



IOWA ADMINISTRATIVE BULLETIN

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PREFACE

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

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

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

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

STEPHANIE A. HOFF, Acting Administrative Code Editor

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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 7.17, 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 2010

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. 23 '09	Jan. 13 '10	Feb. 2 '10	Feb. 17 '10	Feb. 19 '10	Mar. 10 '10	Apr. 14 '10	July 12 '10
Jan. 8	Jan. 27	Feb. 16	Mar. 3	Mar. 5	Mar. 24	Apr. 28	July 26
Jan. 22	Feb. 10	Mar. 2	Mar. 17	Mar. 19	Apr. 7	May 12	Aug. 9
Feb. 5	Feb. 24	Mar. 16	Mar. 31	Apr. 2	Apr. 21	May 26	Aug. 23
Feb. 19	Mar. 10	Mar. 30	Apr. 14	Apr. 16	May 5	June 9	Sep. 6
Mar. 5	Mar. 24	Apr. 13	Apr. 28	Apr. 30	May 19	June 23	Sep. 20
Mar. 19	Apr. 7	Apr. 27	May 12	May 14	June 2	July 7	Oct. 4
Apr. 2	Apr. 21	May 11	May 26	***May 26***	June 16	July 21	Oct. 18
Apr. 16	May 5	May 25	June 9	June 11	June 30	Aug. 4	Nov. 1
Apr. 30	May 19	June 8	June 23	***June 23***	July 14	Aug. 18	Nov. 15
May 14	June 2	June 22	July 7	July 9	July 28	Sep. 1	Nov. 29
May 26	June 16	July 6	July 21	July 23	Aug. 11	Sep. 15	Dec. 13
June 11	June 30	July 20	Aug. 4	Aug. 6	Aug. 25	Sep. 29	Dec. 27
June 23	July 14	Aug. 3	Aug. 18	Aug. 20	Sep. 8	Oct. 13	Jan. 10 '11
July 9	July 28	Aug. 17	Sep. 1	***Sep. 1***	Sep. 22	Oct. 27	Jan. 24 '11
July 23	Aug. 11	Aug. 31	Sep. 15	Sep. 17	Oct. 6	Nov. 10	Feb. 7 '11
Aug. 6	Aug. 25	Sep. 14	Sep. 29	Oct. 1	Oct. 20	Nov. 24	Feb. 21 '11
Aug. 20	Sep. 8	Sep. 28	Oct. 13	Oct. 15	Nov. 3	Dec. 8	Mar. 7 '11
Sep. 1	Sep. 22	Oct. 12	Oct. 27	***Oct. 27***	Nov. 17	Dec. 22	Mar. 21 '11
Sep. 17	Oct. 6	Oct. 26	Nov. 10	***Nov. 10***	Dec. 1	Jan. 5 '11	Apr. 4 '11
Oct. 1	Oct. 20	Nov. 9	Nov. 24	***Nov. 24***	Dec. 15	Jan. 19 '11	Apr. 18 '11
Oct. 15	Nov. 3	Nov. 23	Dec. 8	***Dec. 8***	Dec. 29	Feb. 2 '11	May 2 '11
Oct. 27	Nov. 17	Dec. 7	Dec. 22	***Dec. 22***	Jan. 12 '11	Feb. 16 '11	May 16 '11
Nov. 10	Dec. 1	Dec. 21	Jan. 5 '11	Jan. 7 '11	Jan. 26 '11	Mar. 2 '11	May 30 '11
Nov. 24	Dec. 15	Jan. 4 '11	Jan. 19 '11	Jan. 21 '11	Feb. 9 '11	Mar. 16 '11	June 13 '11
Dec. 8	Dec. 29	Jan. 18 '11	Feb. 2 '11	Feb. 4 '11	Feb. 23 '11	Mar. 30 '11	June 27 '11
Dec. 22	Jan. 12 '11	Feb. 1 '11	Feb. 16 '11	Feb. 18 '11	Mar. 9 '11	Apr. 13 '11	July 11 '11

PRINTING SCHEDULE FOR IAB

<u>ISSUE NUMBER</u>	<u>SUBMISSION DEADLINE</u>	<u>ISSUE DATE</u>
6	Wednesday, September 1, 2010	September 22, 2010
7	Friday, September 17, 2010	October 6, 2010
8	Friday, October 1, 2010	October 20, 2010

PLEASE NOTE:

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

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

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

The Administrative Rules Review Committee will hold its regular, statutory meeting on Tuesday, September 14, 2010, at 9:30 a.m. in Room 116, State Capitol, Des Moines, Iowa. The following rules will be reviewed:

ACCOUNTANCY EXAMINING BOARD[193A]

Professional Licensing and Regulation Bureau[193]

COMMERCE DEPARTMENT[181]"umbrella"

Continuing education, ch 10	Filed	ARC 9002B	8/11/10
Applicants for reinstatement—fees, 12.2(3)	Notice	ARC 8988B	8/11/10
Rules of professional ethics and conduct, ch 13	Filed	ARC 9003B	8/11/10

ADMINISTRATIVE SERVICES DEPARTMENT[11]

Years of service incentive; exigency leave for covered servicemembers, 53.12, 63.4(1)

Filed	ARC 8979B	8/11/10
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AGRICULTURE AND LAND STEWARDSHIP DEPARTMENT[21]

Cattle and bison—pre-entry permits and tuberculosis tests, 65.2(3), 65.4(3)	Notice	ARC 8985B	8/11/10
Meat and poultry inspection, 76.1 to 76.4, 76.13, 76.14	Filed	ARC 9012B	8/25/10

ARCHAEOLOGIST[685]

REGENTS BOARD[681]"umbrella"

Operations of office of the state archaeologist; uniform rules, amend chs 1, 2, 4, 6 to 8, 10 to

12, 14; adopt ch 15	Filed	ARC 9025B	8/25/10
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CAPITAL INVESTMENT BOARD, IOWA[123]

Tax credits—venture capital funds, fund of funds, 3.9, 4.4	Filed	ARC 9030B	8/25/10
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EDUCATION DEPARTMENT[281]

Pupil transportation, 43.25, 43.34, 43.38	Notice	ARC 9013B	8/25/10
Public charter and innovation zone schools, 68.1 to 68.7, 68.11 to 68.15	Notice	ARC 9014B	8/25/10
Teacher and administrator quality programs—beginning administrator, 83.2	Notice	ARC 9015B	8/25/10
Supplementary weighting plan, 97.2	Notice	ARC 9016B	8/25/10
Financial management of categorical funding, amendments to ch 98	Notice	ARC 9017B	8/25/10

ENGINEERING AND LAND SURVEYING EXAMINING BOARD[193C]

Professional Licensing and Regulation Bureau[193]

COMMERCE DEPARTMENT[181]"umbrella"

References—examination applicants, 4.1(5)	Notice	ARC 9021B	8/25/10
Examination application—correct forms for references, 4.1(7)"a"	Notice	ARC 9022B	8/25/10
Structural engineering examination, 4.1(8)"b"	Notice	ARC 9024B	8/25/10
Comity application—correct forms for references, 4.2(1)	Notice	ARC 9023B	8/25/10

ENVIRONMENTAL PROTECTION COMMISSION[567]

NATURAL RESOURCES DEPARTMENT[561]"umbrella"

Regulation of greenhouse gas emissions, 22.100, 33.3(1)	Notice	ARC 8999B	8/11/10
Animal feeding operations, amendments to ch 65	Filed	ARC 8998B	8/11/10
Underground storage tanks—technical standards and corrective actions, amendments to ch 135	Filed	ARC 9011B	8/25/10

ETHICS AND CAMPAIGN DISCLOSURE BOARD, IOWA[351]

Filing of campaign disclosure statements and reports, 4.1(2), 4.8(1), 4.13, 4.55(2)	Filed	ARC 9031B	8/25/10
Dual executive branch compensation, 6.6	Filed	ARC 9035B	8/25/10
Sales of goods or services to state agencies by officials and employees—filing of report, 6.10	Filed	ARC 9036B	8/25/10
Providing false information to the board during an investigation, 9.7	Filed	ARC 9037B	8/25/10

HUMAN SERVICES DEPARTMENT[441]

Medicaid members—brokerage program for provision of nonemergency medical

transportation, 7.1, 78.13, 81.10(5)	Filed	ARC 8994B	8/11/10	
Promoting healthy marriage program, ch 47 div I, 47.1, 47.2	Notice	ARC 9019B	8/25/10	
Interim assistance reimbursement, ch 57	Notice	ARC 8991B, also Filed Without Notice	ARC 8990B	8/11/10
Food assistance—methodology for standard utility allowance, 65.8	Filed	ARC 8992B	8/11/10	
Food assistance program—categorical eligibility, 65.39	Notice	ARC 9020B	8/25/10	
Medical assistance—coverage for oxygen and nutritional products, 78.10	Filed	ARC 8993B	8/11/10	

Nursing facilities—modifications to Medicaid rate reductions, 81.6, 81.10, 81.20(3)	
<u>Filed Without Notice</u> ARC 8995B	8/11/10
Collection of court-ordered support, 95.6, 95.7(8)“b,” 98.81 <u>Notice</u> ARC 9026B	8/25/10
Dependent adult abuse—“at-risk adult,” reports, referrals, assessment and safety plan, 176.1, 176.6 <u>Notice</u> ARC 9027B	8/25/10

INSURANCE DIVISION[191]

COMMERCE DEPARTMENT[181]“umbrella”

Coordination of benefits, rescind 38.1 to 38.11, 38.19; amend 38.12(1) <u>Notice</u> ARC 9006B	8/11/10
Securities regulation—duties, procedures, electronic filing of forms, amendments to ch 50 <u>Notice</u> ARC 9010B	8/11/10
Retrospective payment of claims for registered nurse practitioners and physician assistants, 70.10 <u>Filed</u> ARC 9038B	8/25/10

IOWA FINANCE AUTHORITY[265]

Multifamily loan program for workforce housing loan assistance, 3.5(1), 3.8 to 3.12 <u>Filed</u> ARC 9028B	8/25/10
Jump-start housing assistance program, 29.5(2), 29.6(5) <u>Filed</u> ARC 9029B	8/25/10

LABOR SERVICES DIVISION[875]

WORKFORCE DEVELOPMENT DEPARTMENT[871]“umbrella”

OSHA regulations—adoption by reference, 10.20, 26.1 <u>Filed</u> ARC 8997B	8/11/10
Conveyance safety program, 71.1, 71.5, 71.9, 71.11, 71.14, 71.16 <u>Notice</u> ARC 8996B	8/11/10
Bonding requirements for out-of-state contractors, 150.2, 150.4, 150.13 to 150.15 <u>Filed</u> ARC 8984B	8/11/10

NATURAL RESOURCE COMMISSION[571]

NATURAL RESOURCES DEPARTMENT[561]“umbrella”

General license regulations—determination of residency status, 15.2, 15.9 to 15.11 <u>Filed</u> ARC 9004B	8/11/10
Suspension, revocation or denial of issuance or renewal of license—college student aid debt, 15.52, 15.53(3), 15.54 <u>Filed</u> ARC 9005B	8/11/10
Falconry regulations, 101.1 to 101.5 <u>Notice</u> ARC 9008B	8/11/10
Falconry regulations for hunting game, 102.1, 102.2, 102.4 <u>Notice</u> ARC 9007B	8/11/10

PHARMACY BOARD[657]

PUBLIC HEALTH DEPARTMENT[641]“umbrella”

Pharmacy technicians, amendments to chs 3, 5 <u>Filed Emergency</u> ARC 9009B	8/11/10
Temporary designation of controlled substances, 10.38 <u>Filed Emergency</u> ARC 8989B	8/11/10
Designation of imitation controlled substances, 10.41 <u>Filed Emergency</u> ARC 9000B	8/11/10

PUBLIC HEALTH DEPARTMENT[641]

Backflow prevention assembly tester registration, 26.2, 26.4, 26.5, 26.8 <u>Filed</u> ARC 8981B	8/11/10
Radiation, amendments to chs 38 to 41, 45 <u>Filed</u> ARC 8982B	8/11/10
Dental screening, 51.1 to 51.16 <u>Filed Emergency After Notice</u> ARC 8980B	8/11/10
Prescription drug donation repository in disaster emergencies, 109.12 to 109.14 <u>Filed</u> ARC 8983B	8/11/10

PUBLIC SAFETY DEPARTMENT[661]

Licensing of fire protection system installers and maintenance workers, adopt ch 276 <u>Filed</u> ARC 9032B	8/25/10
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RACING AND GAMING COMMISSION[491]

INSPECTIONS AND APPEALS DEPARTMENT[481]“umbrella”

Licensees’ responsibilities; gambling games; accounting and cash control, amendments to chs 5, 11, 12 <u>Filed</u> ARC 9018B	8/25/10
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REGENTS BOARD[681]

Application fees, 1.7 <u>Filed</u> ARC 9034B	8/25/10
Application fees, 1.7 <u>Filed</u> ARC 9033B	8/25/10

ADMINISTRATIVE RULES REVIEW COMMITTEE MEMBERS

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

EDITOR'S NOTE: Terms ending April 30, 2011.

Senator Merlin Bartz
2081 410th Street
Grafton, Iowa 50440

Senator Thomas Courtney
2200 Summer Street
Burlington, Iowa 52601

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

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Emmetsburg, Iowa 50536

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Emmetsburg, Iowa 50536

Representative David Heaton
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Representative Tyler Olson
P.O. Box 2389
Cedar Rapids, Iowa 52406

Representative Nathan Reichert
1155 Iowa Avenue
Muscatine, Iowa 52761

Representative Linda Upmeyer
2175 Pine Avenue
Garner, Iowa 50438

James Larew
Administrative Rules Coordinator
Governor's Ex Officio Representative
Capitol, Room 11
Des Moines, Iowa 50319
Telephone (515)281-0208

EDUCATION DEPARTMENT[281]

Public charter and innovation zone schools, 68.1 to 68.7, 68.11 to 68.15 IAB 8/25/10 ARC 9014B	State Board Room, Second Floor Grimes State Office Bldg. Des Moines, Iowa	September 14, 2010 1 to 2 p.m.
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ENVIRONMENTAL PROTECTION COMMISSION[567]

Regulation of greenhouse gas emissions, 22.100, 33.3(1) IAB 8/11/10 ARC 8999B	Conference Rooms, Air Quality Bureau 7900 Hickman Rd. Windsor Heights, Iowa	September 13, 2010 1 p.m.
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HUMAN SERVICES DEPARTMENT[441]

Collection of court-ordered support, 95.6, 95.7(8)"b," 98.81 IAB 8/25/10 ARC 9026B	Meeting Room A, Public Library 210 Court St. Burlington, Iowa	September 15, 2010 9:30 to 10:30 a.m.
	Conference Room A, Second Floor 6200 Aurora Ave. Urbandale, Iowa	September 15, 2010 10 to 11 a.m.
	Suite 225, Second Floor, Commerce Bldg. 520 Nebraska St. Sioux City, Iowa	September 16, 2010 9 to 10 a.m.
	Liberty Room, First Floor Mohawk Square 22 N. Georgia Ave. Mason City, Iowa	September 16, 2010 1 to 2 p.m.

INSURANCE DIVISION[191]

Coordination of benefits—updates and clarifications, rescind 38.1 to 38.11, 38.19; amend 38.12(1) IAB 8/11/10 ARC 9006B	330 Maple St. Des Moines, Iowa	September 3, 2010 10:30 a.m.
Securities regulations—electronic filing of forms, updates and clarifications, 50.1, 50.10(1), 50.12, 50.18(2), 50.60(7) IAB 8/11/10 ARC 9010B	330 Maple St. Des Moines, Iowa	September 3, 2010 10 a.m.

LABOR SERVICES DIVISION[875]

Conveyance safety program, 71.1, 71.5, 71.9, 71.11, 71.14, 71.16 IAB 8/11/10 ARC 8996B	Capitol View Room 1000 E. Grand Ave. Des Moines, Iowa	September 1, 2010 9 a.m. (If requested)
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NATURAL RESOURCE COMMISSION[571]

Falconry regulations, 101.1 to 101.5 IAB 8/11/10 ARC 9008B	Fourth Floor East Conference Room Wallace State Office Bldg. Des Moines, Iowa	August 31, 2010 9 a.m.
Falconry regulations for hunting game, 102.1, 102.2, 102.4 IAB 8/11/10 ARC 9007B	Fourth Floor East Conference Room Wallace State Office Bldg. Des Moines, Iowa	August 31, 2010 9 a.m.

