



IOWA ADMINISTRATIVE BULLETIN

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CONTENTS IN THIS ISSUE

Pages 8 to 57 include ARC 1516C to ARC 1540C

AGING, DEPARTMENT ON[17]

Filed, Iowa aging program instructions; definitions, 1.2, 1.4, 1.5 ARC 1532C	34
Filed, Department fiscal operations—removal of references to Iowa aging program instructions, 5.9(2), 5.10(2) ARC 1533C	35
Filed, Area agencies on aging—planning and administration, 6.2, 6.3(4), 6.6(2), 6.11(3), 6.14(1) ARC 1534C	36
Filed, Long-term care ombudsman program, amendments to ch 8 ARC 1535C	37
Filed, Resident advocate committees, rescind ch 9 ARC 1536C	41
Filed, Options counselors, 23.7 ARC 1537C	42

ALL AGENCIES

Agency identification numbers	6
Citation of administrative rules	3
Schedule for rule making	4

ECONOMIC DEVELOPMENT

AUTHORITY[261]

Notice, Economic development region initiatives, amendments to ch 31 ARC 1540C	8
--	---

EDUCATION DEPARTMENT[281]

Notice, Secondary credit for students in grades 7 and 8, 12.5(4)“1” ARC 1527C	10
Notice, Workforce training and economic development funds, ch 27 ARC 1529C	11
Notice, School bus driver’s authorization—physical fitness, 43.15 ARC 1528C	14

HOMELAND SECURITY AND EMERGENCY MANAGEMENT DEPARTMENT[605]

Filed, Enhanced 911 telephone systems; department organization, amendments to ch 10 ARC 1538C	43
---	----

HUMAN SERVICES DEPARTMENT[441]

Notice, Reimbursement rate increase for emergency medical service providers, 79.1(2) ARC 1518C	15
Notice, Medicaid—alternative reimbursement rate methodology for community mental health centers, 79.1(25) ARC 1520C	16
Notice, Minimum foster group care payment rates, 156.9 ARC 1522C	17
Notice, Eligibility for child care assistance, 170.1, 170.2 ARC 1524C	18
Filed Emergency, Reimbursement rate increase for emergency medical service providers, 79.1(2) ARC 1519C	27
Filed Emergency, Medicaid—alternative reimbursement rate methodology for community mental health centers, 79.1(25) ARC 1521C	27
Filed Emergency, Minimum foster group care payment rates, 156.9 ARC 1523C	29
Filed Emergency, Eligibility for child care assistance, 170.1, 170.2 ARC 1525C	30

IOWA FINANCE AUTHORITY[265]

Filed, Shelter assistance fund, 41.1 to 41.12 ARC 1539C	50
---	----

LABOR SERVICES DIVISION[875]
WORKFORCE DEVELOPMENT DEPARTMENT[871]“umbrella”
 Filed, Federal occupational safety
 and health standards—adoption by
 reference, 10.20, 26.1 **ARC 1531C** 56

NATURAL RESOURCE COMMISSION[571]
NATURAL RESOURCES DEPARTMENT[561]“umbrella”
 Notice, Boating—zoning of Mississippi
 River adjacent to city of Clayton, 40.60
ARC 1530C 18

PUBLIC HEARINGS
 Summarized list 5

TRANSPORTATION DEPARTMENT[761]
 Notice, Driver education—teaching
 parent; driving test, 604.31, 634.11
ARC 1526C 19
 Filed, Keep Iowa beautiful program,
 rescind ch 122 **ARC 1516C**..... 57

USURY
 Notice 25

UTILITIES DIVISION
 Notice of stakeholder group 25

WORKERS’ COMPENSATION DIVISION[876]
WORKFORCE DEVELOPMENT DEPARTMENT[871]“umbrella”
 Filed Emergency, Payroll tax tables, 8.8
ARC 1517C 32

PREFACE

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

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

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

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

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CITATION of Administrative Rules

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

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

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

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

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

Schedule for Rule Making 2014

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

PRINTING SCHEDULE FOR IAB

<u>ISSUE NUMBER</u>	<u>SUBMISSION DEADLINE</u>	<u>ISSUE DATE</u>
3	Friday, July 18, 2014	August 6, 2014
4	Friday, August 1, 2014	August 20, 2014
5	Friday, August 15, 2014	September 3, 2014

PLEASE NOTE:

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

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

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

EDUCATION DEPARTMENT[281]

Secondary credit for students in grades 7 and 8, 12.5(4)“1” IAB 7/9/14 ARC 1527C	State Board Room, Second Floor Grimes State Office Bldg. Des Moines, Iowa	July 29, 2014 10 to 11 a.m.
Workforce training and economic development funds, ch 27 IAB 7/9/14 ARC 1529C	State Board Room, Second Floor Grimes State Office Bldg. Des Moines, Iowa	July 29, 2014 11 a.m. to 12 noon
School bus driver’s authorization—physical fitness, 43.15 IAB 7/9/14 ARC 1528C	State Board Room, Second Floor Grimes State Office Bldg. Des Moines, Iowa	July 29, 2014 9 to 10 a.m.

NATURAL RESOURCE COMMISSION[571]

Boating—zoning of the Mississippi River adjacent to city of Clayton, 40.60 IAB 7/9/14 ARC 1530C	Fourth Floor West Conference Room Wallace State Office Bldg. Des Moines, Iowa	July 31, 2014 1 p.m.
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TRANSPORTATION DEPARTMENT[761]

Driver education—teaching parent; driving test, 604.31, 634.11 IAB 7/9/14 ARC 1526C	DOT Motor Vehicle Division Offices 6310 SE Convenience Blvd. Ankeny, Iowa	August 1, 2014 10 a.m. (If requested)
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The following list will be updated as changes occur.

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

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

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

ADMINISTRATIVE SERVICES DEPARTMENT[11]
 AGING, DEPARTMENT ON[17]
 AGRICULTURE AND LAND STEWARDSHIP DEPARTMENT[21]
 Soil Conservation Division[27]
 ATTORNEY GENERAL[61]
 AUDITOR OF STATE[81]
 BEEF INDUSTRY COUNCIL, IOWA[101]
 BLIND, DEPARTMENT FOR THE[111]
 CAPITAL INVESTMENT BOARD, IOWA[123]
 CITIZENS’ AIDE[141]
 CIVIL RIGHTS COMMISSION[161]
 COMMERCE DEPARTMENT[181]
 Alcoholic Beverages Division[185]
 Banking Division[187]
 Credit Union Division[189]
 Insurance Division[191]
 Professional Licensing and Regulation Bureau[193]
 Accountancy Examining Board[193A]
 Architectural Examining Board[193B]
 Engineering and Land Surveying Examining Board[193C]
 Landscape Architectural Examining Board[193D]
 Real Estate Commission[193E]
 Real Estate Appraiser Examining Board[193F]
 Interior Design Examining Board[193G]
 Utilities Division[199]
 CORRECTIONS DEPARTMENT[201]
 Parole Board[205]
 CULTURAL AFFAIRS DEPARTMENT[221]
 Arts Division[222]
 Historical Division[223]
 EARLY CHILDHOOD IOWA STATE BOARD[249]
 ECONOMIC DEVELOPMENT AUTHORITY[261]
 City Development Board[263]
 IOWA FINANCE AUTHORITY[265]
 EDUCATION DEPARTMENT[281]
 Educational Examiners Board[282]
 College Student Aid Commission[283]
 Higher Education Loan Authority[284]
 Iowa Advance Funding Authority[285]
 Libraries and Information Services Division[286]
 Public Broadcasting Division[288]
 School Budget Review Committee[289]
 EGG COUNCIL, IOWA[301]
 EMPOWERMENT BOARD, IOWA[349]
 ENERGY INDEPENDENCE, OFFICE OF[350]
 ETHICS AND CAMPAIGN DISCLOSURE BOARD, IOWA[351]
 EXECUTIVE COUNCIL[361]
 FAIR BOARD[371]
 HUMAN RIGHTS DEPARTMENT[421]
 Community Action Agencies Division[427]
 Criminal and Juvenile Justice Planning Division[428]
 Deaf Services Division[429]
 Persons With Disabilities Division[431]
 Latino Affairs Division[433]
 Status of African-Americans, Division on the[434]

Status of Women Division[435]
Status of Iowans of Asian and Pacific Islander Heritage[436]
HUMAN SERVICES DEPARTMENT[441]
INSPECTIONS AND APPEALS DEPARTMENT[481]
Employment Appeal Board[486]
Child Advocacy Board[489]
Racing and Gaming Commission[491]
State Public Defender[493]
IOWA PUBLIC EMPLOYEES' RETIREMENT SYSTEM[495]
IOWA PUBLIC INFORMATION BOARD[497]
LAW ENFORCEMENT ACADEMY[501]
LIVESTOCK HEALTH ADVISORY COUNCIL[521]
LOTTERY AUTHORITY, IOWA[531]
MANAGEMENT DEPARTMENT[541]
Appeal Board, State[543]
City Finance Committee[545]
County Finance Committee[547]
NATURAL RESOURCES DEPARTMENT[561]
Energy and Geological Resources Division[565]
Environmental Protection Commission[567]
Natural Resource Commission[571]
Preserves, State Advisory Board for[575]
PETROLEUM UNDERGROUND STORAGE TANK FUND BOARD, IOWA COMPREHENSIVE[591]
PREVENTION OF DISABILITIES POLICY COUNCIL[597]
PROPANE EDUCATION AND RESEARCH COUNCIL, IOWA[599]
PUBLIC DEFENSE DEPARTMENT[601]
Military Division[611]
HOMELAND SECURITY AND EMERGENCY MANAGEMENT DEPARTMENT[605]
PUBLIC EMPLOYMENT RELATIONS BOARD[621]
PUBLIC HEALTH DEPARTMENT[641]
Professional Licensure Division[645]
Dental Board[650]
Medicine Board[653]
Nursing Board[655]
Pharmacy Board[657]
PUBLIC SAFETY DEPARTMENT[661]
RECORDS COMMISSION[671]
REGENTS BOARD[681]
Archaeologist[685]
REVENUE DEPARTMENT[701]
SECRETARY OF STATE[721]
SHEEP AND WOOL PROMOTION BOARD, IOWA[741]
TELECOMMUNICATIONS AND TECHNOLOGY COMMISSION, IOWA[751]
TRANSPORTATION DEPARTMENT[761]
TREASURER OF STATE[781]
TURKEY MARKETING COUNCIL, IOWA[787]
UNIFORM STATE LAWS COMMISSION[791]
VETERANS AFFAIRS, IOWA DEPARTMENT OF[801]
VETERINARY MEDICINE BOARD[811]
VOLUNTEER SERVICE, IOWA COMMISSION ON[817]
VOTER REGISTRATION COMMISSION[821]
WORKFORCE DEVELOPMENT DEPARTMENT[871]
Labor Services Division[875]
Workers' Compensation Division[876]
Workforce Development Board and Workforce Development Center Administration Division[877]

ARC 1540C

ECONOMIC DEVELOPMENT AUTHORITY[261]

Notice of Intended Action

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

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

Pursuant to the authority of Iowa Code section 15.106A, the Economic Development Authority gives Notice of Intended Action to amend Chapter 31, “Economic Development Region Initiatives,” Iowa Administrative Code.

The rules in Chapter 31 describe the Authority’s economic development region initiatives. These amendments update existing rules to amend the definition of an economic development region to allow more flexibility in assembling a region; make changes to the application process; eliminate references to the repealed Grow Iowa Values Fund; and replace references to the Department with references to the Authority.

The Economic Development Authority Board approved these amendments at a Board meeting held on June 20, 2014.

Interested persons may submit comments on or before July 29, 2014. Comments may be submitted to Chris Cataldo, Economic Development Authority, 200 East Grand Avenue, Des Moines, Iowa 50309; telephone (515)725-3157; e-mail chris.cataldo@iowa.gov.

These amendments do not have any fiscal impact to the state of Iowa.

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

These amendments are intended to implement Iowa Code section 15E.231 as amended by 2014 Iowa Acts, Senate File 2359.

The following amendments are proposed.

ITEM 1. Strike “81GA, HF868, HF809” wherever it appears in rules **261—31.1(81GA, HF868, HF809)** to **261—31.5(81GA, HF868, HF809)**, **261—31.7(81GA, HF868, HF809)** to **261—31.10(81GA, HF868, HF809)**, and **261—31.12(81GA, HF868, HF809)** to **261—31.18(81GA, HF868, HF809)** and insert “15E” in lieu thereof.

ITEM 2. Amend rule 261—31.1(15E) as follows:

261—31.1(15E) Purpose. ~~Department~~ Authority resources ~~shall~~ may be available to assist an economic development region that has established a focused economic development effort. This effort shall include a regional development plan relating to one or more of the following areas:

1. to 7. No change.

8. Development of the alternative and renewable energy sector.

ITEM 3. Amend rule 261—31.3(15E) as follows:

261—31.3(15E) Financial assistance. ~~For the fiscal year period beginning July 1, 2005, and ending June 30, 2015, \$1 million is made available each fiscal year for the economic development region initiative. 261—subrule 2.4(7) describes how the \$1 million is allocated. Financial assistance under the economic development region initiative comes from the moneys allocated for such purposes by the authority pursuant to Iowa Code section 15.335B.~~

ECONOMIC DEVELOPMENT AUTHORITY[261](cont'd)

ITEM 4. Amend rule 261—31.4(15E) as follows:

261—31.4(15E) Definitions.

~~“Economic development region” shall consist of not less than three counties, unless two contiguous counties have a combined population of at least 300,000 based on the most recent federal decennial census~~ three or more contiguous counties or two or more contiguous counties and one or more public or private, nonprofit entities that have entered into an agreement to pursue mutual economic development goals with a regional focus.

“Economic development region assistance fund” means a fund created pursuant to Iowa Code section 15.335B.

“Economic development region revolving fund” means a fund established to benefit development efforts in an economic development region.

“Regional economic development revenue sharing pilot project” means a pilot project for one or more approved regions.

ITEM 5. Strike “grow Iowa values” wherever it appears in rule **261—31.5(15E)** and subrule **31.9(2)** and insert “economic development region assistance” in lieu thereof.

ITEM 6. Rescind rule 261—31.6(81GA, HF868, HF809) and adopt the following new rule in lieu thereof:

261—31.6(15E) Application process and approval process.

31.6(1) Application process. The authority will only accept competitive applications submitted during the filing window. For the purpose of this rule, the filing window shall start on July 1 and end on July 15 of any fiscal year in which the authority opens the application process. If July 15 falls on a weekend, the deadline shall be extended to the next business day. The authority has developed an application process and will post all relevant application information on iowagrants.gov.

31.6(2) Approval process. The director of the authority will establish a review committee consisting of the authority’s industry partners. The committee may recommend full or partial funding or no funding of any or all applicants.

ITEM 7. Amend rule 261—31.7(15E) as follows:

261—31.7(15E) Reporting requirements. Award recipients in economic development regions shall provide ~~an annual~~ a close-out report to the ~~department~~ authority outlining how the funds were invested in Iowa’s future. The ~~department~~ authority shall develop the reporting format for all required ~~annual~~ close-out reports.

ITEM 8. Strike “department” wherever it appears in subrule **31.9(1)**, rule **261—31.16(15E)** and subrule **31.17(2)** and insert “authority” in lieu thereof.

ITEM 9. Strike “IDED” wherever it appears in subrule **31.9(1)** and rule **261—31.18(15E)** and insert “the authority” in lieu thereof.

ITEM 10. Rescind rule 261—31.11(81GA, HF868, HF809) and adopt the following new rule in lieu thereof:

261—31.11(15E) Application process and approval process.

31.11(1) Application process. The authority will only accept competitive applications submitted during the filing window. For the purpose of this rule, the filing window shall start on July 1 and end on July 15 of any fiscal year in which the authority opens the application process. If July 15 falls on a weekend, the deadline shall be extended to the next business day. The authority has developed an application process and will post all relevant application information on iowagrants.gov.

31.11(2) Approval process. The director of the authority will establish a review committee consisting of the authority’s industry partners. The committee may recommend full or partial funding or no funding of any or all applicants.

ECONOMIC DEVELOPMENT AUTHORITY[261](cont'd)

ITEM 11. Amend rule 261—31.12(15E) as follows:

261—31.12(15E) Reporting requirements. Award recipients shall provide ~~an annual~~ a close-out report to the ~~department~~ authority outlining how funds were invested in Iowa's future.

ITEM 12. Amend rule 261—31.13(15E) as follows:

261—31.13(15E) Description and purpose. The ~~department~~ shall authority may establish and administer a business accelerator program to provide financial assistance for the establishment and operation of a business accelerator for technology-based, value-added agricultural, information solutions, or advanced manufacturing start-up businesses or for a satellite of an existing business accelerator. The program ~~shall~~ may be designed to foster the accelerated growth of new and existing businesses through the provision of technical assistance.

ITEM 13. Amend rule **261—31.15(15E)**, numbered paragraph "8," as follows:

8. The business accelerator must possess the willingness to accept referrals from the ~~Iowa department~~ of economic development authority.

ITEM 14. Rescind subrule 31.17(1) and adopt the following **new** subrule in lieu thereof:

31.17(1) Application process and approval process.

a. Application process. The authority will only accept competitive applications submitted during the filing window. For the purpose of this rule, the filing window shall start on July 1 and end on July 15 of any fiscal year in which the authority opens the application process. If July 15 falls on a weekend, the deadline shall be extended to the next business day. The authority has developed an application process and will post all relevant application information on iowagrants.gov.

b. Approval process. The director of the authority will establish a review committee consisting of the authority's industry partners. The committee may recommend full or partial funding or no funding of any or all applicants.

ITEM 15. Rescind and reserve rule **261—31.19(81GA, HF868, HF809)**.

ITEM 16. Rescind and reserve rule **261—31.20(81GA, HF868, HF809)**.

ITEM 17. Amend **261—Chapter 31**, implementation sentence, as follows:

These rules are intended to implement ~~2005 Iowa Acts, House File 868, sections 8, 9, 10, 11 and 12, and House File 809, section 19(6)~~ 2013 Iowa Code sections 15E.231 to 15E.233; 2011 Iowa Acts, chapter 118, section 20; and 2014 Iowa Acts, Senate File 2359.

ARC 1527C

EDUCATION DEPARTMENT[281]

Notice of Intended Action

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

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

Pursuant to the authority of Iowa Code section 256.7(5), the State Board of Education hereby proposes to amend Chapter 12, "General Accreditation Standards," Iowa Administrative Code.

This chapter sets accreditation standards for all Iowa school districts and accredited nonpublic schools. This amendment conforms rule 281—12.5(256) to 2014 Iowa Acts, Senate File 2230, section 2, by providing that school districts and accredited nonpublic schools have authority to grant secondary credit to students in grades 7 and 8 if the course meets all components listed in subrule 12.5(5) for the specific curricular area.

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

EDUCATION DEPARTMENT[281](cont'd)

Interested individuals may make written comments on the proposed amendment on or before July 29, 2014, at 4:30 p.m. Comments on the proposed amendment should be directed to Phil Wise, Iowa Department of Education, Second Floor, Grimes State Office Building, Des Moines, Iowa 50319-0146; telephone (515)281-4835; e-mail phil.wise@iowa.gov; or fax (515)242-5988.

A public hearing will be held on July 29, 2014, from 10 to 11 a.m. in the State Board Room, Second Floor, Grimes State Office Building, East 14th Street and Grand Avenue, Des Moines, Iowa, at which time persons may present their views either orally or in writing. Any persons who intend to attend the public hearing and have special requirements, such as those related to hearing or mobility impairments, should advise the Department of Education of their specific needs by calling (515)281-5295.

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

This amendment is intended to implement 2014 Iowa Acts, Senate File 2230, section 2.

The following amendment is proposed.

Amend paragraph **12.5(4)“1”** as follows:

1. Secondary credit.

(1) An individual pupil in a grade that precedes ninth grade may be allowed to take a course for secondary credit if all of the following are true:

1. The pupil satisfactorily completes the course.
- ~~2. The course is in the curricular area of English or language arts, mathematics, science, or social studies.~~
- ~~3. 2.~~ The course is taught by a teacher licensed by the Iowa board of educational examiners for grades 9-12 and endorsed in the subject area.

4. ~~3.~~ The course meets all components listed in subrule 12.5(5) for the specific curricular area.

~~5. 4.~~ The board of the school district or the authorities in charge of the nonpublic school have developed enrollment criteria that a student must meet to be enrolled in the course.

(2) Neither school districts nor accredited nonpublic schools are mandated to offer secondary credit under this paragraph. If credit is offered under this paragraph, the credit must apply toward graduation requirements of the district or accredited nonpublic school.

ARC 1529C

EDUCATION DEPARTMENT[281]

Notice of Intended Action

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

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

Pursuant to the authority of Iowa Code section 256.7(5), the State Board of Education hereby proposes to adopt new Chapter 27, “Workforce Training and Economic Development Funds,” Iowa Administrative Code.

This chapter establishes a workforce training and economic development program to provide revenue for each community college to address the workforce development needs of the state. The primary focus of the workforce training and economic development program is to provide training and retraining of Iowa workers to develop the employee skills needed in targeted areas or to address a workforce development need of a targeted area.

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

Interested individuals may make written comments on the proposed rules on or before July 29, 2014, at 4:30 p.m. Comments on the proposed rules should be directed to Jeremy Varner, Iowa Department of Education, Second Floor, Grimes State Office Building, Des Moines, Iowa 50319-0146; telephone (515)281-8260; e-mail jeremy.varner@iowa.gov; or fax (515)242-5988.

EDUCATION DEPARTMENT[281](cont'd)

A public hearing will be held on July 29, 2014, from 11 a.m. to 12 noon in the State Board Room, Second Floor, Grimes State Office Building, East 14th Street and Grand Avenue, Des Moines, Iowa, at which time persons may present their views either orally or in writing. Any persons who intend to attend the public hearing and have special requirements, such as those related to hearing or mobility impairments, should advise the Department of Education of their specific needs by calling (515)281-5295.

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

These rules are intended to implement Iowa Code section 260C.18A.

The following amendment is proposed.

Adopt the following **new** 281—Chapter 27:

CHAPTER 27

WORKFORCE TRAINING AND ECONOMIC DEVELOPMENT FUNDS

281—27.1(260C) Purpose. The purpose of the workforce training and economic development funds is to provide revenue for each community college to address the workforce development needs of the state. The primary focus of workforce training and economic development funds is to provide training and retraining of Iowa workers to develop the skills of employees employed in targeted areas or to address a workforce development need of a targeted area. Moneys are appropriated for each community college from the Iowa skilled worker and job creation fund to the workforce training and economic development funds.

281—27.2(260C) Definitions.

“*Community college*” or “*college*” means a community college established under Iowa Code chapter 260C.

“*Department*” means the Iowa department of education.

“*Fund*” or “*funds*” means the workforce training and economic development funds created by Iowa Code section 260C.18A and allocated to each community college.

“*Project*” means a training or educational activity funded by a workforce training and economic development fund.

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

“*Targeted areas*” means the areas of advanced manufacturing; information technology and insurance; alternative and renewable energy including the alternative and renewable energy sectors listed in Iowa Code section 476.42(1)“*a*”; and life sciences, which include the areas of biotechnology, health care technology, and nursing care technology.

281—27.3(260C) Funds allocation. The department shall allocate moneys, appropriated by the general assembly or other moneys accepted by the department, for the workforce training and economic development fund established for each community college by utilizing the most current distribution formula that is used for the allocation of state general aid to the community colleges available on July 1 of the fiscal year for which funds are being allocated. Each community college shall establish a workforce training and economic development fund account within its college accounting system into which the department shall make deposits of the allocated moneys. The deposits shall be made quarterly or on a more frequent basis. Moneys that are not used and that remain in a community college’s fund at the end of a fiscal year shall remain available to that college for expenditure in subsequent fiscal years.

281—27.4(260C) Community college workforce and economic development fund plans and progress reports. For the fiscal year beginning July 1, 2013, and each fiscal year thereafter, each community college, to receive its allocation for the forthcoming fiscal year, shall prepare and submit to the department for state board consideration the following items for the fiscal year.

27.4(1) Workforce training and economic development fund plan. Each college shall adopt a workforce training and economic development fund plan for the upcoming year that outlines the

EDUCATION DEPARTMENT[281](cont'd)

community college's proposed use of moneys appropriated to its workforce training and economic development fund. Plans shall be based on fiscal years and must be submitted to the department, in a manner prescribed by the department, by September 30 for the current fiscal year allocation. Plans shall describe how the college proposes to allocate funds to support individual allowable uses pursuant to 281—27.5(260C) and the planned amount to be used to support targeted areas.

27.4(2) Progress reports. Each college that receives an allocation of moneys pursuant to 281—27.3(260C) shall prepare an annual progress report detailing the plan's implementation. The report shall be submitted to the department by September 30 of each year in a manner and form as prescribed by department. The report shall provide information regarding projects supported by the college's fund including, but not limited to, the number of participants enrolled in each program, the number of participants who complete each program, the dollars spent on each allowable use pursuant to 281—27.5(260C), the dollars spent in targeted areas, and other data necessary to report on state program performance metrics.

281—27.5(260C) Use of funds. Moneys deposited into each community college fund may be expended for the following permissive uses, provided that 70 percent of the moneys be used on projects in targeted areas and projects are operated in compliance with state and federal law:

27.5(1) Projects in which an agreement between a community college and an employer located within the community college's merged area meets all of the requirements of the accelerated career education program pursuant to Iowa Code chapter 260G and 261—Chapter 20 and which are approved by the Iowa economic development authority, when applicable.

27.5(2) Projects in which an agreement between a community college and a business meets all the requirements of the Iowa jobs training Act under Iowa Code chapter 260F and 261—Chapter 7.

27.5(3) For the development and implementation of career academies meeting all of the requirements of 281—47.1(260C).

27.5(4) Programs and courses that provide vocational and technical training and programs for in-service training and retraining under Iowa Code section 260C.1, subsections 2 and 3. As it pertains to Iowa Code section 260C.1, subsection 2, vocational and technical training shall mean new or expanded career and technical education coursework that has department approval and results in the conferring of a diploma, degree, or certificate. The enhancement of academic core courses within career and technical programs is also eligible. As they pertain to Iowa Code section 260C.1, subsection 3, eligible activities shall mean short-term, noncredit training and retraining projects.

27.5(5) Development and implementation of the pathways for career and employment program meeting all of the requirements of Iowa Code chapter 260H and 281—Chapter 25.

27.5(6) Development and implementation of the GAP tuition assistance program meeting all of the requirements of Iowa Code chapter 260I and 281—Chapter 25.

27.5(7) Programs for entrepreneurship education, small business assistance, and business incubators.

27.5(8) Development and implementation of the National Career Readiness Certificate and the Skills Certification System endorsed by the National Association of Manufacturers.

281—27.6(260C) Prior approval. Any individual project using over \$1 million of moneys from a workforce training and economic development fund shall require prior approval from the state board of education.

281—27.7(260C) Annual plan and progress report approval.

27.7(1) The state board of education shall review and consider approval of reports and plans submitted pursuant to 281—27.4(260C).

27.7(2) The state board of education may reject a plan or progress report for any of the following reasons, including but not limited to:

- a. Incomplete information or data;

EDUCATION DEPARTMENT[281](cont'd)

- b. Seventy percent of fund expenditures not utilized for projects in the areas of advanced manufacturing; information technology and insurance; alternative and renewable energy including the alternative and renewable energy sectors listed in Iowa Code section 476.42(1) "a"; and life sciences which include the areas of biotechnology, health care technology, and nursing care technology;
- c. Project not operated in compliance with state or federal law.

281—27.8(260C) Options upon default or noncompliance. If the state board does not accept a college's annual progress report, the college shall be subject to the following actions as prescribed by the board based upon the severity of the noncompliance or default, including but not limited to:

1. The withholding of a portion of new fiscal year moneys based upon amounts awarded deemed to be ineligible;
 2. Tighter oversight and control of the college's fund by the department;
 3. Loss of funds for one year;
 4. Other action deemed appropriate by the board.
- These rules are intended to implement Iowa Code section 260C.18A.

ARC 1528C**EDUCATION DEPARTMENT[281]****Notice of Intended Action**

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

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

Pursuant to the authority of Iowa Code section 256.7 and chapter 285, the State Board of Education hereby proposes to amend Chapter 43, "Pupil Transportation," Iowa Administrative Code.

This chapter provides the rules and standards for pupil transportation for all Iowa school districts and accredited nonpublic schools. This amendment conforms rule 281—43.15(285) to new federal regulation 49 CFR Section 391.43 (2014), which went into effect on May 21, 2014, by providing that an applicant for a school bus driver's authorization undergo a biennial physical examination by a certified medical examiner who is listed on the National Registry of Certified Medical Examiners.

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

Interested individuals may make written comments on the proposed amendment on or before July 29, 2014, at 4:30 p.m. Comments on the proposed amendment should be directed to Nicole Proesch, Iowa Department of Education, Second Floor, Grimes State Office Building, Des Moines, Iowa 50319-0146; telephone (515)281-8661; e-mail nicole.proesch@iowa.gov; or fax (515)242-5988.

A public hearing will be held on July 29, 2014, from 9 to 10 a.m. in the State Board Room, Second Floor, Grimes State Office Building, East 14th Street and Grand Avenue, Des Moines, Iowa, at which time persons may present their views either orally or in writing. Any persons who intend to attend the public hearing and have special requirements, such as those related to hearing or mobility impairments, should advise the Department of Education of their specific needs by calling (515)281-5295.

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

This amendment is intended to implement 49 CFR Section 391.43 (2014).

The following amendment is proposed.

Amend rule 281—43.15(285) as follows:

281—43.15(285) Physical fitness. Except for insulin-dependent diabetics, an applicant for a school bus driver's authorization must undergo a biennial physical examination by a ~~licensed physician~~

EDUCATION DEPARTMENT[281](cont'd)

~~or surgeon, osteopathic physician or surgeon, osteopath, qualified doctor of chiropractic, licensed physician assistant, or advanced registered nurse practitioner~~ certified medical examiner who is listed on the National Registry of Certified Medical Examiners. The applicant must submit annually to the applicant's employer the signed medical examiner's certificate (pursuant to Federal Motor Carrier Safety Administration regulations 49 CFR Sections 391.41 to 391.49), indicating, among other requirements, sufficient physical capacity to operate the bus effectively and to render assistance to the passengers in case of illness or injury; and freedom from any communicable disease. At the discretion of the chief administrator or designee of the employer or prospective employer, the chief administrator or designee shall evaluate the applicant's ability in operating a school bus, including all safety equipment, in providing assistance to passengers in evacuation of the school bus, and in performing other duties required of a school bus driver.

ARC 1518C**HUMAN SERVICES DEPARTMENT[441]****Notice of Intended Action**

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

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

Pursuant to the authority of Iowa Code section 249A.4 and 2014 Iowa Acts, House File 2463, section 41, the Department of Human Services proposes to amend Chapter 79, “Other Policies Relating to Providers of Medical and Remedial Care,” Iowa Administrative Code.

This amendment increases the fee schedule rates for emergency medical service providers by 10 percent from the rate that was in effect on June 30, 2014.

Any interested person may make written comments on the proposed amendment on or before July 29, 2014. Comments should be directed to Harry Rossander, Bureau of Policy Coordination, Department of Human Services, Hoover State Office Building, Fifth Floor, 1305 East Walnut Street, Des Moines, Iowa 50319-0114. Comments may be sent by fax to (515)281-4980 or by e-mail to policyanalysis@dhs.state.ia.us.

This amendment does not provide for waivers in specified situations because the legislation does not specifically allow for waivers. Requests for waiver of any rule may be submitted under the Department's general rule on exceptions at 441—1.8(17A,217).

This amendment was also Adopted and Filed Emergency and is published herein as **ARC 1519C**. The purpose of this Notice is to solicit comment on that submission, the subject matter of which is incorporated by reference.

The Administrative Rules Review Committee reviewed this Notice of Intended Action in conjunction with **ARC 1519C** on June 10, 2014.

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

This amendment is intended to implement Iowa Code section 249A.4 and 2014 Iowa Acts, House File 2463, section 41.

ARC 1520C**HUMAN SERVICES DEPARTMENT[441]****Notice of Intended Action**

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

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

Pursuant to the authority of Iowa Code section 249A.4 and 2014 Iowa Acts, House File 2463, sections 39, 40 and 61, the Department of Human Services proposes to amend Chapter 79, “Other Policies Relating to Providers of Medical and Remedial Care,” Iowa Administrative Code.

This amendment is based on 2014 Iowa Acts, House File 2463, which provides that community mental health centers (CMHCs) may choose to be reimbursed for the services provided to recipients of medical assistance at 100 percent of the reasonable costs of the services or in accordance with an alternative reimbursement rate methodology established by the medical assistance program’s managed care contractor for mental health services and approved by the Department of Human Services.

This amendment will reduce the number of CMHCs opting for the 100 percent cost-based reimbursement, in favor of the new alternative statewide reimbursement rate methodology established by the Medicaid program’s managed care contractor for mental health services. The CMHCs that sought this type of alternative reimbursement methodology did so due to the inherent additional time involved in preparing and submitting cost reports and the inherent delays in the process for final cost settlement.

Any interested person may make written comments on the proposed amendment on or before July 29, 2014. Comments should be directed to Harry Rossander, Bureau of Policy Coordination, Department of Human Services, Hoover State Office Building, Fifth Floor, 1305 East Walnut Street, Des Moines, Iowa 50319-0114. Comments may be sent by fax to (515)281-4980 or by e-mail to policyanalysis@dhs.state.ia.us.

This amendment does not provide for waivers in specified situations because the legislation does not specifically allow for waivers. Requests for waiver of any rule may be submitted under the Department’s general rule on exceptions at 441—1.8(17A,217).

This amendment was also Adopted and Filed Emergency and is published herein as **ARC 1521C**. The purpose of this Notice is to solicit comment on that submission, the subject matter of which is incorporated by reference.

The Administrative Rules Review Committee reviewed this Notice of Intended Action in conjunction with **ARC 1521C** on June 10, 2014.

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

This amendment is intended to implement Iowa Code section 249A.4 and 2014 Iowa Acts, House File 2463, section 61.

ARC 1522C**HUMAN SERVICES DEPARTMENT[441]****Notice of Intended Action**

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

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

Pursuant to the authority of Iowa Code section 237.3 and 2014 Iowa Acts, House File 2463, sections 43 and 45, the Department of Human Services proposes to amend Chapter 156, “Payments for Foster Care,” Iowa Administrative Code.

These amendments will add minimum foster group care payment rates, as required by the appropriation to the Department in 2014 Iowa Acts, House File 2463, section 43. The minimum reimbursement rates became effective July 1, 2014.

The amount shown in new paragraph 156.9(1)“e” for the rate for service level, community - D1, is slightly higher than the minimum amount in 2014 Iowa Acts, House File 2463, because the funding provided for D1 in the Department’s appropriation for foster group care supports this slightly higher rate.

Current rule allows an additional amount to cover the maintenance needs of a young child when a foster group care facility provides foster care for a mother with her young child. These amendments clarify that the additional amount is in addition to the minimum reimbursement rates effective July 1, 2014.

Any interested person may make written comments on the proposed amendments on or before July 29, 2014. Comments should be directed to Harry Rossander, Bureau of Policy Coordination, Department of Human Services, Hoover State Office Building, Fifth Floor, 1305 East Walnut Street, Des Moines, Iowa 50319-0114. Comments may be sent by fax to (515)281-4980 or by e-mail to policyanalysis@dhs.state.ia.us.

These amendments do not provide for waivers in specified situations because the legislation does not specifically allow for waivers. Requests for waiver of any rule may be submitted under the Department’s general rule on exceptions at 441—1.8(17A,217).

These amendments were also Adopted and Filed Emergency and are published herein as **ARC 1523C**. The purpose of this Notice is to solicit comment on that submission, the subject matter of which is incorporated by reference.

The Administrative Rules Review Committee reviewed this Notice of Intended Action in conjunction with **ARC 1523C** on June 10, 2014.

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

These amendments are intended to implement Iowa Code section 237.3 and 2014 Iowa Acts, House File 2463, sections 43 and 45.

ARC 1524C**HUMAN SERVICES DEPARTMENT[441]****Notice of Intended Action**

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

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

Pursuant to the authority of Iowa Code section 234.6 and 2014 Iowa Acts, House File 2463, Division XV, section 96, the Department of Human Services proposes to amend Chapter 170, “Child Care Services,” Iowa Administrative Code.

These amendments expand the child care assistance (CCA) service criteria. These amendments will allow a parent to work part-time and attend school part-time for at least 28 hours in the aggregate and remain eligible for CCA.

Any interested person may make written comments on the proposed amendments on or before July 29, 2014. Comments should be directed to Harry Rossander, Bureau of Policy Coordination, Department of Human Services, Hoover State Office Building, Fifth Floor, 1305 East Walnut Street, Des Moines, Iowa 50319-0114. Comments may be sent by fax to (515)281-4980 or by e-mail to policyanalysis@dhs.state.ia.us.

These amendments do not provide for waivers in specified situations because the legislation does not specifically allow for waivers. Requests for waiver of any rule may be submitted under the Department’s general rule on exceptions at 441—1.8(17A,217).

These amendments were also Adopted and Filed Emergency and are published herein as **ARC 1525C**. The purpose of this Notice is to solicit comment on that submission, the subject matter of which is incorporated by reference.

The Administrative Rules Review Committee reviewed this Notice of Intended Action in conjunction with **ARC 1525C** on June 10, 2014.

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

These amendments are intended to implement Iowa Code section 234.6 and 2014 Iowa Acts, House File 2463, Division XV, section 97.

ARC 1530C**NATURAL RESOURCE COMMISSION[571]****Notice of Intended Action**

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

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

Pursuant to the authority of Iowa Code sections 462A.32(2) and 455A.5(6)“a,” the Natural Resource Commission hereby gives Notice of Intended Action to amend Chapter 40, “Boating Speed and Distance Zoning,” Iowa Administrative Code.

This proposed rule shall add a “no wake” zone (speed no greater than 5 miles per hour) on the Mississippi River adjacent to the City of Clayton within a zone extending 150 feet from shore and beginning at a point 1,012 feet north of Mississippi River Day Marker 624.7R and extending south to a point 1,012 feet south of the same marker (624.7R). This reduction in speed along the city’s waterfront will reduce the risk of high-wave damage to public access docks, private business and personal docks,

NATURAL RESOURCE COMMISSION[571](cont'd)

reduce erosion of the city's river banks, and avoid personal injuries of citizens and tourists enjoying the waterside area.

Any interested person may make written suggestions or comments on the proposed rule on or before July 31, 2014. Such written materials should be directed to Susan Stocker, Department of Natural Resources, Wallace State Office Building, 502 E. 9th Street, Des Moines, Iowa 50319-0034; fax (515)281-8895; or e-mail Susan.Stocker@dnr.iowa.gov. Persons who wish to convey their views orally should contact the Law Enforcement Bureau at (515)281-5034 or visit the Bureau offices on the fourth floor of the Wallace State Office Building.

Also, there will be a public hearing on July 31, 2014, at 1 p.m. in the Fourth Floor West Conference Room of the Wallace State Office Building. At the public hearing, persons may present their views either orally or in writing. Participants will be asked to give their names and addresses for the record and to confine their remarks to the subject of the proposed rule.

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

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

This rule is intended to implement Iowa Code section 462A.32(2).

The following amendment is proposed.

Adopt the following **new** rule 571—40.60(462A):

571—40.60(462A) Zoning of the Mississippi River, Clayton, Clayton County.

40.60(1) All vessels, except commercial barge traffic, shall be operated at a speed no greater than 5 miles per hour within an area extending 150 feet from shore and beginning at a point 1,012 feet north of Mississippi River Day Marker 624.7R and extending south to a point 1,012 feet south of the same marker (624.7R).

40.60(2) The city of Clayton shall designate and maintain the 5-mile-per-hour speed zone with buoys approved by the natural resource commission.

ARC 1526C

TRANSPORTATION DEPARTMENT[761]

Notice of Intended Action

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

Pursuant to the authority of Iowa Code sections 307.10, 307.12 and 321.178A, the Iowa Department of Transportation hereby gives Notice of Intended Action to amend Chapter 604, "License Examination," and Chapter 634, "Driver Education," Iowa Administrative Code.

Item 1 proposes to eliminate outdated language that no longer conforms to practice by eliminating language that provides for the random administration of driving tests according to applicants' birth dates.

Item 2 proposes to update the implementation sentence for Chapter 604 to include reference to Iowa Code section 321.178A.

Item 3 proposes to reserve two rules within Chapter 634.

Item 4 proposes to add new rule 761—634.11(321) to implement Iowa Code section 321.178A by establishing the procedure by which a teaching parent, as defined in Iowa Code section 321.178A, may obtain approval from the Department to instruct a student in an approved course of driver's education and the procedure by which the teaching parent may obtain a certificate of completion of driver's education on behalf of the student upon the student's successful completion of the approved course of instruction.

Item 4 also proposes to establish the procedure by which third-party vendors may obtain approval to offer a proposed course of instruction to teaching parents. As required by Iowa Code section 321.178A, Item 4 provides that approved courses shall be posted on the Department's Internet site and that a

TRANSPORTATION DEPARTMENT[761](cont'd)

teaching parent may only instruct a student using an approved course selected from the list posted on the Department's Internet site.

As required by Iowa Code section 321.178A, Items 1 and 4 require a student who has completed parent-taught driver's education to successfully complete a driving test before being approved to obtain an intermediate license.

Item 5 proposes to update the implementation sentence for Chapter 634 to include reference to Iowa Code section 321.178A.

Item 6 proposes an appendix to new rule 761—634.11(321) that sets forth the course content requirements.

These rules do not provide for waivers. Any person who believes that the person's circumstances meet the statutory criteria for a waiver may petition the Department for a waiver under 761—Chapter 11.

Any person or agency may submit written comments concerning these proposed amendments or may submit a written request to make an oral presentation. The comments or request shall:

1. Include the name, address, and telephone number of the person or agency authoring the comments or request.
2. Reference the number and title of the proposed rule, as given in this Notice, that is the subject of the comments or request.
3. Indicate the general content of a requested oral presentation.
4. Be addressed to Tracy George, Rules Administrator, Iowa Department of Transportation, Office of Policy and Legislative Services, 800 Lincoln Way, Ames, Iowa 50010; Internet e-mail address: tracy.george@dot.iowa.gov.
5. Be received by the Office of Policy and Legislative Services no later than July 29, 2014.

A meeting to hear requested oral presentations is scheduled for Friday, August 1, 2014, at 10 a.m. at the Iowa Department of Transportation's Motor Vehicle Division offices located at 6310 SE Convenience Boulevard, Ankeny, Iowa.

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

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

These amendments are intended to implement Iowa Code section 321.178A.

The following amendments are proposed.

ITEM 1. Amend paragraph **604.31(2)“a”** as follows:

a. The applicant is applying for the applicant's first Iowa driver's license that permits unaccompanied driving following successful completion of the appropriate Iowa-approved course or courses. The appropriate Iowa-approved courses are the following: driver education, other than driver education by a teaching parent under rule 761—634.11(321), for a Class C driver's license other than motorized bicycle;₂ driver education and motorcycle rider education for a Class M driver's license or motorcycle endorsement;₂ and motorized bicycle education for a motorized bicycle license. However;₂

~~(1) The department may select dates and require a driving test of applicants whose birth dates fall on the selected dates. The department shall notify the Iowa department of education quarterly of the dates selected.~~

~~(2) If if an applicant is under the age of 18, a driving test is required if so requested by the applicant's parent, guardian, or instructor.~~

ITEM 2. Amend rule **761—604.31(321)**, implementation sentence, as follows:

This rule is intended to implement Iowa Code sections 321.174, 321.178, 321.178A, 321.180, 321.180A, 321.180B, 321.186, 321.189, 321.193, 321.196 and 321.198.

ITEM 3. Reserve rules **761—634.9** and **761—634.10**.

ITEM 4. Adopt the following **new** rule 761—634.11(321):

761—634.11(321) Driver education—teaching parent. As an alternative to a driver education course offered by a course provider approved under rule 761—634.4(321), a teaching parent may instruct a student in an approved course of driver education.

TRANSPORTATION DEPARTMENT[761](cont'd)

634.11(1) Definitions. As used in this rule:

“Approved course” means a driver education curriculum approved by the department that meets the requirements of Iowa Code section 321.178A and is appropriate for teaching-parent-directed driver education and related street or highway driving instruction.

“Clear driving record” means the individual currently and during the prior two-year period has not been identified as a candidate for suspension or revocation of a driver’s license under the habitual offender or habitual violator provisions of rule 761—615.9(321) or rule 761—615.13(321); is not subject to a driver’s license suspension, revocation, denial, cancellation, disqualification, or bar; and has no record of a conviction for a moving traffic violation determined to be the cause of a motor vehicle accident.

“Course vendor” means a third-party vendor that makes available commercially an approved course.

“Student” means a person between the ages of 14 and 21 years who is within the custody and control of the teaching parent and who holds a valid Iowa noncommercial instruction permit.

“Teaching parent” means the same as defined in Iowa Code section 321.178A.

634.11(2) Application to serve as a teaching parent.

a. A person who wishes to provide driver education as a teaching parent to a student shall submit an application on a form provided by the department to the office of driver services at the address indicated on the form.

b. The department shall review the application and shall deny the application for any of the following reasons:

(1) The person does not meet the qualifications to serve as a teaching parent set forth in Iowa Code section 321.178A.

(2) The person does not have a clear driving record.

(3) The application does not properly identify a student eligible to be instructed in driver education by the person.

(4) The department has determined the application should be rejected for any reason listed in Iowa Code section 321.13.

c. If the application is denied, the department shall issue a letter of denial to the person explaining the reason or reasons for the denial.

d. If the application is approved, the department shall issue a letter of approval to the person to serve as a teaching parent for the student identified in the application.

634.11(3) Instruction by a teaching parent.

a. A person approved to serve as a teaching parent shall instruct the student using an approved course.

b. The teaching parent shall select the course to be used from the list of approved courses posted on the department’s Internet site and shall purchase the course directly from the applicable course vendor.

c. No person shall provide driver education as a teaching parent until approved by the department, and the department shall not recognize driver education that was:

(1) Provided by a person before the person’s approval as a teaching parent.

(2) Provided by a person who has not been approved as a teaching parent.

(3) Provided to a person who is not a student as defined in subrule 634.11(1).

(4) Offered under a course other than an approved course.

634.11(4) Course completion—certificate of completion.

a. Upon the student’s completion of an approved course, the teaching parent shall apply for a certificate of completion on behalf of the student. The teaching parent shall provide evidence showing the student’s completion of an approved course and substantial compliance with the requirements of Iowa Code section 321.178A, by affidavit signed by the teaching parent on a form provided by the department. The teaching parent shall include with the application all documentation, statements, certifications, and logs required by Iowa Code section 321.178A. The application and all required documentation, statements, certifications, and logs shall be submitted to the office of driver services at the address indicated on the form.

b. The department shall review the application and evidence submitted and shall deny certification of completion if:

TRANSPORTATION DEPARTMENT[761](cont'd)

(1) The course was not conducted by a person approved by the department to serve as a teaching parent for the student for whom certification is sought.

(2) The application does not properly identify a student eligible to be instructed in driver education by the teaching parent.

(3) The application and evidence do not demonstrate the student's successful completion of an approved course.

(4) The application and evidence do not include all documentation, statements, certifications, and logs required by Iowa Code section 321.178A in adequate and proper form and content.

(5) The department has determined that the application should be rejected for any reason listed in Iowa Code section 321.13.

c. If the application is denied, the department shall issue a letter of denial to the teaching parent explaining the reason or reasons for the denial.

d. If the application is approved, the department shall issue a certificate of completion to the student identified in the application. A certification of completion issued by the department under this subrule shall constitute proof of successful completion of an Iowa-approved course in driver education but shall not be grounds for waiver of a driving test under 761—subrule 604.31(2).

634.11(5) Course approval.

a. A vendor that wishes to offer a driver education curriculum as an approved course in Iowa shall submit an application on a form provided by the department to the office of driver services at the address indicated on the form, along with a copy of all proposed curriculum materials. A vendor that wishes to offer an electronic curriculum may provide a uniform resource locator (URL) for the proposed electronic materials but must also provide physical copies of the proposed materials.

b. To be designated as an approved course, the curriculum submitted must, at a minimum, meet the requirements of Iowa Code section 321.178A, be appropriate for teaching-parent-directed driver education and related street or highway instruction, and meet or exceed the required content set forth in the Appendix to this rule.

c. The department shall review the application and proposed curriculum and shall issue a letter of denial to the course vendor explaining the reason or reasons for denial if the proposed curriculum does not meet the requirements for an approved course.

d. If the proposed curriculum is approved, the department shall issue a certificate of approval to the vendor designating the curriculum as an approved course and shall list the approved course on the department's Internet site. Course approval will be issued for one calendar year or for the remainder of a calendar year. The approval expires on December 31 and must be renewed annually by the submission an application on a form provided by the department and all required materials as set forth in this subrule at least 60 days prior to the expiration date. Notwithstanding this paragraph, a course approval issued before December 31, 2014, shall not expire until December 31, 2015.

ITEM 5. Amend **761—Chapter 634**, implementation sentence, as follows:

These rules are intended to implement Iowa Code sections 321.178, 321.178A, 321.180B and 321.194.

ITEM 6. Adopt the following **new** appendix in **761—Chapter 634**:

Appendix to Rule 761—634.11(321)

To be designated as an approved course, a curriculum must, at a minimum, meet the requirements of Iowa Code section 321.178A, be appropriate for teaching-parent-directed driver education and related street or highway instruction, and meet or exceed the required content listed below:

TRANSPORTATION DEPARTMENT[761](cont'd)

1. *Duration and required content.* The course must provide for both classroom and behind-the-wheel instruction. As used in this rule, “*classroom instruction*” means instruction provided by a teaching parent in a private setting using printed or electronic course materials, and “*behind-the-wheel instruction*” means street or highway driving instruction provided by a teaching parent in a motor vehicle operated by the student.
 - a. Classroom instruction shall consist of at least 30 clock hours of classroom instruction and shall include all of the following:
 - i. Four hours of instruction concerning substance abuse.
 - ii. A minimum of 20 minutes of instruction concerning railroad crossing safety.
 - iii. Instruction relating to becoming an organ donor under the revised uniform anatomical gift Act as provided in Iowa Code chapter 142C.
 - iv. Instruction providing awareness about sharing the road with bicycles and motorcycles.
 - b. Behind-the-wheel instruction shall consist of at least 40 hours of street or highway driving including 4 hours of driving after sunset and before sunrise while accompanied by the teaching parent.
2. *Required topics.* The course may follow any format the vendor determines, provided all of the following topics are properly and adequately covered, as detailed in the course application form provided by the department:
 - a. Traffic law – *classroom instruction*
 - i. Introduction to driver education and driving laws and privileges.
 - ii. Understanding your license to drive.
 - iii. Right-of-way.
 - iv. Traffic control devices.
 - v. Controlling traffic flow.
 - vi. Alcohol and other drugs.
 - vii. Cooperating with other roadway users.
 - b. Driver preparation – *classroom and behind-the-wheel instruction*
 - i. Pre-drive tasks.
 - ii. Occupant protection.
 - iii. Symbols and devices.
 - iv. Starting tasks.
 - v. Vehicle operation and control tasks.
 - vi. Post-drive tasks.
 - vii. In-car progress assessment.
 - viii. Driving plan (*classroom instruction*).
 - c. Vehicle movements – *classroom and behind-the-wheel instruction*
 - i. Visual attention, mental attention and communication.
 - ii. Reference points.
 - iii. Vehicle balance.
 - iv. Vehicle maneuvers.
 - v. In-car progress assessment (*behind-the-wheel instruction*).
 - d. Driver readiness – *classroom and behind-the-wheel instruction*
 - i. Driving practices.
 - ii. Fatigue.
 - iii. Aggressive driving.
 - iv. In-car progress assessment (*behind-the-wheel instruction*).

TRANSPORTATION DEPARTMENT[761](cont'd)

- e. Risk reduction – *classroom and behind-the-wheel instruction*
 - i. Risk factors.
 - ii. Space management.
 - iii. In-car progress assessment (*behind-the-wheel instruction*).
- f. Environmental factors – *classroom and behind-the-wheel instruction*
 - i. Environmental characteristics.
 - ii. Environmental risk factors.
 - iii. In-car progress assessment (*behind-the-wheel instruction*).
- g. Distractions – *classroom and behind-the-wheel instruction*
 - i. Distractions.
 - ii. Multi-task performances.
 - iii. In-car progress assessment (*behind-the-wheel instruction*).
- h. Alcohol and other drugs – *classroom instruction*
 - i. Introduction of alcohol and other drug problems.
 - ii. Nature of alcohol-related crash problems.
 - iii. Physiological effects of alcohol.
 - iv. Psychological effects of alcohol.
 - v. Other drug effects on the driving task.
 - vi. Zero-tolerance in the driving environment.
- i. Vehicle movement and reference points – *behind-the-wheel instruction*
 - i. Vehicle movements and reference points (entering and exiting traffic and parking).
 - ii. In-car progress assessment (*behind-the-wheel instruction*).
- j. Adverse conditions – *classroom instruction*
 - i. Adverse weather and reduced visibility conditions.
 - ii. Traction loss.
 - iii. Emergencies.
- k. Vehicle requirements – *classroom and behind-the-wheel instruction*
 - i. Vehicle malfunctions (*classroom instruction*).
 - ii. Vehicle maintenance (*classroom instruction*).
 - iii. Trip planning (*classroom instruction*).
 - iv. Adverse conditions and vehicle requirements – off-street simulated practice (*behind-the-wheel instruction*).
 - v. In-car progress assessments (*behind-the-wheel instruction*).
- l. Consumer responsibility – *classroom and behind-the-wheel instruction*
 - i. Vehicle use and ownership (*classroom instruction*).
 - ii. Vehicle insurance (*classroom instruction*).
 - iii. Environmental protection and litter prevention (*classroom instruction*).
 - iv. Anatomical gift Act – organ donor (*classroom instruction*).

TRANSPORTATION DEPARTMENT[761](cont'd)

- v. Trip planning (*behind-the-wheel instruction*).
- vi. In-car progress assessment (*behind-the-wheel instruction*).
- m. Personal responsibility (*classroom and behind-the-wheel instruction*).
 - i. Comprehensive classroom progress assessment (testing) (*classroom instruction*).
 - ii. Driver licensing (*classroom instruction*).
 - iii. In-car progress assessment (*behind-the-wheel instruction*).

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, 2013 — July 31, 2013	4.00%
August 1, 2013 — August 31, 2013	4.25%
September 1, 2013 — September 30, 2013	4.50%
October 1, 2013 — October 31, 2013	4.75%
November 1, 2013 — November 30, 2013	4.75%
December 1, 2013 — December 31, 2013	4.50%
January 1, 2014 — January 31, 2014	4.75%
February 1, 2014 — February 28, 2014	5.00%
March 1, 2014 — March 31, 2014	4.75%
April 1, 2014 — April 30, 2014	4.75%
May 1, 2014 — May 31, 2014	4.75%
June 1, 2014 — June 30, 2014	4.75%
July 1, 2014 — July 31, 2014	4.50%

UTILITIES DIVISION**Notice of Stakeholder Group**

Pursuant to Executive Order 80, the Iowa Utilities Board (Board) hereby gives Notice as to the formation of a Stakeholder Group to recommend alternatives to implement the provisions of Iowa Code section 476.20(1) as amended by 2014 Iowa Acts, House File 2183, that establish requirements for the discontinuance of water service for failure to pay an account owed to a city utility, city enterprise, combined city utility, or combined city enterprise.

The purpose of the Stakeholder Group is to consider alternatives and make recommendations to the Board to implement requirements for disconnection of water service while protecting a customer’s rights under current Utilities Board rules in 199 IAC Chapter 21. Board rules currently establish notice requirements for disconnection of water service and requirements for reconnection of water service once a debt is paid.

The Stakeholder Group will consider alternatives to provide similar customer protections when a public water utility enters into an agreement with a city utility, combined city utility, city enterprise, or combined city enterprise to disconnect water service. There is only one public water utility currently operating in Iowa under the provisions of Iowa Code chapter 476. The Board has contacted all municipalities served by that public water utility regarding the Stakeholder Group. The Cities of

UTILITIES DIVISION(cont'd)

Davenport, Clinton, and Bettendorf have indicated an interest in participating as members of the Stakeholder Group.

By this Notice, the Utilities Board is giving notice to all other interested stakeholders who represent the varying interests that might be affected by rules adopted by the Board to implement Iowa Code section 476.20(1) as amended by 2014 Iowa Acts, House File 2183. Interested persons should contact Don Tormey, Manager of Consumer Service, Iowa Utilities Board, at Don.Tormey@iub.iowa.gov, or (515)725-7347 on or before July 29, 2014. The Utilities Board will determine which stakeholders should make up the group in order to represent the varied interests. Once the members of the Stakeholder Group are appointed, the list of members will be published on the Board's Web site. All interested stakeholders are asked to provide the following information:

1. Name;
2. Telephone number;
3. E-mail address;
4. City; and
5. Explanation of stakeholder interest and how the issue impacts the stakeholder.

ARC 1519C

HUMAN SERVICES DEPARTMENT[441]

Adopted and Filed Emergency

Pursuant to the authority of Iowa Code section 249A.4 and 2014 Iowa Acts, House File 2463, sections 41 and 45, the Department of Human Services amends Chapter 79, “Other Policies Relating to Providers of Medical and Remedial Care,” Iowa Administrative Code.

This amendment increases the fee schedule rates for emergency medical service providers by 10 percent from the rate that was in effect on June 30, 2014.

The Administrative Rules Review Committee reviewed this amendment on June 10, 2014.

The Council on Human Services adopted this amendment on June 11, 2014.

Pursuant to Iowa Code section 17A.4(3), the Department finds that notice and public participation are unnecessary because the Legislature mandated that these changes become effective July 1, 2014, in compliance with 2014 Iowa Acts, House File 2463, sections 41 and 45.

Pursuant to Iowa Code section 17A.5(2)“b”(1), the Department further finds that the normal effective date of this amendment, 35 days after publication, should be waived and the amendment made effective July 1, 2014, because the Legislature provided a specific grant of emergency rule-making authority relative to this increase in rates.

This amendment is also published herein under Notice of Intended Action as **ARC 1518C** to allow for public comment.

This amendment does not provide for waivers in specified situations because the legislation does not specifically allow for waivers. Requests for waiver of any rule may be submitted under the Department’s general rule on exceptions at 441—1.8(17A,217).

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

This amendment is intended to implement Iowa Code section 249A.4 and 2014 Iowa Acts, House File 2463, sections 41 and 45.

This amendment became effective July 1, 2014.

The following amendment is adopted.

Amend subrule **79.1(2)**, provider category “Ambulance,” as follows:

Provider category	Basis of reimbursement	Upper limit
Ambulance	Fee schedule	Ground ambulance: Fee schedule in effect 6/30/ 13 <u>14</u> plus 10%. Air ambulance: Fee schedule in effect 6/30/ 13 <u>14</u> plus 10%.

[Filed Emergency 6/12/14, effective 7/1/14]

[Published 7/9/14]

EDITOR’S NOTE: For replacement pages for IAC, see IAC Supplement 7/9/14.

ARC 1521C

HUMAN SERVICES DEPARTMENT[441]

Adopted and Filed Emergency

Pursuant to the authority of Iowa Code section 249A.4 and 2014 Iowa Acts, House File 2463, sections 39, 40, 45, 61 and 62, the Department of Human Services amends Chapter 79, “Other Policies Relating to Providers of Medical and Remedial Care,” Iowa Administrative Code.

This amendment is based on 2014 Iowa Acts, House File 2463, which provides that community mental health centers (CMHCs) may choose to be reimbursed for the services provided to recipients

HUMAN SERVICES DEPARTMENT[441](cont'd)

of medical assistance at 100 percent of the reasonable costs of the services or in accordance with an alternative reimbursement rate methodology established by the medical assistance program's managed care contractor for mental health services and approved by the Department of Human Services.

This amendment will reduce the number of CMHCs opting for the 100 percent cost-based reimbursement, in favor of the new alternative statewide reimbursement rate methodology established by the Medicaid program's managed care contractor for mental health services. The CMHCs that sought this type of alternative reimbursement methodology did so due to the inherent additional time involved in preparing and submitting cost reports and the inherent delays in the process for final cost settlement.

The Administrative Rules Review Committee reviewed this amendment on June 10, 2014.

The Council on Human Services adopted this amendment on June 11, 2014.

Pursuant to Iowa Code section 17A.4(3), the Department finds that notice and public participation are impractical because the Legislature provided in sections 40, 45, 61 and 62 of 2014 Iowa Acts, House File 2463, that rules may be adopted to implement alternative reimbursement methodologies for community mental health centers without notice or opportunity for public comment.

Pursuant to Iowa Code section 17A.5(2)"b"(1), the Department further finds that the normal effective date of this amendment, 35 days after publication, should be waived and the amendment made effective July 1, 2014, because the Legislature provided a specific grant of emergency rule-making authority relative to this new reimbursement methodology in 2014 Iowa Acts, House File 2463, sections 40, 45, 61 and 62.

This amendment is also published herein under Notice of Intended Action as **ARC 1520C** to allow for public comment.

This amendment does not provide for waivers in specified situations because the legislation does not specifically allow for waivers. Requests for waiver of any rule may be submitted under the Department's general rule on exceptions at 441—1.8(17A,217).

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

This amendment is intended to implement Iowa Code section 249A.4 and 2014 Iowa Acts, House File 2463, sections 61 and 62.

This amendment became effective July 1, 2014.

The following amendment is adopted.

Amend subrule 79.1(25) as follows:

79.1(25) Reimbursement for community mental health centers (CMHCs) and providers of mental health services to county residents pursuant to a waiver approved under Iowa Code section 225C.7(3).

a. Reimbursement methodology for providers of mental health services to county residents pursuant to a waiver approved under Iowa Code section 225C.7(3). Effective for services rendered on or after October 1, 2006, ~~community mental health centers and~~ providers of mental health services to county residents pursuant to a waiver approved under Iowa Code section 225C.7(3) that provide clinic services are paid on a reasonable-cost basis as determined by Medicare reimbursement principles.

b. Reimbursement methodology for community mental health centers. Effective for services rendered on or after July 1, 2014, community mental health centers may elect to be paid on either a 100 percent of reasonable costs basis, as determined by Medicare reimbursement principles, or in accordance with an alternative reimbursement rate methodology established by the Medicaid program's managed care contractor for mental health services and approved by the department of human services. Once a community mental health center chooses the alternative reimbursement rate methodology established by the Medicaid program's managed care contractor for mental health services, the community mental health center may not change its elected reimbursement methodology to 100 percent of reasonable costs until a new state fiscal year.

c. Cost-based reimbursement. Rates For providers of mental health services to county residents pursuant to a waiver approved under Iowa Code section 225C.7(3) and CMHCs that elect the 100 percent of reasonable costs basis of reimbursement, rates are initially paid on an interim basis and then are adjusted retroactively based on submission of a financial and statistical report, pursuant to the following.

(1) to (5) No change.

HUMAN SERVICES DEPARTMENT[441](cont'd)

b. d. Reporting requirements. All providers other than CMHCs that have elected the alternative reimbursement rate methodology established by the Medicaid program's managed care contractor for mental health services shall submit cost reports using Form 470-4419, Financial and Statistical Report. A ~~hospital~~ Hospital-based provider providers required to submit a cost report shall also submit the Medicare cost report, CMS Form 2552-96. The following requirements apply to all required cost reports.

(1) to (6) No change.

[Filed Emergency 6/12/14, effective 7/1/14]

[Published 7/9/14]

EDITOR'S NOTE: For replacement pages for IAC, see IAC Supplement 7/9/14.

ARC 1523C

HUMAN SERVICES DEPARTMENT[441]

Adopted and Filed Emergency

Pursuant to the authority of Iowa Code section 237.3 and 2014 Iowa Acts, House File 2463, sections 43 and 45, the Department of Human Services amends Chapter 156, "Payments for Foster Care," Iowa Administrative Code.

These amendments add minimum foster group care payment rates, as required by the appropriation to the Department in 2014 Iowa Acts, House File 2463, section 43. The minimum reimbursement rates became effective July 1, 2014.

The amount shown in new paragraph 156.9(1)"e" for the rate for service level, community - D1, is slightly higher than the minimum amount in 2014 Iowa Acts, House File 2463, because the funding provided for D1 in the Department's appropriation for foster group care supports this slightly higher rate.

Current rule allows an additional amount to cover the maintenance needs of a young child when a foster group care facility provides foster care for a mother with her young child. These amendments clarify that the additional amount is in addition to the minimum reimbursement rates effective July 1, 2014.

The Administrative Rules Review Committee reviewed these amendments on June 10, 2014.

The Council on Human Services adopted these amendments on June 11, 2014.

Pursuant to Iowa Code section 17A.4(3), the Department finds that notice and public participation are impractical because the Legislature mandated that these changes become effective July 1, 2014.

Pursuant to Iowa Code section 17A.5(2)"b"(1), the Department further finds that the normal effective date of these amendments, 35 days after publication, should be waived and the amendments made effective July 1, 2014, because legislation, specifically 2014 Iowa Acts, House File 2463, sections 43 and 45, permits emergency rule making.

These amendments are also published herein under Notice of Intended Action as **ARC 1522C** to allow for public comment.

These amendments do not provide for waivers in specified situations because the legislation does not specifically allow for waivers. Requests for waiver of any rule may be submitted under the Department's general rule on exceptions at 441—1.8(17A,217).

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

These amendments are intended to implement Iowa Code section 237.3 and 2014 Iowa Acts, House File 2463, sections 43 and 45.

These amendments became effective July 1, 2014.

The following amendments are adopted.

ITEM 1. Amend paragraph **156.9(1)"c"** as follows:

c. Reimbursement rates shall be adjusted based on the provider's rate in effect on October 31, 2006, to reflect an estimate that group care providers will provide an average of one hour per day of group remedial services and one hour per week of individual remedial services. ~~The~~ Subject to paragraph 156.9(1)"e," the reimbursement rate shall be calculated as follows:

HUMAN SERVICES DEPARTMENT[441](cont'd)

(1) to (7) No change.

(8) Step 8. Determine the child welfare service portion of the per diem rate by multiplying the new combined per diem rate determined in Step 6 by 14.38 percent.

EXAMPLE: Provider A has the following rates as of October 31, 2006:

- A combined daily maintenance and service rate of \$121.45;
- A Medicaid rate for service code 96153 of \$5.10 per 15 minutes, or \$20.40 per hour;
- A Medicaid rate for service code 96152 of \$19.92 per 15 minutes, or \$79.68 per hour.

Step 1. $\$121.45 \times 365 \text{ days} = \$44,329.25$

Step 2. $\$20.40 \times 365 \text{ days} = \$7,446.00$

Step 3. $\$79.68 \times 52 \text{ weeks} = \$4,143.36$

Step 4. $\$7,446.00 + \$4,143.36 = \$11,589.36$

Step 5. $\$44,329.25 - \$11,589.36 = \$32,739.89$

Step 6. $\$32,739.89 \div 365 \text{ days} = \89.70

Step 7. $\$89.70 \times 0.8562 = \76.80 maintenance rate

Step 8. $\$89.70 \times 0.1438 = \12.90 child welfare service rate

Provider Subject to paragraph 156.9(1) "e," provider A's rates are \$76.80 for maintenance and \$12.90 for child welfare services.

ITEM 2. Adopt the following **new** paragraph **156.9(1)"e"**:

e. Effective July 1, 2014, the combined service and maintenance reimbursement rate for a service level under the department's reimbursement methodology shall be at least the amount below. If a group foster care provider's reimbursement rate for a service level as of June 30, 2014, is more than the amount below, the provider's reimbursement shall remain at the higher rate.

(1) For service level, community - D1, the daily rate shall be at least \$87.60.

(2) For service level, comprehensive - D2, the daily rate shall be at least \$119.09.

(3) For service level, enhanced - D3, the daily rate shall be at least \$131.09.

ITEM 3. Adopt the following **new** paragraph **156.9(4)"b"**:

b. The additional amount included in the maintenance rate for the mother by this subrule to cover the maintenance needs of the young child shall be in addition to the minimum rate provided by paragraph 156.9(1)"e."

[Filed Emergency 6/12/14, effective 7/1/14]

[Published 7/9/14]

EDITOR'S NOTE: For replacement pages for IAC, see IAC Supplement 7/9/14.

ARC 1525C

HUMAN SERVICES DEPARTMENT[441]

Adopted and Filed Emergency

Pursuant to the authority of Iowa Code section 234.6 and 2014 Iowa Acts, House File 2463, Division XV, section 97, the Department of Human Services amends Chapter 170, "Child Care Services," Iowa Administrative Code.

These amendments expand the child care assistance (CCA) service criteria. These amendments allow a parent to work part-time and attend school part-time for at least 28 hours in the aggregate and remain eligible for CCA.

The Administrative Rules Review Committee reviewed these amendments on June 10, 2014.

The Council on Human Services adopted these amendments on June 11, 2014.

Pursuant to Iowa Code section 17A.4(3), the Department finds that notice and public participation are impractical because the Legislature mandated that these changes become effective July 1, 2014.

Pursuant to Iowa Code section 17A.5(2)"b"(2), the Department further finds that the normal effective date of these amendments, 35 days after publication, should be waived and the amendments made

HUMAN SERVICES DEPARTMENT[441](cont'd)

effective July 1, 2014, because the amendments confer a benefit on the public. These amendments expand CCA eligibility to more families.

These amendments are also published herein under Notice of Intended Action as **ARC 1524C** to allow for public comment.

These amendments do not provide for waivers in specified situations because the legislation does not specifically allow for waivers. Requests for waiver of any rule may be submitted under the Department's general rule on exceptions at 441—1.8(17A,217).

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

These amendments are intended to implement Iowa Code section 234.6 and 2014 Iowa Acts, House File 2463, Division XV, section 97.

These amendments became effective July 1, 2014.

The following amendments are adopted.

ITEM 1. Amend rule **441—170.1(237A)**, definition of “Vocational training or education,” as follows:

“Vocational training or education” means a training plan which includes a specific goal, that is, high school completion, improved English skills, or development of specific academic or vocational skills.

Training may be approved for high school completion activities, high school equivalency, adult basic education, English as a second language, or postsecondary education, up to and including an associate or a baccalaureate degree program.

~~1. Training may be approved for high school completion activities, adult basic education, GED, English as a second language, or postsecondary education, up to and including an associate or a baccalaureate degree program.~~

~~2. Training shall be on a full-time basis. The training facility shall define what is considered as full-time. Part-time plans may be approved only if the number of credit hours to complete training is less than full-time status, the required prerequisite credits or remedial course work is less than full-time status, or training is not offered on a full-time basis.~~

ITEM 2. Amend paragraph **170.2(2)“b”** as follows:

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

(1) The parent is in academic or vocational training. Training shall be on a full-time basis. The training facility shall define what is considered as full-time. Part-time training may be approved only if the number of credit hours to complete training is less than that required for full-time status, the required prerequisite credits or remedial course work is less than that required for full-time status, or training is not offered on a full-time basis. Child care services may be provided for the parent's hours of participation in the academic or vocational training and for actual travel time between the child care location and the training facility.

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

2. No change.

(2) to (7) No change.

(8) The parent is employed and participating in academic or vocational training for 28 or more hours per week or an average of 28 or more hours per week in the aggregate, during the month. Child care services may be provided for the hours of employment, the hours of participation in academic or

HUMAN SERVICES DEPARTMENT[441](cont'd)

vocational training and for actual travel time between the child care location and the place of employment or training. All of the requirements relating to academic or vocational training found at subparagraph 170.2(2)“b”(1), except for the requirement to be enrolled full-time, apply to the part-time training in this subparagraph.

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

a. Priority groups. As funds are determined available, families shall be served on a statewide basis from a service-area-wide waiting list as specified in subrule 170.3(4) based on the following schedule in descending order of prioritization.

(1) Families with an income at or below 100 percent of the federal poverty level whose members are employed, for at least 28 hours per week in the aggregate, are employed or are participating at a satisfactory level in an approved training program or educational program, and parents with a family income at or below 100 percent of the federal poverty level who are under the age of 21 and are participating in an educational program leading to a high school diploma or equivalent.

(2) Parents under the age of 21 with a family income at or below 100 percent of the federal poverty guidelines who are participating, at a satisfactory level, in an approved training program or in an education program.

(3) Families with an income of more than 100 percent but not more than 145 percent of the federal poverty guidelines whose members are employed, for at least 28 hours per week in the aggregate, are employed or are participating at a satisfactory level in an approved training program or educational program.

(4) Families with an income at or below 200 percent of the federal poverty guidelines whose members are employed at least 28 hours per week with a special-needs child as a member of the family.

[Filed Emergency 6/12/14, effective 7/1/14]

[Published 7/9/14]

EDITOR'S NOTE: For replacement pages for IAC, see IAC Supplement 7/9/14.

ARC 1517C

WORKERS' COMPENSATION DIVISION[876]

Adopted and Filed Emergency

Pursuant to the authority of Iowa Code section 86.8, the Workers' Compensation Commissioner hereby amends Chapter 8, "Substantive and Interpretive Rules," Iowa Administrative Code.

This amendment updates references to the tables which determine payroll taxes.

In compliance with Iowa Code section 17A.4(3), the Workers' Compensation Commissioner finds that notice and public participation are unnecessary. Rule 876—8.8(85,17A) is noncontroversial and, further, Iowa Code section 85.61(6) requires adoption of current tables to determine payroll taxes by July 1 of each year. The Division must wait until the Internal Revenue Service and the Iowa Department of Revenue determine whether there will be changes in their publications on July 1 of the current year.

In compliance with Iowa Code section 17A.4(3), the Administrative Rules Review Committee at its June 10, 2014, meeting reviewed the Commissioner's findings and the amendment and approved this Emergency adoption.

The Division also finds, pursuant to Iowa Code section 17A.5(2)“b”(2), that the normal effective date of this amendment, 35 days after publication, should be waived and the amendment made effective July 1, 2014, as it confers a benefit upon the public to ensure speedy and uniform compliance with the Division's legislative mandate.

The Division has determined that this amendment will not necessitate additional annual expenditures exceeding \$100,000 or combined expenditures exceeding \$500,000 within five years by all affected persons, including the agency. Therefore, no fiscal impact statement accompanies this rule making.

The Division has determined that this amendment will have no impact on small business within the meaning of Iowa Code section 17A.4A.

WORKERS' COMPENSATION DIVISION[876](cont'd)

This amendment does not include a waiver provision because rule 876—12.4(17A) provides the specified situations for waiver of Workers' Compensation Division rules.

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

This amendment is intended to implement Iowa Code section 85.61(6).

This amendment became effective on July 1, 2014.

The following amendment is adopted.

Amend rule 876—8.8(85,17A) as follows:

876—8.8(85,17A) Payroll tax tables. Tables for determining payroll taxes to be used for the period July 1, ~~2013~~ 2014, through June 30, ~~2014~~ 2015, are the tables in effect on ~~June 30, 2013~~ July 1, 2014, for computation of:

1. Federal income tax withholding according to the percentage method of withholding for weekly payroll period. (Internal Revenue Service, Employer's Supplemental Tax Guide, Publication 15-A [~~2013~~ 2014].)

2. Iowa Withholding Tax Guide. (Iowa Department of Revenue Iowa Withholding Tax Rate Tables [Effective April 1, 2006].)

3. Social Security and Medicare withholding (FICA) at the rate of 7.65 percent. (Internal Revenue Service, Circular E, Employer's Tax Guide, Publication 15 [~~2013~~ 2014].)

This rule is intended to implement Iowa Code section 85.61(6).

[Filed Emergency 6/12/14, effective 7/1/14]

[Published 7/9/14]

EDITOR'S NOTE: For replacement pages for IAC, see IAC Supplement 7/9/14.

ARC 1532C

AGING, DEPARTMENT ON[17]

Adopted and Filed

Pursuant to the authority of Iowa Code sections 231.14, 231.23 and 17A.3, the Department on Aging hereby amends Chapter 1, "Introduction, Abbreviations and Definitions," Iowa Administrative Code.

These amendments change the chapter in the following particulars:

1. The amendments remove references to Iowa Aging Program Instructions (IAPI). IAPIs have traditionally been used by the Department to provide guidance to Area Agencies on Aging. IAPIs are identified in Chapter 1 as a form of federal or state regulation. These amendments remove references to IAPIs to ensure that IAPIs are not used as or confused with federal or state regulation.

2. The amendments work towards the creation of a single and comprehensive chapter of definitions applicable to all chapters within the Department's rules. Definitions from 17—Chapter 8 are incorporated into Chapter 1.

3. The amendments alter the definition of "area plan" to align with the Older Americans Act and current practice.

Notice of Intended Action was published in the Iowa Administrative Bulletin on April 16, 2014, as **ARC 1428C**. No public comment was received. No changes were made to the amendments published under Notice.

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

These amendments are intended to implement Iowa Code chapter 231.

These amendments will become effective August 13, 2014.

The following amendments are adopted.

ITEM 1. Amend rule 17—1.2(231) as follows:

17—1.2(231) Other regulations and order of precedence. These agency rules are based on the following federal and state regulations that are listed in the order of precedence which shall prevail in the event of conflicting or inconsistent requirements:

1. to 5. No change.

~~6.—Iowa aging program instructions issued by the department and signed by the director or the director's designee.~~

ITEM 2. Rescind the definition of "IAPI" in rule **17—1.4(231)**.

ITEM 3. Amend the following definitions in rule **17—1.5(231)**:

~~"Area plan" or "multiyear area plan" means a document, that is developed in accordance with the uniform area plan format and IAPI issued forms or in a format prescribed by the department, and that is submitted to the department every two to four years, with annual updates, by an AAA in order to receive subgrants from the department's grants federal funding and other support through the department.~~

~~"Greatest economic need" means the need resulting from an annual income level at or below the official poverty guideline line as defined in IAPI issued by the department.~~

~~"Iowa Aging Program Instruction" or "IAPI" means a document issued by the department under a system of numbering and reference regarding operating and reporting methods for AAA or instructions which change frequently.~~

~~"Long-term care resident's advocate ombudsman program" or "LTCRAP office of the state long-term care ombudsman" means the statewide long-term care ombudsman program operated by the department on aging pursuant to the federal Act and Iowa Code chapter 231.~~

ITEM 4. Adopt the following **new** definitions in rule **17—1.5(231)**:

"Access" means the term described in Iowa Code section 231.42 and includes access to long-term care facilities, assisted living programs, elder group homes, residents, tenants, medical records, social records, and administrative records.

AGING, DEPARTMENT ON[17](cont'd)

“*Certified volunteer long-term care ombudsman*” or “*certified volunteer*” means a volunteer who has successfully completed all requirements and received certification from the office of the state long-term care ombudsman.

“*Civil penalty*” means a civil money penalty not to exceed the amount authorized under Iowa Code section 231.42.

[Filed 6/19/14, effective 8/13/14]

[Published 7/9/14]

EDITOR’S NOTE: For replacement pages for IAC, see IAC Supplement 7/9/14.

ARC 1533C

AGING, DEPARTMENT ON[17]

Adopted and Filed

Pursuant to the authority of Iowa Code sections 231.14, 231.23 and 17A.3, the Department on Aging hereby amends Chapter 5, “Department Fiscal Operations,” Iowa Administrative Code.

The amendments are necessary to remove references to Iowa Aging Program Instructions (IAPI). IAPIs have traditionally been used by the Department to provide guidance to Area Agencies on Aging. IAPIs are identified in Chapter 5 as a form of federal or state regulation. These amendments remove references to IAPIs to ensure that IAPIs are not used as or confused with federal or state regulation.

Notice of Intended Action was published in the Iowa Administrative Bulletin on April 16, 2014, as **ARC 1427C**. No public comment was received. No changes were made to the amendments published under Notice.

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

These amendments are intended to implement Iowa Code chapter 231.

These amendments will become effective August 13, 2014.

The following amendments are adopted.

ITEM 1. Amend subrule 5.9(2) as follows:

5.9(2) Each area agency on aging shall be responsible for the following:

a. and *b.* No change.

c. Submitting reports or data to the department on or before ~~the established~~ due dates established by the department. ~~The established due dates for reports shall be listed in the area plan, the department’s service and fiscal reporting manual, or in an IAPI.~~

ITEM 2. Amend subrule 5.10(2) as follows:

5.10(2) *Redistribution of state funds.*

a. If the department determines prior to the end of a fiscal year that an area agency on aging will not expend its state funds for goods or services or both to be provided by the last day of the fiscal year, the department may redistribute the funds to one or more area agencies on aging in accordance with demonstrated utilization or by a redistribution method specified ~~in IAPI~~ by the department.

b. and *c.* No change.

[Filed 6/19/14, effective 8/13/14]

[Published 7/9/14]

EDITOR’S NOTE: For replacement pages for IAC, see IAC Supplement 7/9/14.

ARC 1534C

AGING, DEPARTMENT ON[17]

Adopted and Filed

Pursuant to the authority of Iowa Code sections 231.14, 231.23 and 17A.3, the Department on Aging hereby amends Chapter 6, "Area Agency on Aging Planning and Administration," Iowa Administrative Code.

These amendments change the chapter in the following particulars:

1. The amendments remove references to Iowa Aging Program Instructions (IAPI). IAPIs have traditionally been used by the Department to provide guidance to Area Agencies on Aging. IAPIs are identified in Chapter 6 as a form of federal or state regulation. These amendments remove references to IAPIs to ensure that IAPIs are not used as or confused with federal or state regulation.

2. The amendments alter the requirements of Area Agencies on Aging in regard to submission of affirmative action plans. The rule will no longer require Area Agencies on Aging to submit the affirmative action plans to the Department, but instead require Area Agencies on Aging to make the affirmative action plan available for review by the Department.

3. The amendments clarify client projections provided by Area Agencies on Aging pursuant to area plan content.

Notice of Intended Action was published in the Iowa Administrative Bulletin on April 16, 2014, as **ARC 1426C**. No public comment was received. No changes were made to the amendments published under Notice.

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

These amendments are intended to implement Iowa Code chapter 231.

These amendments will become effective August 13, 2014.

The following amendments are adopted.

ITEM 1. Amend subrules 6.2(4), 6.2(5) and 6.2(10) as follows:

6.2(4) Requirements. An area plan shall provide for a comprehensive and coordinated service delivery system as defined in:

a. and *b.* No change.

c. This chapter;

~~*d.* IAPI issued by the department.~~

6.2(5) Plan content. The area plan shall, at a minimum, contain the following information:

a. and *b.* No change.

c. Client estimates projections. Area agencies shall ~~estimate project, on forms or in a format prescribed by the department,~~ the number of older individuals ~~with the characteristics identified in Form 3-A-1 of an IAPI who will be served within each PSA.~~

6.2(10) Area profile. Each AAA shall submit to the department a profile in accordance with the time frame and procedures as issued ~~in department IAPI by the department.~~ The profile shall contain, but not be limited to, the following AAA information:

a. to *e.* No change.

ITEM 2. Amend subrule 6.3(4) as follows:

6.3(4) Affirmative action plans. Each AAA shall develop an ~~employment~~ affirmative action plan which shall be ~~submitted as part of the profile required in this chapter. All affirmative action plans shall comply with the requirements as given in IAPI available for review by the department.~~

ITEM 3. Amend subrule 6.6(2) as follows:

6.6(2) Additional duties include:

a. No change.

b. Submit all reports in accordance with ~~IAPI of the department-prescribed form or format and due dates;~~

c. to *g.* No change.

AGING, DEPARTMENT ON[17](cont'd)

ITEM 4. Amend subrule 6.11(3) as follows:

6.11(3) Contracts with for-profit organizations. An AAA must request prior approval from the department of any proposed service contracts with for-profit organizations under an area plan.

a. and *b.* No change.

~~*c.* Services shall mean the services described in the uniform definitions of services contained in IAPI issued by the department.~~

ITEM 5. Amend subrule 6.14(1) as follows:

6.14(1) *Contributions.* The AAA shall consult with the relevant service providers and older individuals in the PSA to determine the best method for accepting voluntary contributions. As established by contract with the AAA, each service provider, including an AAA providing direct service, shall:

a. to *c.* No change.

d. Utilize appropriate procedures to safeguard and account for all contributions against loss, mishandling or theft by obtaining bonding for all employees and volunteers ~~in accordance with instructions issued by the department in an IAPI;~~

e. No change.

[Filed 6/19/14, effective 8/13/14]

[Published 7/9/14]

EDITOR'S NOTE: For replacement pages for IAC, see IAC Supplement 7/9/14.

ARC 1535C

AGING, DEPARTMENT ON[17]

Adopted and Filed

Pursuant to the authority of Iowa Code sections 231.14, 231.23 and 17A.3, the Department on Aging hereby amends Chapter 8, "Long-Term Care Resident's Advocate/Ombudsman," Iowa Administrative Code.

These amendments change the chapter in the following particulars:

1. The amendments change the title of Chapter 8 from "Long-Term Care Resident's Advocate/Ombudsman" to "Long-Term Care Ombudsman" to align with the term used in the Older Americans Act and in Iowa Code chapter 231.

2. The amendments change the term "long-term care resident's advocate/ombudsman" to "long-term care ombudsman" throughout the chapter to align with the term used in the Older Americans Act and in Iowa Code chapter 231.

3. The amendments change the term "volunteer long-term care ombudsman" to "certified volunteer long-term care ombudsman" throughout the chapter to align with the term used in Iowa Code chapter 231.

4. The amendments change the hours of training required for a certified volunteer long-term care ombudsman from 24 hours to 12 hours to accurately reflect the training process requirements. The Office of the State Long-Term Care Ombudsman has determined that the 24-hour training requirement is overly burdensome to volunteers and the training components of the program.

5. The amendments correct cross references and citations.

6. The amendments rescind rule 17—8.2(231) because the rule's definitions of "access," "volunteer long-term care ombudsman" (revised to read "'certified volunteer long-term care ombudsman' or 'certified volunteer'"), and "civil penalty" are being added to Chapter 1 (see **ARC 1532C** herein) to create a comprehensive definitions chapter and because the rule's other definitions, "assisted living program," "department," "director," "elder group home," "long-term care facility," "long-term care resident's advocate/ombudsman," "office of the state long-term care resident's advocate," and "official duties," duplicate definitions in Iowa Code chapter 231.

AGING, DEPARTMENT ON[17](cont'd)

7. The amendments change the term “personal records” to “social records” throughout the chapter to align with the terminology used in Iowa Code section 231.42.

8. The amendments make technical corrections to align with Iowa Code sections 231.42 and 231.45.

9. The amendments remove references to resident advocate committees, which were eliminated on July 1, 2013, pursuant to 2013 Iowa Acts, Senate File 184.

10. The amendments define who performs the review of a certified volunteer local long-term care ombudsman.

Notice of Intended Action was published in the Iowa Administrative Bulletin on April 16, 2014, as **ARC 1425C**. No public comment was received. No changes were made to the amendments published under Notice.

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

These amendments are intended to implement Iowa Code chapter 231.

These amendments will become effective August 13, 2014.

The following amendments are adopted.

ITEM 1. Amend **17—Chapter 8**, title, as follows:

~~LONG-TERM CARE RESIDENT’S ADVOCATE/OMBUDSMAN~~

ITEM 2. Amend rule **17—8.1(231)** as follows:

17—8.1(231) Purpose. This chapter establishes procedures for notice and appeal of penalties imposed for interference with the official duties of a long-term care ~~resident’s advocate/~~ ombudsman, which are established in ~~2010 Iowa Acts, Senate File 2263, section 7, Iowa Code sections 231.42 and 231.45~~ and in accordance with Section 712 of the federal Older Americans Act, as codified at 42 U.S.C. Section 3058g. This chapter also establishes criteria for serving under the certified volunteer long-term care ombudsman program. The ~~resident’s advocates/~~ long-term care ombudsmen investigate complaints related to the actions or inactions of long-term care providers that may adversely affect the health, safety, welfare, or rights of residents and tenants who reside in long-term care facilities, assisted living programs, and elder group homes.

ITEM 3. Rescind rule **17—8.2(231)**.

ITEM 4. Renumber rules **17—8.3(231)** to **17—8.7(231)** as **17—8.2(231)** to **17—8.6(231)**.

ITEM 5. Amend renumbered subrules 8.2(1) and 8.2(2) as follows:

8.2(1) A local long-term care ~~resident’s advocate/~~ ombudsman or ~~trained~~ certified volunteer long-term care ombudsman ~~certified under rule 17—8.7(231)~~ who is denied access to a resident or tenant in a long-term care facility, assisted living program, or elder group home or to medical and ~~personal~~ social records while in the course of conducting official duties pursuant to Iowa Code section 231.42 or whose work is interfered with during the course of an investigation shall report such denial or interference to the office of the state long-term care ~~resident’s advocate~~ ombudsman, who will report the interference to the director of the department on aging.

8.2(2) Access to facility records. Copies of a resident’s medical or ~~personal~~ social records maintained by the facility, or other records of a long-term care facility, assisted living program, or elder group home, may be made with the permission of the resident, the resident’s responsible party, or the legal representative of the resident. All medical and ~~personal~~ social records shall be made available to a certified volunteer long-term care ombudsman for review if:

a. The certified volunteer long-term care ombudsman has written permission from the resident, the legal representative of the resident, or the responsible party; and

b. Access to the records is necessary to investigate a complaint; and

c. The certified volunteer long-term care ombudsman obtains approval of the ~~resident’s advocate/~~ state long-term care ombudsman or designee.

AGING, DEPARTMENT ON[17](cont'd)

ITEM 6. Amend renumbered rule 17—8.3(231) as follows:

17—8.3(231) Monetary civil penalties—basis. The director, in consultation with the state long-term care ~~resident's advocate/~~ombudsman, may impose a monetary civil penalty of not more than \$1,500 on an officer, owner, director, or employee of a long-term care facility, assisted living program, or elder group home who intentionally prevents, interferes with, or attempts to impede the duties of the state, ~~or a local,~~ or a certified volunteer long-term care ~~resident's advocate/~~ombudsman. If the director imposes a penalty for a violation under this rule, no other state agency shall impose a penalty for the same interference violation.

ITEM 7. Amend renumbered rule 17—8.5(231) as follows:

17—8.5(231) Monetary civil penalties—appeals. An officer, owner, director, or employee of a long-term care facility, assisted living program, or elder group home who is assessed a monetary civil penalty for interference with the official duties of a long-term care ~~resident's advocate/~~ombudsman may appeal the penalty by informing the department of the intent to appeal in writing within ten days after receiving a notice of penalty. Appeals shall follow the procedures set forth in 17—Chapter 13.

ITEM 8. Amend renumbered rule 17—8.6(231) as follows:

17—8.6(231) Volunteer Certified volunteer long-term care ombudsman program.

8.6(1) Application. Any individual may apply to the ~~resident's advocate/~~ office of the state long-term care ombudsman program to become a certified volunteer long-term care ombudsman. ~~A resident advocate committee member shall be given priority in the selection process and may become a certified volunteer long-term care ombudsman pending successful completion of the required training and background checks.~~

a. Application forms. Application forms may be obtained from the ~~resident's advocate/~~ office of the state long-term care ombudsman program at the department on aging address listed in ~~rule 17—2.1(231)~~ 17—subrule 2.3(2) or from other organizations designated by the department.

b. Submission of forms. Each applicant shall complete an application and submit it to the department address listed in ~~rule 17—2.1(231)~~ 17—subrule 2.3(2).

8.6(2) Conflict of interest.

a. Prior to certification, applicants for the certified volunteer long-term care ombudsman program must not have a conflict of interest or have had a conflict of interest within the past two years in accordance with the Older Americans Act. A conflict of interest shall be defined as:

(1) to (6) No change.

(7) Acceptance of money or any other consideration from anyone other than the office of the state long-term care ~~resident's advocate/~~ombudsman for the performance of an act in the regular course of long-term care;

(8) Provision of services while employed in a position with duties that conflict with the duties of a certified volunteer long-term care ombudsman;

(9) and (10) No change.

b. No change.

8.6(3) Applicants shall not be accepted into the program if:

a. It is determined that the applicant has a conflict of interest as listed in ~~subrule 8.7(2)~~ 8.6(2); or

b. and *c.* No change.

8.6(4) Training. Prior to certification, applicants must successfully complete the required training as approved by the ~~resident's advocate/~~ office of the state long-term care ombudsman. Successful completion shall be defined as completion of all assignments and tasks during training, demonstration of proper techniques and skills, and an understanding of the role of the certified volunteer long-term care ombudsman in the long-term care setting. The applicant shall complete a minimum of 24 12 hours of approved training, which shall include, but not be limited to:

a. to *l.* No change.

m. Resources for certified volunteer long-term care ombudsmen.

AGING, DEPARTMENT ON[17](cont'd)

8.6(5) Approval for certification. Final approval for certification as a certified volunteer long-term care ombudsman shall be made by the ~~resident's advocate/~~ office of the state long-term care ombudsman and shall be subject to the applicant's successful completion of the required training and to a favorable report from the instructor. The ~~resident's advocate/~~ office of the state long-term care ombudsman has the right to require that the applicant receive additional personal training prior to certification and has the right to deny certification to applicants not meeting the above training criteria.

8.6(6) Certification.

a. Notification. A certified volunteer long-term care ombudsman shall be notified in writing within 14 days following the conclusion of the training program if certification has been continued or revoked.

b. Certification shall initially be for one year, with recertification available following the certified volunteer's completion of a minimum of ten hours of approved continuing education in the first year and completion of a progress review by the ~~residents of the facility, the facility administrator and staff, and the resident's advocate/ombudsman or a representative from the office of the state long-term care resident's advocate/ombudsman program.~~

c. After the certified volunteer's successful completion of one year as a certified volunteer long-term care ombudsman, the ~~resident's advocate/~~ office of the state long-term care ombudsman may recertify the certified volunteer for a two-year period.

8.6(7) Continuing education.

a. All certified volunteer long-term care ombudsmen shall complete a minimum of ten hours of continuing education the first year and a minimum of six hours of continuing education each year thereafter. Continuing education may include, but is not limited to:

(1) Scheduled telephone conference calls with representatives from the office of the state long-term care ~~resident's advocate/ombudsman~~ program;

(2) to (5) No change.

(6) Other events as approved in advance by the ~~resident's advocate/~~ office of the state long-term care ombudsman.

b. ~~Volunteer~~ Volunteer certified volunteer long-term care ombudsmen are responsible for reporting continuing education hours to the ~~resident's advocate/~~ office of the state long-term care ombudsman or designee within 30 days following the completion of the continuing education event.

8.6(8) Contesting an appointment. A provider who wishes to contest the appointment of a certified volunteer shall do so in writing to the ~~resident's advocate/~~ office of the state long-term care ombudsman. The final determination shall be made by the ~~resident's advocate/~~ office of the state long-term care ombudsman within 30 days after receipt of notification from the provider.

8.6(9) Certification revocation.

a. *Reasons for revocation.* A certified volunteer long-term care ombudsman's certification may be revoked by the ~~resident's advocate/~~ office of the state long-term care ombudsman for any of the following reasons: falsification of information on the application, breach of confidentiality, acting as a certified volunteer long-term care ombudsman without proper certification, attending less than the required continuing education training, voluntary termination, unprofessional conduct, failure to carry out the duties as assigned, or actions which are found by the ~~resident's advocate/~~ office of the state long-term care ombudsman to violate the rules or intent of the program.

b. *Notice of revocation.* The ~~resident's advocate/~~ office of the state long-term care ombudsman shall notify the certified volunteer and the facility in writing of a revocation of certification.

c. *Request for reconsideration.* A request for reconsideration or reinstatement of certification may be made in writing to the ~~resident's advocate/~~ office of the state long-term care ombudsman. The request must be filed within 14 days after receipt of the notice of revocation.

d. *Response time.* The ~~resident's advocate/~~ office of the state long-term care ombudsman shall investigate and consider the request and notify the requesting party and the facility of the decision within 30 days of receipt of the written request.

8.6(10) Access.

a. *Visits to facilities.* A certified volunteer long-term care ombudsman may enter any long-term care facility without prior notice. After notifying the person in charge of the facility of the certified

AGING, DEPARTMENT ON[17](cont'd)

volunteer long-term care ombudsman's presence, the certified volunteer long-term care ombudsman may communicate privately and without restriction with any resident who consents to the communication.

b. Visits to resident's living area. The certified volunteer long-term care ombudsman shall not observe the private living area of any resident who objects to the observation.

c. Restrictions on visits. The facility staff member in charge may refuse or terminate a certified volunteer long-term care ombudsman visit with a resident only when written documentation is provided to the certified volunteer long-term care ombudsman that the visits are a threat to the health and safety of the resident. The restriction shall be ordered by the resident's physician, and the order shall be documented in the resident's medical record.

8.6(11) Duties. The certified volunteer long-term care ombudsman shall assist the ~~resident's advocate/~~ office of the state long-term care ombudsman or designee in carrying out the duties described in the Older Americans Act. Primary responsibilities of a certified volunteer long-term care ombudsman shall include:

a. Conducting initial inquiries regarding complaints registered with the office of the state long-term care ~~resident's advocate/~~ ombudsman;

b. At the request of the ~~resident's advocate/~~ office of the state long-term care ombudsman or designee, providing follow-up visits on cases investigated by the ~~resident's advocate/~~ office of the state long-term care ombudsman or designee;

c. Attending, assisting with, or providing technical assistance to resident and family council meetings as needed;

d. At the request of the ~~resident's advocate/~~ office of the state long-term care ombudsman or designee, making follow-up visits to a facility after a department of inspections and appeals survey or complaint investigation to monitor the progress and changes listed in the plan of correction or to monitor the correction of deficiencies;

e. Tracking, monitoring and following up on publicly available information regarding facility performance;

f. Identifying concerns in a facility. ~~Concerns identified should be discussed with the chair of the resident advocate committee to determine an appropriate course of action to reach resolution;~~

g. Completing all reports and submitting them to the ~~resident's advocate/~~ office of the state long-term care ombudsman in a timely manner; and

h. Completing exit interviews when the certified volunteer ombudsman resigns.

[Filed 6/19/14, effective 8/13/14]

[Published 7/9/14]

EDITOR'S NOTE: For replacement pages for IAC, see IAC Supplement 7/9/14.

ARC 1536C

AGING, DEPARTMENT ON[17]

Adopted and Filed

Pursuant to the authority of Iowa Code sections 231.14, 231.23 and 17A.3, the Department on Aging hereby rescinds Chapter 9, "Resident Advocate Committees," Iowa Administrative Code.

Chapter 9 is no longer necessary or applicable to the operations of the Iowa Department on Aging or the Office of the State Long-Term Care Ombudsman due to the elimination of the program pursuant to 2013 Iowa Acts, Senate File 184. The role of the resident advocate committees has been replaced by the certified volunteer long-term care ombudsman program as codified in Iowa Code section 231.45.

Notice of Intended Action was published in the Iowa Administrative Bulletin on April 16, 2014, as **ARC 1424C**. No public comment was received. No changes were made to the amendment published under Notice.

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

This amendment is intended to implement Iowa Code chapter 231.

AGING, DEPARTMENT ON[17](cont'd)

This amendment will become effective August 13, 2014.
The following amendment is adopted.

Rescind and reserve **17—Chapter 9**.

[Filed 6/19/14, effective 8/13/14]

[Published 7/9/14]

EDITOR'S NOTE: For replacement pages for IAC, see IAC Supplement 7/9/14.

ARC 1537C

AGING, DEPARTMENT ON[17]

Adopted and Filed

Pursuant to the authority of Iowa Code sections 231.14, 231.23 and 17A.3, the Department on Aging hereby amends Chapter 23, "Aging and Disability Resource Center," Iowa Administrative Code.

New rule 17—23.7(231) establishes criteria and qualifications for an applicant to serve as an options counselor pursuant to this chapter. The rule establishes that options counselors shall submit to background checks, serve as mandatory reporters, adhere to mandatory reporter training rules and regulations, and meet minimum qualifications to serve as an options counselor.

Notice of Intended Action was published in the Iowa Administrative Bulletin on April 16, 2014, as **ARC 1423C**. No public comment was received.

Based upon comment received from the Administrative Rules Review Committee, one revision has been made to the rule published under Notice of Intended Action. Proposed paragraph 23.7(4)"d" required that a qualified options counselor obtain an associate's degree in the field of human services. The requirement that an associate's degree be obtained exclusively in a human services field has been omitted to create consistency with other degrees that qualify an individual to serve as an options counselor.

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

This amendment is intended to implement Iowa Code chapter 231 and the Older Americans Act.

This amendment will become effective August 13, 2014.

The following amendment is adopted.

Adopt the following new rule 17—23.7(231):

17—23.7(231) Options counselors. An ADRC coordination center shall ensure that options counselors meet the requirements of this chapter and applicable federal and state law.

23.7(1) Background checks. All ADRC coordination centers shall establish and maintain background check policies and procedures that include, but are not limited to, the following:

a. A requirement that, prior to beginning employment, all options counselors, whether full-time, part-time, or unpaid, shall undergo criminal and abuse background checks.

b. A background check includes, at a minimum, a request that the department of public safety perform a criminal history check and the department of human services perform child and dependent adult abuse record checks of the applicant in this state.

c. Protocol for how to proceed in the event that an options counselor applicant is found to have a criminal history or history of child or dependent adult abuse.

23.7(2) Mandatory reporters. All options counselors shall be considered mandatory reporters pursuant to Iowa Code chapter 235B and shall adhere to federal and state law and applicable rules and regulations for mandatory reporters.

23.7(3) Options counselor duties. An options counselor shall provide options counseling that is person-directed and interactive and that allows the consumer to make informed choices about long-term living services and community supports based upon the consumer's preferences, strengths and values.

AGING, DEPARTMENT ON[17](cont'd)

23.7(4) Options counselor minimum qualifications. An options counselor shall possess the following minimum qualifications:

- a. Bachelor's degree in a human services field; or
- b. License to practice as a registered nurse; or
- c. Bachelor's degree and two years of experience working in the areas of aging, disabilities, community health, or hospital discharge planning; or
- d. Associate's degree and four years of experience working in the areas of aging, disabilities, community health, or hospital discharge planning; or
- e. License to practice as a licensed practical nurse and four years of experience working in the areas of aging, disabilities, community health, or hospital discharge planning.

[Filed 6/19/14, effective 8/13/14]

[Published 7/9/14]

EDITOR'S NOTE: For replacement pages for IAC, see IAC Supplement 7/9/14.

ARC 1538C

HOMELAND SECURITY AND EMERGENCY MANAGEMENT DEPARTMENT[605]

Adopted and Filed

Pursuant to the authority of Iowa Code sections 17A.3 and 34A.22, the Homeland Security and Emergency Management Department hereby amends Chapter 10, "Enhanced 911 Telephone Systems," Iowa Administrative Code.

These amendments implement 2013 Iowa Acts, House File 644, passed by the 85th General Assembly and signed by the Governor on May 24, 2013, and House File 307, passed by the 85th General Assembly and signed by the Governor on April 5, 2013. The legislation provides for changes to Iowa Code chapter 34A. These amendments focus on the creation of a stand-alone Department from a Division of the Department of Public Defense and on surcharge collection and disbursement issues.

Notice of Intended Action was published in the Iowa Administrative Bulletin as **ARC 1463C** on May 14, 2014. A public hearing was conducted on June 3, 2014. No public comment was received. The adopted amendments are identical to those published under Notice.

The Homeland Security and Emergency Management Department adopted these amendments on June 19, 2014.

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

These amendments are intended to implement Iowa Code chapter 34A and 2013 Iowa Acts, House Files 644 and 307.

These amendments will become effective on August 13, 2014.

The following amendments are adopted.

ITEM 1. Rescind the definition of "Administrator" in rule **605—10.2(34A)**.

ITEM 2. Adopt the following new definition of "Director" in rule **605—10.2(34A)**:

"*Director*," unless otherwise noted, means the director of the homeland security and emergency management department.

ITEM 3. Amend the following definitions in rule **605—10.2(34A)**:

"*E911 program manager*" means that person appointed by the ~~administrator~~ director of the homeland security and emergency management ~~division~~ department, and working with the E911 communications council, to perform the duties specifically set forth in Iowa Code chapter 34A and this chapter.

"*Recurring costs*" means repetitive charges incurred by a joint E911 service board or operating authority including, but not limited to, personnel time directly associated with database management and personnel time directly associated with addressing, lease of access lines, lease of equipment, network access fees, and applicable maintenance costs.

HOMELAND SECURITY AND EMERGENCY MANAGEMENT DEPARTMENT[605](cont'd)

~~“Wire-line E911 service surcharge” means a charge set by the E911 service operating authority and assessed on each wire-line access line which physically terminates within the E911 service area in accordance with Iowa Code section 34A.7.~~

ITEM 4. Amend rule 605—10.3(34A) as follows:

605—10.3(34A) Joint E911 service boards. Each county board of supervisors shall establish a joint E911 service board.

10.3(1) and 10.3(2) No change.

10.3(3) Joint E911 service board bylaws. Each joint E911 service board shall develop bylaws to specify, at a minimum, the following information:

a. to m. No change.

Each member shall sign the adopted bylaws.

The joint E911 service board shall record the signed bylaws with the county recorder and shall forward a copy of the signed bylaws to the E911 program ~~administrator~~ manager at the ~~state homeland security and emergency management division~~ department.

10.3(4) Executive board. The joint E911 service board may, through its bylaws, establish an executive board to conduct the business of the joint E911 service board. Members of the executive board must be selected from the eligible voting members of the joint E911 service board. The executive board will have such other duties and responsibilities as assigned by the joint E911 service board.

10.3(5) No change.

ITEM 5. Amend rule 605—10.4(34A) as follows:

605—10.4(34A) Enhanced 911 service plan (wire-line).

10.4(1) The joint E911 service board shall be responsible for developing an E911 service plan as required by Iowa Code section 34A.3 and as set forth in these rules. The plan will remain the property of the joint E911 service board. Each joint E911 service board shall coordinate planning with each contiguous joint E911 service board. A copy of the plan and any modifications and addenda shall be submitted to:

a. The ~~state homeland security and emergency management division~~ department.

b. All public and private safety agencies serving the E911 service area.

c. All providers affected by the E911 service plan.

10.4(2) The E911 service plan shall, at a minimum, encompass the entire county, unless a waiver is granted by the ~~administrator~~ director. Each plan shall include:

a. The mailing address of the joint E911 service board.

b. A list of voting members on the joint E911 service board.

c. A list of nonvoting members on the joint E911 service board.

d. The name of the chairperson and vice chairperson of the joint E911 service board.

e. A geographical description of the enhanced 911 service area.

f. A list of all public and private safety agencies within the E911 service area.

g. The number of public safety answering points within the E911 service area.

h. Identification of the agency responsible for management and supervision of the E911 emergency telephone communication system.

i. A statement of ~~estimated charges recurring and nonrecurring costs to be incurred by the joint E911 service board, including separate estimates of recurring and nonrecurring charges.~~ charges costs shall be limited to charges costs directly attributable to the provision of E911 service. The charges shall include the following:

~~(1) Item(s) or unit(s) of measurement, or both, and the associated tariff prices applicable in the development of the charges.~~

~~(2) Where tariff prices are not available, work papers showing the development of the charges by item(s)/unit(s) shall be included.~~

HOMELAND SECURITY AND EMERGENCY MANAGEMENT DEPARTMENT[605](cont'd)

~~(3) Charges shall be justified as being attributable to the provision of E911 telephone communication service.~~

~~j. Information from communications service providers detailing the current equipment operated by the provider to provide telephone service and additional central office equipment or technology upgrades, or both, necessary to implement E911 service.~~

~~k. j. The total number of telephone access lines by telephone company or companies having points of presence within the E911 service area and the number of this total that is exempt from surcharge collection as provided in rule 605—10.9(34A) and Iowa Code subsection 34A.7(3).~~

~~l. The estimated number of pay telephones within the E911 service area.~~

~~m. k. If applicable, a schedule for implementation of the plan throughout the E911 service area. A joint E911 service board may decide not to implement E911 service.~~

~~n. l. The total property valuation in the E911 service area.~~

~~o. m. Maps of the E911 service area showing:~~

~~(1) to (5) No change.~~

~~p. n. A block drawing for each telephone central office within the service area showing the method by which the 911 call will be delivered to the PSAP(s).~~

~~q. o. A plan to migrate to an internet protocol-enabled next generation network.~~

~~10.4(3) to 10.4(5) No change.~~

ITEM 6. Amend rule 605—10.5(34A) as follows:

605—10.5(34A) Referendum and wire-line Wire-line E911 service surcharge.

~~10.5(1) The surcharge referendum may be initiated only by the joint E911 service board and shall be conducted in accordance with the provisions of Iowa Code sections 34A.6 and 34A.6A and Iowa Administrative Code rule 721—21.810(34A). The surcharge is not a local option tax that can be presented to the voters under Iowa Code chapter 422B. One source of funding for the E911 emergency communications system shall come from a surcharge of one dollar per month, per access line on each access line subscriber.~~

~~10.5(2) The following information shall be filed with the E911 program manager before the surcharge may be imposed:~~

~~a. A copy of the “Abstract of Election” (Form 156-K) from each commissioner of elections, in each county or partial county included within the E911 service area, showing passage of the referendum allowing for the imposition of a surcharge for E911 service.~~

~~b. An E911 service plan for the proposed E911 service area approved by the joint E911 service board.~~

~~c. A letter signed by the chairperson of the joint E911 service board requesting that the surcharge be imposed within the E911 service area.~~

~~10.5(3) 10.5(2) The E911 program manager shall notify a local communications service provider scheduled to provide exchange access E911 service within an E911 service area that implementation of an E911 service plan has been approved by the joint E911 service board, and by the E911 program manager, and by the service area referendum, and that collection of the surcharge is to begin within 60 days. The E911 program manager shall also provide notice to all affected public safety answering points. The 60-day notice to local exchange service providers shall also apply when an adjustment in the wire-line surcharge rate is made.~~

~~10.5(4) 10.5(3) The local communications service provider shall collect the surcharge as a part of its monthly billing to its subscribers. The surcharge shall appear as a single line item on a subscriber’s monthly billing entitled “E911 emergency communications service surcharge.”~~

~~10.5(5) 10.5(4) The local communications service provider may retain 1 percent of the surcharge collected as compensation for the billing and collection of the surcharge. If the compensation is insufficient to fully recover a provider’s costs for the billing and collection of the surcharge, the deficiency shall be included in the provider’s costs for rate-making purposes to the extent it is reasonable and just under Iowa Code section 476.6.~~

HOMELAND SECURITY AND EMERGENCY MANAGEMENT DEPARTMENT[605](cont'd)

~~10.5(6)~~ **10.5(5)** The local communications service provider shall remit the collected surcharge to the joint E911 service board on a calendar quarter basis within 20 days of the end of the quarter.

~~10.5(7)~~ **10.5(6)** The joint E911 service board may request, not more than once each quarter, the following information from the local communications service provider:

a. to f. No change.

Access line counts and surcharge remittances are confidential public records as provided in Iowa Code section 34A.8.

~~10.5(8)~~ **10.5(7)** Collection for a surcharge shall terminate if E911 service ceases to operate within the respective E911 service area. The E911 program manager for good cause may grant an extension.

a. The ~~administrator~~ director shall provide 100 days' prior written notice to the joint E911 service board or the operating authority and to the local communications service provider(s) collecting the fee of the termination of surcharge collection.

b. No change.

c. At the end of one year from the date of termination, any funds not refunded and remaining in the E911 service fund and all interest accumulated shall be retained by the joint E911 service board. However, if the joint E911 service board ceases to operate any E911 service, the balance in the E911 service fund shall be payable to the state homeland security and emergency management ~~division~~ department. Moneys received by the ~~division~~ department shall be used only to offset the costs for the administration of the E911 program.

ITEM 7. Amend rule 605—10.7(34A) as follows:

605—10.7(34A) Enhanced wireless E911 service plan. Each joint E911 service board, the department of public safety, the E911 communications council, and wireless service providers shall cooperate with the E911 program manager in preparing an enhanced wireless E911 service plan for statewide implementation of enhanced wireless E911 service.

10.7(1) Plan specifications. The enhanced wireless E911 service plan shall include, at a minimum, the following information:

1. Maps showing ~~geographic area to be served by the geographic location within the county of each PSAP receiving that receives~~ geographic area to be served by the geographic location within the county of each PSAP receiving that receives enhanced wireless E911 telephone calls.

2. A list of all public ~~and private safety agencies within the enhanced wireless E911 service area~~ safety answering points within the state of Iowa.

3. ~~The geographic location of each PSAP receiving enhanced wireless E911 calls and the name of the person responsible for the management of the PSAP.~~

4. ~~3.~~ A set of guidelines for determining eligible cost as set forth in Iowa Code section 34A.7A.

5. ~~4.~~ A schedule for the implementation and maintenance of the next generation 911 systems to provide enhanced wireless 911 phase I and phase II service.

10.7(2) Adoption by reference. The “Wireless ~~Enhanced 911~~ NG911 Implementation and ~~Operation~~ Operations Plan,” effective ~~November 1, 2012~~ July 1, 2013, and available from the Homeland Security and Emergency Management ~~Division~~ Department, 7105 NW 70th Avenue, Camp Dodge, Bldg. W-4, Johnston, Iowa, or at the Law Library in the Capitol Building, Des Moines, Iowa, is hereby adopted by reference effective ~~March 27, 2013~~ June 18, 2014.

ITEM 8. Amend rule 605—10.8(34A) as follows:

605—10.8(34A) Emergency communications service surcharge.

10.8(1) The E911 program manager shall adopt a monthly surcharge of ~~up to 65 cents~~ one dollar to be imposed on each wireless communications service number provided in this state. ~~The amount of wireless surcharge to be collected may be adjusted once yearly, but in no case shall the surcharge exceed 65 cents per month, per customer service number.~~ The surcharge shall not be imposed on wire-line-based communications or prepaid wireless telecommunications service.

10.8(2) ~~The amount of wireless surcharge to be collected during a fiscal year shall be determined by the administrator's best estimation of enhanced wireless 911 costs for the ensuing fiscal year. The E911~~

HOMELAND SECURITY AND EMERGENCY MANAGEMENT DEPARTMENT[605](cont'd)

~~program manager shall base the estimated cost on information provided by the E911 communications council, wireless service providers, vendors, public safety agencies, joint E911 service boards and any other appropriate parties or agencies involved in the provision or operation of enhanced wireless 911 service. The E911 communications council shall also provide a recommended monthly wireless surcharge for the ensuing fiscal year.~~

~~10.8(3)~~ **10.8(2)** The E911 program manager shall order the imposition of a surcharge uniformly on a statewide basis and simultaneously on all communications service numbers by giving at least 60 days' prior notice to wireless carriers to impose a monthly surcharge as part of their periodic billings. The 60-day notice to wireless carriers shall also apply when making an adjustment in the wireless surcharge rate.

~~10.8(4)~~ **10.8(3)** The wireless surcharge shall be ~~65 cents~~ one dollar per month, per customer service number, until changed by rule.

~~10.8(5)~~ **10.8(4)** The communications service provider shall list the surcharge as a separate line item on the customer's billing indicating that the surcharge is for E911 emergency telephone service. The communications service provider is entitled to retain 1 percent of any wireless surcharge collected as a fee for collecting the surcharge as part of the subscriber's periodic billing. The wireless E911 surcharge is not subject to sales or use tax.

~~10.8(6)~~ **10.8(5)** Surcharge funds shall be remitted on a calendar quarter basis by the close of business on the twentieth day following the end of the quarter with a remittance form as prescribed by the E911 program manager. Providers shall issue their checks or warrants to the Treasurer, State of Iowa, and remit to the E911 Program Manager, Homeland Security and Emergency Management ~~Division~~ Department, 7105 NW 70th Avenue, Camp Dodge, Bldg. W-4, Johnston, Iowa 50131.

ITEM 9. Amend subrule 10.9(1) as follows:

10.9(1) Wireless E911 surcharge money, collected and remitted by wireless service providers, shall be placed in a fund within the state treasury under the control of the ~~administrator~~ director.

ITEM 10. Amend subrule 10.9(3) as follows:

10.9(3) Moneys in the fund shall be expended and distributed in the order and manner as follows:

a. An amount as appropriated by the general assembly shall be allocated to the homeland security and emergency management ~~division~~ department for implementation, support, and maintenance of the functions of the E911 program and to employ the auditor of the state to perform an annual audit of the wireless E911 emergency communications fund.

b. The program manager shall reimburse local communications service providers on a calendar quarter basis for their expenses for transport costs between the wireless E911 selective router and the public safety answering points related to the delivery of wireless E911 service.

c. The program manager shall reimburse local communications service providers and third-party E911 automatic location information (ALI) database providers on a calendar quarter basis for the costs of maintaining and upgrading the E911 components and functionalities between the input and output points of the wireless E911 selective router. This includes the wireless E911 selective router and the automatic location information (ALI) database.

d. The program manager shall allocate 13 percent of the total amount of surcharge generated per calendar quarter to wireless carriers to recover their costs to deliver wireless E911 phase I services as defined in the Federal Communications Commission (FCC) Docket 94-102 and further defined in the FCC's letter to King County, Washington, dated May 7, 2001. If this allocation is insufficient to reimburse all wireless carriers for the wireless service provider's eligible expenses, the program manager shall allocate a prorated amount to each wireless carrier equal to the percentage of the provider's eligible expenses as compared to the total of all eligible expenses for all wireless carriers for the calendar quarter during which expenses were submitted. When prorated expenses are paid, the remaining unpaid expenses shall no longer be eligible for payment under this paragraph. This allocation is for the period beginning July 1, 2013, and ending June 30, 2016.

~~*e.*~~ *e.* A minimum of \$1,000 per calendar quarter shall be allocated for each public safety answering point with the E911 service area of the department of public safety or joint E911 service board that has

HOMELAND SECURITY AND EMERGENCY MANAGEMENT DEPARTMENT[605](cont'd)

submitted a written request to the program manager. The written request shall be made with the Request for Wireless E911 Fund form contained in the ~~State of Iowa~~ Wireless E911 NG911 Implementation and Operation Operations Plan. The request is due to the program manager on May 15, or the next business day, of each year.

The amount allocated under 10.9(3)~~“d”“e”~~ shall be 46 percent of the total amount of surcharge generated per calendar quarter. The minimum amount allocated to the department of public safety and the joint E911 service boards shall be \$1,000 per PSAP operated by the respective authority. Additional funds shall be allocated as follows:

(1) Sixty-five percent of the total dollars available for allocation shall be allocated in proportion to the square miles of the E911 service area to the total square miles in the state.

(2) Thirty-five percent of the total dollars available for allocation shall be allocated in proportion to the wireless E911 calls answered at the public safety answering point in the E911 service area to the total of wireless E911 calls originating in the state.

(3) Funds allocated under 10.9(3)~~“d”“e”~~ shall be deposited in the E911 service fund and shall be used for communications equipment utilized by the public safety answering points for the implementation and maintenance of E911 services.

e. f. If moneys remain after all obligations under 10.9(3) “a” to ~~“d,”“e,”~~ as listed above, have been fully paid, the remainder may be accumulated as a carryover operating surplus. These moneys shall be used to fund future network improvements and public safety answering point improvements. These moneys may also be used for wireless service providers’ transport costs related to wireless E911 phase 2 II services, if those costs are not otherwise recovered by the wireless service provider’s customer billing or other sources and are approved by the program manager. Any moneys remaining in the fund at the end of each fiscal year shall not revert to the general fund of the state but shall remain available for the purposes of the fund.

ITEM 11. Amend subrule 10.9(4) as follows:

10.9(4) Payments to local communications service providers and wireless service providers shall be made quarterly, based on original, itemized claims or invoices presented within 20 days of the end of the calendar quarter. Claims or invoices not submitted within 20 days of the end of the calendar quarter are not eligible for reimbursement and may not be included in future claims and invoices. Payments to providers shall be made in accordance with these rules and the ~~State of Iowa~~ Accounting Policies Policy and Procedures Manual.

ITEM 12. Amend subrule 10.9(6) as follows:

10.9(6) If it is found that an overpayment has been made to an entity, the E911 program manager shall attempt recovery of the debt from the entity by certified letter. Due diligence shall be documented and retained at the ~~state~~ homeland security and emergency management division department. If resolution of the debt does not occur and the debt is at least \$50, the ~~state~~ homeland security and emergency management division department will then utilize the income offset program through the department of revenue. Until resolution of the debt has occurred, the ~~state~~ homeland security and emergency management division department may withhold future payments to the entity.

ITEM 13. Amend subrule 10.11(2) as follows:

10.11(2) The E911 service funds shall be subject to examination by the ~~division department~~ at any time during usual business hours. E911 service funds are subject to the audit provisions of Iowa Code chapter 11. A copy of all audits of the E911 service fund shall be furnished to the ~~division department~~ within 30 days of receipt. If through the audit or monitoring process the ~~division department~~ determines that a joint E911 service board is not adhering to an approved plan or does not have a valid board membership, or if the ~~division department~~ determines that a joint E911 service board or the department of public safety is not using funds in the manner prescribed in these rules or Iowa Code chapter 34A, the ~~administrator~~ director may, after notice and hearing, suspend surcharge imposition and order termination of expenditures from the E911 service fund. The joint E911 service board or department of public safety is not eligible to receive or expend surcharge moneys until such time as the E911 program manager

HOMELAND SECURITY AND EMERGENCY MANAGEMENT DEPARTMENT[605](cont'd)

determines that the board or department of public safety is in compliance with the approved plan, board membership, and fund usage limitations.

ITEM 14. Amend rule 605—10.12(34A) as follows:

605—10.12(34A) Operating budgets.

~~10.12(1)~~ Each By March 31 of each year, each joint E911 service board and the department of public safety shall provide to the E911 program manager a copy, to the E911 program manager, within 30 days of adoption, of the operating budget for the ensuing fiscal year for the fund as established under subrule 10.11(1).

~~10.12(2)~~ The E911 program manager shall, upon review of the operating budget, make necessary adjustments to the surcharge as provided in Iowa Code chapter 34A.

ITEM 15. Amend paragraph **10.14(3)“c”** as follows:

c. The communications service provider shall respond, within a reasonable length of time, to all appropriate requests for information from the ~~administrator~~ director, the department of public safety, a joint E911 service board or operating authority and shall expressly comply with the provisions of Iowa Code section 34A.8.

ITEM 16. Amend rule 605—10.15(34A) as follows:

605—10.15(34A) Administrative hearings and appeals.

10.15(1) E911 program manager decisions regarding the acceptance or refusal of an E911 service plan, in whole or in part, the implementation of E911 and the imposition of the E911 surcharge within a specific E911 service area may be contested by an affected party.

10.15(2) Request for a hearing shall be made in writing to the ~~state~~ homeland security and emergency management division administrator department director within 30 days of the E911 program manager's mailing or serving a decision and shall state the reason(s) for the request and shall be signed by the appropriate authority.

10.15(3) The ~~administrator~~ director shall schedule a hearing within 10 working days of receipt of the request for hearing. The ~~administrator~~ director shall preside over the hearing, at which time the appellant may present any evidence, documentation, or other information regarding the matter in dispute.

10.15(4) The ~~administrator~~ director shall issue a ruling regarding the matter within 20 working days of the hearing.

10.15(5) Any party adversely affected by the ~~administrator's~~ director's ruling may file a written request for a rehearing within 20 days of issuance of the ruling. A rehearing will be conducted only when additional evidence is available, the evidence is material to the case, and good cause existed for the failure to present the evidence at the initial hearing. The ~~administrator~~ director will schedule a hearing within 20 days after the receipt of the written request. The ~~administrator~~ director shall issue a ruling regarding the matter within 20 working days of the hearing.

10.15(6) Any party adversely affected by the ~~administrator's~~ director's ruling may file a written appeal to the ~~administrator~~ director of the homeland security and emergency management ~~division~~ department. The appeal request shall contain information identifying the appealing party, the ruling being appealed, specific findings or conclusions to which exception is taken, the relief sought, and the grounds for relief. The ~~administrator~~ director shall issue a ruling regarding the matter within 90 days of the hearing. The ~~administrator's~~ director's ruling constitutes final agency action for purposes of judicial review.

ITEM 17. Amend rule 605—10.16(34A) as follows:

605—10.16(34A) Confidentiality. All financial or operations information provided by a communications service provider to the E911 program manager shall be identified by the provider as confidential trade secrets under Iowa Code section 22.7(3) and shall be kept confidential as provided under Iowa Code section 22.7(3) and Iowa Administrative Code 605—Chapter 5. Such information shall include numbers of accounts, numbers of customers, revenues, expenses, and the amounts

HOMELAND SECURITY AND EMERGENCY MANAGEMENT DEPARTMENT[605](cont'd)

collected from said communications service provider for deposit in the fund. Notwithstanding such requirements, aggregate amounts and information may be included in reports issued by the ~~administrator~~ director if the aggregated information does not reveal any information attributable to an individual communications service provider.

[Filed 6/19/14, effective 8/13/14]

[Published 7/9/14]

EDITOR'S NOTE: For replacement pages for IAC, see IAC Supplement 7/9/14.

ARC 1539C

IOWA FINANCE AUTHORITY[265]

Adopted and Filed

Pursuant to the authority of Iowa Code sections 17A.3(1)“b” and 16.41, the Iowa Finance Authority hereby amends Chapter 41, “Shelter Assistance Fund,” Iowa Administrative Code.

The purpose of these amendments is to clarify the rules and update definitions.

Notice of Intended Action was published in the Iowa Administrative Bulletin on May 14, 2014, as **ARC 1459C**. The Authority received public comment on the proposed amendments. As a result of the public comment, the Authority has made certain revisions to the amendments as noticed by clarifying the definition of the term “homeless shelter” in rule 265—41.2(16) and clarifying rule 265—41.8(16) by stating the effect on recipients of counting SAF funding as a match for the federal Emergency Solutions Grant program.

The Iowa Finance Authority adopted these amendments on June 19, 2014.

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

These amendments are intended to implement Iowa Code section 16.41.

These amendments will become effective on August 13, 2014.

The following amendments are adopted.

ITEM 1. Amend rule 265—41.1(16) as follows:

265—41.1(16) Purpose. The shelter assistance fund is created for the ~~purpose~~ purposes of ~~providing financial assistance for the~~ rehabilitation, expansion, or costs of operations of group home shelters for the homeless and domestic violence shelters, evaluation of services for the homeless, and match moneys for federal funds for the homeless management information system.

ITEM 2. Adopt the following new definition of “Program participant” in rule **265—41.2(16)**:

“*Program participant*” means any person or family who is homeless or at risk of becoming homeless and who seeks assistance from a recipient and is provided assistance utilizing SAF funds.

ITEM 3. Rescind the definitions of “Emergency shelter,” “Homeless prevention,” “Operations,” “Subrecipient” and “Transitional housing” in rule **265—41.2(16)**.

ITEM 4. Amend the following definitions in rule **265—41.2(16)**:

“*Applicant*” means an eligible provider of eligible homeless services which is applying for SAF program funds.

“*ESG program*” or “*ESGP*” means the Emergency Solutions Grant Program created pursuant to Title 42 of the U.S. Code (42 U.S.C. Section 11375) as well as parts of Title 24 of the Code of Federal Regulations (24 CFR Part 576).

“*Homeless shelter*” means a facility providing which provides temporary ~~housing and services~~ shelter with overnight sleeping accommodations for homeless persons and which does not require occupants to sign leases or occupancy agreements. Any project funded to provide shelter under the ESG program or which was awarded SAF funds during federal fiscal year 2010 may continue to be funded in the shelter category under SAF.

IOWA FINANCE AUTHORITY[265](cont'd)

~~“Private, nonprofit Nonprofit organization” means a secular or religious an organization described in Section 501(c) of the Internal Revenue Code which:~~

- ~~1. Is exempt from taxation under Subtitle A of the Internal Revenue Code, No part of the net earnings of which inure to the benefit of any member, founder, contributor, or individual;~~
- ~~2. Has That has an accounting system and a voluntary board;~~
- ~~3. Practices nondiscrimination in the provision of services to clients, and That has a functioning accounting system or has designated a fiscal agent that will maintain a functioning accounting system for the organization;~~
- ~~4. That practices nondiscrimination in the provision of assistance; and~~
- ~~4. 5. Has That has registered with the state of Iowa as a nonprofit corporation.~~

~~“Recipient” means any private, nonprofit organization or city or county government to which IFA distributes shelter assistance fund program funds.~~

~~“SAF” means shelter assistance fund created in 2010 Iowa Acts, Senate File 2088, section 265 according to Iowa Code section 16.41.~~

~~“Value of the building” means the monetary value assigned to a building by an independent real estate appraiser or as otherwise reasonably established by the recipient or subrecipient.~~

ITEM 5. Amend rule 265—41.3(16) as follows:

265—41.3(16) Eligible applicants. City governments, county governments, local public housing authorities, instrumentalities of government, and private, nonprofit organizations are eligible applicants under the SAF program. ~~City or county governments may apply on behalf of a nonprofit service provider within their jurisdictions when the nonprofit service provider serves homeless and near-homeless clients by providing overnight shelter, meals, clothing, transportation, counseling, child care, legal services, medical services, transitional housing services, and other related services for homeless individuals and families.~~

ITEM 6. Amend rule 265—41.4(16) as follows:

265—41.4(16) Eligible activities. ~~Activities assisted by the SAF~~ Eligible activities may include the following, where the activities are necessary to assist program participants:

- ~~1. Rehabilitation, renovation, or expansion of buildings for use in the provision of providing services for the homeless.~~
- ~~2. Provision of normal Normal operating expenses for programs providing services to homeless individuals or families, including staff salaries, maintenance, insurance, utilities, furnishings, provision of essential services, provision of homeless prevention activities, administrative activities, and all other documented normal operating expenses. homeless and domestic violence shelters, including staff salaries, maintenance (including minor or routine repairs), rent, security, fuel, equipment, insurance, utilities, food, furnishings, and supplies necessary for the operation of the shelter. Where no appropriate shelter is available for a homeless family or individual, eligible costs may also include a hotel or motel voucher for that family or individual. Eligible costs may also include the costs of third-party agencies’ providing food either to one or more shelters or directly to program participants.~~
- ~~3. Essential services for individuals and families in homeless and domestic violence shelters, including case management, child care, education services, employment assistance and job training, outpatient health services (to the extent that such health services are otherwise unavailable), legal services, life skills training, mental health services (to the extent that such mental health services are otherwise unavailable), substance abuse treatment services (to the extent that such substance abuse treatment is otherwise unavailable), and transportation (transportation that is necessary to provide services).~~
- ~~4. Evaluation of services for the homeless, including the implementation of the HMIS.~~

IOWA FINANCE AUTHORITY[265](cont'd)

ITEM 7. Amend rule 265—41.5(16) as follows:

265—41.5(16) Ineligible activities. As a general rule, any activity that is not authorized under the provisions of P.L. 100-628 rule 265—41.4(16) is ineligible to be carried out with SAF program funds. The following are items specifically listed as ineligible in 24 CFR Part 576.

1. ~~Acquisition or new construction of an emergency shelter for the homeless;~~
2. ~~Rehabilitation administration, such as preparation of work specifications, loan processing, or inspections;~~
3. ~~Renovation, rehabilitation, or conversion of buildings owned by primarily religious organizations or entities unless the activity complies with all requirements as outlined in 24 CFR Part 576.23(a) and (b).~~

ITEM 8. Amend rule 265—41.6(16) as follows:

265—41.6(16) Application procedures. IFA ~~may~~ shall issue requests for proposals ~~from eligible applicants as often as the state expects funding from HUD for the ESG program applications on an annual basis, as long as funds are available.~~ Requests for proposals applications may combine the ESG program with the SAF program. ~~The proposals must~~ applications shall be submitted on the forms or on-line system prescribed by IFA and ~~must, at a minimum, include the amount of funds requested, a description of the need for the funds, documentation of other available funding sources, the source of required local match for the ESG program, and the estimated number of persons to be served by the applicant.~~ Maximum Application requirements, priorities, and maximum and minimum grant awards will be established by IFA for each competition.

ITEM 9. Amend rule 265—41.7(16) as follows:

265—41.7(16) Application review process. ~~The application review process will be a joint process that combines the SAF program with the ESG program. The following procedures will be used in the review of applications for most purposes. IFA reserves the right to select an alternate application review process for SAF program funds only.~~

41.7(1) Review; threshold criteria; eligible activities.

a. Review of applications. Applications will be reviewed by a panel appointed by IFA. Applications will be reviewed based on priorities established during each competition round, ~~in accordance with the state of Iowa consolidated plan for housing and community development. Applicant experience and capacity, as well as past performance, are top priorities.~~ Other review Review criteria include, but are not limited to, program design, applicant experience and capacity, community partnerships and need, program accessibility, program partnerships, the number of persons or households served, and how well the program leverages other resources performance, and budget and grant management.

b. Threshold criteria. IFA will identify threshold criteria that all programs ~~must~~ are required to meet in order to be eligible.

c. Activities eligible during funding cycle. Each competition round will specify which of the total eligible program activities will be supported ~~during that competition round.~~

41.7(2) If an application contains an activity determined to be ineligible, at IFA's discretion, the ineligible activity may be deleted from the application ~~or referred to another funding source or the application may be disqualified.~~

41.7(3) ~~IFA reserves the right to negotiate directly with the applicant to determine the priority of funding requested within the application.~~

41.7(4) 41.7(3) Before making final funding recommendations, IFA staff may review applications with other state agencies or other groups with expertise in the area of serving homeless persons ~~before making final funding recommendations.~~ Consultation with other agencies is intended to avoid duplication and promote maximum utilization of funding sources.

41.7(5) 41.7(4) Based on the review process, IFA may revise the overall funding request by activity or funding level and recommend a final funding figure to the IFA board of directors for approval.

IOWA FINANCE AUTHORITY[265](cont'd)

~~41.7(6)~~ IFA reserves the right to negotiate all aspects of a funding request prior to final approval.

~~41.7(7)~~ 41.7(5) IFA shall establish the period of funding for each competition.

ITEM 10. Amend rule 265—41.8(16) as follows:

~~265—41.8(16) Matching requirement contributions.~~ Subrecipients may be required to provide a match for SAF program funds. The rules of each competition will specify what, if any, match is required. IFA reserves the right to designate a portion or all of SAF funds to be used toward the matching contributions requirement imposed by HUD for ESG funds received by the state of Iowa. If SAF funds are designated as ESG matching contributions, they may not also be available to meet matching requirements of other grant moneys received by recipients. Recipients will be informed if SAF funds have been used toward the ESG matching requirement and will be responsible for ensuring compliance with the matching requirements of other grant programs. The designation of any portion of SAF funds as ESG matching contributions does not change the amount, type, or recipient of any award; rather, it solely impacts a SAF grantee's potential to use SAF grant funds to meet the matching requirements of certain other grant programs.

ITEM 11. Amend rule 265—41.9(16) as follows:

~~265—41.9(16) Funding awards.~~

~~41.9(1) Awards on behalf of multiple applicants. Authorization.~~ A city or county government or nonprofit organization may be designated, at the discretion of IFA, to administer contracts for multiple applicants within a prescribed geographic area. The IFA board of directors authorizes funding awards during each application cycle.

~~41.9(2) Right to negotiate.~~ IFA reserves the right to negotiate the amount of the funding award, the scale of the project, and alternative methods for completing the project.

~~41.9(3) Special purpose awards.~~ IFA may, at its discretion, award any remaining funds as it sees fit within the SAF program regulations make funding awards for evaluation of services for the homeless, including the implementation of the HMIS, apart from the application procedures and application review process for other activities.

ITEM 12. Amend rule 265—41.10(16) as follows:

~~265—41.10(16) Restrictions Requirements placed on recipients and subrecipients.~~

~~41.10(1) Use as provider of homeless services Building use.~~ Any building for which SAF program funds are used must be maintained as a provider of homeless services for not less than a three-year period or for not less than a ten-year period if the funding amounts are used for major rehabilitation or conversion of the building. If SAF program funds are used for operating and maintenance costs, the recipient ~~must~~ is required to continue to provide homeless services for at least one year. In calculating the applicable time period, the beginning dates of the three- and ten-year periods are determined as follows:

a. In the case of a building that was not operated as a provider of services for the homeless before receipt of SAF program funds, on the date of initial occupancy as a provider of services to the homeless.

b. In the case of a building that was operated as a provider of services to the homeless before the receipt of SAF program funds, on the date that those funds are first obligated to the homeless service provider.

~~41.10(2) Building standards.~~ Any building for which SAF program funds are used for renovation, conversion, rehabilitation, or major rehabilitation must comply with all state and local building codes and ordinances and any other applicable legal requirements.

~~41.10(3) Participation by homeless individuals and families.~~ To the maximum extent possible, SAF program ~~subrecipients must~~ recipients are required to involve, through employment, volunteer services, or otherwise, homeless individuals and families in constructing, renovating, maintaining, and operating facilities assisted with SAF funds, in providing services assisted with SAF funds, and in providing services for occupants of facilities assisted with SAF funds.

IOWA FINANCE AUTHORITY[265](cont'd)

41.10(4) Termination of assistance and grievance procedure. ~~Subrecipients must~~ Recipients shall establish and implement a formal process to terminate assistance to individuals or families who violate program requirements. This process ~~must~~ shall include a hearing that provides individuals a full opportunity to address issues of noncompliance.

41.10(5) Data reporting system. Recipients ~~and subrecipients~~ shall participate in the HUD-approved Homeless Management Information System (HMIS) adopted by IFA as required in the executed contract, unless the recipient ~~or subrecipient~~ qualifies as a domestic violence shelter, in which case the recipient ~~or subrecipient~~ shall participate in required data collection and reporting activities using a comparable database as defined by HUD (HUD-HMIS Data Standards, Revised Notice March 2011).

41.10(6) Ensuring confidentiality. ~~Subrecipients must~~ Recipients shall develop and implement procedures to guarantee the confidentiality of records pertaining to any individual to whom family violence prevention or treatment services are provided. In addition, the address or location of any family violence shelter shall not be disclosed to any person except with written authorization of the shelter director.

41.10(7) Requirements for religious organizations. Recipients shall not engage in religious proselytizing or counseling using SAF funds, nor require attendance at religious services as a requirement or condition to receive assistance with SAF funds, nor limit services or give preference to persons seeking assistance with SAF funds on the basis of religion.

41.10(8) Prohibition against involuntary family separation. If a shelter provides services to families with children under the age of 18, the age of a child under the age of 18 shall not be used as a basis for denying any family's admission to shelter.

41.10(9) Lead-based paint. Recipients shall follow the federal rules for lead-based paint, including the Lead-Based Paint Poisoning Prevention Act (42 U.S.C. 4821-4846), the Residential Lead-Based Paint Hazard Reduction Act of 1992 (42 U.S.C. 4851-4856), and implementing regulations in 24 CFR Part 35, Subparts A, B, H, J, K, M, and R, which apply to all shelters occupied by program participants.

41.10(10) Habitability standards. Recipients shall follow the federal rules for habitability, ensuring that shelters funded with SAF adhere to minimum habitability standards for being safe, sanitary, and adequately maintained, according to the regulations at CFR Part 576.403. Standards include considerations for the following: (1) structure and materials, (2) access, (3) space and security, (4) interior air quality, (5) water supply, (6) sanitary facilities, (7) thermal environment, (8) illumination and electricity, (9) food preparation, (10) sanitary conditions, and (11) fire safety.

41.10(11) Other requirements. IFA may, at its discretion, impose additional requirements on recipients, which will be described in the request for applications, the grant contract, or other guidance materials issued from time to time.

ITEM 13. Amend rule 265—41.11(16) as follows:

265—41.11(16) Compliance with applicable federal and state laws and regulations. All recipients ~~and subrecipients must~~ shall comply with the Iowa Code governing with respect to activities performed under this program. Use of SAF program funds ~~must~~ shall comply with the following additional requirements.

41.11(1) Nondiscrimination and equal opportunity. All recipients ~~and subrecipients must~~ shall comply with the following:

a. The requirements of Title VIII of the Civil Rights Act of 1968, 42 U.S.C. Sections 3601-19 and implementing regulations; Executive Order 11063 and implementing regulations at 24 CFR Part 107 (June 1, 1999); and Title VI of the Civil Rights Act of 1964 (42 U.S.C. Section 2002d) and implementing regulations at 24 CFR Part 1 (June 1, 1999).

b. Affirmative action requirements as implemented with Executive Orders 11625, 12432, and 12138 which require that every effort be made to solicit the participation of minority and women business enterprises (MBE/WBE) in governmental projects.

c. The prohibitions against discrimination on the basis of age under the Age Discrimination Act of 1975 (42 U.S.C. Sections 6101-07).

IOWA FINANCE AUTHORITY[265](cont'd)

d. The prohibitions against discrimination against disabled individuals under Section 504 of the Rehabilitation Act of 1973 and the Americans with Disabilities Act.

41.11(2) Auditing- Review of financial statements. ~~All recipients and subrecipients must comply with auditing requirements as outlined in the Single Audit Act of 1996 and the implementing regulations found in OMB Circular A-133.~~ All recipients shall obtain from an independent certified public accountant an annual audit or an annual independent review of the agency's financial statements.

41.11(3) Conflict of interest. No person who exercises or has exercised any functions or responsibilities with respect to activities assisted under the SAF program, or who is in a position to participate in a decision-making process or gain inside information with regard to activities assisted under the program, may obtain a financial interest or benefit from an assisted activity; have a financial interest in any contract, subcontract, or agreement with respect to an assisted activity; or have a financial interest in the proceeds derived from an assisted activity, either for the person or for those with whom the person has immediate family or business ties, during the person's tenure or during the one-year period following the person's tenure. Persons covered shall include any person who is an employee, agent, consultant, officer, or elected or appointed official of the recipient.

ITEM 14. Amend rule 265—41.12(16) as follows:

265—41.12(16) Administration.

41.12(1) Contracts. Upon selection of an application for funding, IFA will ~~either initiate a contract or authorize a recipient to initiate a contract on IFA's behalf.~~ If a local city or county government or a nonprofit organization is designated as the recipient, the subrecipients Recipients shall remain responsible for adherence to the requirements of the SAF program rules. These rules and applicable federal and state laws and regulations ~~become~~ shall be deemed to be part of the contract. Certain activities may require that permits or clearances be obtained from other state agencies before the start of the project. Funding awards may be conditioned upon the timely completion of these requirements.

41.12(2) Record keeping and retention. Financial records, supporting documents, statistical records, and all other records pertinent to the funded program shall be retained by the recipient and the subrecipient. ~~Private, nonprofit subrecipients covered through an SAF program contract from a local city or county government or nonprofit organization are responsible for ensuring that pertinent records of their SAF program funds be made available to the administering city or county or nonprofit organization and to IFA upon request. Proper record retention must~~ shall be in accordance with the following:

a. Records for any assisted activity shall be retained for five years after the end of the grant period and, if applicable, until audit procedures are completed and accepted by IFA.

b. Representatives of the state auditor's office and IFA shall have access to all books, accounts, documents, records, and other property belonging to or in use by a recipient ~~or a subrecipient~~ pertaining to the receipt of assistance under these rules.

41.12(3) Reporting requirements. Recipients ~~and subrecipients~~ shall submit reports to IFA as prescribed in the contract. Reports include:

a. HMIS data reports. All recipients ~~and subrecipients~~ of SAF program funds are required to submit regular reports on clients served using the current HMIS reporting process as prescribed by IFA unless a recipient ~~or subrecipient~~ qualifies as a domestic violence shelter, in which case the recipient ~~or subrecipient~~ must shall submit reports using a comparable database. A comparable database must collect client-level data over time and generate unduplicated aggregate reports based on that data.

b. Requests for funds. Recipients ~~and subrecipients~~ must shall submit requests for funds during the contract year at intervals and using forms as prescribed by IFA. IFA may perform any review or field inspections it deems necessary to ensure program compliance, including review of recipient ~~and subrecipient~~ records and reports. When problems of compliance are noted, IFA may require remedial actions to be taken. Failure to respond to notifications of need for remedial action may result in the remedies for noncompliance set forth in subrule 41.12(5).

41.12(4) Amendments to contracts. ~~Contracts may be amended on an individual basis in emergency situations.~~ Any request to amend a contract ~~must~~ shall be submitted in writing to IFA. IFA will determine

IOWA FINANCE AUTHORITY[265](cont'd)

if the request to amend is justified based on the material presented in the letter of request. No amendment is valid until approved in writing by IFA.

41.12(5) Remedies for noncompliance. At any time, IFA may, for cause, find that a recipient ~~or subrecipient~~ is not in compliance with the requirements under this program. Reasons for a finding of noncompliance include, but are not limited to, the recipient's ~~or subrecipient's~~ use of program funds for activities not described in its application, the recipient's ~~or subrecipient's~~ failure to complete approved activities in a timely manner, the recipient's ~~or subrecipient's~~ failure to comply with any applicable state or federal rules or regulations, or the recipient's ~~or subrecipient's~~ lack of continuing capacity to carry out the approved program in a timely manner. At its discretion, IFA may employ any of the following remedies for noncompliance:

- a. Issue a warning letter stating that continued failure to comply with program requirements within a stated period of time will result in a more serious action.
- b. Condition a future award.
- c. Direct the recipient ~~or subrecipient~~ to stop incurring costs with grant funds.
- d. Require that some or all of the awarded funds be remitted to the state.
- e. Reduce the level of funds the recipient ~~or subrecipient~~ would otherwise be entitled to receive.
- f. Elect not to provide future award funds to the recipient ~~or subrecipient~~ until appropriate actions are taken to ensure compliance.
- g. Prohibit a future award of funds.

ITEM 15. Amend **265—Chapter 41**, implementation sentence, as follows:

These rules are intended to implement Iowa Code ~~section~~ sections 16.5(1) "r" and ~~2010 Iowa Acts, Senate File 2088, division XXII~~ 16.41.

[Filed 6/19/14, effective 8/13/14]

[Published 7/9/14]

EDITOR'S NOTE: For replacement pages for IAC, see IAC Supplement 7/9/14.

ARC 1531C

LABOR SERVICES DIVISION[875]

Adopted and Filed

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

The amendments adopt by reference changes to federal occupational safety and health standards concerning electrical protective equipment and electrical power generation, distribution and transmission. The effective date for some of the provisions is April 1, 2015.

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

Notice of Intended Action was published in the May 14, 2014, Iowa Administrative Bulletin as **ARC 1461C**. No public comment was received on the proposed amendments. These amendments are identical to those published under Notice of Intended Action.

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

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

These amendments are intended to implement Iowa Code section 88.5 and 29 CFR 1953.5.

These amendments shall become effective on August 13, 2014.

LABOR SERVICES DIVISION[875](cont'd)

The following amendments are adopted.

ITEM 1. Amend rule **875—10.20(88)** by inserting the following at the end thereof:
79 Fed. Reg. 20629 (April 11, 2014)

ITEM 2. Amend rule **875—26.1(88)** by inserting the following at the end thereof:
79 Fed. Reg. 20629 (April 11, 2014)

[Filed 6/18/14, effective 8/13/14]

[Published 7/9/14]

EDITOR'S NOTE: For replacement pages for IAC, see IAC Supplement 7/9/14.

ARC 1516C

TRANSPORTATION DEPARTMENT[761]

Adopted and Filed

Pursuant to the authority of Iowa Code sections 307.10 and 307.12, the Iowa Department of Transportation, on June 11, 2014, rescinded Chapter 122, "Keep Iowa Beautiful Program," Iowa Administrative Code.

Notice of Intended Action for this amendment was published in the April 30, 2014, Iowa Administrative Bulletin as **ARC 1449C**.

2004 Iowa Acts, chapter 1175, section 436, repealed Iowa Code section 422.12A, and 2010 Iowa Acts, chapter 1193, section 160, repealed Iowa Code section 422.12G. These two repealed Iowa Code sections relate to the income tax refund checkoff and were the funding source for the Keep Iowa Beautiful Program. The Department's rules concerning the Keep Iowa Beautiful Program are no longer necessary since all of the funds have been used for the identified projects and there is no longer money available for cities or nonprofit organizations to beautify their communities.

These rules do not provide for waivers. Any person who believes that the person's circumstances meet the statutory criteria for a waiver may petition the Department for a waiver under 761—Chapter 11.

This amendment is identical to the one published under Notice of Intended Action.

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

This amendment is intended to implement 2004 Iowa Acts, chapter 1175, section 436, and 2010 Iowa Acts, chapter 1193, section 160.

This amendment will become effective August 13, 2014.

The following amendment is adopted.

Rescind and reserve **761—Chapter 122**.

[Filed 6/11/14, effective 8/13/14]

[Published 7/9/14]

EDITOR'S NOTE: For replacement pages for IAC, see IAC Supplement 7/9/14.