 78.4(7) “a” to “c” and 78.4(7) “f” to “l”;
- (4) Anesthesia as set forth in paragraph 78.4(9) “f,” when provided in conjunction with oral surgery codes approved for payment; or
- (5) Emergency services as set forth in subrule 78.4(11).

ITEM 2. Adopt the following **new** implementation sentence in **441—Chapter 78:**

These rules are intended to implement Iowa Code chapter 249A.

[Filed 6/10/22, effective 9/1/22]

[Published 6/29/22]

EDITOR'S NOTE: For replacement pages for IAC, see IAC Supplement 6/29/22.

ARC 6390C

HUMAN SERVICES DEPARTMENT[441]

Adopted and Filed

Rule making related to child care medical services

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

Legal Authority for Rule Making

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

HUMAN SERVICES DEPARTMENT[441](cont'd)

State or Federal Law Implemented

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

Purpose and Summary

This rule making changes the forms used in the prior authorization approval process for medical child care. The revised form provides greater detail on the child's medical and behavioral needs.

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

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

Public Comment and Changes to Rule Making

Notice of Intended Action for this rule making was published in the Iowa Administrative Bulletin on April 6, 2022, as **ARC 6286C**. No public comments were received. No changes from the Notice have been made.

Adoption of Rule Making

This rule making was adopted by the Council on Human Services on June 9, 2022.

Fiscal Impact

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

Jobs Impact

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

Waivers

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

Review by Administrative Rules Review Committee

The Administrative Rules Review Committee, a bipartisan legislative committee which oversees rule making by executive branch agencies, may, on its own motion or on written request by any individual or

HUMAN SERVICES DEPARTMENT[441](cont'd)

group, review this rule making at its [regular monthly meeting](#) or at a special meeting. The Committee's meetings are open to the public, and interested persons may be heard as provided in Iowa Code section 17A.8(6).

Effective Date

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

The following rule-making action is adopted:

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

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

[Filed 6/10/22, effective 9/1/22]

[Published 6/29/22]

EDITOR'S NOTE: For replacement pages for IAC, see IAC Supplement 6/29/22.

ARC 6391C

HUMAN SERVICES DEPARTMENT[441]

Adopted and Filed

Rule making related to nurse aide program training

The Human Services Department hereby amends Chapter 81, "Nursing Facilities," Iowa Administrative Code.

Legal Authority for Rule Making

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

State or Federal Law Implemented

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

Purpose and Summary

This rule making updates subrule 81.16(3) to reflect federal regulations regarding the increased number of hours of training required for nurse aide programs. The increase of the instructor-to-student ratio will allow more students to attend nurse aide programs. Language is also added for laboratory training and clinical training options.

Public Comment and Changes to Rule Making

Notice of Intended Action for this rule making was published in the Iowa Administrative Bulletin on March 9, 2022, as **ARC 6234C**.

The Department received five comments from five respondents on the proposed rule making. The comments and corresponding responses from the Department are divided into three topic areas as follows:

Hours of Laboratory Experience:

Comments: There were five comments in this topic area. All five comments supported the amendment changing 15 hours of laboratory experience to 16 hours to align with federal regulations.

Response: This is a technical amendment to align with the federal regulations.

Laboratory Settings:

Comment 1: One respondent commented that while the respondent understands the intent of the proposed changes and that the changes may have been appropriate during the pandemic, this provision

HUMAN SERVICES DEPARTMENT[441](cont'd)

is no longer necessary and will have unintended consequences. The respondent's concerns are related to the following:

1. Quality of training received by nurse aide trainees;
2. An interruption in an important recruiting tool for Iowa's health care facilities;
3. Practical application of skills students are being taught in the clinical setting versus a laboratory setting;
4. Concern for the lack of opportunity to see and respond to real-time challenges faced on the job;
5. Learning the necessary skill sets, applying those skill sets, and preparedness to ensure success;
6. Loss of the facilities' ability to use clinicals as a form of recruitment, workforce talent, and lack of student's ability to observe how a facility operates.

The respondent did not support the proposed amendments.

Response 1: The Department understands the concerns brought forth, and the intent of the rule making is to meet the needs of both the facility industry and the educational programs. Consequently, the Department has further amended subparagraph 81.16(3)"a"(5) in Item 2 to address respondent concerns.

Comment 2: One respondent opposed the proposed amendment to allow laboratory settings as an alternative to face-to-face clinical settings. The respondent stated that while the respondent understands that the COVID-19 pandemic made it challenging to train nurse aides in a face-to-face setting and the need for laboratory settings to continue in order to add to the workforce in a critical time, the face-to-face setting is critical to prepare the future nurse aides to safely care for the nursing facility population. The respondent's specific concerns with the lack of face-to-face clinical training are:

1. Mannequins or fellow trainees do not fully prepare students for the full scope of duties;
2. Professionalism;
3. Interpersonal skills required to excel when working with older adults;
4. Lack of actual work environment with noise and busy settings;
5. Lack of experience transferring residents who are immobile;
6. Increased risk of injuries and identify gaps in training and understanding.

Response 2: The Department understands the concerns brought forth, and the intent of the rule making is to meet the needs of both the facility industry and the educational programs. Consequently, the Department has further amended subparagraph 81.16(3)"a"(5) in Item 2 to address respondent concerns.

Comment 3: One respondent commented that if COVID-19 taught us anything, it taught us the need to be flexible and prepared for extenuating circumstances. The respondent stated that many understand the need for hands-on clinical training experience but also understand there may be times students cannot complete the training in a facility setting, and by adding "laboratory settings" to the rule, it allows options and flexibility when needed. The respondent also stated that including laboratory settings options may assist in the learning needs of the student.

This respondent supported the amendments.

Response 3: The intent of the rule making is to meet the needs of both the facility industry and the educational programs. The Department understands the need for some flexibility but must ensure the quality of care and safety of the residents receiving care in the facility setting.

Comment 4: One respondent expressed support for the proposed amendment since it would provide the opportunity to train in both clinical and laboratory training settings. The respondent, noting continued prioritization of training students in a live setting, stated there are times live settings are not available; for example, pandemic shutdowns, immunizations requirements, or facilities not being eligible as training sites due to negative survey results.

Response 4: The intent of the rule making is to meet the needs of both the facility industry and the educational programs. The Department understands the need for some flexibility but must ensure the quality of care and safety of the residents receiving care in the facility setting.

Comment 5: One respondent expressed support for the proposed amendments.

Response 5: The intent of the rule making is to meet the needs of both the facility industry and the educational programs. The Department understands the need for some flexibility but must ensure the quality of care and safety of the residents receiving care in the facility setting.

Instructor-to-Student Ratio:

HUMAN SERVICES DEPARTMENT[441](cont'd)

Comment 1: One respondent commented that by increasing instructor-to-student ratios, there will be a reduction in the quality of training provided to each student. The respondent stated that appropriate training requires direct interaction between the instructor and students to maximize learning opportunities and reduce errors and that increasing the ratio makes that goal significantly challenging in a workforce shortage.

The respondent did not support the proposed amendments.

Response 1: The intent of the rule making is to meet the needs of both the facility industry and the educational programs. The Department understands the need for some flexibility but must ensure the quality of care and safety of the residents receiving care in the facility setting and adequate staffing for nursing facilities. The Department adopted the proposed amendment increasing the ratio of students to instructor to 15 to 1. The Department also added an amendment to further align with federal regulations regarding other personnel from health professions that may supplement the instructor.

Comment 2: One respondent commented that the ratio needs to remain at ten students to one instructor. The respondent's stance is that the current ratio already stretches the capacity of the instructor in clinical settings and additional students could lead to a quality issue and hinder students from passing the course. The respondent stated that a balance must be determined to maintain adequate training standards and preparation of nurse aides to meet demands in the field.

This respondent did not support the proposed changes.

Response 2: The intent of the rule making is to meet the needs of both the facility industry and the educational programs. The Department understands the need for some flexibility but must ensure the quality of care and safety of the residents receiving care in the facility setting and adequate staffing for nursing facilities. The Department adopted the proposed amendment increasing the ratio of students to instructor to 15 to 1. The Department also added an amendment to further align with federal regulation regarding other personnel from health professions that may supplement the instructor.

Comment 3: One respondent commented that in talking with stakeholders within the industry, the respondent believes the ratio should remain one instructor to ten students. This respondent has conducted many surveys that show direct care workers leave the field due to the feeling of being unprepared to perform duties expected on the job.

This respondent did not support the proposed amendments.

Response 3: The intent of the rule making is to meet the needs of both the facility industry and the educational programs. The Department understands the need for some flexibility but must ensure the quality of care and safety of the residents receiving care in the facility setting and adequate staffing for nursing facilities. The Department adopted the proposed amendment increasing the ratio of students to instructor to 15 to 1. The Department also added an amendment to further align with federal regulation regarding other personnel from health professions who may supplement the instructor.

Comment 4: One respondent encouraged the Department to keep the current ratio of ten students to one instructor. The respondent expressed concern that students may miss out on critical instructions due to the number of students in the class and that the increased number will cause hardship to the instructor to supervise the students in transfers and other clinical trainings.

Response 4: The intent of the rule making is to meet the needs of both the facility industry and the educational programs. The Department understands the need for some flexibility but must ensure the quality of care and safety of the residents receiving care in the facility setting and adequate staffing for nursing facilities. Allowing ratios of up to 15 students to 1 instructor will provide flexibility to individual programs to determine how to maintain quality of education. The Department added an amendment to further align with federal regulation regarding other personnel from health professions who may supplement the instructor.

Comment 5: One respondent commented that increased ratios cause difficulties for the instructors to oversee successful clinical performance due to the unavailability of instructors to the students when needed. The respondent stated that the larger the group, the more frustration and stress it creates for instructors and students, and students must wait for the instructor to be available to demonstrate their training.

This respondent did not support the proposed amendments.

HUMAN SERVICES DEPARTMENT[441](cont'd)

Response 5: The intent of the rule making is to meet the needs of both the facility industry and the educational programs. The Department understands the need for some flexibility but must ensure the quality of care and safety of the residents receiving care in the facility setting and adequate staffing for nursing facilities. The Department adopted the proposed amendment increasing the ratio of students to instructor to 15 to 1. The Department also added an amendment to further align with federal regulation regarding other personnel from health professions who may supplement the instructor.

The following changes from the Notice have been made:

1. To clarify when a laboratory setting may be used, the Department revised subparagraph 81.16(3)“a”(5) in Item 2 to remove the proposed addition of “or laboratory setting” and to add a sentence stating that in extenuating circumstances, a laboratory setting may be utilized in place of face-to-face clinical training subject to the Department’s approval.

2. The Department amended numbered paragraph 81.6(3)“a”(7)“4” to add a reference to 42 CFR 483.152(5) as shown in Item 3.

Adoption of Rule Making

This rule making was adopted by the Council on Human Services on June 9, 2022.

Fiscal Impact

The Department currently does not pay for certified nursing assistant (CNA) training but allows for a deduction on the cost reports. The number of future additional students cannot be determined; however, fiscal impact is expected to be minimal. Any expenditures will be absorbed within the Medical Assistance appropriation.

Jobs Impact

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

Waivers

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

Review by Administrative Rules Review Committee

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

Effective Date

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

The following rule-making actions are adopted:

ITEM 1. Amend subparagraph **81.16(3)“a”(4)** as follows:

(4) Include at least ~~15~~ 16 hours of laboratory experience provided in a face-to-face environment that complements the didactic theory curricula, and

ITEM 2. Amend subparagraph **81.16(3)“a”(5)** as follows:

(5) Include 30 hours of supervised clinical training in a face-to-face environment and supervised by a department of inspections and appeals-approved instructor in a manner not inconsistent with the licensing requirements of the Iowa board of nursing. In extenuating circumstances, a laboratory setting may be utilized in place of face-to-face clinical training subject to the department’s approval, and

HUMAN SERVICES DEPARTMENT[441](cont'd)

ITEM 3. Amend subparagraph **81.16(3)“a”(7)** as follows:

(7) Meet the following requirements for department of inspections and appeals-approved instructors who train nurse aides:

1. to 3. No change.
4. Other personnel from the health professions as set forth in 42 CFR 483.152(5) may supplement the instructor. Supplemental personnel shall have at least one year of experience in their fields.
5. The ratio of department of inspections and appeals-approved instructors to students shall not exceed one registered nurse, or licensed practical nurse functioning as an assistant to a registered nurse, who is in the proximate area in the clinical setting, for every ~~ten~~ 15 students in the clinical setting, and

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[Published 6/29/22]

EDITOR'S NOTE: For replacement pages for IAC, see IAC Supplement 6/29/22.

ARC 6392C

HUMAN SERVICES DEPARTMENT[441]

Adopted and Filed

Rule making related to five-year review of rules

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

Legal Authority for Rule Making

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

State or Federal Law Implemented

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

Purpose and Summary

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

Public Comment and Changes to Rule Making

Notice of Intended Action for this rule making was published in the Iowa Administrative Bulletin on April 6, 2022, as **ARC 6282C**. No public comments were received. No changes from the Notice have been made.

Adoption of Rule Making

This rule making was adopted by the Council on Human Services on June 9, 2022.

Fiscal Impact

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

HUMAN SERVICES DEPARTMENT[441](cont'd)

Jobs Impact

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

Waivers

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

Review by Administrative Rules Review Committee

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

Effective Date

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

The following rule-making actions are adopted:

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

[Filed 6/10/22, effective 9/1/22]

[Published 6/29/22]

EDITOR'S NOTE: For replacement pages for IAC, see IAC Supplement 6/29/22.

ARC 6396C

PROFESSIONAL LICENSURE DIVISION[645]

Adopted and Filed

Rule making related to apprenticeship

The Iowa Board of Barbering hereby amends Chapter 21, "Licensure," and Chapter 22, "Infection Control for Barbershops and Barber Schools," Iowa Administrative Code.

Legal Authority for Rule Making

This rule making is adopted under the authority provided in Iowa Code chapter 158 and sections 147.76 and 272C.16.

State or Federal Law Implemented

This rule making implements, in whole or in part, Iowa Code chapters 147 and 158 and section 272C.16.

Purpose and Summary

This rule making implements the provisions of 2021 Iowa Acts, Senate File 424, which recognized registered U.S. Department of Labor apprenticeships as a pathway to licensure, and provides guidance to license holders on their responsibilities to the public and to their apprentices when operating an

PROFESSIONAL LICENSURE DIVISION[645](cont'd)

apprenticeship. Updates also have been made to clarify that apprenticeship hours earned while a person is in the custody of the Department of Corrections are transferable to other apprenticeships.

Public Comment and Changes to Rule Making

Notice of Intended Action for this rule making was published in the Iowa Administrative Bulletin on March 23, 2022, as **ARC 6259C**. A public hearing was held on April 12, 2022, at 9 a.m. in the Fifth Floor Board Conference Room 526, Lucas State Office Building, Des Moines, Iowa. No one attended the public hearing. No public comments were received. No changes from the Notice have been made.

Adoption of Rule Making

This rule making was adopted by the Board on May 16, 2022.

Fiscal Impact

This rule making has minimal fiscal impact to the State of Iowa. Licensees will no longer need to pay to receive duplicate wallet cards and instead will be able to print their own renewal verification if needed.

Jobs Impact

This rule making implements 2021 Iowa Acts, Senate File 424, which impacts the Governor's priorities of creating another pathway for training and licensure.

Waivers

A waiver provision is not included in this rule making because all administrative rules of the professional licensure boards in the Professional Licensure Division are subject to the waiver provisions accorded under 645—Chapter 18.

Review by Administrative Rules Review Committee

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

Effective Date

This rule making will become effective on August 3, 2022.

The following rule-making actions are adopted:

ITEM 1. Amend rule **645—21.1(158)**, definition of "Apprentice," as follows:

"Apprentice" means any person, other than a helper, journeyperson, or master, who is working under the supervision of either a master or a journeyperson and is progressing toward completion of a barbering apprenticeship training program registered by the Office of Apprenticeship of the United States Department of Labor while learning and assisting in the practice of barbering a person who is at least 16 years of age, who is employed in an apprenticeable occupation, who is a resident of the state of Iowa, and who is registered in Iowa by the Office of Apprenticeship of the United States Department of Labor.

ITEM 2. Adopt the following **new** definitions of "Apprenticeship program" and "Apprenticeship sponsor" in rule **645—21.1(158)**:

"Apprenticeship program" means a program registered by the Office of Apprenticeship of the United States Department of Labor which includes terms and conditions for the qualification, recruitment, selection, employment, and training of apprentices, including the requirement for a written

PROFESSIONAL LICENSURE DIVISION[645](cont'd)

apprenticeship agreement between an apprentice and an active licensee in an active licensed barbershop as outlined in Iowa Code section 272C.16.

“Apprenticeship sponsor” means an entity operating an apprenticeship program or an entity in whose name an apprenticeship program is being operated, which is registered by or approved by the Office of Apprenticeship of the United States Department of Labor.

ITEM 3. Amend paragraph **21.2(1)“c”** as follows:

c. Applicants shall provide an official copy of the transcript or diploma sent directly from the school to the board showing proof of completion of training at a barber school licensed by the board. If the applicant graduated from a school that is not licensed by the board, the applicant shall direct the school to provide an official transcript showing completion of a course of study that meets the requirements of rule 645—23.8(158). ~~If the applicant completed a barbering apprenticeship training program registered by the Office of Apprenticeship of the United States Department of Labor while committed to the custody of the director of the department of corrections, the applicant shall request the department of corrections to provide an official transcript showing completion of the apprentice program.~~

ITEM 4. Reletter paragraphs **21.2(1)“d”** to **“h”** as **21.2(1)“e”** to **“i.”**

ITEM 5. Adopt the following new paragraph **21.2(1)“d”**:

d. If the applicant has graduated from an apprenticeship program, the applicant must direct the United States Department of Labor to submit a certificate of completion. If the applicant completed all or part of a barbering apprenticeship training program registered by the Office of Apprenticeship of the United States Department of Labor while committed to the custody of the director of the department of corrections, the applicant shall request the department of corrections to provide an official transcript showing completion of all or part of the apprenticeship program.

ITEM 6. Amend paragraph **21.2(3)“a”** as follows:

a. Complete all requirements stated in ~~subrule 21.2(1), paragraphs “a”~~ paragraphs 21.2(1)“a” and ~~“d”~~ “e”;

ITEM 7. Adopt the following new subrule 21.2(7):

21.2(7) Persons licensed under this chapter who provide apprenticeship programs must hold an active license sufficient to provide on-the-job training, must operate an actively licensed establishment and must comply with relevant United States Department of Labor laws and regulations for the operation of an apprenticeship program.

ITEM 8. Adopt the following new definitions of “Apprentice,” “Apprenticeship instructor,” “Apprenticeship program,” “Apprenticeship sponsor” and “On-the-job trainer” in rule **645—22.1(158)**:

“Apprentice” means a person who is at least 16 years of age, who is employed in an apprenticeable occupation, who is a resident of the state of Iowa, and who is registered in Iowa by the Office of Apprenticeship of the United States Department of Labor.

“Apprenticeship instructor” means an instructor who delivers theory instruction in apprenticeship programs and who must meet the United States Department of Labor’s requirements for career and technical instructors. It is recommended that all apprenticeship instructors have training in teaching techniques and adult learning styles.

“Apprenticeship program” means a program registered by the Office of Apprenticeship of the United States Department of Labor which includes terms and conditions for the qualification, recruitment, selection, employment, and training of apprentices, including the requirement for a written apprenticeship agreement between an apprentice and an active licensee in an active licensed barbershop as outlined in Iowa Code section 272C.16.

“Apprenticeship sponsor” means an entity operating an apprenticeship program or an entity in whose name an apprenticeship program is being operated, which is registered by or approved by the Office of Apprenticeship of the United States Department of Labor.

“On-the-job trainer” means the individual providing instruction and supervision of the apprenticeship program practical hours. This individual must be a licensee of the board in the discipline for which they are training, and the training must occur in a licensed establishment.

PROFESSIONAL LICENSURE DIVISION[645](cont'd)

ITEM 9. Amend subrule 22.3(5) as follows:

22.3(5) Each licensee and apprentice shall have a valid U.S. government-issued photo ID to provide to an agent of the board upon request as proof of identity.

ITEM 10. Adopt the following **new** subrule 22.3(6):

22.3(6) A sign shall be clearly displayed in the entrance of the barbershop that indicates in prominent lettering that an apprentice is employed and may perform services under the supervision of a licensed apprenticeship supervisor.

ITEM 11. Adopt the following **new** subrule 22.4(3):

22.4(3) Each barbershop owner who provides apprenticeship programs must ensure on-the-job trainers are licensed and operating in an actively licensed establishment and comply with relevant United States Department of Labor laws and regulations for the operation of an apprenticeship program.

[Filed 6/6/22, effective 8/3/22]

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EDITOR'S NOTE: For replacement pages for IAC, see IAC Supplement 6/29/22.

ARC 6376C

PROFESSIONAL LICENSURE DIVISION[645]

Adopted and Filed

Rule making related to apprenticeship pathway to licensure

The Board of Cosmetology Arts and Sciences hereby amends Chapter 60, "Licensure of Cosmetologists, Electrologists, Estheticians, Manicurists, Nail Technologists, and Instructors of Cosmetology Arts and Sciences," and Chapter 61, "Licensure of Salons and Schools of Cosmetology Arts and Sciences," Iowa Administrative Code.

Legal Authority for Rule Making

This rule making is adopted under the authority provided in Iowa Code sections 147.76 and 157.14 and section 272C.16 as amended by 2021 Iowa Acts, Senate File 424.

State or Federal Law Implemented

This rule making implements, in whole or in part, Iowa Code chapters 147 and 157 and section 272C.16 as amended by 2021 Iowa Acts, Senate File 424.

Purpose and Summary

This rule making implements the provisions of 2021 Iowa Acts, Senate File 424, which recognized registered United States Department of Labor apprenticeships as a pathway to licensure, and provides guidance to license holders on their responsibilities to the public and their apprentices when operating an apprenticeship.

Public Comment and Changes to Rule Making

Notice of Intended Action for this rule making was published in the Iowa Administrative Bulletin on March 23, 2022, as **ARC 6258C**. A public hearing was held on April 12, 2022, at 9:30 a.m. in the Fifth Floor Board Conference Room 526, Lucas State Office Building, Des Moines, Iowa. No one attended the public hearing. No public comments were received.

Two changes from the Notice have been made. Item 3 and Item 7 have been revised to ensure clarity within the rules and for uniformity with the Iowa Board of Barbering apprenticeship rules.

PROFESSIONAL LICENSURE DIVISION[645](cont'd)

Adoption of Rule Making

This rule making was adopted by the Board on May 23, 2022.

Fiscal Impact

This rule making has minimal fiscal impact to the State of Iowa. Under this rule making, licensees will no longer need to pay to receive duplicate wallet cards and instead will be able to print their own renewal verification if needed.

Jobs Impact

After analysis and review of this rule making, there is a potential positive impact on jobs because individuals who may have been ineligible for licensure may be eligible for licensure as a result of this rule making.

Waivers

A waiver provision is not included in this rule making because all administrative rules of the professional licensure boards in the Professional Licensure Division are subject to the waiver provisions accorded under 645—Chapter 18.

Review by Administrative Rules Review Committee

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

Effective Date

This rule making will become effective on August 3, 2022.

The following rule-making actions are adopted:

ITEM 1. Adopt the following **new** definitions of “Apprentice” and “Apprenticeship program” in rule **645—60.1(157)**:

“*Apprentice*” means a person who is at least 16 years of age, who is employed in an apprenticeable occupation, who is a resident of the state of Iowa, and who is registered in Iowa by the Office of Apprenticeship of the United States Department of Labor.

“*Apprenticeship program*” means a program registered by the Office of Apprenticeship of the United States Department of Labor, which includes terms and conditions for the qualification, recruitment, selection, employment, and training of apprentices, including the requirement for a written apprenticeship agreement between an apprentice and an active licensee in an active licensed salon.

ITEM 2. Reletter paragraphs **60.2(1)“d”** and “e” as **60.2(1)“e”** and “f.”

ITEM 3. Adopt the following **new** paragraph **60.2(1)“d”**:

d. If the applicant has graduated from an apprenticeship program, the applicant must direct the United States Department of Labor to submit a certificate of completion.

ITEM 4. Adopt the following **new** subrule 60.5(7):

60.5(7) Persons licensed under this chapter who provide apprenticeship programs must hold an active license sufficient to provide on-the-job training, must operate in an actively licensed establishment, and must comply with relevant United States Department of Labor laws and regulations for the operation of an apprenticeship program.

PROFESSIONAL LICENSURE DIVISION[645](cont'd)

ITEM 5. Adopt the following **new** definitions of “Apprentice,” “Apprenticeship instructor,” “Apprenticeship program,” “Apprenticeship sponsor” and “On-the-job trainer” in rule **645—61.1(157)**:

“*Apprentice*” means a person who is at least 16 years of age, who is employed in an apprenticeable occupation, who is a resident of the state of Iowa, and who is registered in Iowa by the Office of Apprenticeship of the United States Department of Labor.

“*Apprenticeship instructor*” means an instructor who delivers theory instruction in apprenticeship programs and who must meet the United States Department of Labor’s requirements for career and technical instructors. It is recommended that all apprenticeship instructors have training in teaching techniques and adult learning styles.

“*Apprenticeship program*” means a program registered by the Office of Apprenticeship of the United States Department of Labor, which includes terms and conditions for the qualification, recruitment, selection, employment, and training of apprentices, including the requirement for a written apprenticeship agreement between a student and an active licensee in an active licensed salon.

“*Apprenticeship sponsor*” means an entity operating an apprenticeship program or an entity in whose name an apprenticeship program is being operated that is registered with or approved by the Office of Apprenticeship of the United States Department of Labor.

“*On-the-job trainer*” means the individual providing instruction and supervision of the apprenticeship program practical hours. This individual must be a licensee of the board in the discipline for which the individual is training, and the training must occur in a licensed establishment.

ITEM 6. Amend subrule 61.5(5) as follows:

61.5(5) Each licensee and apprentice shall have a valid U.S. government-issued photo ID to provide to an agent of the board upon request as proof of identity.

ITEM 7. Adopt the following **new** subrule 61.24(3):

61.24(3) A sign shall be clearly displayed in the entrance of a licensed establishment operating an apprenticeship program that indicates in prominent lettering that apprentices are employed at the establishment and may perform services under the supervision of a licensed apprenticeship supervisor.

[Filed 6/6/22, effective 8/3/22]

[Published 6/29/22]

EDITOR’S NOTE: For replacement pages for IAC, see IAC Supplement 6/29/22.

ARC 6374C

PROFESSIONAL LICENSURE DIVISION[645]

Adopted and Filed

Rule making related to licensure of optometrists

The Board of Optometry hereby amends Chapter 180, “Licensure of Optometrists,” Iowa Administrative Code.

Legal Authority for Rule Making

This rule making is adopted under the authority provided in Iowa Code sections 147.76 and 154.3.

State or Federal Law Implemented

This rule making implements, in whole or in part, Iowa Code section 154.3.

Purpose and Summary

These amendments update the license application procedures, streamline the requirements for endorsement applications, streamline the requirements for license reactivation, and add an examination option for license reactivation.

PROFESSIONAL LICENSURE DIVISION[645](cont'd)

Public Comment and Changes to Rule Making

Notice of Intended Action for this rule making was published in the Iowa Administrative Bulletin on December 15, 2021, as **ARC 6095C**. A public hearing was held on January 4, 2022, at 10 a.m. in the Fifth Floor Board Conference Room 526, Lucas State Office Building, Des Moines, Iowa. No one attended the public hearing. No public comments were received. No changes from the Notice have been made.

Adoption of Rule Making

This rule making was adopted by the Board on April 7, 2022.

Fiscal Impact

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

Jobs Impact

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

Waivers

A waiver provision is not included in this rule making because all administrative rules of the professional licensure boards in the Professional Licensure Division are subject to the waiver provisions accorded under 645—Chapter 18.

Review by Administrative Rules Review Committee

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

Effective Date

This rule making will become effective on August 3, 2022.

The following rule-making actions are adopted:

ITEM 1. Rescind subrule 180.2(1) and adopt the following **new** subrule in lieu thereof:

180.2(1) The following criteria shall apply to licensure:

a. Applicants shall complete a board-approved application. Applications may be completed at the board's website (www.idph.iowa.gov/licensure).

b. Applicants shall submit the appropriate fees payable to the Board of Optometry. The fees are nonrefundable.

c. No application will be considered complete until official copies of academic transcripts sent directly to the board from an accredited school or college of optometry are received by the board and the applicant submits proof of satisfactory completion of all educational requirements contained in Iowa Code chapter 154.

d. Applicants shall provide evidence of passing all current NBEO examinations including the Treatment and Management of Ocular Disease examination.

e. Licensees who were issued their licenses within six months prior to the renewal date shall not be required to renew their licenses until the renewal date two years later.

ITEM 2. Rescind subrule 180.3(1) and adopt the following **new** subrule in lieu thereof:

180.3(1) Applicants who have been licensed as an optometrist in another state may apply for licensure by endorsement by submitting the following:

PROFESSIONAL LICENSURE DIVISION[645](cont'd)

- a. A completed licensure application and payment of the application fee.
- b. Verification of license(s) from every jurisdiction in which the applicant has been licensed showing the licensee's name, date of initial licensure, current licensure status, and any disciplinary action taken against the license.
- c. Evidence of a passing score for all parts of the NBEO examination at the time of licensure as an optometrist in another state and evidence of a passing score for the Treatment and Management of Ocular Disease examination.
- d. Verification of current competence to practice as an optometrist by satisfying one of the following criteria:
 - (1) Current CELMO certification; or
 - (2) Practice as an optometrist for a minimum of 2,080 hours during the preceding two-year period;
 or
 - (3) Employment as a faculty member teaching optometry in an accredited school of optometry for at least one academic year during the preceding two-year period; or
 - (4) Completion of a minimum of 50 hours of continuing education during the preceding two-year period; or
 - (5) Passing the NBEO examination during the preceding two-year period.

ITEM 3. Rescind rule 645—180.11(17A,147,272C) and adopt the following **new** rule in lieu thereof:

645—180.11(17A,147,272C) License reactivation. To apply for reactivation of an inactive license, a licensee must submit the following:

- 180.11(1)** A completed reactivation application and payment of the application fee.
- 180.11(2)** Verification of license(s) from every jurisdiction in which the licensee has been licensed showing the licensee's name, date of initial licensure, current licensure status, and any disciplinary action taken against the license.
- 180.11(3)** Verification of current competence to practice as an optometrist by satisfying one of the following criteria:
 - a. Current CELMO certification; or
 - b. Practice as an optometrist for a minimum of 2,080 hours during the preceding two-year period;
 or
 - c. Employment as a faculty member teaching optometry in an accredited school of optometry for at least one academic year during the preceding two-year period; or
 - d. Completion of a minimum of 50 hours of continuing education during the preceding two-year period; or
 - e. Passing the NBEO examination during the preceding two-year period.

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ARC 6375C

REAL ESTATE APPRAISER EXAMINING BOARD[193F]

Adopted and Filed

**Rule making related to alternative experience pathways
and distance education delivery authorizations**

The Real Estate Appraiser Examining Board hereby amends Chapter 1, "Organization and Administration," Chapter 5, "Certified Residential Real Property Appraiser," Chapter 6, "Certified General Real Property Appraiser," and Chapter 11, "Continuing Education," Iowa Administrative Code.

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Legal Authority for Rule Making

This rule making is adopted under the authority provided in Iowa Code chapter 543D.

State or Federal Law Implemented

This rule making implements, in whole or in part, Iowa Code chapter 543D.

Purpose and Summary

This rule making amends Chapters 1, 5, 6, and 11 to adopt the Practical Applications of Real Estate Appraisal (PAREA) program alternative path toward experience credit and to update the rules to match the January 1, 2022, Appraiser Qualifications Board (AQB) criteria regarding distance educational offerings.

Public Comment and Changes to Rule Making

Notice of Intended Action for this rule making was published in the Iowa Administrative Bulletin on March 23, 2022, as **ARC 6254C**. A public hearing was held on April 13, 2022, at 8:30 a.m. in the Small Conference Room, Third Floor, 200 East Grand Avenue, Des Moines, Iowa.

Members of a large appraisal firm in Iowa attended the public hearing. Questions were asked about the PAREA program, but no comments regarding the rules were made.

Changes from the Notice have been made to add a sentence to rules 193F—5.8(543D) and 193F—6.8(543D) to clarify that “in the event a deficiency in the prerequisites is found, the applicant may be provided an opportunity to correct the deficiency prior to any denial of the application.”

Adoption of Rule Making

This rule making was adopted by the Board on May 25, 2022.

Fiscal Impact

The cost to attend a PAREA program is unknown at this time. A participant in a PAREA program must complete all qualifying education prior to starting the program, which will require additional up-front costs that are typically spread out over a year or more during the current supervisory appraiser model. Operating costs are expected to slightly decrease for program providers since they will no longer need to obtain approval from the International Distance Education Certification Center (IDECC) for offering synchronous courses. None of these costs have been or will be collected by the State; all costs and fees are paid to private entities such as IDECC and course providers such as the Appraisal Institute, McKissock, and the Columbia Institute. PAREA program fees will be paid to the PAREA provider, most likely the Appraisal Institute, Clear Capital, or another private entity.

Jobs Impact

After analysis and review of this rule making, a benefit to jobs has been found. This rule making allows for an alternative experience path into the appraisal profession, thus making it easier for an applicant to become a certified appraiser.

Waivers

Any person who believes that the application of the discretionary provisions of this rule making would result in hardship or injustice to that person may petition the Board for a waiver of the discretionary provisions, if any, pursuant to 193F—Chapter 18.

Review by Administrative Rules Review Committee

The Administrative Rules Review Committee, a bipartisan legislative committee which oversees rule making by executive branch agencies, may, on its own motion or on written request by any individual or

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group, review this rule making at its [regular monthly meeting](#) or at a special meeting. The Committee's meetings are open to the public, and interested persons may be heard as provided in Iowa Code section 17A.8(6).

Effective Date

This rule making will become effective on August 3, 2022.

The following rule-making actions are adopted:

ITEM 1. Amend rule 193F—1.19(543D) as follows:

193F—1.19(543D) ~~May 1, 2018, criteria~~ AQB criteria.

~~1.19(1) Effective on and after May 1, 2018, the AQB has changed the criteria for eligibility for certification as a certified appraiser. No person may be certified as a certified appraiser on or after May 1, 2018, unless the person is eligible under the most recent January 1, 2022, AQB criteria.~~

~~1.19(2) The May 1, 2018, criteria were adopted by the AQB in 2018 and have been widely disseminated, including on the board's website at: idob.state.ia.us/reap/. The May 1, 2018, January 1, 2022, AQB criteria modify outline the conditions under which applicants for certification are eligible to take the required examinations.~~

ITEM 2. Amend subrule 5.6(2) as follows:

~~5.6(2) The board shall treat all appraisals received as public records unless the applicant notifies the board at the time of submission that a submitted appraisal is subject to the confidentiality provisions of appraisal standards or is otherwise confidential under state or federal law. While applicants are encouraged to submit appraisals actually performed for clients, applicants may submit one or more demonstration appraisals if the appraisals are prepared based on factual information in the same manner as applicable to actual appraisal assignments and are clearly marked as demonstration appraisals. Experience gained for work without a traditional client (i.e., a client hiring an appraiser for a business purpose), for example a demonstration appraisal, cannot exceed 50 percent of the total experience requirement.~~

ITEM 3. Adopt the following **new** rule 193F—5.8(543D):

193F—5.8(543D) Practical Applications of Real Estate Appraisal (PAREA). PAREA utilizes simulated experience training and serves as an alternative to the traditional supervisor/trainee experience model. PAREA programs must be AQB-approved and meet all the required elements found in the PAREA section of the most recent AQB criteria. Applicants who met the prerequisites of a PAREA program prior to commencement of training, and who receive a valid certificate of completion from an AQB-approved PAREA program, have met the allotted experience requirements as outlined in the AQB criteria for that specific PAREA program. PAREA program experience allotment will be awarded per the AQB criteria at the time of program completion.

EXAMPLE: An applicant who has completed an AQB-approved licensed residential real property PAREA program may receive 67 percent of the required experience hours toward the certified residential real property credential. Applicants claiming PAREA experience credit may not receive partial credit for PAREA training.

An applicant who did not fulfill the prerequisites of the PAREA training program prior to commencement but received a certificate of completion of that program has not fulfilled the experience requirements of the AQB criteria. In the event that a deficiency in the prerequisites is found, the applicant may be provided an opportunity to correct the deficiency prior to any denial of an application. Applicants may not receive a certificate of completion until all required components of a PAREA program have been successfully completed and approved by a program mentor. A certificate of completion must be signed by an individual from the training entity qualified to verify the applicant's successful completion. An applicant wishing to utilize PAREA experience must still comply with rules

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193F—5.1(543D) through 193F—5.3(543D), subrules 5.5(4) and 5.5(5), and rules 193F—5.6(543D) and 193F—5.7(543D).

ITEM 4. Amend subrule 6.6(2) as follows:

6.6(2) The board shall treat all appraisals received as public records unless the applicant notifies the board at the time of submission that a submitted appraisal is subject to the confidentiality provisions of appraisal standards or is otherwise confidential under state or federal law. While applicants are encouraged to submit appraisals actually performed for clients, applicants may submit one or more demonstration appraisals if the appraisals are prepared based on factual information in the same manner as applicable to actual appraisal assignments and are clearly marked as demonstration appraisals. ~~Experience gained for work without a traditional client (i.e., a client hiring an appraiser for a business purpose), for example a demonstration appraisal, cannot exceed 50 percent of the total experience requirement.~~

ITEM 5. Renumber rule **193F—6.8(543D)** as **193F—6.9(543D)**.

ITEM 6. Adopt the following new rule 193F—6.8(543D):

193F—6.8(543D) Practical Applications of Real Estate Appraisal (PAREA). PAREA utilizes simulated experience training and serves as an alternative to the traditional supervisor/trainee experience model. PAREA programs must be AQB-approved and meet all the required elements found in the PAREA section of the most recent AQB criteria. An applicant who meets the prerequisites of a PAREA program prior to commencement of training, and who receives a valid certificate of completion from an AQB-approved PAREA program, has met the allotted experience requirements as outlined in the AQB criteria for that specific PAREA program. PAREA program experience allotment will be awarded per the AQB criteria at the time of program completion.

EXAMPLE: An applicant who has completed an AQB-approved certified residential real property PAREA program may receive 50 percent of the required experience hours toward the certified general real property credential. However, these hours are not eligible toward the nonresidential real property required experience hours.

Applicants claiming PAREA experience credit may not receive partial credit for PAREA training. An applicant who did not fulfill the prerequisites of the PAREA training program prior to commencement but received a certificate of completion of that program has not fulfilled the experience requirements of the AQB criteria. In the event that a deficiency in the prerequisites is found, the applicant may be provided an opportunity to correct the deficiency prior to any denial of an application. An applicant may not receive a certificate of completion until all required components of a PAREA program have been successfully completed and approved by a program mentor. Certificates of completion must be signed by an individual from the training entity qualified to verify an applicant's successful completion. An applicant wishing to utilize PAREA experience must still comply with rules 193F—6.1(543D) through 193F—6.7(543D).

ITEM 7. Renumber renumbered subrule **6.9(5)** as **6.9(6)**.

ITEM 8. Adopt the following new subrule 6.9(5):

6.9(5) Practical Applications of Real Estate Appraisal. An applicant seeking to upgrade from a certified residential credential to a certified general credential may gain partial experience credit through an AQB-approved PAREA program pursuant to rule 193F—6.8(543D).

ITEM 9. Amend rule **193F—11.1(272C,543D)**, definition of "Distance education," as follows:

"Distance education" means any education process based on the geographical separation of student and instructor. "Distance education" includes computer-generated programs and webinars asynchronous, synchronous, and hybrid educational offerings.

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ITEM 10. Adopt the following new definitions of “Asynchronous,” “Hybrid” and “Synchronous” in rule **193F—11.1(272C,543D)**:

“*Asynchronous*” means that the instructor and student interaction in an educational offering is nonsimultaneous. Students progress at their own pace through structured course content and scheduled quizzes and examinations.

“*Hybrid*,” also known as a blended course, means a learning environment that allows for both in-person and online (synchronous or asynchronous) interaction.

“*Synchronous*” means that in an educational offering the instructor and student interact online simultaneously, as in a phone call, video chat or live webinar, or web-based meeting.

ITEM 11. Adopt the following new subrule 11.5(2):

11.5(2) Programs must be taught by instructors who have successfully completed an instructor development workshop within 24 months preceding board approval of the program. Certified USPAP instructors and instructors approved via a course delivery mechanism approval per the AQB criteria shall be considered to have met this requirement.

ITEM 12. Amend rule 193F—11.6(272C,543D) as follows:

193F—11.6(272C,543D) Acceptable distance education courses. Distance education is an education process based on the geographical separation of student and instructor. A distance education course is acceptable to meet class hour requirements if: it complies with the generic education criteria in the current AQB criteria.

~~**11.6(1)** The course provides interaction. Interaction is a reciprocal environment in which the student has verbal or written communication with the instructor; and~~

~~**11.6(2)** Content approval is obtained from the AQB, a state licensing jurisdiction, or an accredited college, community college, or university that offers distance education programs and is approved or accredited by the Commission on Colleges, a regional or national accreditation association, or by an accrediting agency that is recognized by the U.S. Secretary of Education. Nonacademic credit college courses provided by a college shall be approved by the AQB or the state licensing jurisdiction; and~~

~~**11.6(3)** Course delivery mechanism approval is obtained from one of the following sources:~~

~~*a.*—AQB approved organizations providing approval of course design and delivery; or~~

~~*b.*—A college or university that qualifies for content approval pursuant to subrule 11.6(2) that awards academic credit for the distance education course; or~~

~~*c.*—A qualifying college or university for content approval with a distance education delivery program that approves the course design and delivery that incorporate interactivity.~~

~~**11.6(4)** Distance education courses must include at least one of the following:~~

~~*a.*—A written examination proctored by an official approved by the college or university, or by the sponsoring organization. The term “written” in this subrule refers to an examination that may be written on paper or administered electronically on a computer or other device. Oral examinations are not acceptable.~~

~~*b.*—Successful completion of prescribed course mechanisms required to demonstrate knowledge of the subject matter.~~

ITEM 13. Amend subrule 11.7(1) as follows:

11.7(1) Approval must be obtained for each program separately. With the exception of hybrid courses, courses that are offered via more than one delivery method will require separate program approvals.

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EDITOR’S NOTE: For replacement pages for IAC, see IAC Supplement 6/29/22.

ARC 6393C**REVENUE DEPARTMENT[701]****Adopted and Filed****Rule making related to excise tax rate on motor fuels**

The Revenue Department hereby amends Chapter 68, “Motor Fuel and Undyed Special Fuel,” Iowa Administrative Code.

Legal Authority for Rule Making

This rule making is adopted under the authority provided in Iowa Code sections 421.14 and 452A.59.

State or Federal Law Implemented

This rule making implements, in whole or in part, Iowa Code section 452A.3.

Purpose and Summary

This rule making amends subrule 68.2(1) to adjust the excise tax rate on biodiesel blended fuel rated B-11 or higher from 30.4¢ per gallon (ending June 30, 2022) to 30.1¢ per gallon (beginning July 1, 2022), pursuant to the formula prescribed by Iowa Code section 452A.3. The distribution percentage for biodiesel blended fuel rated B-11 or higher for calendar year 2021 is 57.75 percent, a decrease from the 2020 distribution percentage of 61.49 percent. As a result, pursuant to Iowa Code section 452A.3(3)“a”(2), in fiscal year 2023, the excise tax rate for biodiesel blended fuel rated B-11 or higher will decrease as noted above. Tax rates for all other fuel types will remain unchanged for fiscal year 2023.

Public Comment and Changes to Rule Making

Notice of Intended Action for this rule making was published in the Iowa Administrative Bulletin on May 4, 2022, as **ARC 6315C**. No public comments were received. No changes from the Notice have been made.

Adoption of Rule Making

This rule making was adopted by the Department on June 8, 2022.

Fiscal Impact

Under the excise tax rates applicable for fiscal year 2023 as adopted in this rule making and as required by statute, it is estimated that, accounting for refunds, collections will be \$142.43 million, resulting in a decrease of \$1.42 million in revenues.

Jobs Impact

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

Waivers

Any person who believes that the application of the discretionary provisions of this rule making would result in hardship or injustice to that person may petition the Department for a waiver of the discretionary provisions, if any, pursuant to rule 701—7.28(17A).

Review by Administrative Rules Review Committee

The Administrative Rules Review Committee, a bipartisan legislative committee which oversees rule making by executive branch agencies, may, on its own motion or on written request by any individual or

REVENUE DEPARTMENT[701](cont'd)

group, review this rule making at its [regular monthly meeting](#) or at a special meeting. The Committee's meetings are open to the public, and interested persons may be heard as provided in Iowa Code section 17A.8(6).

Effective Date

This rule making will become effective on August 3, 2022.

The following rule-making action is adopted:

Amend subrule 68.2(1) as follows:

68.2(1) The following rates of tax apply to the use of fuel in operating motor vehicles and aircraft:

Gasoline	30.7¢ per gallon (for July 1, 2016, through June 30, 2017) 30.5¢ per gallon (for July 1, 2017, through June 30, 2018) 30.7¢ per gallon (for July 1, 2018, through June 30, 2019) 30.5¢ per gallon (for July 1, 2019, through June 30, 2020) 30¢ per gallon (beginning July 1, 2020)
Ethanol blended gasoline	29¢ per gallon (for July 1, 2016, through June 30, 2020)
Ethanol blended gasoline E-10 to E-14	30¢ per gallon (beginning July 1, 2020)
E-85 gasoline	29¢ per gallon (for July 1, 2016, through June 30, 2020)
Ethanol blended gasoline E-15 or higher	24¢ per gallon (beginning July 1, 2020)
Aviation gasoline	8¢ per gallon (beginning July 1, 1988)
Diesel fuel other than B-11 or higher	22.5¢ per gallon (on and before February 28, 2015) 32.5¢ per gallon (beginning March 1, 2015)
Biodiesel blended fuel (B-11 or higher)	29.5¢ per gallon (for July 1, 2015, through June 30, 2020) 30.1¢ per gallon (for July 1, 2020, through June 30, 2021) 30.4¢ per gallon (beginning <u>for July 1, 2021, through June 30, 2022</u>) <u>30.1¢ per gallon (beginning July 1, 2022)</u>
Aviation jet fuel	3¢ per gallon (on and before February 28, 2015) 5¢ per gallon (beginning March 1, 2015)
L.P.G.	20¢ per gallon (on and before February 28, 2015) 30¢ per gallon (beginning March 1, 2015)
C.N.G.	16¢ per 100 cu. ft. (on and before June 30, 2014) 21¢ per gallon (for July 1, 2014, through February 28, 2015) 31¢ per gallon (beginning March 1, 2015)
L.N.G.	22.5¢ per gallon (on and before February 28, 2015) 32.5¢ per gallon (beginning March 1, 2015)

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