



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]; usury rates [535.2(3)“a”]; agricultural credit corporation maximum loan rates [535.12]; and other items required by statute to be published in the Bulletin.

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

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CITATION of Administrative Rules

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

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

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

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

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

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

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.”

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

PLEASE NOTE:

Rules will not be accepted by the Publications Editing Office after 12:00 p.m. noon on a submission deadline unless prior approval has been received from the Administrative Rules Coordinator and the Administrative Code Editor. If the submission deadline falls on a legal holiday, submissions made on the following business day will be accepted.

†To allow time for review by the Administrative Rules Coordinator prior to the Notice submission deadline, Notices should generally be submitted in RMS four or more business days in advance of the deadline. The first possible Notice submission deadline noted above may not allow sufficient time for this. **Agencies should plan accordingly.**

****Bold and asterisks indicate change of regular submission deadline****

RA 26-329**ECONOMIC DEVELOPMENT AUTHORITY[261]****Regulatory Analysis**

Notice of Intended Action to be published: rule 261—65.3(15)

“Redevelopment Tax Credits Program—Limitations on Qualifying Investment”

Iowa Code section(s) or chapter(s) authorizing rulemaking: chapter 15, subchapter II, part 9

State or federal law(s) implemented by the rulemaking: Iowa Code chapter 15, subchapter II, part 9

Public Hearing

A public hearing at which persons may present their views orally or in writing will be held as follows:

November 3, 2026
9:45 to 10 a.m.

1963 Bell Avenue
Des Moines, Iowa

Public Comment

Any interested person may submit written comments concerning this Regulatory Analysis, which must be received by the Economic Development Authority (Authority) no later than 4:30 p.m. on the date of the public hearing. Comments should be directed to:

Lisa Connell
Iowa Economic Development Authority
1963 Bell Avenue, Suite 200
Des Moines, Iowa 50315
Email: lisa.connell@iowaeda.com

Purpose and Summary

The Authority proposes to amend Chapter 65 to clarify the treatment of federal tax credits in determining the qualifying investment for the purposes of the redevelopment tax credits available pursuant to Iowa Code chapter 15, subchapter II, part 9.

Analysis of Impact

1. Persons affected by the proposed rulemaking:

● **Classes of persons that will bear the costs of the proposed rulemaking:**

The rulemaking does not impose any costs.

● **Classes of persons that will benefit from the proposed rulemaking:**

Entities applying for or participating in the program will benefit from the rulemaking.

2. Impact of the proposed rulemaking, economic or otherwise, including the nature and amount of all the different kinds of costs that would be incurred:

● **Quantitative description of impact:**

The rulemaking does not impose any costs.

● **Qualitative description of impact:**

The program supports the acquisition, remediation, or redevelopment of brownfield and grayfield sites. The proposed amendment to the rule will allow eligible projects that are also utilizing federal tax credits to realize increased tax credit awards through the program.

3. **Costs to the State:**

- **Implementation and enforcement costs borne by the agency or any other agency:**

Authority staff time is required to review and approve applications, issue tax credit certificates, review reports, and communicate with program applicants and recipients.

- **Anticipated effect on State revenues:**

The rules have no anticipated impact on State revenues. Up to \$15 million total in tax credits may be awarded by the Authority for this program in each fiscal year pursuant to Iowa Code section 15.293A.

4. **Comparison of the costs and benefits of the proposed rulemaking to the costs and benefits of inaction:**

The rulemaking does not impose any costs. The costs to the State to administer the program are proportional to the activities supported.

5. **Determination whether less costly methods or less intrusive methods exist for achieving the purpose of the proposed rulemaking:**

The Authority has not identified any less costly or less intrusive methods for administering the program.

6. **Alternative methods considered by the agency:**

- **Description of any alternative methods that were seriously considered by the agency:**

The Authority did not consider any other methods.

- **Reasons why alternative methods were rejected in favor of the proposed rulemaking:**

The Authority did not consider any other methods.

Small Business Impact

If the rulemaking will have a substantial impact on small business, include a discussion of whether it would be feasible and practicable to do any of the following to reduce the impact of the rulemaking on small business:

- Establish less stringent compliance or reporting requirements in the rulemaking for small business.
- Establish less stringent schedules or deadlines in the rulemaking for compliance or reporting requirements for small business.
- Consolidate or simplify the rulemaking's compliance or reporting requirements for small business.
- Establish performance standards to replace design or operational standards in the rulemaking for small business.
- Exempt small business from any or all requirements of the rulemaking.

If legal and feasible, how does the rulemaking use a method discussed above to reduce the substantial impact on small business?

The rulemaking impacts only small businesses seeking tax credits. The rulemaking does not establish compliance and reporting requirements, schedules, deadlines, or design or operational standards.

Text of Proposed Rulemaking

ITEM 1. Amend rule 261—65.3(15) as follows:

261—65.3(15) Limitations on qualifying investment. For the purposes of identifying qualifying investment for the purposes of the program, the following shall not be included:

1. The portion of the total cost of a project that is financed by federal, state, or local government ~~tax credits, grants, or forgivable loans;~~ state or local government tax credits; or other forms of

financial assistance that do not require repayment, excluding the tax incentives provided under the program.

2. and 3. No change.

RA 26-330**EDUCATION DEPARTMENT[281]****Regulatory Analysis**

Notice of Intended Action to be published: 281—Chapter 36
“Extracurricular Interscholastic Competition”

Iowa Code section(s) or chapter(s) authorizing rulemaking: 2026 Iowa Acts, House File 2591 as amended by 2026 Iowa Acts, House File 2800

State or federal law(s) implemented by the rulemaking: 2026 Iowa Acts, House File 2591 as amended by 2026 Iowa Acts, House File 2800

Public Hearing

A public hearing at which persons may present their views orally or in writing will be held as follows:

November 3, 2026
8 to 9 a.m.

Room B50
Grimes State Office Building
Des Moines, Iowa
Via videoconference:
meet.google.com/sib-mznu-iuf

Public Comment

Any interested person may submit written or oral comments concerning this Regulatory Analysis, which must be received by the State Board of Education no later than 4:30 p.m. on the date of the public hearing. Comments should be directed to:

Thomas A. Mayes
Rules Coordinator, Iowa Department of Education
400 East 14th Street
Des Moines, Iowa 50319
Phone: 515.281.8661
Email: thomas.a.mayes@iowa.gov

Purpose and Summary

This proposed rulemaking implements changes to rules on interscholastic athletics by expanding the ability of eighth-grade students to compete on high school teams and by changing how periods of ineligibility due to transfers or open enrollment transfers are calculated. This rulemaking also makes a clarifying amendment to the physical examination requirement to account for the potential participation of eighth-grade students at the high school level.

Emergency rules were adopted by the State Board at its June 18, 2026, meeting.

The State Board is particularly interested in additional public comment on the last sentence of the definition of “student” (Item 1 of **ARC 0438D**, IAB 7/22/26), as well as any unintended consequences related to the coach contact restriction in subrule 36.8(6).

*Analysis of Impact***1. Persons affected by the proposed rulemaking:**

- **Classes of persons that will bear the costs of the proposed rulemaking:**

There are no known costs of this proposed rulemaking.

- **Classes of persons that will benefit from the proposed rulemaking:**
Iowans will benefit from the clarity provided by this rulemaking.
- 2. **Impact of the proposed rulemaking, economic or otherwise, including the nature and amount of all the different kinds of costs that would be incurred:**
 - **Quantitative description of impact:**
There is no known quantitative impact.
 - **Qualitative description of impact:**
There is no known qualitative impact.
- 3. **Costs to the State:**
 - **Implementation and enforcement costs borne by the agency or any other agency:**
Implementation costs are expected to be minimal and absorbed within existing agency resources.
 - **Anticipated effect on State revenues:**
The proposed rulemaking is not anticipated to have a direct effect on State revenues.
- 4. **Comparison of the costs and benefits of the proposed rulemaking to the costs and benefits of inaction:**
The underlying legislation requires rulemaking.
- 5. **Determination whether less costly methods or less intrusive methods exist for achieving the purpose of the proposed rulemaking:**
The underlying legislation requires rulemaking.
- 6. **Alternative methods considered by the agency:**
 - **Description of any alternative methods that were seriously considered by the agency:**
No other methods were seriously considered by the State Board since the underlying legislation requires rulemaking.
 - **Reasons why alternative methods were rejected in favor of the proposed rulemaking:**
Alternative methods were rejected. The underlying legislation requires rulemaking.

Small Business Impact

If the rulemaking will have a substantial impact on small business, include a discussion of whether it would be feasible and practicable to do any of the following to reduce the impact of the rulemaking on small business:

- Establish less stringent compliance or reporting requirements in the rulemaking for small business.
- Establish less stringent schedules or deadlines in the rulemaking for compliance or reporting requirements for small business.
- Consolidate or simplify the rulemaking's compliance or reporting requirements for small business.
- Establish performance standards to replace design or operational standards in the rulemaking for small business.
- Exempt small business from any or all requirements of the rulemaking.

If legal and feasible, how does the rulemaking use a method discussed above to reduce the substantial impact on small business?

The proposed rulemaking is not expected to have an impact on small business.

Emergency Rulemaking Adopted by Reference

The content of this Regulatory Analysis was previously published as an Adopted and Filed Emergency rulemaking (see **ARC 0438D**, IAB 7/22/26). The purpose of this Regulatory Analysis is to fulfill the requirements of Iowa Code section 17A.4A for that emergency rulemaking, whose subject matter is hereby adopted by reference.

RA 26-331**HUMAN SERVICES DEPARTMENT[441]****Regulatory Analysis**

Notice of Intended Action to be published: 441—Chapter 117
“Foster Parent Training”

Iowa Code section(s) or chapter(s) authorizing rulemaking: 237.5A

State or federal law(s) implemented by the rulemaking: Iowa Code chapter 237

Public Hearing

A public hearing at which persons may present their views orally or in writing will be held as follows:

November 3, 2026
10 a.m.

Microsoft Teams
Meeting ID: 248 759 469 701 592
Passcode: P7mr37nG

Public Comment

Any interested person may submit written or oral comments concerning this Regulatory Analysis, which must be received by the Department of Health and Human Services no later than 4:30 p.m. on the date of the public hearing. Comments should be directed to:

Victoria L. Daniels
Department of Health and Human Services
Lucas State Office Building
321 East 12th Street
Des Moines, Iowa 50319
Phone: 515.829.6021
Email: compliancerules@hhs.iowa.gov

Purpose and Summary

This chapter was reviewed as part of the Red Tape Review process laid out by Executive Order 10. As a result of this review, restrictive terms were removed, areas that were duplicative were combined or eliminated, and editorial updates were made to processes and procedures to ensure they reflect current policies and procedures. This proposed chapter sets forth requirements for foster parent orientation, preservice training, and in-service training. These proposed rules also set standards for becoming certified as an approved foster parent training provider.

This proposed rulemaking also implements 2026 Iowa Acts, Senate File 2096, by referring preservice training requirements back to Iowa Code section 237.5A.

*Analysis of Impact***1. Persons affected by the proposed rulemaking:****• Classes of persons that will bear the costs of the proposed rulemaking:**

This proposed rulemaking does not have a cost to the public.

• Classes of persons that will benefit from the proposed rulemaking:

Potential foster children and foster families will benefit from having clear, concise, and accurate rules regarding the required training necessary to become a foster parent.

2. Impact of the proposed rulemaking, economic or otherwise, including the nature and amount of all the different kinds of costs that would be incurred:

- **Quantitative description of impact:**

In State fiscal year 2026, 429 potential foster families started preservice trainings to become licensed foster care homes and a total of 623 new foster families were approved to be licensed.

- **Qualitative description of impact:**

Potential foster children and foster families will benefit from having clear, concise, and accurate rules regarding the required training necessary to become a foster parent.

3. Costs to the State:

- **Implementation and enforcement costs borne by the agency or any other agency:**

There are no implementation or enforcement costs aside from personnel expenses.

- **Anticipated effect on State revenues:**

This proposed rulemaking is not expected to have an effect on State revenues.

4. Comparison of the costs and benefits of the proposed rulemaking to the costs and benefits of inaction:

Rulemaking is required by Iowa Code section 237.5A.

5. Determination whether less costly methods or less intrusive methods exist for achieving the purpose of the proposed rulemaking:

Not applicable.

6. Alternative methods considered by the agency:

- **Description of any alternative methods that were seriously considered by the agency:**

Not applicable.

- **Reasons why alternative methods were rejected in favor of the proposed rulemaking:**

Not applicable.

Small Business Impact

If the rulemaking will have a substantial impact on small business, include a discussion of whether it would be feasible and practicable to do any of the following to reduce the impact of the rulemaking on small business:

- Establish less stringent compliance or reporting requirements in the rulemaking for small business.

- Establish less stringent schedules or deadlines in the rulemaking for compliance or reporting requirements for small business.

- Consolidate or simplify the rulemaking's compliance or reporting requirements for small business.

- Establish performance standards to replace design or operational standards in the rulemaking for small business.

- Exempt small business from any or all requirements of the rulemaking.

If legal and feasible, how does the rulemaking use a method discussed above to reduce the substantial impact on small business?

This proposed rulemaking is not expected to have an impact on small business.

Text of Proposed Rulemaking

ITEM 1. Rescind 441—Chapter 117 and adopt the following new chapter in lieu thereof:

CHAPTER 117
FOSTER PARENT TRAINING

441—117.1(237) Required preservice training. Foster parent preservice training shall be offered by the department or by a public or private agency with expertise in the provision of child foster care or related subject areas through a training program that has been offered or approved by the department.

117.1(1) Preservice training requirement. Each individual foster parent applicant shall complete the entire preservice training as approved by the department.

- a. Applicants shall complete preservice training before receiving a license for the first time.
- b. Applicants shall retake the preservice training as prescribed by the department if the applicants do not complete the curriculum within 24 months after initially commencing it.
- c. The department may waive the preservice training requirement in whole or in part when the department finds that:
 - (1) The applicant has completed relevant training or has a combination of relevant training and experience that is an acceptable equivalent to all or a portion of the required preservice training; or
 - (2) There is good cause for the waiver based upon the circumstances of the child and the applicant.

117.1(2) Preservice training program approval requirements.

- a. *Content.* The department will consider Iowa Code section 237.5A(1)“a” when developing preservice training for proposed individual licensees. At a minimum, the program will address the topics outlined in Iowa Code section 237.5A(2).
- b. *Missed content.* The department’s contracted agency or any approved agency shall devise a procedure for applicants to make up any portions of the preservice training that are missed.
- c. *Instructors.* The program shall be team-taught by at least two instructors. All instructors shall be approved by the department.
- d. *Group method.* The program shall be provided in groups that consist of three or more persons. The training shall be offered to a foster family individually only when the foster family is unable to attend group trainings as approved by the department.
- e. *Training certificate.* A certificate of completion shall be provided to each foster parent who completes the training.
- f. *Training evaluation.* A means for participants in the training to evaluate the instructors and the content shall be provided.
- g. *Training records.* A record of the applicants who begin and complete the training and of the training program evaluations shall be submitted to the recruitment and retention contractor.

117.1(3) Additional preservice training. Each foster parent applicant before licensure shall complete trainings on the reasonable and prudent parent standard as well as mandatory reporter training on child abuse identification.

441—117.2(237) Required orientation. All foster parent applicants shall attend orientation.

117.2(1) Method of provision. The approved agency may provide orientation:

- a. In a virtual or individual meeting with one set of foster parent applicants; or
- b. In a group setting.

117.2(2) Provider. Orientation shall be conducted by the contracting agency completing the family’s licensing study.

117.2(3) Content. Orientation shall be designed to provide the foster parent applicant with information on the policies and procedures of the foster care and adoption programs.

441—117.3(237) Application materials for in-service training. Applications for approval of an in-service training program shall be submitted to the department and must be approved before the delivery of the training.

117.3(1) Applications submitted after a training is completed will not be approved.

117.3(2) Applications shall be submitted with the following materials:

- a. A detailed training program description relative to a foster parent, including objectives, program agenda, content, participant materials, and time frames.

- b.* The names of program instructors and their qualifications to provide the training.

441—117.4(237) Application process for in-service training.

117.4(1) Group training. Applications to provide group foster parent training shall be submitted to the department.

117.4(2) Individual training. Applications for approval for individual training, college credit, written materials, or prerecorded trainings shall be submitted to the department office for the service area in which the foster family resides.

441—117.5(237) Application decisions. The department will notify the applicant of the department's decision regarding the application for approval of in-service training within 30 days of receipt of the training materials. This notification will include the reason for not giving approval if approval is denied.

117.5(1) Approval. Foster parent training programs that meet the criteria in rule 441—117.1(237) or 441—117.7(237) and that are submitted will be approved by the department.

117.5(2) Denial. Preservice training programs and in-service training programs that do not meet the department criteria will be denied approval. The applicant may submit a revised program for approval at a later date.

117.5(3) Revocation. Approval will be revoked when any of the following exists and corrective action is not taken to correct the deficiencies within 45 days:

- a. The training provider fails to provide the training to the department as described in the approved application materials.
- b. Over 25 percent of the participant evaluations of the training program rate the training program as not helpful.

If approval is revoked, the training provider may submit a revised program at a later date.

441—117.6(237) Application conference available. If an applicant or provider of training objects in writing within seven days after the notification of the department's decision to deny approval, the department's area social work administrator will review the decision to determine if the original decision will stand. The decision of the department's area social work administrator is final and is not subject to appeal.

441—117.7(237) Required in-service training. The foster parent training plan shall be used to address in-service training needs. The training plan shall be developed with the department or contracted agency and the foster parent annually.

117.7(1) Providers of in-service training. Foster parent in-service training may be provided by the department or by a department-approved agency, institution, or association with expertise in the training content. Agencies, institutions, or associations wishing to have a foster parent in-service training program or workshop approved shall submit application materials pursuant to rules 441—117.3(237) and 441—117.4(237).

117.7(2) *In-service training program approval requirements.*

- a. *Content.* The program shall relate to the foster parent's role in providing foster care and the skills needed by a foster parent. Training shall be specific to developing each foster parent's skills for addressing the needs of foster children.
 - b. *Method.* The training shall be provided through one or more of the following methods:
 - (1) Face-to-face or interactive virtual training to a group.
 - (2) Face-to-face or interactive virtual training to an individual foster family.
 - (3) Written materials.
 - (4) Pre-recorded trainings.
 - c. *Approved training.* Approved training includes workshops offered at the National Foster Parent Association's annual conference.

117.7(3) Foster parent training requirements. Each individual foster parent shall complete department-approved in-service training as recommended by the department annually when the foster parent has an approved one-year license or an approved two-year license.

a. Content. The choice of in-service training shall be based upon an assessment of the foster parent's training needs made by the foster parent and the approved agency in collaboration with the department.

b. Foster parent-specific training. Each foster parent must complete the specific training required in rule 441—117.8(237).

c. Documentation. The contracted or approved agency shall document training information and provide that information to the department when requested.

441—117.8(237) Specific in-service training required. Each foster parent shall complete an approved mandatory child abuse reporter training as required every three years after the foster parent's initial preservice mandatory child abuse reporter training relating to the identification of child abuse and the requirements and procedures for the reporting of child abuse.

117.8(1) Training provider. The foster parent shall be responsible for completing the required mandatory reporter training on child abuse identification and reporting in accordance with Iowa Code section 232.69.

117.8(2) Documentation. The foster parent shall secure documentation of the training content, amount, and provider and shall forward the documentation to the recruitment and retention contractor, who will provide the documentation to the department for inclusion in the foster parent's licensing file.

441—117.9(237) Foster parent training expenses. No expense stipend is provided for orientation or preservice training.

117.9(1) Training stipend. Each family that is issued an initial or renewal foster family home license shall receive a \$100 stipend to be used for the family's annual in-service training. The department's contracting agency shall issue one stipend per license on or after the date that the license is issued. When a family with a two-year foster family home license has completed the first training cycle of required in-service training, the contractor shall issue the next training stipend no earlier than the start of the second year of licensure contingent upon the foster family's completion of the in-service training hours in the first cycle. Foster families who elect not to receive the \$100 stipend shall notify the department and the contractor.

117.9(2) Trainer fees. Instructors who serve as trainers for approved preservice training programs shall each be paid a contract fee per class hour appropriate to community standards based upon the education and experience of each trainer. These rates shall be negotiated between the approved agency and the trainer.

These rules are intended to implement Iowa Code section 237.5A.

RA 26-332

HUMAN SERVICES DEPARTMENT[441]**Regulatory Analysis**

Notice of Intended Action to be published: 441—Chapter 202
“Foster Care Placement and Services”

Iowa Code section(s) or chapter(s) authorizing rulemaking: 234.6 and 235.7

State or federal law(s) implemented by the rulemaking: Iowa Code sections 135H.6, 234.6, 234.7, 234.35, 235.7, and 237.19

Public Hearing

A public hearing at which persons may present their views orally or in writing will be held as follows:

November 3, 2026
10 a.m.

Microsoft Teams
Meeting ID: 248 759 469 701 592
Passcode: P7mr37nG

Public Comment

Any interested person may submit written or oral comments concerning this Regulatory Analysis, which must be received by the Department of Health and Human Services no later than 4:30 p.m. on the date of the public hearing. Comments should be directed to:

Victoria L. Daniels
Department of Health and Human Services
Lucas State Office Building
321 East 12th Street
Des Moines, Iowa 50319
Phone: 515.829.6021
Email: compliancerules@hhs.iowa.gov

Purpose and Summary

This proposed chapter was reviewed as part of the Red Tape Review as set forth by Executive Order 10. As a part of this review, restrictive terms were eliminated and rules were updated to reflect modern practices. The proposed chapter sets forth the rules and regulations around the evaluation, placement, and service provisions for children in foster care. The Department also used this opportunity to remove existing subrule 202.12(2), which outlines notification of biological parents of foster child placement information.

*Analysis of Impact***1. Persons affected by the proposed rulemaking:****• Classes of persons that will bear the costs of the proposed rulemaking:**

There are no costs associated with the proposed rulemaking.

• Classes of persons that will benefit from the proposed rulemaking:

Foster child placement agencies and the children who are placed through them will benefit from updated and clear rules.

2. Impact of the proposed rulemaking, economic or otherwise, including the nature and amount of all the different kinds of costs that would be incurred:

- **Quantitative description of impact:**

In State fiscal year 2025, there were 1,687 children in foster care.

- **Qualitative description of impact:**

Children entering the foster care system as well as the agencies that work with them will benefit from clear, well-organized rules.

3. Costs to the State:

- **Implementation and enforcement costs borne by the agency or any other agency:**

There are no other implementation or enforcement costs aside from personnel expenses.

- **Anticipated effect on State revenues:**

This proposed rulemaking is not expected to have an effect on State revenues.

4. Comparison of the costs and benefits of the proposed rulemaking to the costs and benefits of inaction:

The proposed rulemaking is appropriate under Iowa Code section 234.6.

5. Determination whether less costly methods or less intrusive methods exist for achieving the purpose of the proposed rulemaking:

Not applicable.

6. Alternative methods considered by the agency:

- **Description of any alternative methods that were seriously considered by the agency:**

Not applicable.

- **Reasons why alternative methods were rejected in favor of the proposed rulemaking:**

Not applicable.

Small Business Impact

If the rulemaking will have a substantial impact on small business, include a discussion of whether it would be feasible and practicable to do any of the following to reduce the impact of the rulemaking on small business:

- Establish less stringent compliance or reporting requirements in the rulemaking for small business.

- Establish less stringent schedules or deadlines in the rulemaking for compliance or reporting requirements for small business.

- Consolidate or simplify the rulemaking's compliance or reporting requirements for small business.

- Establish performance standards to replace design or operational standards in the rulemaking for small business.

- Exempt small business from any or all requirements of the rulemaking.

If legal and feasible, how does the rulemaking use a method discussed above to reduce the substantial impact on small business?

This rulemaking is not expected to have an impact on small business.

Text of Proposed Rulemaking

ITEM 1. Rescind 441—Chapter 202 and adopt the following new chapter in lieu thereof:

CHAPTER 202
FOSTER CARE PLACEMENT AND SERVICES

441—202.1(234) Definitions.

“Age- or developmentally appropriate activities” means activities or items that are generally accepted as suitable for children of the same chronological age or level of maturity or that are determined to be developmentally appropriate for a child, based on the development of cognitive, emotional, physical, and behavioral capacities that are typical for an age or age group; and in the case of a specific child, activities or items that are suitable for the child based on the developmental stages attained by the child with respect to the cognitive, emotional, physical, and behavioral capacities of the child.

“Caregiver” means a foster parent with whom a child in foster care has been placed or a designated official for a child care institution (including a group home, residential treatment, a shelter, or another congregate care setting) in which a child in foster care has been placed.

“Case permanency plan” means the plan identifying goals, needs, strengths, problems, services, time frames for meeting goals and for delivery of the services to the child and parents, objectives, desired outcomes, and responsibilities of all parties involved and reviewing progress. This includes information describing efforts to retain existing medical and mental health care providers for a child entering or in foster care and activities to evaluate service needs to avoid inappropriate diagnoses of mental illness, other emotional or behavioral disorders, medically fragile conditions, or developmental disabilities.

“Child” means the same as defined in Iowa Code section 234.1.

“Child foster care” or *“foster care”* means the same as defined in Iowa Code section 237.1(6).

“Eligible child” means a child for whom the court has given guardianship to the department or has transferred legal custody to the department or for whom the department has agreed to provide foster care services on the basis of a signed placement agreement or who has been placed in emergency care for a period of not more than 30 days upon the approval of the department.

“Facility” means the personnel, program, physical grounds, and equipment of a person or agency providing child foster care.

“Fictive kin” means the same as defined in Iowa Code section 232.2.

“Kinship foster caregiver” means the same as defined in 441—Chapter 125.

“Person” or *“agency”* means individuals, institutions, partnerships, voluntary associations, and corporations, other than institutions under the management or control of the department, who are licensed by the department as a foster family home, child caring agency or child placing agency, or approved as a shelter care facility.

“Reasonable and prudent parent standard” means the same as defined in Iowa Code section 237.1.

“Relative” means the same as defined in Iowa Code section 237.1.

“Resource family” means an individual person or couple who is licensed to provide foster family care or approved for adoption.

“Safety-related information” means information that indicates whether the child has behaved in a manner that threatened the safety of another person, has committed a violent act causing bodily injury to another person, or has been a victim or perpetrator of sexual abuse.

“Social history” means a written description of the child that includes strengths and needs; medical, mental, social, educational, placement and court history; and the child’s relationships with the birth family and significant others.

441—202.2(234) Eligibility.

202.2(1) Only an eligible child as defined in these rules will be considered for foster care services supervised by the department.

202.2(2) The need for foster care placement and social and other related services, including but not limited to medical, psychiatric, psychological, and educational services, will be determined by an assessment of the child and family to determine their needs and the appropriateness of services.

a. Assessments will include:

- (1) The educational, physical, psychological, social, family living, and recreational needs of the child,
- (2) The family's ability to meet those needs, and
- (3) A family genogram to determine relatives and other suitable support persons who have a kinship bond with the child.

b. The assessment is a continual process to identify needed changes in service or placement for the child.

202.2(3) With the exception of emergency care situations, a social history will be completed on each child before a department recommendation for foster care placement, using the Social History form prescribed by the department.

a. For voluntary emergency placements, a social history shall be completed before a decision is made to extend the placement beyond 30 days.

b. For court-ordered emergency placements, a social history shall be completed before the disposition hearing.

202.2(4) Foster care placement will be recommended by the department only after efforts have been made to prevent or eliminate the need for removal of the child from the family unless the child is in immediate danger at home.

202.2(5) The need for foster care and the efforts to prevent placement will be evaluated by a review committee prior to placement or, for emergency placements only, within 30 days after the date of placement. For children who are mentally or developmentally disabled and receive case management services, this requirement may be met by the interdisciplinary staffing described in 441—Chapter 90 as long as the department approves, the department worker attends the staffing, and the staffing meets the requirements of this subrule. The review will meet the following requirements:

a. Department staff on the review committee will be the department case manager, a supervisor knowledgeable in child welfare, and one or more additional persons appointed by the department.

b. The review will be open to the participation of the parents or guardian of the child, local and area education staff, juvenile court staff, the guardian ad litem, current service providers and previous service providers who have maintained a license.

c. The present foster care provider, if any, will be notified of the review and have the opportunity to participate.

d. Written notice of the review will be sent to the child's parents or guardian at least five working days prior to the date of the review.

e. Other persons may be invited to the review with the consent of the parents or guardian.

f. A written summary of the review recommendations will be sent to the child's parents or guardian following the review.

g. Review committee recommendations will be advisory to the department. The department is responsible for development of the department case plan and for reports and recommendations to the juvenile court.

h. At least one of the persons on the review committee shall be someone without responsibility for the case management or the delivery of services to either the child or the parents or guardian who are the subject of the review.

202.2(6) The citizenship or alien status of a child who enters foster care must be verified.

a. When the child will remain in foster care for no more than 60 days, the Statement of Citizenship Status for Foster Care form signed by the parent or guardian of the child is sufficient.

b. When the child will remain in foster care for more than 60 days, any one of the following documents will be accepted as satisfactory documentation of citizenship or nationality:

(1) A certificate of birth in the United States.

(2) Report of Birth Abroad of a Citizen of the United States issued by the U.S. Citizenship and Immigration Services.

(3) Certification of Birth Abroad issued by the U.S. Citizenship and Immigration Services.

(4) A United States passport.

(5) United States Citizen Identification Card issued by the U.S. Citizenship and Immigration Services.

(6) Certificate of United States Citizenship issued by the U.S. Citizenship and Immigration Services.

(7) Certificate of Naturalization issued by the U.S. Citizenship and Immigration Services.

(8) A valid state-issued driver's license or other identity document described in Section 274A(b)(1)(D) of the United States Immigration and Nationality Act as amended to August 1, 2026, but only if the state issuing the license or document either:

1. Requires proof of United States citizenship before issuance of the license or document; or
2. Obtains a social security number from the applicant and verifies before certification that the number is valid and is assigned to the applicant who is a citizen.

(9) Another document that provides proof of United States citizenship or nationality as the Secretary of the U.S. Department of Health and Human Services may specify by regulation pursuant to 42 U.S.C. §1396b(x)(3)(B)(v) or 1396b(x)(3)(C)(v) as amended to August 1, 2026.

c. A child entering foster care is exempt from these requirements when the family has previously presented satisfactory documentary evidence of citizenship as specified by the Secretary of the U.S. Department of Health and Human Services.

d. The parent or guardian of the child shall have a reasonable period to obtain and provide proof of citizenship. For the purposes of this requirement, the "reasonable period" begins on the date when the child is placed in foster care and continues to the date when the proof is provided or when the department establishes that the parent or guardian is no longer making a good faith effort to obtain the proof.

441—202.3(234) Voluntary placements.

202.3(1) All voluntary placement agreements for children under the age of 18 will terminate after 90 days.

202.3(2) When the voluntary placement is of a child who is under the age of 18, the Voluntary Foster Care Placement Agreement form shall be completed and signed by the parent(s) or guardian and the county office where the parent or guardian resides. Voluntary Foster Care Placement Agreements shall not be used to place children outside Iowa and shall not be signed by parents or guardians who reside outside Iowa. Voluntary Foster Care Placement Agreements will terminate if the child's parent or guardian moves outside Iowa after the placement.

202.3(3) Voluntary placement of a child aged 18 or older may be granted for six months at a time.

a. The department will enter into the agreement only when the child:

- (1) Meets the definition of "child" in Iowa Code section 234.1;
- (2) Was in foster care or a state institution immediately before reaching the age of 18;
- (3) Has continued in foster care or a state institution since reaching the age of 18;
- (4) Has demonstrated a willingness to participate in case planning and to fulfill responsibilities as defined in the case permanency plan; and

(5) Will be placed in foster family care or supervised apartment living in Iowa.

b. Payment will be limited pursuant to 441—paragraph 156.14(1) "b."

c. When the voluntary placement is of a child who is aged 18 or older and who has a court-ordered guardian, the Voluntary Foster Care Placement Agreement form shall be completed and signed by the guardian and the local office where the guardian resides. Voluntary Foster Care Placement Agreements shall not be signed with guardians who reside outside Iowa. Voluntary Foster Care Placement Agreements will terminate if the child's guardian moves outside Iowa after the placement.

d. When the voluntary placement is of a child who is aged 18 or older and who does not have a court-appointed guardian, the Voluntary Foster Care Placement Agreement form shall be completed and signed by the child and the local office where the child resides.

e. An exception to the requirement for continuous placement may be made for a youth who leaves foster care at age 18 and voluntarily returns to supervised apartment living foster care before the youth's twentieth birthday in order to complete high school or obtain a general equivalency diploma.

202.3(4) All voluntary placements must be approved by the department.

441—202.4(234) Selection of facility.

202.4(1) Placement consistent with the best interests and special needs of the child will be made in the least restrictive, most family-like facility available and in close proximity to the child's home. Race, color, or national origin may not be routinely considered in placement selections.

202.4(2) Efforts will be made to place siblings together unless to do so would be detrimental to any of the children's physical, emotional or mental well-being. Efforts to prevent separating siblings, reasons for separating siblings, and plans to maintain sibling contact will be documented in the child's case permanency plan.

202.4(3) The department will first consider placing the child in a relative's home unless no relatives are available or willing to accept placement or such placement would be detrimental to the child's physical, emotional, or mental well-being.

a. If a relative or a suitable person who has a kinship bond with the child will accept placement of the child:

(1) The person shall sign the Non-Law Enforcement Record Check Request form.

(2) The department will complete record checks to evaluate if the person's home is appropriate for the child before making the placement.

(3) The department will make a referral to the recruitment and retention provider to initiate an informational contact with the kinship foster caregiver. The recruitment and retention provider shall inform the kinship foster caregiver about the monthly kinship foster caregiver payment as outlined in rule 441—156.4(234) and explain the process of becoming a licensed foster parent.

b. Efforts to place the child in a relative's home and reasons for using a nonrelative placement will be documented in the child's case permanency plan.

202.4(4) Foster family care will be used for a child unless the child has problems that require specialized services that cannot be provided in a family setting. Reasons for using a more restrictive placement will be documented in the child's case permanency plan.

202.4(5) A foster family will be selected on the basis of compatibility with the child, taking into consideration:

a. The extent to which interests, strengths, abilities and needs of the foster family enable the foster family members to understand, accept and provide for the individual needs of the child.

b. The child's individual problems, medical needs, and plans for future care.

c. The capacity of the foster family to understand and accept the child's case permanency plan, the needs and attitudes of the child's parents, and the relationship of the child to the parents.

d. The characteristics of the foster family that offer a positive experience for the child who has specific problems as a consequence of past relationships.

e. An environment that will cause minimum disruption of the child including few changes in placement for the child.

202.4(6) A foster group care facility will be selected on the basis of its ability to meet the needs of the child, promote the child's growth and development, and ensure physical, intellectual and emotional progress during the stay in the facility. The department will place a child only in a licensed or approved facility that has a current contract with the department pursuant to 441—Chapter 152.

441—202.5(234) Preplacement.

202.5(1) Except for placements made in less than 24 hours, a child placed in a facility shall have a preplacement visit involving:

a. The child,

- b.* The foster parents or agency staff, if the child is placed in a public or private agency,
- c.* The department, and
- d.* The child's parents, unless their presence would be disruptive to the child's placement.

202.5(2) Before placement, the department will provide the facility with general information regarding the child, including a description of the child's medical needs, behavioral patterns including safety-related information, educational plans, and permanency goal. The department or the department's agent may share otherwise confidential information about a child with a licensed resource parent being considered as a possible placement for the child to the extent such disclosure is relevant to the placement decision and the proper care of the child. This may also include facilitating the sharing of contact information of the previous licensed resource parent with the potential licensed resource parent in an effort to support the continuity of care for a child. Safety-related information shall be withheld only if:

- a.* Withholding the information is ordered by the court; or
- b.* The department or the agency developing the service plan determines that providing the information would be detrimental to the child or to the family with whom the child is living or pose a risk to the safety of the licensed resource parent.

202.5(3) The child shall have a physical examination by a physician, advanced registered nurse practitioner, or a physician associate within 14 calendar days of placement. The physician, advanced registered nurse practitioner, or physician associate shall complete a preliminary screening for dental and mental health and refer the child to a dentist or mental health professional if appropriate. To address any immediate medical needs, the child shall be seen immediately at an emergency room, an urgent care center, or another community health resource.

441—202.6(234) Placement.

202.6(1) At the time of placement, the department worker will furnish to the foster care provider any available information regarding the child.

- a.* The information provided will include:
 - (1) The child's full name and date of birth;
 - (2) The names, work addresses, and telephone numbers of the placement worker and the worker's supervisor, including a home telephone, cell phone, or on-call number;
 - (3) The names, addresses, and telephone numbers of the child's physician and dentist;
 - (4) The names, addresses, and telephone numbers of significant relatives of the child, including parents, grandparents, brothers and sisters, aunts and uncles, and any other significant persons (for an adopted child, the adoptive parents and adoptive relatives);
 - (5) The case permanency plan;
 - (6) The results of a physical examination, including immunization history;
 - (7) The child's medical needs including allergies, physical limitations, dental and medical recommendations, and special needs of HIV;
 - (8) Behavioral patterns including safety-related information;
 - (9) Educational arrangements including but not limited to the school the child attends, special education needs, and school contacts;
 - (10) The placement contract or agreement including the date of acceptance for care;
 - (11) Medical authorizations, service authorizations, and other releases as needed; and
 - (12) If the child is a Native American, the identification of the child's tribe and tribal social service agency, including telephone number and contact person.

b. Before releasing specific information about HIV, the department will use the Authorization to Release HIV-Related Information form to obtain a release from the child or the child's parent or guardian, or a court order permitting the release of the information.

- (1) The person receiving this information shall complete the Receipt of HIV-Related Information form to document understanding of the confidentiality of this knowledge.

(2) The HIV General Agreement form shall be completed by foster parents who have agreed to care for children who have AIDS, test HIV positive, or are at risk for HIV infection.

c. Safety-related information shall be withheld only if:

(1) Withholding the information is ordered by the court; or

(2) The department or the agency developing the service plan determines that providing the information would be detrimental to the child or to the family with whom the child is living.

202.6(2) For each foster care placement in a foster family home supervised directly by the department, the Foster Family Placement Contract shall be completed by the foster family and the placement worker and supervisor. A new Foster Family Placement Contract shall be completed when the rate of payment or special provisions change.

202.6(3) A follow-up visit will be made to the child at the foster family home within two weeks of the initial placement for placements supervised directly by the department.

202.6(4) The case permanency plan will be reviewed at least every six months to ensure appropriateness of the child's placement. A copy of the subsequent case plan will be submitted to the court every six months unless the court orders a different frequency for reports.

202.6(5) In conjunction with the case plan review, the case will be presented every six months to a review committee that conforms to the requirements in subrule 202.2(5). The department may also approve a review by a local foster care review board authorized in Iowa Code section 237.19 or the court as meeting this requirement as long as the review conforms to paragraphs 202.2(5) "b" through "h" and 202.6(5) "a" through "e." The review committee shall:

a. Evaluate the continuing necessity for foster care placement.

b. Evaluate the continuing appropriateness of the foster care placement.

c. Evaluate the extent of compliance with the case plan.

d. Evaluate the extent of progress made toward lessening the causes for foster care placement.

e. Project a likely date by which the child will leave foster care.

441—202.7(234) Out-of-area placements.

202.7(1) When the department makes a placement of a child in the foster care system out of the service area in which the child resides, this placement will occur only when there is no appropriate placement within the service area, when the placement is necessary to facilitate reunification of the child with the parents, or when an out-of-area agency is closer to the community where the child resides than an in-area agency offering the same services.

202.7(2) The authority for approving out-of-area placements rests with both the placing and receiving departments.

202.7(3) Transfer of responsibility for supervision, planning, and visitation shall be approved by the placing and receiving departments and, when appropriate, by the court.

441—202.8(234) Out-of-state placements.

202.8(1) The department will make an out-of-state foster family care placement only with the approval of the service area manager. Approval will be granted only when the placement will not interfere with the goals of the child's case permanency plan and when one of the following conditions exists:

a. The foster family with whom the child is placed is moving out of state.

b. An out-of-state family having previous knowledge of the child desires to provide foster care to the child.

c. An out-of-state family is approved to adopt the child under subsidy and is eligible to receive maintenance payments until the adoption is final.

d. An out-of-state placement is necessary to facilitate reunification of the child with the parents.

202.8(2) Placements will be made in an out-of-state group care facility only with the approval of the service area manager and department.

202.8(3) All out-of-state placements will be made pursuant to interstate compact procedures.

202.8(4) The reasons for selecting an out-of-state placement will be documented in the child's case permanency plan.

441—202.9(234) Supervised apartment living. A supervised apartment living arrangement will provide a child with an environment in which the child can experience living in the community with supervision and prepare for self-sufficiency. The child should have the capacity to live in the community with less supervision than that provided by a foster family or in a group care setting and be able to follow the provisions of the case plan and participate in activities and services to achieve self-sufficiency.

202.9(1) *Living arrangements.*

a. The two types of supervised apartment living arrangements are as follows:

(1) A cluster setting, which provides support in a structured setting. Up to six children reside in apartments or bedrooms in one building (such as an apartment building or residential housing), supervised by one agency. The supervising agency must have an adult staff member present and available on site in the living arrangement at any time when more than one child is present.

(2) A scattered-site setting, which is the less restrictive of the two types of living arrangements. Up to three children supervised by one agency may reside in individual housing arrangements, such as apartments or residential housing, located in one building. Children must be able to contact supervising agency staff 24 hours a day, seven days a week.

b. If an agency rents an apartment to the child, there shall be a signed lease between both parties that includes but is not limited to:

- (1) Amount to be paid for the rental unit.
- (2) The term of the lease with both a beginning and an ending date.
- (3) Rights and responsibilities of the tenant.
- (4) Rights and responsibilities of the landlord.
- (5) Conditions under which the lease can be terminated.

202.9(2) *Eligibility.* To be eligible for supervised apartment living placement, a child shall meet all of the following conditions:

a. If the child is under the age of 18, the child must:

(1) Satisfactorily attend school, in accordance with the school's attendance policies, with the objective of obtaining a high school diploma; or

(2) Satisfactorily attend an instructional program, pursuant to the program's policies, necessary to obtain a high school equivalency diploma; or

(3) Attend school to obtain postsecondary education or training on a full-time basis (based upon the institution's definition of full-time) or attend on a part-time basis and be either working or participating in a work training program leading to employment; or

(4) Work at least an average of 80 hours per month if not enrolled in school; or

(5) Participate in a work training program leading to employment if not enrolled in school.

b. If the individual is aged 18 or older, the individual must:

(1) Meet the definition of "child" in Iowa Code section 234.1; and

(2) Have been in foster care immediately before reaching the age of 18 and have continued in foster care since reaching the age of 18. The service area manager may waive the requirement for continuous placement for a child who leaves foster care at age 18 and voluntarily returns before the child's twentieth birthday in order to complete high school or obtain a high school equivalency diploma; and

(3) Attend school on a full-time basis leading to a high school diploma or attend an instructional program leading to a high school equivalency diploma.

c. The child must need foster care placement and services based on an assessment completed according to rule 441—202.2(234).

d. The child must participate in services and activities to achieve self-sufficiency.

e. The child must have the capacity to live in the community with less supervision than that provided by a foster family or in a group care setting, as determined by an assessment that reviews available information on the child to identify the needs, strengths, and resources of the child, especially as they pertain to the child's ability to function in the community. To determine if a supervised apartment living foster care placement is suitable for the child, the referring staff member must complete the Preplacement Screening for Supervised Apartment Living Foster Care form.

f. The child must have an approved living situation that meets the following minimum standards:

- (1) Comply with applicable state and local zoning, fire, sanitary and safety regulations.
- (2) Be located so as to provide reasonably convenient access to schools, places of employment, and services and supports required by the child.
- (3) Be reasonably priced so as to fit within the child's budget.

g. If supervised apartment living foster care is deemed suitable for the child, the referring staff member will complete the Request for Approval of Supervised Apartment Living Foster Care Placement form to request approval for the placement. This form may also be used to request that the service area manager waive the requirement for continuous placement for a child who leaves foster care on or after the child's eighteenth birthday and voluntarily returns before the child's twentieth birthday in order to complete high school or obtain a high school equivalency diploma.

h. The placement must have the approval of the juvenile court if the child is under court jurisdiction.

202.9(3) *Services to be provided.* To ensure that the supervised apartment living arrangement is meeting the child's needs, required services will be provided directly by the department or purchased from an agency that has a contract with the department to provide supervised apartment living foster care services. The following services are required:

a. Development of a case or service plan (by either the department case manager or the service provider, if contracted out) in consultation with the child and the child's family (unless a reason for noninvolvement is documented in the case record) and significant others whenever appropriate that documents the following:

- (1) Goals, intended to meet the specific needs of the child to achieve self-sufficiency, with projected dates of accomplishment.
- (2) Objectives (action steps) to be taken by the child, the child's support system, and staff, with projected dates of accomplishment.
- (3) Services to be provided and activities to be undertaken, the frequency of such services, who will provide the services, the child's progress with the goals and objectives, and the child's compliance with the service plan.
- (4) A budget, developed with the child, based upon the child's monthly stipend payment, any start-up allowance, any earned or unearned incomes and financially related assistance (e.g., food assistance). Staff will work with the child to ensure payment of bills and receipt of necessary items as outlined in the budget.

b. Life skills training involving interpersonal and daily living skills training to prepare the child to maintain a safe, healthy, and stable lifestyle and achieve self-sufficiency. Life skills training includes training of "hard" skills (e.g., money management, self-care and hygiene, physical and mental health care, skills related to educational and employment goals, housing and home management, time management, accessing community resources) and training of "soft" skills (e.g., decision making, problem solving, developing healthy relationships, self-advocacy). Life skills training should be individualized to the needs of the child toward achieving self-sufficiency. If a child needs a specific life skills training service or services (e.g., parenting skill development or counseling services to reduce stress and social, emotional, or behavioral problems that affect the child's stability or ability to achieve self-sufficiency) in addition to basic life skills training services and other purchased services, the department's service area staff will specify the necessary services

under special provisions on the Placement Agreement and Service Authorization for Supervised Apartment Living form.

c. Through visits with the child and to the living situation, determination and documentation that:

(1) The living arrangement and mode of living are safe and suitable and provide an environment that allows for the child's social and emotional needs to be met; and

(2) There is no reasonable cause to believe that the child's living situation or mode of living presents any unacceptable risks to the child's health or safety; and

(3) The child has access to a telephone; and

(4) There is an operating smoke alarm on each level of occupancy; and

(5) The child is receiving any necessary medical care; and

(6) The child is receiving appropriate and sufficient services and supports to achieve the child's goals and facilitate objectives according to the child's service plan.

d. Supervision to assist the child in developing the needed structure to live in the supervised apartment living setting and in locating and using other needed services. If the child is under the age of 18, supervision shall include a minimum of weekly face-to-face contacts. For a child aged 18 or older, supervision shall include a minimum of biweekly (every other week) face-to-face contacts. Supervision may include guidance, oversight, and behavior monitoring.

e. Ongoing assessment activities to monitor the child's ability to achieve self-sufficiency.

f. If services are purchased, visits by the department to the child according to subrule 202.11(2).

g. If services are purchased, compliance by the provider with all reporting requirements as required by the provider's contract with the department, including requirements for the individual service plan, quarterly reports, and a termination summary.

h. A review of the case and case plan every six months.

202.9(4) Method of service provision. Supervised apartment living services may be provided directly by the department or purchased from an agency that has a contract with the department to provide supervised apartment living foster care services. If services are purchased:

a. Department staff will be responsible for determining the specific service components to be provided and any special provisions of this care. The department case permanency plan will specify the goals and objectives of the services that are being purchased. If services are purchased, the case manager will complete the Placement Agreement and Service Authorization for Supervised Apartment Living form to place the child with the contractor, to authorize service, and to identify any special provisions for the case.

b. Supervised apartment living billings shall follow the terms of the contract with the department.

202.9(5) Termination of services.

a. Mandatory termination. Supervised apartment living services will be terminated when the child:

(1) No longer meets eligibility criteria;

(2) No longer needs services or needs a more restrictive level of placement;

(3) Chooses to live in a nonapproved setting; or

(4) Refuses to follow the provisions of the case plan.

b. When services are purchased and the department plans to remove a child from the supervised apartment living placement, the department will inform the provider in writing of the date of removal, the reason for the removal, the recourse available, if any, and that the contested case (appeal) proceeding pursuant to Iowa Code chapter 17A does not apply to the removal.

c. The provider will be informed ten days in advance of the removal, except when the court orders removal of the child from the placement or there is evidence of neglect or physical or sexual abuse.

441—202.10(234) Services to foster parents. Foster parents shall be provided necessary supportive services for the purpose of aiding them in the care and supervision of the child. These services shall include but not be limited to:

202.10(1) Availability of social service staff on a 24-hour basis in case of emergency.

202.10(2) Conferences to develop in-depth planning regarding family visits, expectations of the department, future objectives and time frames, use of resources, and termination of placements. The department or the department's agent shall consider the needs and scheduling demands of a child, the child's parents, the child's siblings, and the resource parent caring for the child when scheduling supervised or any other visitation between the child and the child's siblings, family members, or fictive kin. The department will not require a resource parent to conduct or be present during scheduled supervised visits.

202.10(3) Visitation by the department's service area staff at least monthly regardless of the duration of the placements.

202.10(4) Notifying a resource parent of any appropriate meetings relating to the case permanency plan of a child that are known to the department, including individualized education program meetings and any medical appointments required or scheduled.

202.10(5) Making available all known pertinent information needed for the care of the child with a communicable disease, including safety-related information and special confidentiality requirements.

a. Before releasing specific information about a communicable disease, the department will use a Communicable Diseases General Agreement to obtain a release from the child or the child's parent or guardian, or a court order permitting the release of the information.

b. Safety-related information will be withheld only if:

(1) Withholding the information is ordered by the court; or

(2) The department or the agency developing the service plan determines that providing the information would be detrimental to the child or to the family with whom the child is living.

c. When continued breastfeeding of the child is determined to be in the best interest of the child by parents and medical professional as necessary, the department's service area staff and the foster parents shall make reasonable efforts to support the continued breastfeeding of the child by the mother.

202.10(6) Notifying a resource parent of any change in law or regulation that is known to the department that would have a substantive impact on the resource parent's obligations and responsibilities relating to family foster care.

202.10(7) Providing a resource parent with a written report that details the conclusions of any investigation conducted by the department that may affect a resource parent's ability to provide family foster care.

202.10(8) Maintaining a process to allow a resource parent to file complaints with the department electronically.

441—202.11(234) Services to the child. The department's service area staff will maintain a continuous relationship with the child.

202.11(1) The department will:

a. Help the child plan for the future,

b. Evaluate the child's needs and progress,

c. Supervise the living arrangement,

d. Arrange for social and other related services including but not limited to medical, psychiatric, psychological, and educational services from other resources as needed, and

e. Counsel the child in adjusting to the placement.

202.11(2) The assigned service area staff will personally visit each child in out-of-home care at least once every calendar month, with the frequency of the visits based upon the needs of the child.

a. The visit will take place in the child's place of residence the majority of the time.

b. The visit will be of sufficient length to focus on issues pertinent to case planning. During the visit, the worker will address the safety, permanency, and well-being of the child, including the child's needs, services to the child, and achievement of the case permanency plan goals.

202.11(3) When placement of a breastfeeding child is made, the department's service area staff will:

a. Assess in consultation with the parent and medical professional whether continued breastfeeding by the mother is in the best interest of the child;

b. Make every reasonable effort to support the mother's continued breastfeeding for the child if determined appropriate; and

c. Document the assessment and efforts in the child's case plan and case notes.

202.11(4) When a child is in continuous foster care, a new physical examination will not be required when the child transfers from one foster care placement to another unless there is some indication that an examination is necessary. The department will obtain from the health practitioner or practitioners an annual medical review of treatment the child has received.

202.11(5) Throughout the provision of care, the foster care provider shall actively ensure that the child stays connected to the child's kin, culture, and community as documented in the child's case permanency plan. A resource parent shall be allowed to provide family foster care according to the resource parent's own culture and beliefs if such resource parent does not actively discourage a child to disregard the child's own culture and beliefs and if a biological parent whose parental rights have not been terminated or a legal guardian for the child does not object to the practice or activity that is consistent with the resource parent's own culture and beliefs.

202.11(6) Throughout the provision of care, the foster care provider is permitted to use the reasonable and prudent parent standard to create opportunities for participation of the child in age- or developmentally appropriate activities.

202.11(7) Transition planning. The purpose of transition planning is to provide services, supports, activities, and referrals to programs that assist children currently or formerly in foster care in acquiring skills and abilities necessary for transition to successful adulthood. Transition planning offers a life skills assessment; transition plan development; and transition-related services, supports, activities and referrals to programs.

a. Eligibility. To be eligible for the aftercare program, a child must be or have been in foster care and must meet at least one of the following eligibility requirements:

(1) Is currently in foster care and is 14 years of age or older.

(2) Is under the age of 21 and was adopted from foster care at 16 years of age or older.

(3) Is under the age of 21 and was placed in a subsidized guardianship arrangement from foster care at 16 years of age or older.

(4) Was formerly in foster care and is eligible for and participating in Iowa's aftercare services program as described in 441—Chapter 187.

(5) Was formerly in foster care and is eligible for and participating in Iowa's postsecondary education and training voucher (ETV) program as described in 42 U.S.C. §677(a)(6-7) as amended to August 1, 2026.

b. Assessment. A life skills assessment shall be administered to all children in foster care who are aged 14 or older. An assessment shall be available upon request to any child who has been discharged from foster care but meets the eligibility requirements in paragraph 202.11(7)“*a.*” The assessment is designed to evaluate the child's strengths and needs in areas including but not limited to:

(1) Education;

(2) Physical and mental health;

(3) Employment;

(4) Housing and money management; and

(5) Supportive relationships.

c. Transition plan development. A transition plan shall be completed for all children in foster care who are aged 14 or older as provided in Iowa Code section 232.2(6) “g.” The transition plan will be part of a case permanency plan. Transition plan requirements include the following:

(1) The transition plan shall be personalized at the direction of the child and shall be developed in consultation with the child and reviewed by the department in collaboration with a child-centered transition team, honoring the goals and concerns of the child.

(2) The transition plan shall document that the child received and signed a document that describes the rights of the child with respect to education, health, visitation, and court participation. The document must be signed by the child indicating that the child has been provided with a copy of the document and that the rights contained in the document have been explained to the child in an age-appropriate way.

(3) The transition plan shall document that the child received a copy of any credit report pertaining to the child as provided by the child’s caseworker on an annual basis until the child is discharged from foster care. The child must receive assistance from the child’s caseworker in interpreting and resolving any inaccuracies in the report.

(4) The transition plan shall document that any child leaving foster care at the age of 18 or older was provided with the following documents and information unless the child has been in foster care for less than 30 days or is not eligible to receive such document:

1. An official or certified copy of the child’s birth certificate.
2. The child’s social security card.
3. A driver’s license or identification card issued by the state to the child.
4. Health insurance information.
5. A copy of the child’s medical and education records.

(5) The transition plan shall document that the caseworker provided to the child, at the case permanency plan review in the 90 days before the child reached the age of 18, information and education about the importance of having a durable power of attorney for health care and a copy of the state’s form used to identify such a proxy. The child has the option to complete the form at the age of 18 or older.

(6) The transition plan shall address the strengths and needs identified in the assessment and detail the services, supports, activities and referrals to programs needed to implement the plan to best assist the child in preparing for successful adulthood. The membership of the transition team and the meeting dates for the team shall be documented in the transition plan.

(7) The transition plan shall be reviewed and updated at each case review after the plan’s initial development; within 90 days before the child’s eighteenth birthday; and within 90 days before the child is expected to leave foster care if the child remains in care after reaching the age of 18.

d. Transition services. Children shall be offered services, supports, activities and referrals to programs within but not limited to education, health, employment, housing, and supportive relationships according to the child’s age and development, strengths and needs, permanency goal, and placement as documented in the case permanency plan.

441—202.12(234) Services to parents.

202.12(1) Child welfare services shall be made available to the parents throughout the period of placement for the purpose of reuniting the family in an agreed-upon time frame. Family safety, risk, and permanency services may be provided to:

- a.* Promote identification and enhancement of family strengths and protective capacities;
- b.* Address the factors that resulted in the child’s being removed from the family home; and
- c.* Strengthen family connections to community resources and informal supports.

202.12(2) The case plan and treatment plan shall specify the services to be provided and the time frame for reuniting the family. These plans shall be developed in cooperation with the parents.

202.12(3) Personal contact shall be made regularly with the parents and the progress towards goal attainment reviewed and documented in the case record. The frequency of the personal contact shall be at least monthly and shall be specified in the child's case permanency plan.

202.12(4) When placement of a breastfeeding child is made, the department will:

- a.* Assess in consultation with the worker's supervisor whether continued breastfeeding by the mother is in the best interest of the child;
- b.* Make every reasonable effort to support the mother's continued breastfeeding of the child if determined appropriate; and
- c.* Document the assessment and efforts in the child's case plan and case notes.

441—202.13(234) Removal of the child.

202.13(1) When the department plans to remove a child from a facility or foster home, the facility or foster home will be informed in writing of the date of the removal, the reason for the removal, the recourse available to the facility or foster home, if any, and that the contested case (appeal) proceeding pursuant to Iowa Code chapter 17A does not apply to the removal of the child. The department will inform the facility or foster home ten days in advance of the removal, except that the facility or foster home may be informed less than ten days prior to the removal in the following instances:

- a.* When the parent or guardian removes the child from voluntary placement.
- b.* When the court orders removal of a child from placement.
- c.* When there is evidence of neglect or physical or sexual abuse.

202.13(2) The department may remove a child from a facility or foster home when any of the following conditions exist:

- a.* There is evidence of abuse, neglect, or exploitation of the child.
- b.* The child needs a specialized service that the facility does not offer.
- c.* The child is unable to benefit from the placement as evidenced by lack of progress of the child.
- d.* There is evidence the facility is unable to provide the care needed by the child and fulfill its responsibilities under the case plan.
- e.* There is lack of cooperation of the facility or foster home with the department.

202.13(3) If a foster family objects in writing within seven days from the date that the department furnishes notice of plans to remove the child, the department will grant a conference to the foster family to determine whether the removal is in the child's best interest.

- a.* This conference shall not be construed to be a contested case under Iowa Code chapter 17A.
- b.* The conference will be provided before the child is removed except in instances listed in paragraphs 202.13(1) "a" through "c." The department will review the propriety of the removal and explain the decision to the foster family.

c. The department, on finding that the removal is not in the child's best interests, may overrule the removal decision unless a court order or parental decision prevents the department from doing so.

202.13(4) When the facility or foster home requests a child be removed from its care, it shall give a minimum of ten days' notice to the department so planning may be made on behalf of the child. This does not apply to a situation where the health or safety of the child or another person in the foster home is threatened by the child's presence in the child's current placement home.

441—202.14(234) Termination. The foster care services will be terminated when the child is no longer an eligible child, when the attainment of goals in the case plan has been achieved, when the goals for whatever reasons cannot be achieved, or when it is evident that the family or individual is unable to benefit from the service or unwilling to accept further services.

441—202.15(234) Case permanency plan.

202.15(1) The department worker will ensure that a case permanency plan is developed for each child who is placed in foster care if the department has agreed to provide foster care through a voluntary placement agreement, if a court has transferred custody or guardianship to the department for the purpose of foster care, or if a court has placed the child in foster care and ordered the department to supervise the placement.

202.15(2) The department worker will develop the case permanency plan with the child's parents, unless the child's parents are unwilling to participate in the plan's development, and with the child, unless the child is unable or unwilling to participate. For a child 14 years of age or older in foster care, the case permanency plan must be developed in consultation with the child. The child may choose up to two members of the case planning team who are not the child's foster parent or caseworker. The department may reject an individual selected by a child at any time if the department has good cause to believe the individual would not act in the best interests of the child. One individual selected by the child to be a member of a child's case planning team may be designated to be the child's advisor and, as necessary, advocate with respect to the use of the reasonable and prudent parent standard.

202.15(3) The department will consider information regarding medical appointments, treatment needs, educational progress, and services from a resource parent when developing or modifying a child's case permanency plan and in the coordination of care and decisions related to services and care necessary for the child. The information the department receives from a resource parent will be reviewed and considered as decisions about the child's progress and needs are made.

202.15(4) The department worker will be responsible for ensuring the development of the case permanency plan within the time frame specified by the department. In all cases, the case permanency plan will be completed within 60 days of the date the child entered foster care.

202.15(5) Copies of the initial and subsequent case permanency plans will be provided to the child and the child's parents. Copies will also be provided to the following individuals if the individuals are involved in services to the child: the juvenile court officer, the judge, the child's attorney, the child's guardian ad litem, the child's guardian, the child's custodian, the child's court appointed special advocate, the parents' attorneys, the county attorney, the state foster care review board, and any other interested parties identified in the plan.

202.15(6) The initial and subsequent case permanency plans will be completed on the forms prescribed by the department.

441—202.16(135H) Department approval of need for a psychiatric medical institution for children.

202.16(1) Applicants for departmental approval of need shall submit the following to Iowa Medicaid:

a. A description of the population to be served, including age, sex, and types of disorders, and an estimate of the number of these youth in need of psychiatric care in the area of the state in which the applicant is located.

b. A statement of the number of beds requested and a description of the treatment program to be provided, the outcomes to be achieved and the techniques for measuring outcomes.

c. A proposed date of operation as a psychiatric medical institution for children.

d. A description of the applicant's experience with providing similar services to youth, especially the target population.

e. A description of the applicant's plan, including the timeline for achieving accreditation to provide psychiatric services from a federally recognized accrediting organization under the organization's standards for residential settings and licensure as a psychiatric medical institution for children, or a copy of the organization's report if already accredited.

f. References from the department's service area manager in which the proposed psychiatric medical institution for children would be located, the chief juvenile court officer of the judicial

district in which the proposed psychiatric medical institution for children would be located, and the applicant's licenser from the department of inspections, appeals, and licensing.

202.16(2) The department will evaluate proposals and issue a decision based on the following criteria:

- a.* The number of psychiatric medical institutions for children beds for the proposed population that are needed in the area of the state in which the facility would be located, based on the department's most recent needs assessment.
- b.* The steps the facility has taken toward achieving accreditation from a federally recognized accrediting organization and licensure as a psychiatric medical institution for children.
- c.* The applicant's ability to provide services and support consistent with the requirements under Iowa Code chapter 232 including but not limited to evidence that:
 - (1) Children will be served in a setting that is in close proximity to their parents' home.
 - (2) Each child will receive services consistent with the child's best interests and special psychiatric needs as identified in the child's case permanency plan.
 - (3) Children and their families will receive services to facilitate the children's return home or other permanent placement.
- d.* The applicant's ability to provide children with a non-hospital-type living environment if the applicant is not freestanding from a hospital or health care facility.
- e.* The limits on the number of beds found in Iowa Code section 135H.6(2).

202.16(3) If a facility has not been licensed as a psychiatric medical institution for children within one year after the date of the department's approval of need, the department's approval will expire unless the department has approved an extension. An extension may be approved up to a maximum of six months if the agency has documented extenuating circumstances that prevented completion of the licensing process.

441—202.17(235) Local transition committees. Local transition committees will be established by the department in each of the department's service areas. The service area manager or designee determines the number of local transition committees needed within the service area, sets operating policies and procedures, and appoints committee membership.

202.17(1) Purpose. The purpose of local transition committees is to ensure that the transition needs of youth in foster care who are 16 years of age or older have been addressed in order to assist the youth in preparing for the transition from foster care to adulthood.

202.17(2) Membership. Each committee will have a designated number of members.

- a.* The standing committee membership may include but is not limited to:
 - (1) Department staff involved with child welfare, adult services, or transition planning.
 - (2) Juvenile court services staff.
 - (3) Adult service system staff.
 - (4) Education staff.
 - (5) Service care provider representation.
 - (6) Others knowledgeable about community resources.
- b.* Additionally, nonstanding membership may include those knowledgeable about the youth, including the child's court-appointed special advocate, guardian ad litem, and service or care providers.

202.17(3) Duties. Local transition committees shall address the transition needs of youth in foster care who are 16 years of age or older and who have a case permanency plan as defined in Iowa Code section 232.2. Each committee shall have operating policies and procedures to carry out as set forth in this rule.

- a.* Each committee shall establish a process for review and approval of written transition plans for youth for whom the committee has placement responsibility that meets a continuum of case needs and coordinates with local transition planning protocol. The process may include a paper review or an in-person review, or both, according to case need.

b. The committee may be involved when the youth is at least 16 years of age but shall be involved in reviewing and approving a youth's transition plan before the youth reaches age 17½. When a youth enters foster care at age 17½ or older, the committee shall be involved in reviewing and approving the youth's transition plan within 30 days of completion.

c. In reviewing a youth's transition plan, the committee shall identify and act to address gaps existing in services or supports available that would assist the youth in the transition from foster care to adulthood.

d. For those youth expected to need services as adults, the committee shall ensure that the transition plan was developed with the participation of any person reasonably expected to be a service provider when the youth becomes an adult or to become responsible for the costs of services at that time.

e. The committee shall ensure that transition planning and review is coordinated with overall case planning and review. Committee review and approval shall be indicated in the youth's case permanency plan.

f. With respect to meetings involving a specific youth receiving foster care and the youth's family, the local transition committees are not subject to Iowa Code chapter 21.

g. The information and records of or provided to a local transition committee regarding a youth receiving foster care and the youth's family are not public records pursuant to Iowa Code chapter 22 when the records relate to the foster care placement and transition needs of the youth.

h. Members of the committees are subject to the standards of confidentiality set forth in Iowa Code sections 217.30, 235A.15, 600.16, and 600.16A.

These rules are intended to implement Iowa Code sections 135H.6, 234.6, 234.7, 234.35, 235.7, and 237.19.

RA 26-333**INSPECTIONS, APPEALS, AND LICENSING DEPARTMENT[481]****Regulatory Analysis**

Notice of Intended Action to be published: 481—Chapter 902
“Continuing Education for Funeral Directors and Crematory Operators”

Iowa Code section(s) or chapter(s) authorizing rulemaking: 17A; 147; 156 as amended by 2026 Iowa Acts, Senate File 563; and 272C

State or federal law(s) implemented by the rulemaking: Iowa Code chapters 17A; 147; 156 as amended by 2026 Iowa Acts, Senate File 563; and 272C

Public Hearing

A public hearing at which persons may present their views orally or in writing will be held as follows:

November 3, 2026
9 a.m.

6200 Park Avenue
Des Moines, Iowa

Virtual participation information will be available on the Department of Inspections, Appeals, and Licensing’s website prior to the hearing.

Public Comment

Any interested person may submit written comments concerning this Regulatory Analysis, which must be received by the Department no later than 4:30 p.m. on the date of the public hearing. Comments should be directed to:

Michele Christiansen
6200 Park Avenue
Des Moines, Iowa 50321
Email: michele.christiansen@dia.iowa.gov

Purpose and Summary

These proposed amendments set minimum standards for continuing education as a funeral director, a crematory operator or an establishment in Iowa. The purpose of this proposed rulemaking is to add guidelines for a crematory operator, which is a newly created licensing type through 2026 Iowa Acts, Senate File 563.

*Analysis of Impact***1. Persons affected by the proposed rulemaking:****• Classes of persons that will bear the costs of the proposed rulemaking:**

Licensees bear the costs of application fees, including initial and renewal fees, as well as costs related to educational requirements and examination requirements.

• Classes of persons that will benefit from the proposed rulemaking:

The general public and licensees benefit from this proposed rulemaking because the proposed amendments provide standards of practice and continuing education for the licensees to ensure the public is receiving quality services. The public and licensees also benefit from these proposed amendments because they maximize the safety of the public by now regulating the crematory operator.

2. Impact of the proposed rulemaking, economic or otherwise, including the nature and amount of all the different kinds of costs that would be incurred:

- **Quantitative description of impact:**

Educational institutions provide the academic training for funeral directors to obtain their license in the State of Iowa. Additional private industries and educational institutions provide examinations and materials for preparation for the examination. Because the cost of education is so variable depending on the institution the person attends, the Board of Mortuary Science is unable to put an exact cost on the cost of education or examination preparation.

- **Qualitative description of impact:**

Establishing minimum requirements for continuing education ensures safety for the licensee and consumer. Inaction would increase the potential for injury to the public by a licensee who is not qualified to perform the work in the field.

3. Costs to the State:

- **Implementation and enforcement costs borne by the agency or any other agency:**

Costs to the agency are for the staff time needed to manage Board activities, which include managing applications for initial licenses, renewals, and reinstatements. Staff salaries to support the work of the Board are covered by the Licensing and Regulation Fund. Licensing fees go to the fund to cover the operations of the regulated professional licensing boards.

- **Anticipated effect on State revenues:**

Costs associated with implementing these proposed amendments are paid by the State to develop a new license type in the database. This license type will generate revenue through licensing costs paid by the licensee. Crematory operators that are not already funeral directors will now need to become licensed and will pay licensing fees to the State.

Staff salaries to support the work of the Board are covered by the fund. Licensing fees go to the fund to cover the operations of the regulated professional licensing boards.

4. Comparison of the costs and benefits of the proposed rulemaking to the costs and benefits of inaction:

Establishing minimum licensing and continuing education requirements ensures that practitioners are competent to practice. Almost every person at some point will purchase or consume a funeral-related product or service. Without having an established threshold for entry into the profession, individuals who are not appropriately trained could have adverse effects on consumers who are making expensive decisions in stressful circumstances. The Board believes the benefits achieved justify the costs because it ensures Iowa consumers are protected.

5. Determination whether less costly methods or less intrusive methods exist for achieving the purpose of the proposed rulemaking:

On a national level, there is a wide variety of alternatives to licensure. Colorado previously only registered the establishment as opposed to the individual, and Colorado had several instances of bad behavior by individuals. Arkansas does not require a funeral director to obtain college credits as long as the funeral director completes an apprenticeship and passes the national examination. The Board believes that licensure of funeral directors, crematory operators and establishments is required to ensure a minimum competency of care is provided to Iowans. Licensure requirements could be reduced or eliminated for the purpose of lowering the bar of entry into the profession; however, the Board would be concerned about the public safety of Iowans in that scenario.

6. Alternative methods considered by the agency:

- **Description of any alternative methods that were seriously considered by the agency:**

The Board believes all current requirements ensure public safety and ensure a minimum competency of care is provided to Iowans. The crematory operator is an additional license type that will help ensure public safety. Licensure requirements could be reduced or eliminated for the purpose

of lowering the bar of entry into the profession; however, the Board would be concerned about the public safety of Iowans in that scenario.

- **Reasons why alternative methods were rejected in favor of the proposed rulemaking:**

The Board believes all current requirements ensure public safety and ensure a minimum competency of care is provided to Iowans. The crematory operator is an additional license type that will help ensure public safety. Licensure requirements could be reduced or eliminated for the purpose of lowering the bar of entry into the profession; however, the Board would be concerned about the public safety of Iowans in that scenario.

Small Business Impact

If the rulemaking will have a substantial impact on small business, include a discussion of whether it would be feasible and practicable to do any of the following to reduce the impact of the rulemaking on small business:

- Establish less stringent compliance or reporting requirements in the rulemaking for small business.
- Establish less stringent schedules or deadlines in the rulemaking for compliance or reporting requirements for small business.
- Consolidate or simplify the rulemaking's compliance or reporting requirements for small business.
- Establish performance standards to replace design or operational standards in the rulemaking for small business.
- Exempt small business from any or all requirements of the rulemaking.

If legal and feasible, how does the rulemaking use a method discussed above to reduce the substantial impact on small business?

This proposed rulemaking relates to high-stakes public safety concerns that are present whether the business is a small business or a large organization. This proposed rulemaking is meant to ensure public safety in terms of ongoing educational requirements for funeral directors and establishments. While some funeral directors may be operating a funeral or cremation establishment of their own, others will be working for a firm that owns multiple establishments. To exempt a small business from adhering to this proposed rulemaking would jeopardize any member of the public who sought services from that small business. The risk to the public is greater than the potential harm or cost to the small business.

Text of Proposed Rulemaking

ITEM 1. Amend **481—Chapter 902**, title, as follows:

CONTINUING EDUCATION FOR FUNERAL DIRECTORS AND CREMATORY OPERATORS

ITEM 2. Amend rule **481—902.1(272C)**, definition of “Licensee,” as follows:

“*Licensee*” means any person licensed to practice as a funeral director or crematory operator in the state of Iowa.

ITEM 3. Amend rule **481—902.2(272C)** as follows:

481—902.2(272C) Continuing education requirements.

902.2(1) The biennial continuing education compliance period for funeral directors will extend for a two-year period beginning on the fifteenth day of the licensee’s birth month and ending on the fifteenth day of the licensee’s birth month. Each biennium, a person who holds an active funeral director license will be required to complete a minimum of 24 hours of continuing education activity. Two of the 24 hours of continuing education will be in current Iowa law and rules covering mortuary science content areas, including but not limited to Iowa law and rules governing the practice of mortuary science, cremation, vital statistics, cemeteries and preneed. A minimum of 12 hours of the

24 hours of continuing education required for renewal will be earned by completing a program in which an instructor conducts the class employing either in-person or live, real-time interactive media.

902.2(2) The continuing education compliance period for crematory operators will extend for a three-year period beginning on the fifteenth day of the licensee's birth month and ending on the fifteenth day of the licensee's birth month. Each licensing period, a person who holds an active crematory operator license will be required to complete a board-approved crematory operator refresher course that includes Iowa laws and rules.

902.2(2) 902.2(3) Requirements of new licensees. Continuing education is not required in the first renewal period. Continuing education hours acquired any time from the initial licensing until the second license renewal may be used. The new funeral director licensee will be required to complete a minimum of 24 hours of continuing education per biennium for each subsequent license renewal.

902.2(3) 902.2(4) Hours of continuing education credit may be obtained by attending and participating in a continuing education activity as stipulated in rule.

902.2(4) 902.2(5) Up to 50 percent of continuing education for funeral directors (a maximum of 12 hours) can be carried over into the next biennium if there was an amount of continuing education completed during the prior period that exceeded the minimum requirement. A licensee whose license was reactivated during the current renewal compliance period may use continuing education earned during the compliance period for the first renewal following reactivation.

902.2(5) 902.2(6) It is the responsibility of each licensee to finance the cost of continuing education.

ITEM 4. Amend paragraph **902.3(2)“a”** as follows:

a. The following categories of continuing education for funeral directors are accepted:

(1) to (4) No change.

ITEM 5. Adopt the following **new** subrule 902.3(4):

902.3(4) *Crematory operator criteria.* A crematory operator must provide evidence of successful completion of the crematory operator's certification provided by the continuing education course sponsor.

RA 26-334**INSPECTIONS, APPEALS, AND LICENSING DEPARTMENT[481]****Regulatory Analysis**

Notice of Intended Action to be published: rule 481—1062.1(544A,17A)
“Licensing”

Iowa Code section(s) or chapter(s) authorizing rulemaking: 544A.29 and 272C

State or federal law(s) implemented by the rulemaking: Iowa Code chapters 544A and 272C

Public Hearing

A public hearing at which persons may present their views orally or in writing will be held as follows:

November 3, 2026
4 p.m.

6200 Park Avenue
Des Moines, Iowa

Public Comment

Any interested person may submit written or oral comments concerning this Regulatory Analysis, which must be received by the Architectural Examining Board no later than 4:30 p.m. on the date of the public hearing. Comments should be directed to:

Lori SchraderBachar
6200 Park Avenue
Des Moines, Iowa
Phone: 515.725.9030
Email: lori.schraderbachar@dia.iowa.gov

Purpose and Summary

This proposed rulemaking updates a publication date for guidelines incorporated by reference.

*Analysis of Impact***1. Persons affected by the proposed rulemaking:**

- **Classes of persons that will bear the costs of the proposed rulemaking:**

There are no anticipated costs related to this proposed rulemaking other than the costs already incurred by the Board to enforce the rules. Licensed architects will not incur any additional costs other than the cost of licensing.

- **Classes of persons that will benefit from the proposed rulemaking:**

This proposed rulemaking provides clarity for licensure candidates and architects as to the correct version of referenced guidelines.

2. Impact of the proposed rulemaking, economic or otherwise, including the nature and amount of all the different kinds of costs that would be incurred:

- **Quantitative description of impact:**

Members of the public would incur no costs other than fees paid to an architect or architectural firm for projects that are not exempt. The costs vary depending on the size and complexity of the project. Changed guidelines are available online.

- **Qualitative description of impact:**

The Board believes that the benefits achieved justify the costs because this proposed rulemaking provides clarity with regard to referenced publications.

3. Costs to the State:

• **Implementation and enforcement costs borne by the agency or any other agency:**

Costs to the agency are for the staff time needed to manage Board activities, which include oversight of practice standards and requirements. Staff salaries to support the work of the Board are covered by the Licensing and Regulation Fund established in 2023 Iowa Acts, Senate File 557.

• **Anticipated effect on State revenues:**

This proposed rulemaking has no anticipated impact on State revenues. Staff salaries to support the work of the Board are covered by the fund.

4. Comparison of the costs and benefits of the proposed rulemaking to the costs and benefits of inaction:

The Board believes the cost and benefit are worth establishing requirements for architectural licensure to ensure public safety.

5. Determination whether less costly methods or less intrusive methods exist for achieving the purpose of the proposed rulemaking:

The Board does not believe there is a less costly or less intrusive method to achieve the purpose of this proposed rulemaking.

6. Alternative methods considered by the agency:

• **Description of any alternative methods that were seriously considered by the agency:**

The Board has not identified any alternative methods to carry out this proposed rulemaking.

• **Reasons why alternative methods were rejected in favor of the proposed rulemaking:**

The Board has not identified any alternative methods to carry out this proposed rulemaking.

Small Business Impact

If the rulemaking will have a substantial impact on small business, include a discussion of whether it would be feasible and practicable to do any of the following to reduce the impact of the rulemaking on small business:

- Establish less stringent compliance or reporting requirements in the rulemaking for small business.
- Establish less stringent schedules or deadlines in the rulemaking for compliance or reporting requirements for small business.
- Consolidate or simplify the rulemaking's compliance or reporting requirements for small business.
- Establish performance standards to replace design or operational standards in the rulemaking for small business.
- Exempt small business from any or all requirements of the rulemaking.

If legal and feasible, how does the rulemaking use a method discussed above to reduce the substantial impact on small business?

This proposed rulemaking relates to public safety concerns that are present whether the business is a small business or a large organization. This proposed rulemaking is meant to ensure public safety in terms of licensure for architects. While some architects likely are running a small business of their own, some also work for large organizations. To exempt a small business from adhering to this chapter would jeopardize any member of the public who sought services from that small business. The risk to the public is greater than the potential harm or cost to the small business.

Text of Proposed Rulemaking

ITEM 1. Amend rule **481—1062.1(544A,17A)**, definition of “NCARB Certification Guidelines,” as follows:

“*NCARB Certification Guidelines*” means the edition of a document by the same title published by the National Council of Architectural Registration Boards in ~~January~~ September 2026. The document outlines the requirements for licensure as an architect.

RA 26-335

TRANSPORTATION DEPARTMENT[761]**Regulatory Analysis**

Notice of Intended Action to be published: 761—Chapter 400
“Vehicle Registration and Certificate of Title”

Iowa Code section(s) or chapter(s) authorizing rulemaking: 307.12(1)“j”; 321.20 as amended by 2026 Iowa Acts, Senate File 2189; and 321.134

State or federal law(s) implemented by the rulemaking: Iowa Code section 321.20 as amended by 2026 Iowa Acts, Senate File 2189; sections 321.34, 321.126 and 321.134; and 2026 Iowa Acts, Senate File 2088

Public Hearing

A public hearing at which persons may present their views orally or in writing will be held as follows:

November 3, 2026
9 to 9:30 a.m.

Microsoft Teams
Conference ID: 760 073 163#
Or dial: 515.817.6093

Public Comment

Any interested person may submit written comments concerning this Regulatory Analysis, which must be received by the Department of Transportation no later than 4:30 p.m. on the date of the public hearing. Comments should be directed to:

Sara Siedsma
6310 SE Convenience Boulevard
Ankeny, Iowa 50021
Email: sara.siedsma@iowadot.us

Purpose and Summary

The purpose of this proposed rulemaking is to align the rules with 2026 Iowa Acts, Senate Files 2088 and 2189, which, respectively, amend the Iowa Code to rename the Department’s records system in Iowa Code section 321.31 and to authorize nonresidents owning real property in Iowa to register and title their vehicle in Iowa upon presentation of their nonresident identification and proof of Iowa property ownership. This proposed rulemaking also clarifies the Department’s existing authority to establish the random letter-number sequence for nonpersonalized license plates, makes a technical citation update within the chapter, and amends the rules to align with the underlying statute regarding payment of registration fees when a vehicle is removed from storage.

References to Iowa Code chapter 321 are to that chapter as amended by 2026 Iowa Acts, Senate Files 2088 and 2189, including section 321.20(1)“f” as amended by Senate File 2189.

*Analysis of Impact***1. Persons affected by the proposed rulemaking:**

- **Classes of persons that will bear the costs of the proposed rulemaking:**

There are no costs or fees associated with this proposed rulemaking beyond the underlying statutes.

- **Classes of persons that will benefit from the proposed rulemaking:**

Nonresidents who own property in Iowa but who do not hold an Iowa driver's license will benefit from the ability to register and title their vehicle in Iowa, consistent with the new statutory authority.

2. Impact of the proposed rulemaking, economic or otherwise, including the nature and amount of all the different kinds of costs that would be incurred:

- **Quantitative description of impact:**

There are no quantitative impacts beyond those of the underlying statutes.

- **Qualitative description of impact:**

There are no qualitative impacts beyond those of the underlying statutes.

3. Costs to the State:

- **Implementation and enforcement costs borne by the agency or any other agency:**

There are no implementation or enforcement costs beyond those of the underlying statutes.

- **Anticipated effect on State revenues:**

There are no anticipated effects on State revenues beyond those of the underlying statutes.

4. Comparison of the costs and benefits of the proposed rulemaking to the costs and benefits of inaction:

There is no benefit of inaction. This proposed rulemaking is required to conform with the underlying statutes.

5. Determination whether less costly methods or less intrusive methods exist for achieving the purpose of the proposed rulemaking:

There are no less costly or less intrusive methods to achieve the purpose of this proposed rulemaking, which is compliance with the underlying statutes.

6. Alternative methods considered by the agency:

- **Description of any alternative methods that were seriously considered by the agency:**

The Department did not consider alternatives for this proposed rulemaking.

- **Reasons why alternative methods were rejected in favor of the proposed rulemaking:**

Not applicable.

Small Business Impact

If the rulemaking will have a substantial impact on small business, include a discussion of whether it would be feasible and practicable to do any of the following to reduce the impact of the rulemaking on small business:

- Establish less stringent compliance or reporting requirements in the rulemaking for small business.

- Establish less stringent schedules or deadlines in the rulemaking for compliance or reporting requirements for small business.

- Consolidate or simplify the rulemaking's compliance or reporting requirements for small business.

- Establish performance standards to replace design or operational standards in the rulemaking for small business.

- Exempt small business from any or all requirements of the rulemaking.

If legal and feasible, how does the rulemaking use a method discussed above to reduce the substantial impact on small business?

There is no impact on small business from this proposed rulemaking beyond that of the underlying statutes.

Text of Proposed Rulemaking

ITEM 1. Adopt the following **new** subrule 400.2(10):

400.2(10) Registration plate numbers. Except for registration plates issued with a specific combination of numerals and letters requested by the owner pursuant to Iowa Code section 321.34(5), all registration plates issued and assigned under Iowa Code chapter 321 consist of a random combination of numerals and letters in a sequence determined by the department.

ITEM 2. Amend paragraph **400.3(1)“e”** as follows:

e. The vehicle color. If the color is not already listed in the department’s ~~vehicle registration and titling records~~ system, then the county treasurer selects the color that most closely matches the application.

ITEM 3. Amend subrule 400.3(2) as follows:

400.3(2) Information about owner, lessee and primary user authorized representatives. A firm, association, corporation, or trust that is not required to have a federal employer identification number shall disclose the social security number, Iowa driver’s license number or Iowa nonoperator’s identification card number of an authorized representative of the firm, association, corporation, or trust. The authorized representative of a trust is the trustee unless otherwise specified in the trust agreement or the certification of trust as defined in Iowa Code section 633A.4604. If the firm, association, corporation, or trust owns real property in Iowa, an out-of-state driver’s license of an authorized representative may be provided if accompanied by proof of Iowa real property ownership under subrule 400.4(11).

ITEM 4. Adopt the following new subrule 400.4(11):

400.4(11) Vehicles owned by nonresidents. An applicant who is a nonresident of Iowa may apply for an Iowa certificate of title and registration pursuant to Iowa Code section 321.20(1)“f.” For purposes of implementing Iowa Code section 321.20(1)“f”(2), any of the following constitute proof of ownership of real property in Iowa:

- a.* Copy of a property deed with a file-stamped date from the issuing Iowa recorder’s office.
- b.* Copy of a mortgage agreement for the Iowa property with signatures of all parties to the agreement.
- c.* Copy of an installment purchase agreement for the Iowa property with signatures of all parties to the agreement.
- d.* Verification of Iowa property ownership conducted by the county treasurer’s office, including review of online property ownership records or other confirmation obtained from a county recorder’s office.

ITEM 5. Amend paragraph **400.12(1)“b”** as follows:

b. The department will search the department’s ~~vehicle title and registration records~~ system to determine if there is an owner of record or security interest for the vehicle and if the vehicle has been reported stolen or embezzled.

(1) to (5) No change.

ITEM 6. Amend rule 761—400.17(307,321) as follows:

761—400.17(307,321) Registration of motor vehicle weighing 55,000 pounds or more. When applying for registration or renewal of registration for a motor vehicle weighing 55,000 pounds or more, the owner shall present to the department or to the county treasurer proof of compliance with the federal heavy vehicle use tax required by 26 CFR Part 41 in effect as of April 1, 2024 2025.

400.17(1) and 400.17(2) No change.

This rule is intended to implement Iowa Code sections 307.30 and 321.20.

ITEM 7. Amend paragraph **400.24(4)“b”** as follows:

b. The vehicle was placed in storage by the previous owner. The registration fee ~~due~~ shall be computed from and commence the month the annual registration fee for the registration year, without penalty, at the time the vehicle is removed from storage.

ITEM 8. Amend subrule 400.33(1) as follows:

400.33(1) The owner of a vehicle upon which the registration fee is not delinquent may surrender all registration plates for the vehicle to the county treasurer where the vehicle is registered and has the right to register the vehicle later upon payment of the annual registration fee ~~due, which shall be computed from and commence the month~~ for the registration year, without penalty, at the time the vehicle is removed from storage. Payment of a registration fee is not required when the vehicle is removed from storage within the current registration year, provided that registration fees have not been refunded. Surrendered plates shall be destroyed. When a vehicle is removed from storage, the fee is \$5 for a set of replacement plates.

RA 26-336**WORKERS' COMPENSATION DIVISION[876]****Regulatory Analysis**

Notice of Intended Action to be published: 876—Chapter 1
“Purpose and Function”

Iowa Code section(s) or chapter(s) authorizing rulemaking: 10A.310(1)“a,” 17A, and Executive Order 10

State or federal law(s) implemented by the rulemaking: Iowa Code sections 17A.3(1)“a” and “b” and 84A.5

Public Hearing

A public hearing at which persons may present their views orally or in writing will be held as follows:

November 3, 2026
1 p.m.

6200 Park Avenue
Des Moines, Iowa
Via videoconference call:
dial-iowa-gov.zoom.us/j/81654334225?pwd=5JUj7K10vOhVPFGUp2QWlyI2imRXx9.1

Public Comment

Any interested person may submit written or oral comments concerning this Regulatory Analysis, which must be received by the Workers' Compensation Division no later than 4:30 p.m. on the date of the public hearing. Comments should be directed to:

William Grell
Interim Workers' Compensation Commissioner
Iowa Workers' Compensation Division
6200 Park Avenue, Suite 100
Des Moines, Iowa 50321
Phone: 515.829.5993
Email: william.grell@dia.iowa.gov

Purpose and Summary

The purpose of Chapter 1 is to provide the purpose and function of the Workers' Compensation Division. The chapter explains the functions of the Division, including compliance and adjudication and provides the public with contact information for the Division.

In conducting a comprehensive review of Chapter 1 in accordance with the mandates of Executive Order 10, language is proposed to be changed to replace outdated statutory references, language, and information. Additionally, the Division's address and website information is proposed to be updated.

Analysis of Impact

1. **Persons affected by the proposed rulemaking:**
 - **Classes of persons that will bear the costs of the proposed rulemaking:**
Costs are not generally incurred by the public as a result of this chapter.
 - **Classes of persons that will benefit from the proposed rulemaking:**

The general public will benefit from having updated and accurate information regarding the purpose and function of the Division, as well as updated contact information.

2. Impact of the proposed rulemaking, economic or otherwise, including the nature and amount of all the different kinds of costs that would be incurred:

- **Quantitative description of impact:**

Not applicable.

- **Qualitative description of impact:**

Not applicable.

3. Costs to the State:

- **Implementation and enforcement costs borne by the agency or any other agency:**

The costs to the Division to implement and enforce this proposed chapter involve two full-time compliance administrators, two docket clerks, one paralegal, one hearing scheduler, one administrative assistant, one records clerk, and 11 deputy workers' compensation commissioners. There are also costs for a commissioner and chief deputy commissioner, but these positions are currently open.

- **Anticipated effect on State revenues:**

There are no proposed changes to the agency's budget and no anticipated effect on State revenues.

4. Comparison of the costs and benefits of the proposed rulemaking to the costs and benefits of inaction:

The benefit of this proposed rulemaking is to have an accurate description of the function and purpose of the Division, along with current contact information. Inaction is not an option because rulemaking is the legally required method to comply with the Iowa Code and the mandates of Executive Order 10.

5. Determination whether less costly methods or less intrusive methods exist for achieving the purpose of the proposed rulemaking:

There are no other legally permissible options, and the proposed rulemaking is not costly or intrusive.

6. Alternative methods considered by the agency:

- **Description of any alternative methods that were seriously considered by the agency:**

There are no other legally valid options, and the proposed rulemaking is not costly or intrusive.

- **Reasons why alternative methods were rejected in favor of the proposed rulemaking:**

No other legally valid methods exist, and the proposed rulemaking is not costly or intrusive.

Small Business Impact

If the rulemaking will have a substantial impact on small business, include a discussion of whether it would be feasible and practicable to do any of the following to reduce the impact of the rulemaking on small business:

- Establish less stringent compliance or reporting requirements in the rulemaking for small business.

- Establish less stringent schedules or deadlines in the rulemaking for compliance or reporting requirements for small business.

- Consolidate or simplify the rulemaking's compliance or reporting requirements for small business.

- Establish performance standards to replace design or operational standards in the rulemaking for small business.

- Exempt small business from any or all requirements of the rulemaking.

If legal and feasible, how does the rulemaking use a method discussed above to reduce the substantial impact on small business?

Chapter 1 does not substantially impact small businesses because it is solely informative in nature and does not contain any compliance or other requirements.

Text of Proposed Rulemaking

ITEM 1. Rescind 876—Chapter 1 and adopt the following **new** chapter in lieu thereof:

CHAPTER 1
PURPOSE AND FUNCTION

876—1.1(86,17A) Purpose and function. The function of the workers' compensation division of the department of inspections, appeals, and licensing is to adjudicate the rights and duties of persons provided for in Iowa Code chapters 10A, 85 through 85B, and 87 and these rules and to administer and enforce the provisions of Iowa Code chapters 10A, 85 through 85B, and 87 and these rules. The indicated chapters provide for the rights and duties of persons injured in employment and the responsible employers and insurance carriers. The chapters are commonly referred to as the workers' compensation chapters of the Iowa Code. The Iowa workers' compensation commissioner is the executive head of the workers' compensation division who serves at the pleasure of the governor, subject to the confirmation of the senate. Two major sections within the division, compliance and adjudication, carry out the purpose of the division as set out by the laws of this state.

1.1(1) Compliance section. The compliance section prepares and distributes literature concerning workers' compensation laws, rates, judicial decisions, and statistics; responds to written and oral inquiries regarding the law; conducts conferences and training sessions; provides appropriate forms for use in matters under the jurisdiction of the division; establishes and monitors files arising from claims of work-related injuries and illness; and informs parties to a claim of their rights and responsibilities.

1.1(2) Adjudication section. The adjudication section determines, by adjudicative means, the rights and liabilities of parties in a disputed claim by conducting hearings and rendering decisions, approving settlements in accordance with the statutes, and conducting appeals within the division.

876—1.2(86,17A) Location. Interested persons may contact the Iowa workers' compensation commissioner in person or by mail at 6200 Park Avenue, Suite 100, Des Moines, Iowa 50321-1371; by telephone at 515.725.4120 or 1.800.645.4583; by fax at 515.281.6501; or at the website address at dial.iowa.gov/hearings/workers-comp.

These rules are intended to implement Iowa Code sections 17A.3(1) "a" and "b" and 84A.5.

RA 26-337

WORKERS' COMPENSATION DIVISION[876]**Regulatory Analysis**

Notice of Intended Action to be published: 876—Chapter 2
“General Provisions”

Iowa Code section(s) or chapter(s) authorizing rulemaking: 10A.310(1)“a,” 17A, and Executive Order 10

State or federal law(s) implemented by the rulemaking: Iowa Code chapters 10A, 85 through 85B, and 87

Public Hearing

A public hearing at which persons may present their views orally or in writing will be held as follows:

November 3, 2026
1 p.m.

6200 Park Avenue
Des Moines, Iowa
Via videoconference call:
[dial-iowa-gov.zoom.us/j/81654334225?](https://dial-iowa-gov.zoom.us/j/81654334225?pwd=5JUj7K10vOhVPFGUp2QWlyI2imRXx9.1)
[pwd=5JUj7K10vOhVPFGUp2QWlyI2imRXx9.1](https://dial-iowa-gov.zoom.us/j/81654334225?pwd=5JUj7K10vOhVPFGUp2QWlyI2imRXx9.1)

Public Comment

Any interested person may submit written or oral comments concerning this Regulatory Analysis, which must be received by the Workers' Compensation Division no later than 4:30 p.m. on the date of the public hearing. Comments should be directed to:

William Grell
Interim Workers' Compensation Commissioner
Iowa Workers' Compensation Division
6200 Park Avenue, Suite 100
Des Moines, Iowa 50321
Phone: 515.829.5993
Email: william.grell@dia.iowa.gov

Purpose and Summary

The purpose of proposed Chapter 2 is as follows.

- **Rule 876—2.1(10A):** The purpose of this proposed rule is to provide flexibility for injured workers, employers, insurers, the Workers' Compensation Commissioner, and Deputy Commissioner(s) to allow for compliance with any rule. It prevents the rules from being overly punitive should good cause be shown. This proposed rule allows the Commissioner or a Deputy Commissioner to modify the time to comply with any rule if an individual shows good cause.
- **Rule 876—2.2(85,85A,85B,10A,87):** The purpose of this proposed rule is to refer stakeholders to sections of the statute to which the rules apply.
- **Rule 876—2.3(10A,87):** The purpose of this proposed rule is to require insurance companies to have an individual located in Iowa who is knowledgeable of Iowa's workers' compensation laws and rules with the responsibility to expedite the handling of all matters within the scope of Iowa law. It also requires that the Commissioner be advised as to the identity and contact information for

this person. This provides the Division with clarity as to whom to contact in the event of questions, compliance issues, etc.

- **Rule 876—2.4(85,10A):** The purpose of this proposed rule is to provide clarity to stakeholders as to which edition of the AMA Guides to the Evaluation of Permanent Impairment applies to the evaluation of permanent partial disabilities of injured workers. This proposed rule is implementing a statutory requirement in Iowa Code section 85.34(2).

- **Rule 876—2.5(85,85A,85B,10A):** The purpose of this proposed rule is to streamline and simplify a filing system for documents to be filed with the Division. It allows for easier access to filings in contested cases and for an exception to electronic filing in certain cases. This allows all filings to be kept electronically rather than on unwieldy paper files that require additional space. Keeping these files electronically also adds another layer of security since access is restricted to only certain users.

- **Rule 876—2.6(85,85A,85B,10A):** The purpose of this proposed rule to provide that a final report of the injury, also known as a Subsequent Report of Injury (SROI), is filed with the Division and also sent to an injured worker after the conclusion of the injured worker's case. This gives both the Division and the injured worker required information as to the conclusion of the matter.

- **Rule 876—2.7(10A):** The purpose of this proposed rule is to maintain a centralized official record of a contested case, which allows parties and the Division to easily access filed materials and information about a particular contested case. It also allows for easier conveyance of a certified record of a contested case should that matter be appealed to a district court or appeals court.

- **Rule 876—2.8(10A):** The purpose of this proposed rule is to provide details to parties to a contested case proceeding before the Division as to the requirements for documents filed electronically. This provides clarity to parties so that there are no issues with filing documents. It also creates efficiency for the Division since filed documents are easily accessible for parties and employees of the Division.

The reference to 876—subrule 3.1(2) is to that subrule as published concurrently herein (**RA 26-338**, IAB 10/14/26).

Analysis of Impact

1. Persons affected by the proposed rulemaking:

- **Classes of persons that will bear the costs of the proposed rulemaking:**

There is a filing fee of \$125 for filing an original notice and petition, which is the petitioner's initial responsibility. In some instances, that fee is recoverable as a cost taxed to the defendant(s). There may also be costs to employers and insurance carriers associated with printing and mailing required documentation to injured workers. Finally, there are costs associated with obtaining opinions regarding permanent impairment from medical providers; however, this is standard in workers' compensation claims in most states. Additionally, the injured worker can generally recover the cost of obtaining a medical opinion under other portions of Iowa law.

- **Classes of persons that will benefit from the proposed rulemaking:**

Injured workers, employers, and insurance carriers benefit from this proposed rulemaking because it provides for flexibility in timeline requirements, which can result in the parties reaching a settlement agreement prior to a contested case hearing. The same parties benefit from the clarity and consistency of knowing which edition of the AMA Guides to the Evaluation of Permanent Impairment is applicable in Iowa for permanent impairment ratings. Additional benefits include the ease of the electronic filing system, which will allow for easier case management, streamlined filing, and less storage space for paper files. There is also benefit to the staff within the Division because the electronic system allows for easy remote access to file materials, as well as minimizing the need for heavy physical files, because many contested cases involve submission of voluminous medical records.

2. Impact of the proposed rulemaking, economic or otherwise, including the nature and amount of all the different kinds of costs that would be incurred:

- **Quantitative description of impact:**

Not applicable.

- **Qualitative description of impact:**

Not applicable.

3. Costs to the State:

- **Implementation and enforcement costs borne by the agency or any other agency:**

The costs to the Division to implement and enforce these proposed rules involve regular salaries and benefits. The cost to maintain the electronic filing system is between \$99,000 and \$127,000 annually for the remainder of the contract with Tybera.

- **Anticipated effect on State revenues:**

There are no proposed changes to the agency's budget and no anticipated effect on State revenues.

4. Comparison of the costs and benefits of the proposed rulemaking to the costs and benefits of inaction:

The costs associated with this proposed rulemaking allow for the essential functioning of the Division, which is necessary to comply with Iowa law.

5. Determination whether less costly methods or less intrusive methods exist for achieving the purpose of the proposed rulemaking:

The restrictions and costs associated with these proposed rules promote efficiency of the Division and contested case proceedings and also protect Iowa workers and business owners. The restriction on using the Fifth Edition of the AMA Guides to the Evaluation of Permanent Impairment is based on a statutory requirement. Even if the Division did not use the required edition, Iowa Code section 85.34(2) would require the Division to adopt another edition of the AMA Guides to the Evaluation of Permanent Impairment. The Workers' Compensation Electronic System and maintenance of an electronic file allow for easier storage of file materials, pleadings, exhibits, and decisions. Having requirements for filing documents provides parties with clarity and ensures that documents filed electronically are safe to the State computer system.

6. Alternative methods considered by the agency:

- **Description of any alternative methods that were seriously considered by the agency:**

The agency has not identified any viable alternatives to these proposed rules.

- **Reasons why alternative methods were rejected in favor of the proposed rulemaking:**

The agency has not identified any viable alternatives to these proposed rules.

Small Business Impact

If the rulemaking will have a substantial impact on small business, include a discussion of whether it would be feasible and practicable to do any of the following to reduce the impact of the rulemaking on small business:

- Establish less stringent compliance or reporting requirements in the rulemaking for small business.

- Establish less stringent schedules or deadlines in the rulemaking for compliance or reporting requirements for small business.

- Consolidate or simplify the rulemaking's compliance or reporting requirements for small business.

- Establish performance standards to replace design or operational standards in the rulemaking for small business.

- Exempt small business from any or all requirements of the rulemaking.

If legal and feasible, how does the rulemaking use a method discussed above to reduce the substantial impact on small business?

Chapter 2 does not have a substantial impact on small business because the only costs imposed are mandated by statute. There is no legal basis to create less stringent compliance or reporting requirements based on the size of a business. To do so would place the employees of those businesses at risk should one be injured while working.

Text of Proposed Rulemaking

ITEM 1. Rescind 876—Chapter 2 and adopt the following **new** chapter in lieu thereof:

CHAPTER 2
GENERAL PROVISIONS

876—2.1(10A) Extending time and continuances. The workers' compensation commissioner or a deputy workers' compensation commissioner may modify the time to comply with any rule for good cause.

This rule is intended to implement Iowa Code chapter 10A.

876—2.2(85,85A,85B,10A,87) Applicability. When appropriate, all rules shall apply to Iowa Code chapters 10A, 85 through 85B, and 87.

This rule is intended to implement Iowa Code chapters 10A, 85 through 85B, and 87.

876—2.3(10A,87) Representative within the state. All licensed insurers, foreign and domestic, insuring workers' compensation and all employers relieved from insurance pursuant to Iowa Code section 87.11 shall designate one or more persons geographically located within the borders of this state, which person or persons shall be knowledgeable of Iowa workers' compensation laws and rules and shall be given the authority and have the responsibility to expedite the handling of all matters within the scope of Iowa Code chapters 10A, 85 through 85B, and 87.

The Iowa workers' compensation commissioner shall be advised by letter of the name, address, and telephone number of each of the persons so designated. Any change in the identity, address or telephone number of the persons so designated shall be reported to the Iowa workers' compensation commissioner within ten days after such change occurs.

This rule is intended to implement Iowa Code chapters 10A and 87.

876—2.4(85,10A) Guides to evaluation of permanent impairment. The Guides to the Evaluation of Permanent Impairment, Fifth Edition, published by the American Medical Association are adopted for determining the extent of loss or percentage of impairment for permanent partial disabilities and payment of weekly compensation for permanent partial scheduled injuries under Iowa Code section 85.34(2) not involving a determination of reduction in an employee's earning capacity. Payment so made shall be recognized by the workers' compensation commissioner as a prima facie showing of compliance by the employer or insurance carrier with the foregoing sections of the Iowa workers' compensation Act. Nothing in this rule shall be construed to prevent the presentations of other medical opinions or other material evidence for the purpose of establishing that the degree of permanent disability to which the claimant would be entitled would be more or less than the entitlement indicated in the Guides to the Evaluation of Permanent Impairment, Fifth Edition, when the reduction in earning capacity for all other permanent partial and permanent total disabilities is determined.

This rule is intended to implement Iowa Code sections 85.34(2) and 10A.310.

876—2.5(85,85A,85B,10A) Use of workers' compensation electronic system (WCES) for submission of filings. Electronic data interchange (EDI) information, forms, pleadings, responses, motions, briefs, and any other submissions shall be filed through the WCES. The website address for WCES is efile.iowaworkcomp.gov.

Any electronic filing that is quarantined due to a virus will not be considered received.

2.5(1) The workers' compensation division may grant a request for waiver of the mandatory use of WCES in contested cases pursuant to 7—Chapter 2504.

2.5(2) Only a deputy workers' compensation commissioner or the workers' compensation commissioner can grant a request for waiver of the mandatory use of WCES in a contested case.

2.5(3) If the division of workers' compensation grants a waiver of the mandatory use of WCES in a contested case, the division of workers' compensation shall file paper documents received from the filer in WCES.

This rule is intended to implement Iowa Code chapters 10A and 85 through 85B.

876—2.6(85,85A,85B,10A) Information to employees. An employer or its insurance carrier filing a final subsequent report of injury (SROI) with the workers' compensation commissioner (more information is contained in 876—subrule 3.1(2)) shall also mail a copy of the information contained on the final subsequent report of injury to the employee at the employee's last-known address.

This rule is intended to implement Iowa Code sections 85.26, 10A.310, 10A.313, and 10A.315.

876—2.7(10A) Official record. The electronic record made and maintained by the workers' compensation division is the official record of a contested case.

This rule is intended to implement Iowa Code chapters 10A and 85 through 85B.

876—2.8(10A) Document requirements. Pleadings, responses to pleadings, exhibits, and transcripts submitted to the workers' compensation division shall be scanned, attached, and filed in portable document format (pdf) or as image-on-text documents (searchable pdf). A hearing report or proposed order or proposed ruling shall be submitted as a pdf or searchable pdf. Transcripts submitted shall include an index. Filings shall not exceed 20 megabytes (MB). Documents exceeding 20 MB shall be divided and submitted as separate attachments to comply with this size limit. All filings pursuant to this rule shall be submitted via WCES unless otherwise ordered by the workers' compensation commissioner or a deputy workers' compensation commissioner. Audio or video files shall use MP3 or MP4 format and shall be submitted with a virus-scanned USB drive and shall not exceed 500 MB for each filing.

This rule is intended to implement Iowa Code chapters 10A and 85 through 85B.

RA 26-338**WORKERS' COMPENSATION DIVISION[876]****Regulatory Analysis**

Notice of Intended Action to be published: 876—Chapter 3
“Forms”

Iowa Code section(s) or chapter(s) authorizing rulemaking: 10A.310(1)“a,” 17A, and Executive Order 10

State or federal law(s) implemented by the rulemaking: Iowa Code section 17A.3(1)

Public Hearing

A public hearing at which persons may present their views orally or in writing will be held as follows:

November 3, 2026
1 p.m.

6200 Park Avenue
Des Moines, Iowa
Via videoconference call:
dial-iowa-gov.zoom.us/j/81654334225?pwd=5JUj7K10vOhVPFGUp2QWlyI2imRXx9.1

Public Comment

Any interested person may submit written or oral comments concerning this Regulatory Analysis, which must be received by the Workers' Compensation Division no later than 4:30 p.m. on the date of the public hearing. Comments should be directed to:

William Grell
Interim Workers' Compensation Commissioner
Iowa Workers' Compensation Division
6200 Park Avenue, Suite 100
Des Moines, Iowa 50321
Phone: 515.829.5993
Email: william.grell@dia.iowa.gov

Purpose and Summary

The purpose of Chapter 3 is to provide the public with the names and descriptions of all forms available from the Division for use in matters under the jurisdiction of the Workers' Compensation Commissioner. The forms include the original notices and petitions for various contested cases, including arbitration proceedings, alternate medical care proceedings, and reimbursement for an independent medical examination under Iowa Code section 85.39. Additional forms provided for the convenience of parties interacting with the Division include hearing reports, authorization(s) for releases of information, settlement forms, deferral of filing fees, and waiver of the mandatory use of the Workers' Compensation Electronic System. Use of these forms provides clarity to parties represented by attorneys, parties representing themselves, employers, and Division employees as to what information is needed to achieve a particular task.

Analysis of Impact

1. **Persons affected by the proposed rulemaking:**
 - **Classes of persons that will bear the costs of the proposed rulemaking:**

There are no costs to the public associated with this proposed rulemaking.

- **Classes of persons that will benefit from the proposed rulemaking:**

Injured workers, employers, and insurance carriers benefit from this proposed rulemaking because it provides a list of available forms for use in workers' compensation matters as well as a brief description of each form. There is also benefit to the staff within the Division because the forms provide a uniform manner of submitting claims and other information to the Division. The forms clearly outline what information is needed, which will result in fewer filings being rejected for incomplete information. Without the forms, there would be a plethora of documents filed with the Division, which would needlessly complicate the filing process for both the individuals filing and the employees within the Division.

2. Impact of the proposed rulemaking, economic or otherwise, including the nature and amount of all the different kinds of costs that would be incurred:

- **Quantitative description of impact:**

Not applicable.

- **Qualitative description of impact:**

Not applicable.

3. Costs to the State:

- **Implementation and enforcement costs borne by the agency or any other agency:**

There are no direct costs. A Deputy Commissioner periodically updates the forms in the course of the Deputy Commissioner's regular employment.

- **Anticipated effect on State revenues:**

There are no proposed changes to the agency's budget and no anticipated effect on State revenues.

4. Comparison of the costs and benefits of the proposed rulemaking to the costs and benefits of inaction:

There are no direct costs associated with this proposed rulemaking.

5. Determination whether less costly methods or less intrusive methods exist for achieving the purpose of the proposed rulemaking:

This proposed rulemaking is not costly or intrusive because it contains a list of forms available for use in matters under the jurisdiction of the Workers' Compensation Commissioner as well as brief descriptions of the forms. Use of the specific forms is not a requirement; however, the vast majority of parties interacting with the Division use the forms provided.

6. Alternative methods considered by the agency:

- **Description of any alternative methods that were seriously considered by the agency:**

The agency has not identified any viable alternatives to this proposed rulemaking.

- **Reasons why alternative methods were rejected in favor of the proposed rulemaking:**

The agency has not identified any viable alternatives to this proposed rulemaking.

Small Business Impact

If the rulemaking will have a substantial impact on small business, include a discussion of whether it would be feasible and practicable to do any of the following to reduce the impact of the rulemaking on small business:

- Establish less stringent compliance or reporting requirements in the rulemaking for small business.

- Establish less stringent schedules or deadlines in the rulemaking for compliance or reporting requirements for small business.

- Consolidate or simplify the rulemaking's compliance or reporting requirements for small business.

- Establish performance standards to replace design or operational standards in the rulemaking for small business.
- Exempt small business from any or all requirements of the rulemaking.

If legal and feasible, how does the rulemaking use a method discussed above to reduce the substantial impact on small business?

Chapter 3 has no substantial impact on small business.

Text of Proposed Rulemaking

ITEM 1. Rescind 876—Chapter 3 and adopt the following **new** chapter in lieu thereof:

CHAPTER 3
FORMS

876—3.1(17A) Forms. The following forms are available from the workers' compensation division for use in matters under the jurisdiction of the workers' compensation commissioner. Insurance carriers, self-insured employers, or their adjusting agents may reproduce the forms, in which event the name, address, telephone number, and identification number may be imprinted. The current revision of the form must be used. Each form is identified by a form number. This form number follows each form name listed below and is used when requesting that specific form.

3.1(1) *Form—first report of injury (FROI). (Form No. 1)* The FROI contains general information concerning the employee, the employer and the claimed injury. A FROI is to be filed whether or not an adjudication or admission of liability for the injury exists and is to be filed as provided in Iowa Code section 10A.313 and 876—Chapter 11. The FROI is to be filed when demanded by the commissioner pursuant to Iowa Code section 10A.314 and when an employer is served with an original notice and petition that alleges an injury for which a FROI has not been filed. If an original notice and petition alleges multiple injury dates, only one FROI should be filed and the date of injury reported should be the date the reporter uses when adjusting the claim.

3.1(2) *Form—subsequent report of injury (SROI). (Form No. 2)*

a. The SROI provides for filing of notice of commencement of payments, correcting erroneous claim information, supplying additional information, denying compensability, agreeing to the weekly benefit rate and agreeing to make payments under the Workers' Compensation Act, reporting the status of a claim, or recording benefits paid. Notice of commencement of payments shall be filed within 30 days of the first payment. When liability on a claim is denied, a letter shall be sent to claimant stating reasons for denial. The SROI shall also be filed when compensation is terminated or interrupted. Medical data supporting the action taken shall be filed when temporary total disability or temporary partial disability exceeds 13 weeks or when the employee sustains a permanent disability.

b. The employer and insurance carrier who are required to file medical data shall file the medical data in WCES. The employer or insurance carrier or the employer's or insurance carrier's agent shall register in WCES to file the medical data. The filer will receive a status update for the information the filer submits based upon the status the filer selects and for which the filer is approved in WCES.

3.1(3) *Form—information request. (Form No. 4)* This form is an information request form. The information request form allows for individuals to request certain information from the workers' compensation division.

3.1(4) *Form—authorization to release confidential information to third party. (Form No. 5)* This form allows the workers' compensation division to release certain confidential information to a third party.

3.1(5) *Form—original notice and petition.* The following forms are types of original notice and petition: form—original notice and petition (Form No. 100); form—original notice and petition concerning application for independent medical examination (Form No. 100A); form—answer and order concerning application for independent medical examination (Form No. 101A); form—original

notice and petition concerning vocational rehabilitation program benefit (Form No. 100B); form—answer concerning vocational rehabilitation program benefit (Form No. 101B); form—original notice, petition concerning application for alternate medical care (Form No. 100C); form—answer concerning application for alternate medical care (Form No. 101C); form—original notice and petition concerning application for vocational training and education (Form No. 100D); form—answer concerning application for vocational training and education (Form No. 101D); form—original notice and petition for full commutation of all remaining benefits of ten weeks or more 876—subrule 6.2(6) (Form No. 200); and form—original notice and petition and order for partial commutation (Form No. 201). Further descriptions can be found in rule 876—2506.36(10A,17A,85).

3.1(6) *Form—subpoena. (Form No. 104)* This form is the witness subpoena, which is used to require a witness to appear and testify, and the Subpoena Duces Tecum, which is used to require a witness to appear and to bring specified books and records.

3.1(7) *Form—corporate officer exclusion. (Form No. 7)* This form is the corporate officer exclusion, which is used for corporate officers to reject workers' compensation or employers' liability.

3.1(8) *Form—application and consent order for payment of benefits. (Form No. 6)* This form is the application and consent order for payment of benefits under Iowa Code section 85.21, which is used by an employer or an insurance carrier to pay weekly and medical benefits without admitting liability and to be able to seek reimbursement from another carrier or employer.

3.1(9) *Form—hearing report.* The following forms are types of hearing reports for arbitration hearings: hearing report—no second injury fund (Form No. 105) and hearing report—second injury fund (Form No. 106).

3.1(10) *Form—interpreter identification form. (Form No. 108)* This form is used to identify an interpreter, if necessary, for any contested case proceeding.

3.1(11) *Form—authorization for release of information regarding claimants seeking workers' compensation benefits. (Form No. 3)* This form is used for the release of information concerning an employee's physical or mental condition relative to a workers' compensation claim.

3.1(12) *Form—original notice and petition for commutation of all remaining benefits of ten weeks or more 876—subrule 6.2(6). (Form No. 200)* This form contains data relevant to benefits paid and those to be paid by commutation when all unaccrued benefits are due. Signatures of the parties are necessary. Approval by the workers' compensation commissioner or a deputy workers' compensation commissioner is necessary. The form contains language of release.

3.1(13) *Form—original notice and petition for partial commutation. (Form No. 201)* This form contains the same data and requirements as Form No. 9. However, all remaining benefits are not commuted. No language of release is contained.

3.1(14) *Form—payment activity report. (Form No. 206)* This form is used to list payment activities.

3.1(15) *Form—agreement for settlement. (Form No. 202)* This form is used to file an agreement for settlement pursuant to Iowa Code section 85.35(2).

3.1(16) *Form—compromise settlement. (Form No. 205)* This form is used to file a compromise settlement pursuant to Iowa Code section 85.35(3).

3.1(17) *Form—combination settlement. (Form No. 203)* This form is used to file a combination settlement pursuant to Iowa Code section 85.35(4).

3.1(18) *Form—contingent settlement. (Form No. 204)* This form is used to file a contingent settlement pursuant to Iowa Code section 85.35(5).

3.1(19) *Form—claimant's statement. (Form No. 207)* This form is used for any type of settlement when the claimant is not represented by an attorney.

3.1(20) *Form—application to defer payment of filing fees, financial affidavit and order. (Form No. 102)* This form is used to request a deferral of payment of filing fees. This form is not initially filed through WCES.

3.1(21) *Form—nonelection of workers' compensation or employers' liability coverage. (Form No. 8)* This form is used for exclusion from liability coverage pursuant to Iowa Code section 87.22.

3.1(22) *Form—shorthand reporter identification form. (Form No. 107)* This form is used to identify the official shorthand reporter and custodian of the notes for a hearing.

3.1(23) *Form—request for waiver of the mandatory use of WCES. (Form No. 103)* This form is used by a self-represented party to request a waiver from those rules requiring filing in WCES and allows a party to file and serve documents in paper form.

This rule is intended to implement Iowa Code section 17A.3(1)“b.”

RA 26-339

WORKERS' COMPENSATION DIVISION[876]**Regulatory Analysis**

Notice of Intended Action to be published: 876—Chapter 6
“Settlements and Commutations”

Iowa Code section(s) or chapter(s) authorizing rulemaking: 10A.310(1)“a,” 17A, and Executive Order 10

State or federal law(s) implemented by the rulemaking: Iowa Code chapters 10A and 85

Public Hearing

A public hearing at which persons may present their views orally or in writing will be held as follows:

November 3, 2026
1 p.m.

6200 Park Avenue
Des Moines, Iowa
Via videoconference call:
[dial-iowa-gov.zoom.us/j/81654334225?](https://dial-iowa-gov.zoom.us/j/81654334225?pwd=5JUj7K10vOhVPFGUp2QWlyI2imRXx9.1)
[pwd=5JUj7K10vOhVPFGUp2QWlyI2imRXx9.1](https://dial-iowa-gov.zoom.us/j/81654334225?pwd=5JUj7K10vOhVPFGUp2QWlyI2imRXx9.1)

Public Comment

Any interested person may submit written or oral comments concerning this Regulatory Analysis, which must be received by the Workers' Compensation Division no later than 4:30 p.m. on the date of the public hearing. Comments should be directed to:

William Grell
Interim Workers' Compensation Commissioner
Iowa Workers' Compensation Division
6200 Park Avenue, Suite 100
Des Moines, Iowa 50321
Phone: 515.829.5993
Email: william.grell@dia.iowa.gov

Purpose and Summary

Chapter 6, as a whole, contains information for parties to contested case proceedings as to various options for settlements or commutations of the contested cases. The intended purpose of each proposed rule is as follows.

- **Rule 876—6.1(85,10A):** This proposed rule contains the various types of settlements possible in workers' compensation cases. It requires the use of certain forms. These forms, as provided in Chapter 3, create uniform documents and procedures for submission of settlements for approval by the Commissioner. The use of these documents advances efficiency in the Division and provides certainty for injured workers, employers, insurers, and their attorneys in proceeding with a settlement of a workers' compensation claim.

- **Rule 876—6.2(85,10A):** This proposed rule contains the procedures for parties seeking a commutation of a workers' compensation claim. A commutation, generally speaking, extinguishes ongoing liability on the part of a defendant-employer or insurer and provides an injured worker with a lump sum to “close” the injured worker's workers' compensation claim. This proposed rule gives

parties to a workers' compensation dispute an outline of what needs to be done, and what documents need to be provided, to submit a commutation for consideration.

- **Rule 876—6.3(85,10A):** This proposed rule contains life expectancy tables and information on discounting of future benefits. These provide guidance to parties on how to best determine the amounts provided for in a commutation, thus allowing for more efficiency in approving commutations.

- **Rule 876—6.4(85,10A):** This proposed rule outlines which forms to use to complete a commutation.

- **Rule 876—6.5(85):** This proposed rule requires a verified statement from an injured worker indicating that the injured worker understands that a commutation or settlement under Iowa Code section 85.35(3) constitutes a final bar for future claims unless the claims are specifically reserved. This proposed rule is beneficial for those interacting with the workers' compensation system because it ensures that the injured worker is aware of the consequences of the injured worker's actions in proceeding with a specific type of settlement or commutation.

- **Rule 876—6.6(10A):** This proposed rule limits settlements or commutations to 20 pages. This proposed rule helps promote efficiency in saving computer storage space and also allowing the Commissioner to more quickly review and approve proposed settlements or commutations.

- **Rule 876—6.7(85,10A):** This proposed rule requires unrepresented claimants to have a personally completed statement form. This is beneficial because it is another item informing the claimant of the consequences of the claimant's actions.

- **Rule 876—6.8(85,10A):** This proposed rule provides for a time frame in which settlements need to be filed. It is beneficial because it promotes the efficient administration of workers' compensation claims. If this proposed rule were not in place, settlements could theoretically be in limbo for as long as the parties wish.

The reference to 876—Chapter 3 is to that chapter as published concurrently herein (**RA 26-338**, IAB 10/14/26).

Analysis of Impact

1. Persons affected by the proposed rulemaking:

- **Classes of persons that will bear the costs of the proposed rulemaking:**

There are no direct costs to the proposed repromulgation of this chapter.

- **Classes of persons that will benefit from the proposed rulemaking:**

Injured workers, employers, insurers, and their associated counsel all benefit from the ability to commute (or close) a workers' compensation claim. They also benefit from having clear, concise rules dictating how they can proceed with commuting their workers' compensation claim(s). Additionally, the Division benefits by having clear and concise rules, which allow for faster approval of proposed commutations.

2. Impact of the proposed rulemaking, economic or otherwise, including the nature and amount of all the different kinds of costs that would be incurred:

- **Quantitative description of impact:**

Not applicable.

- **Qualitative description of impact:**

Not applicable.

3. Costs to the State:

- **Implementation and enforcement costs borne by the agency or any other agency:**

The costs to the Division to implement or enforce this proposed chapter involve regular employee salaries and benefits.

- **Anticipated effect on State revenues:**

There are no proposed changes to the budget nor is there an anticipated effect on State revenues.

4. Comparison of the costs and benefits of the proposed rulemaking to the costs and benefits of inaction:

The costs associated with this proposed rulemaking allow for the essential functioning of the Division and of the workers' compensation system in the State of Iowa. They also are necessary to implement Iowa law. Inaction would allow the chapter to expire, resulting in massive confusion to the various stakeholders in the event that the stakeholders seek a commutation or settlement of a workers' compensation claim.

5. Determination whether less costly methods or less intrusive methods exist for achieving the purpose of the proposed rulemaking:

This is a procedural chapter, which establishes steps for commuting or settling workers' compensation claims. There do not appear to be any less costly or intrusive methods for achieving the purpose of the proposed repromulgation of the chapter.

6. Alternative methods considered by the agency:

• **Description of any alternative methods that were seriously considered by the agency:**

The agency has not identified any viable alternatives to these proposed rules.

• **Reasons why alternative methods were rejected in favor of the proposed rulemaking:**

The agency has not identified any viable alternatives to these proposed rules.

Small Business Impact

If the rulemaking will have a substantial impact on small business, include a discussion of whether it would be feasible and practicable to do any of the following to reduce the impact of the rulemaking on small business:

- Establish less stringent compliance or reporting requirements in the rulemaking for small business.
- Establish less stringent schedules or deadlines in the rulemaking for compliance or reporting requirements for small business.
- Consolidate or simplify the rulemaking's compliance or reporting requirements for small business.
- Establish performance standards to replace design or operational standards in the rulemaking for small business.
- Exempt small business from any or all requirements of the rulemaking.

If legal and feasible, how does the rulemaking use a method discussed above to reduce the substantial impact on small business?

There is no substantial impact on small business caused by this proposed rulemaking.

Text of Proposed Rulemaking

ITEM 1. Rescind 876—Chapter 6 and adopt the following **new** chapter in lieu thereof:

CHAPTER 6
SETTLEMENTS AND COMMUTATIONS

876—6.1(85,10A) Settlements under Iowa Code section 85.35. All proposed settlements shall be submitted to the workers' compensation commissioner for approval. An agreement for settlement pursuant to Iowa Code section 85.35(2) shall be on Form No. 202. A compromise settlement pursuant to Iowa Code section 85.35(3) shall be on Form No. 205. A combination settlement pursuant to Iowa Code section 85.35(4) shall be on Form No. 203. A contingent settlement pursuant to Iowa Code section 85.35(5) shall be on Form No. 204.

6.1(1) Evidence that a settlement should be approved as required by Iowa Code section 85.35(7) shall accompany the settlement or be incorporated into the settlement forms. It is presumed that the

showing required by Iowa Code section 85.35(7) has been made if the claimant is represented by an attorney licensed to practice law in this state.

6.1(2) The documents for a compromise settlement shall identify either the specific date or dates of injury or the specific injurious condition or conditions, or both. The documents for a compromise settlement, including any addendum to the documents, shall not contain any language that either expressly states or implies that the proposed compromise settlement is a final settlement of any and all injuries, known or unknown, that an employee may have sustained while employed by the employer. If a compromise settlement is submitted that does not comply with this subrule, the workers' compensation commissioner shall return the proposed compromise settlement to the party that submitted it.

6.1(3) Approval of a compromise settlement pursuant to Iowa Code section 85.35(3) is a final bar to rights under the Iowa workers' compensation law, and the approved compromise settlement is not subject to review under Iowa Code section 85.26(2).

6.1(4) Nothing in this rule shall prohibit the approval of settlements in other appropriate cases when allowed by Iowa Code section 85.35(7).

This rule is intended to implement Iowa Code section 85.35.

876—6.2(85,10A) Commutation. The following requirements must be met before a commutation will be considered or granted:

6.2(1) A first report of injury, an acknowledgment of compensability and an updated supplemental claim activity report must be filed.

6.2(2) The commutation forms provided for in rule 876—6.4(85,10A) must be filed.

6.2(3) All doctors' and practitioners' reports relevant to the disability of the claimant involved in the commutation must be attached to the commutation forms.

6.2(4) Claimant's condition as a result of the injury as shown by the medical reports cannot be one which will be expected to deteriorate. When a partial commutation is sought, this subrule shall diminish in importance.

6.2(5) Claimant's condition as a result of the injury shown by the doctors' and practitioners' reports cannot be one that will be expected to require future treatment unless the future treatment is adequately provided for. When a partial commutation is sought, this subrule shall diminish in importance.

6.2(6) A detailed statement of claimant's need or other reason for a lump sum of money must be attached to the application. The analysis shall include disclosure of any attorney fee and case expense amount to be paid from the full commutation. If all parties are represented by an attorney, the parties may waive the statement of need, unless the case involves a dependent who is a minor.

6.2(7) When multiple dependents are involved, a signed stipulation or order of apportionment identifying the proportion of benefits to be received by each dependent shall be attached to the commutation form.

6.2(8) A signed stipulation as to the degree of permanent disability shall be attached to the commutation form.

6.2(9) If all parties are represented by an attorney, a commutation of benefits is presumed to be in the best interests of the claimant.

6.2(10) If all parties are represented by an attorney, the parties may stipulate to the definitely determined period of compensation.

This rule is intended to implement Iowa Code sections 85.45 and 85.47.

876—6.3(85,10A) Commutation tables. The following tables are to be used in determining the sum to be paid in appropriate commutation proceedings. Nothing in this rule is to prevent waiver of the discount in subrule 6.3(2) by the employer or insurance carrier.

6.3(1) *Life expectancy table.* The life expectancy is determined by taking the age of the person, set forth in the “age” column and comparing it to the “weeks” column, which indicates the weeks an individual at the age indicated will be expected to continue to live.

LIFE EXPECTANCY TABLE

AGE	WEEKS	AGE	WEEKS	AGE	WEEKS
0-1	4020	34-35	2335	68-69	832
1-2	3994	35-36	2288	69-70	801
2-3	3942	36-37	2236	70-71	764
3-4	3895	37-38	2189	71-72	728
4-5	3843	38-39	2142	72-73	697
5-6	3791	39-40	2090	73-74	666
6-7	3739	40-41	2044	74-75	629
7-8	3687	41-42	1997	75-76	598
8-9	3635	42-43	1950	76-77	572
9-10	3583	43-44	1903	77-78	541
10-11	3531	44-45	1856	78-79	510
11-12	3484	45-46	1810	79-80	484
12-13	3432	46-47	1763	80-81	458
13-14	3380	47-48	1716	81-82	432
14-15	3328	48-49	1669	82-83	406
15-16	3276	49-50	1622	83-84	385
16-17	3224	50-51	1576	84-85	359
17-18	3177	51-52	1534	85-86	338
18-19	3125	52-53	1487	86-87	317
19-20	3078	53-54	1446	87-88	302
20-21	3026	54-55	1399	88-89	281
21-22	2980	55-56	1357	89-90	265
22-23	2928	56-57	1310	90-91	250
23-24	2881	57-58	1269	91-92	234
24-25	2829	58-59	1227	92-93	224
25-26	2782	59-60	1186	93-94	208
26-27	2730	60-61	1144	94-95	198
27-28	2683	61-62	1102	95-96	187
28-29	2631	62-63	1061	96-97	177
29-30	2584	63-64	1024	97-98	166
30-31	2532	64-65	983	98-99	156
31-32	2486	65-66	946	99-100	151
32-33	2434	66-67	910	100+	140
33-34	2387	67-68	868		

6.3(2) *Discount.* When an original notice and petition for commutation of remaining future weekly benefits, either full or partial, is filed, the remaining future weekly benefits may be commuted to present dollar value. If the remaining future weekly benefits are converted to a present dollar value, the present dollar value shall be determined as provided in this subrule. A discount will be used to convert the value of remaining future weekly benefits to present dollar value. The discount will be based on a compound interest rate calculated pursuant to Iowa Code section 668.13(3) and in effect on the date informal agreement between the parties is reached for commutation and the number of

weeks of remaining future benefits. The interest rate used to determine the discount shall be specified on the original notice and petition for commutation filed for approval by the workers' compensation commissioner.

6.3(3) Life expectancy and remarriage probability table. This table expresses in weeks the combined probability of life expectancy and remarriage. The column on the left indicates the age of the surviving spouse at the time of the work-related death. Columns A through E indicate, respectively, the first through fifth years following the date of death that the surviving spouse remains unmarried. For example, if the date of death was July 1, 2005, and the surviving spouse was age 20 at the time of the decedent's death, a commutation sought on the second anniversary of the death, July 2, 2007, would result in an expected duration of 550.02 weeks, the amount found in Column B which indicates the second year of unmarried status following age 20. Following the second anniversary of the date of death and including the third anniversary, Table C would be applicable. Begin in the left-hand column in the line indicating the age at date of death—not the age at which a commutation is sought. Then move to the column that is indicative of the number of years the surviving spouse has remained unmarried.

A surviving spouse, 20 years old on the date of the decedent's death who seeks a commutation after the fifth anniversary of the date of death, would use Table F. The fact that the surviving spouse has remained unmarried for over five years negates use of Columns A through E. A commutation sought during the fifth year of remaining unmarried would result in an expected duration of 1031.64 weeks. For example, if the surviving spouse, who was 20 years old on the date of the decedent's death, is 30 years old at the time a commutation is sought and seeks a commutation after the tenth anniversary of the date of death, start in Column F in line 20 at the age column. For each year beyond the sixth anniversary of the death, move down Column F one line for each year. [Note the left-hand age column plays no part at this point.] In this example, the 30-year-old surviving spouse who seeks a commutation after the tenth anniversary of the date of death would have an expected duration of 1247.07 weeks.

EXPECTED DURATION OF LIFE AND REMARRIAGE IN WEEKS

AGE	A	B	C	D	E	F
19	452.18	505.55	640.75	788.27	905.44	993.12
20	495.82	550.02	683.69	828.42	943.01	1031.64
21	541.23	596.18	729.80	868.87	982.17	1071.64
22	589.23	646.05	776.66	911.67	1023.48	1115.36
23	640.88	696.92	825.34	956.43	1068.72	1157.99
24	693.76	749.90	875.77	1005.20	1113.34	1200.77
25	748.61	804.49	929.45	1053.51	1158.36	1247.07
26	804.72	861.90	982.20	1102.07	1206.94	1290.45
27	863.24	917.91	1034.48	1153.43	1252.42	1332.79
28	919.92	972.96	1089.02	1201.54	1296.56	1376.65
29	975.76	1029.70	1140.04	1248.06	1342.09	1415.27
30	1034.13	1083.96	1190.18	1296.47	1382.06	1450.83
31	1087.87	1135.18	1239.43	1337.76	1419.17	1482.26
32	1140.84	1187.76	1283.95	1376.65	1452.19	1514.63
33	1195.00	1235.69	1325.54	1411.36	1486.03	1539.38
34	1244.19	1281.06	1363.39	1447.25	1512.62	1560.28
35	1290.62	1322.51	1402.06	1475.89	1535.47	1577.36
36	1333.45	1365.12	1433.98	1501.08	1554.46	1590.73
37	1377.93	1401.32	1462.76	1522.96	1570.28	1595.37
38	1414.42	1432.95	1486.92	1540.28	1575.74	1600.95

AGE	A	B	C	D	E	F
39	1447.51	1460.93	1507.65	1548.65	1583.08	1603.12
40	1476.55	1484.88	1519.19	1558.50	1586.74	1601.68
41	1501.23	1499.62	1531.97	1564.58	1586.80	1590.32
42	1517.04	1515.76	1541.35	1567.27	1577.19	1581.72
43	1533.81	1528.55	1547.54	1560.49	1570.28	1564.36
44	1546.84	1537.33	1543.96	1556.10	1554.65	1543.01
45	1556.54	1537.28	1543.60	1543.67	1534.98	1519.60
46	1555.21	1538.43	1533.33	1526.06	1512.93	1499.07
47	1556.30	1530.44	1518.64	1506.46	1493.84	1463.67
48	1547.08	1517.04	1500.92	1489.22	1459.61	1432.74
49	1532.42	1499.98	1484.71	1456.21	1429.75	1399.10
50	1514.59	1485.36	1453.56	1427.91	1396.88	1364.95
51	1496.96	1453.45	1424.86	1395.28	1363.33	1322.96
52	1464.50	1426.08	1393.79	1362.79	1321.79	1286.44
53	1433.32	1393.23	1359.71	1320.40	1285.68	1242.63
54	1401.59	1361.60	1319.99	1285.81	1242.14	1199.73
55	1367.01	1320.16	1283.74	1241.95	1199.37	1155.90
56	1324.97	1284.38	1240.69	1199.62	1155.55	1111.53
57	1286.93	1239.69	1196.89	1154.69	1110.98	1070.85
58	1243.31	1197.46	1153.84	1111.07	1070.21	1025.48
59	1200.31	1153.99	1109.49	1069.88	1024.57	986.90
60	1156.15	1109.74	1069.03	1024.18	985.85	944.55
61	1111.72	1069.39	1023.90	985.32	943.26	902.07
62	1052.14	1009.56	976.00	938.77	899.17	866.59
63	1010.13	974.17	936.60	898.84	866.01	822.92
64	975.20	935.34	897.28	866.19	822.35	786.37
65	935.81	895.62	864.23	822.48	785.91	752.62
66	896.90	863.56	821.55	786.69	752.25	713.35
67	864.14	820.43	785.30	752.93	712.94	681.47
68	821.01	784.34	751.79	713.70	681.08	645.13
69	784.83	750.98	712.72	681.88	644.76	610.80
70	751.92	712.57	681.58	646.12	610.45	578.30
71	712.75	680.79	645.24	611.61	577.91	547.80
72	681.26	644.91	611.27	579.40	547.43	513.50
73	645.03	610.64	578.74	548.89	513.25	486.97
74	610.85	578.30	548.43	514.74	486.74	455.68
75	578.57	548.13	514.38	488.35	455.51	428.23
76	548.68	514.51	488.51	457.72	428.11	397.70
77	514.31	487.93	457.11	430.12	397.62	374.66
78	487.92	456.77	429.75	411.41	374.60	348.88
79	457.82	430.58	400.47	377.94	348.85	324.95
80	428.23	397.79	375.01	349.47	324.92	298.01
81	400.21	377.46	352.11	328.63	298.01	286.57
82	376.27	350.69	327.08	300.46	286.57	271.47
83	350.54	326.80	300.18	289.12	271.47	259.15

AGE	A	B	C	D	E	F
84	326.67	299.90	288.84	274.06	259.15	249.81
85	299.74	288.56	273.74	261.78	249.81	249.60

This rule is intended to implement Iowa Code sections 85.45 and 85.47.

876—6.4(85,10A) Forms for commutation. Form No. 200 shall be used for a full commutation. Form No. 201 shall be used for a partial commutation. Descriptions of these forms can be found in 876—Chapter 3.

This rule is intended to implement Iowa Code sections 85.45 and 85.47.

876—6.5(85) Statement of awareness. When a petition for settlement under Iowa Code section 85.35(3) or commutation is submitted, it shall contain or be accompanied by a verified statement from the injured employee indicating awareness that, upon approval by the workers' compensation commissioner of the settlement or commutation, a final bar to future claims or benefits under the Iowa workers' compensation law for such injury shall exist except as specifically reserved in any agreement.

This rule is intended to implement Iowa Code sections 85.35, 85.45, and 85.47.

876—6.6(10A) Twenty-page limitation. Unless otherwise ordered by the workers' compensation commissioner or deputy workers' compensation commissioner, an application for approval of a settlement or an original notice and petition for approval of a commutation or partial commutation shall not be accepted for filing if accompanied by documentation in excess of 20 pages. An order approving a settlement or an original notice and petition for commutation or partial commutation accompanied by documentary evidence in excess of 20 pages is nevertheless valid, and is neither void nor voidable.

This rule is intended to implement Iowa Code sections 85.35, 85.47, 10A.315 and 10A.323.

876—6.7(85,10A) Claimant statement. When the claimant is not represented by counsel, a claimant's statement on Form No. 207, which the claimant has personally completed, certified and signed, must be submitted with all settlement and commutation forms and documents.

This rule is intended to implement Iowa Code sections 85.35 and 10A.310.

876—6.8(85,10A) Failure to timely file settlement. If a party notifies the workers' compensation commissioner that a matter scheduled for a hearing has been settled and the matter is removed from the hearing schedule, the proposed settlement shall be filed with the workers' compensation commissioner within 60 days of the notification. A party may, within 60 days of the notification, request an extension of time to file the settlement documents. If the settlement documents are not timely filed, the matter will be reassigned for hearing in Des Moines at a date determined by the workers' compensation commissioner and the parties cannot request that the matter be rescheduled. Any matter rescheduled because settlement documents were not timely filed shall not again be removed from the hearing schedule because a party notifies the workers' compensation commissioner of a settlement.

This rule is intended to implement Iowa Code sections 85.35, 85.47, 85.48, 10A.310, 10A.315 and 10A.323.

RA 26-340**WORKERS' COMPENSATION DIVISION[876]****Regulatory Analysis**

Notice of Intended Action to be published: 876—Chapter 8
“Substantive and Interpretive Rules”

Iowa Code section(s) or chapter(s) authorizing rulemaking: 10A.310(1)“a,” 17A, and Executive Order 10

State or federal law(s) implemented by the rulemaking: Iowa Code chapters 10A, 85, 85A, and 85B

Public Hearing

A public hearing at which persons may present their views orally or in writing will be held as follows:

November 3, 2026
1 p.m.

6200 Park Avenue
Des Moines, Iowa
Via videoconference call:
[dial-iowa-gov.zoom.us/j/81654334225?](https://dial-iowa-gov.zoom.us/j/81654334225?pwd=5JUj7K10vOhVPFGUp2QWlyI2imRXx9.1)
[pwd=5JUj7K10vOhVPFGUp2QWlyI2imRXx9.1](https://dial-iowa-gov.zoom.us/j/81654334225?pwd=5JUj7K10vOhVPFGUp2QWlyI2imRXx9.1)

Public Comment

Any interested person may submit written or oral comments concerning this Regulatory Analysis, which must be received by the Workers' Compensation Division no later than 4:30 p.m. on the date of the public hearing. Comments should be directed to:

William Grell
Department of Inspections, Appeals, and Licensing
6200 Park Avenue
Des Moines, Iowa 50321
Phone: 515.829.5993
Email: william.grell@dia.iowa.gov

Purpose and Summary

Chapter 8 explains to parties to the workers' compensation system specific interpretations of the meanings of certain words and phrases provided in statute. The intended purpose of each proposed rule in Chapter 8 is as follows.

Transportation expenses are paid under Iowa Code sections 85.27 and 85.39. Rule 876—8.1(85) defines what qualifies as a transportation expense, including meals and lodging, and defines what should be paid to an injured worker in the event that the worker requires transportation.

Rule 876—8.2(85) defines what qualifies as overtime pursuant to Iowa Code section 85.61. The rule ensures that parties are made aware of the amounts used to calculate certain wages that are then used to determine appropriate compensation under the workers' compensation system.

Parties are allowed to pay, and accept, payment in lieu of compensation. Rule 76—8.3(85) defines the applicability of these payments.

Rule 876—8.4(85) defines what the Division considers to be an appliance pursuant to Iowa Code section 85.27 to provide clarity to parties.

Rule 876—8.5(85,85A) provides the decimal equivalent for days of the week in order to provide parties with clarity as to the amount used in calculating fractions of compensation potentially owed to an injured worker.

Rule 876—8.6(10A) indicates what size of paper should be used in filings before the Division to ensure that, in the rare case in which filings are made on paper, the filings come on uniform paper. This allows for more efficient usage of time by the Division and for the documents to be scanned into the electronic file maintained by the Division.

Rule 876—8.7(85,17A) clarifies which payroll tax tables should be used by parties interacting with the workers' compensation system. This allows the parties to more easily calculate the proper average weekly wage, which then allows parties to more easily calculate the rate of compensation.

Rule 876—8.8(85) directs parties interacting with the workers' compensation to use a ratebook published annually by the Division to assist them in determining the proper rate of compensation for an injured worker. The ratebook contains the proper compensation rate based on the average weekly wage for an injured worker and provides parties with more certainty as to what should be paid, depending on the amount of the injured worker's average weekly wage, and how many exemptions to which the worker may be entitled under federal tax law.

Rule 876—8.9(85,10A) requires employers, insurers, and injured workers to exchange certain records upon request and establishes maximum costs that can be charged for the records exchanged. This provides parties with certainty that they will receive records that they request for a reasonable amount, thus not burdening any single party with excessive expenses.

Rule 876—8.10(85B) provides parties to the workers' compensation system with information on how to properly apportion age-related hearing loss in claims for occupational hearing loss. This provides the parties with clarity and direction on how to properly evaluate a claim for occupational hearing loss while considering normal or age-related hearing loss.

Rule 876—8.11(85) clarifies what constitutes an offer of suitable work. There are certain consequences if an injured worker refuses an offer of suitable work, which the rule further explains. The rule helps the employer to understand what the employer needs to offer in order to return an injured worker to work and helps the injured worker understand what the employer needs to offer the worker so that the worker does not incur the legal consequences of a refusal to accept an offer of suitable work. The rule also provides information to the injured worker as to how the worker must convey a refusal of an offer of suitable work.

Analysis of Impact

1. Persons affected by the proposed rulemaking:

• Classes of persons that will bear the costs of the proposed rulemaking:

There are no direct costs associated with the proposed repromulgation of this chapter.

• Classes of persons that will benefit from the proposed rulemaking:

Injured workers, employers, insurers, and their associated counsel all benefit from understanding the agency's interpretation of certain terms and having clarity regarding substantive rules. Additionally, the Division benefits by having clear, concise rules for agency employees to follow. The agency will also benefit from agency time saved by changes to language in rule 876—8.8(85,17A) that eliminate the need for the agency to update the rule on an annual basis.

2. Impact of the proposed rulemaking, economic or otherwise, including the nature and amount of all the different kinds of costs that would be incurred:

• Quantitative description of impact:

Not applicable.

• Qualitative description of impact:

Not applicable.

3. Costs to the State:

• Implementation and enforcement costs borne by the agency or any other agency:

The costs to the Division to implement or enforce this chapter involve regular employee salaries and benefits.

- **Anticipated effect on State revenues:**

There are no proposed changes to the budget, nor is there an anticipated effect on State revenues.

4. Comparison of the costs and benefits of the proposed rulemaking to the costs and benefits of inaction:

The costs associated with this rulemaking allow for the essential functioning of the Division and of the workers' compensation system in the State of Iowa. The costs are also necessary to implement Iowa law. Inaction would allow the chapter to expire, resulting in confusion for various stakeholders, and would require agency employees to continue without guidance related to various substantive and interpretive matters.

5. Determination whether less costly methods or less intrusive methods exist for achieving the purpose of the proposed rulemaking:

There do not appear to be any less costly or intrusive methods for achieving the purpose of the proposed repromulgation of the chapter. The one substantive change made to this proposed chapter compared to the previous chapter eliminates the need for an annual review and amendment of the chapter.

6. Alternative methods considered by the agency:

- **Description of any alternative methods that were seriously considered by the agency:**

The agency has not identified any viable alternatives to these rules.

- **Reasons why alternative methods were rejected in favor of the proposed rulemaking:**

The agency has not identified any viable alternatives to these rules.

Small Business Impact

If the rulemaking will have a substantial impact on small business, include a discussion of whether it would be feasible and practicable to do any of the following to reduce the impact of the rulemaking on small business:

- Establish less stringent compliance or reporting requirements in the rulemaking for small business.
- Establish less stringent schedules or deadlines in the rulemaking for compliance or reporting requirements for small business.
- Consolidate or simplify the rulemaking's compliance or reporting requirements for small business.
- Establish performance standards to replace design or operational standards in the rulemaking for small business.
- Exempt small business from any or all requirements of the rulemaking.

If legal and feasible, how does the rulemaking use a method discussed above to reduce the substantial impact on small business?

There is no substantial impact on small business caused by this rulemaking.

Text of Proposed Rulemaking

ITEM 1. Rescind 876—Chapter 8 and adopt the following **new** chapter in lieu thereof:

CHAPTER 8
SUBSTANTIVE AND INTERPRETIVE RULES

876—8.1(85) Transportation expense.

8.1(1) Transportation expenses as provided in Iowa Code sections 85.27 and 85.39 shall include but not be limited to the following:

- a.* The cost of public transportation if tendered by the employer or insurance carrier.
- b.* All mileage incident to the use of a private automobile. The per-mile rate shall be the rate allowed by the Internal Revenue Service for the business standard mileage rate in effect on July 1 of each year.
- c.* Meals and lodging if reasonably incident to the examination.
- d.* Taxi fares or other forms of local transportation if incident to the use of public transportation.
- e.* Ambulance service or other special means of transportation if deemed necessary by competent medical evidence or by agreement of the parties.

8.1(2) Transportation expenses in the form of reimbursement for mileage that is incurred in the course of treatment or an examination, except under Iowa Code section 85.39, shall be payable at such time as 50 miles or more have accumulated or upon completion of medical care, whichever occurs first. Reimbursement for mileage incurred under Iowa Code section 85.39 shall be paid within a reasonable time after the examination.

8.1(3) The workers' compensation commissioner or a deputy workers' compensation commissioner may order transportation expenses to be paid in advance of an examination or treatment. The parties may agree to the advance payment of transportation expenses.

This rule is intended to implement Iowa Code sections 85.27 and 85.39.

876—8.2(85) Overtime. The word "overtime" as used in Iowa Code section 85.61 means amounts due in excess of the straight time rate for overtime hours worked. Such excess amounts shall not be considered in determining gross weekly wages within Iowa Code section 85.36. Overtime hours at the straight time rate are included in determining gross weekly earnings.

This rule is intended to implement Iowa Code sections 85.36 and 85.61.

876—8.3(85) Salary in lieu of compensation. The excess payment made by an employer in lieu of compensation that exceeds the applicable weekly compensation rate shall not be construed as advance payment with respect to either future temporary disability, healing period, permanent partial disability, permanent total disability or death.

This rule is intended to implement Iowa Code sections 85.31, 85.34, 85.36, 85.37 and 85.61.

876—8.4(85) Appliances.

8.4(1) Appliances are defined as hearing aids, corrective lenses, orthodontic devices, dentures, orthopedic braces, or any other artificial device used to provide function or for therapeutic purposes.

8.4(2) Appliances that are for the correction of a condition resulting from an injury or appliances that are damaged or made unusable as a result of an injury or avoidance of an injury are compensable under Iowa Code section 85.27.

This rule is intended to implement Iowa Code section 85.27(1).

876—8.5(85,85A) Calendar days—decimal equivalent. Weekly compensation benefits payable under Iowa Code chapters 85 and 85A are based upon a seven-day calendar week. Each day of weekly compensation benefits due may be paid by multiplying the employee's weekly compensation benefit rate by the decimal equivalents of the number of days as follows:

1 day	= .143 × weekly rate
2 days	= .286 × weekly rate
3 days	= .429 × weekly rate
4 days	= .571 × weekly rate
5 days	= .714 × weekly rate
6 days	= .857 × weekly rate

This rule is intended to implement Iowa Code sections 85.31, 85.33 and 85.34.

876—8.6(10A) Short paper. All paper filings before the workers' compensation commissioner shall be on white paper measuring 8½ inches by 11 inches.

This rule is intended to implement Iowa Code section 10A.319.

876—8.7(85,17A) Payroll tax tables. Tables for determining payroll taxes to be used for each year are the tables in effect on July 1 of that year through June 30 of the next year, for computation of:

1. Federal income tax withholding according to the percentage method of withholding for weekly payroll period. (Federal Income Tax Withholding Methods, Publication 15-T [2021].)

2. Iowa individual income tax withholding formula. (Iowa Department of Revenue [Effective January 1, 2022].)

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 [2021].)

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

876—8.8(85) Rate determination. When determining the rate of weekly compensation benefits for a contested case proceeding, the parties to the case shall use the ratebook in effect on the date of the claimant's injury published by the workers' compensation division at dial.iowa.gov/hearings/workers-comp/rates.

This rule is intended to implement Iowa Code chapter 85.

876—8.9(85,10A) Exchange of records.

8.9(1) Whether or not a contested case has been commenced, upon the written request of an employee or the representative of an employee who has alleged an injury arising out of and in the course of employment, an employer or insurance carrier shall provide the claimant a copy of all records and reports in its possession generated by a medical provider.

8.9(2) Whether or not a contested case has been commenced, upon the written request of the employer or insurance carrier against which an employee has alleged an injury arising out of and in the course of employment, the employee shall provide the employer or insurance carrier with a patient's waiver. The waiver form used in contested cases can be found in rules 876—3.1(17A) and 876—2506.36(10A,17A,85). The claimant shall cooperate with the employer and insurance carrier to provide patients' waivers in other forms and to update patients' waivers where requested by a medical practitioner or institution.

8.9(3) A medical provider or its agent shall furnish an employer or insurance carrier copies of the initial as well as final clinical assessment without cost when the assessments are requested as supporting documentation to determine liability or for payment of a medical provider's bill for medical services. When requested, a medical provider or its agent shall furnish a legible duplicate of additional records or reports. Except as otherwise provided in this rule, the amount to be paid for furnishing duplicates of records or reports shall be the actual expense to prepare duplicates not to exceed \$20 for 1 to 20 pages; \$20 plus \$1 per page for 21 to 30 pages; \$30 plus \$.50 per page for 31 to 100 pages; \$65 plus \$.25 per page for 101 to 200 pages; \$90 plus \$.10 per page for more than 200 pages, and the actual expense of postage. No other expenses shall be allowed.

EXAMPLE 1. For seven pages of records, the amount to be paid for furnishing duplicates shall not exceed \$20.

EXAMPLE 2. For 28 pages of records, the amount to be paid for furnishing duplicates shall not exceed \$28 (\$20 plus (8 times \$1)).

EXAMPLE 3. For 41 pages of records, the amount to be paid for furnishing duplicates shall not exceed \$35.50 (\$30 plus (11 times \$.50)).

EXAMPLE 4. For 127 pages of records, the amount to be paid for furnishing duplicates shall not exceed \$71.75 (\$65 plus (27 times \$.25)).

EXAMPLE 5. For 210 pages of records, the amount to be paid for furnishing duplicates shall not exceed \$91 (\$90 plus (10 times \$.10)).

This rule is intended to implement Iowa Code sections 10A.310, 10A.312, 10A.319, 10A.327, 85.27, 85.31, 85.33 through 85.37, 85.39, and 85.61.

876—8.10(85B) Apportionment of age-related loss for occupational hearing loss claims.

8.10(1) *Effective date.* This rule is effective for claims for occupational hearing loss filed on or after July 1, 1998.

8.10(2) *Purpose.* The purposes of this rule are to adopt tables and the method for calculating age-related hearing loss and to adopt a worksheet for apportionment of age-related hearing loss for occupational hearing loss claims.

8.10(3) *Table.* In 1972, the National Institute for Occupational Safety and Health (NIOSH) published the Criteria for a Recommended Standard: Occupational Exposure to Noise (NIOSH Publication No.73-11001). Table B-1, page I-16, provides the Age Corrections Values to be Used for Age Correction of Initial Baseline Audiograms for Males, and Table B-2, page I-17, provides the Age Corrections Values to be Used for Age Correction of Initial Baseline Audiograms for Females. These NIOSH tables are used to calculate the correction value for age for males and females for 500, 1,000, 2,000 and 3,000 hertz.

For example, the age correction for a male 21 years of age is 10 decibels at 500 hertz, 5 decibels at 1,000 hertz, 3 decibels at 2,000 hertz and 4 decibels at 3,000 hertz. The correction for age is 5.50 decibels (the sum of 10+5+3+4 divided by 4).

The following table is to be used to determine an employee's age-related change in hearing level during the period of employment. To determine the age-related change in hearing level in decibels during the period of employment, subtract the value shown in the table for the employee's age at the beginning of employment from the value shown in the table for the employee's age on the date of injury.

NOTE: This table should not be used to compute standard threshold shift as required by rules of the Occupational Safety and Health Administration or Iowa occupational safety and health administration.

<u>Age in Years</u>	<u>Correction in dB</u>	
	<u>Males</u>	<u>Females</u>
20 or younger	5.50	7.25
21	5.50	7.75
22	5.50	7.75
23	5.50	8.00
24	5.75	8.00
25	6.00	8.25
26	6.25	8.50
27	6.50	8.75
28	6.75	8.75
29	6.75	8.75
30	6.75	9.00
31	7.25	9.25
32	7.50	9.50
33	7.50	9.75
34	7.75	9.75
35	8.00	10.00
36	8.25	10.25
37	8.75	10.25
38	8.75	10.50
39	9.00	11.00

<u>Age in Years</u>	<u>Correction in dB</u>	
	<u>Males</u>	<u>Females</u>
40	9.00	11.00
41	9.25	11.25
42	10.00	11.50
43	10.25	11.75
44	10.25	12.00
45	10.50	12.25
46	10.75	12.50
47	11.00	12.50
48	11.50	13.00
49	12.00	13.25
50	12.25	13.50
51	12.25	13.75
52	12.75	13.75
53	13.25	14.25
54	13.50	14.50
55	14.00	15.00
56	14.25	15.00
57	14.50	15.25
58	15.25	15.75
59	15.50	16.00
60 or older	16.00	16.25

8.10(4) Apportionment.

a. The apportionment of age-related hearing loss shall be made by reducing the total binaural percentage hearing loss as calculated pursuant to Iowa Code section 85B.9(3) by the same percentage as the decibels of age-related change in hearing level occurring during the period of employment bears to the total decibel hearing level in each ear.

b. Age-related hearing loss is apportioned using the results of the audiogram determined to be the proper audiogram for measurement of the employee's hearing loss on the date of injury by using the following steps:

(1) Separately for each ear, compute the average of the employee's decibel hearing levels at 500, 1,000, 2,000, and 3,000 hertz for that ear.

(2) Separately for each ear, compute the percentage loss for each ear.

(3) Compute the employee's age-related change in hearing level in decibels during the period of employment using the table in subrule 8.10(3).

(4) Separately for each ear, divide the result of step 3 by the result of step 1 to compute the age-correction factor for that ear.

(5) Separately for each ear, multiply the total percentage hearing loss in that ear calculated pursuant to Iowa Code section 85B.9 by the age-correction factor for that ear.

(6) Separately for each ear, subtract the result obtained in step 5 from the total percentage hearing loss in that ear to obtain the age-corrected hearing loss for that ear.

(7) Multiply the age-corrected hearing loss in the better ear as calculated in step 6 by 5 and add the percentage hearing loss in the worse ear.

(8) Divide the result obtained in step 7 by 6 to obtain the age-corrected binaural percentage hearing loss.

8.10(5) Worksheet. The following worksheet is used to calculate the percentage of age-corrected binaural hearing loss.

APPORTIONMENT OF PERCENT HEARING LOSS FOR AGE

Left Ear <u>Hearing Level</u>	Frequency <u>in Hertz</u>	Right Ear <u>Hearing Level</u>
1. _____	500	_____
2. _____	1000	_____
3. _____	2000	_____
4. _____	3000	_____
5. _____	total of lines 1 through 4	_____
divide by 4	(divide the "total" by 4)	divide by 4
6. _____	equals average equals	_____
minus 25	subtract "low fence"	minus 25
7. _____	equals "Excess"	_____
multiply by 1.5	multiply % factor	multiply by 1.5
8. _____	equals % loss each ear	_____
(% loss left ear)		(% loss right ear)
9. Age on date of injury	_____	
10. Age at beginning of employment	_____	
11. _____	correction for age on date of injury in dB from table minus	
12. _____	correction for age at beginning of employment in dB from table equals	
13. _____	age-related change in hearing level during employment in dB	
<u>LEFT EAR</u>		<u>RIGHT EAR</u>
Divide age-related change in hearing level from line 13 by average hearing level from line 6		
To obtain		
14. _____	age correction factor multiply % loss from line 8 by age-correction factor from line 14	_____
To obtain		
15. _____	deduction for age-correction subtract line 15 from line 8	_____
To obtain		
16. _____	age-corrected percent hearing loss	_____
<u>BINAURAL PERCENTAGE LOSS</u>		
17. _____	% loss better ear (smaller amount) from line 16, multiplied by 5 plus	
18. _____	% loss worse ear (larger amount) from line 16	
19. _____	equals divided by 6 equals	
20. _____	% age-corrected binaural hearing loss	

This rule is intended to implement Iowa Code sections 10A.310 and 85B.9A.

876—8.11(85) Offer of suitable work. The employer shall communicate an offer of temporary work to the employee in writing, including the details of lodging, meals, and transportation. With each offer of temporary work, the employer shall notify the employee in writing that:

1. If the employee refuses the offer of temporary work, the employee shall communicate the refusal and the reason for the refusal to the employer in writing;
2. During the period of refusal, the employee will not be compensated with temporary partial, temporary total, or healing period benefits unless the work refused is not suitable; and
3. Failure to communicate the reason for the refusal to the employer in writing precludes the employee from raising suitability of the work as the reason for the refusal until such time as the reason for the refusal is communicated in writing to the employer.

This rule is intended to implement Iowa Code section 85.33.

RA 26-341

WORKERS' COMPENSATION DIVISION[876]**Regulatory Analysis**

Notice of Intended Action to be published: 876—Chapter 10
“Informal Dispute Resolution Procedures”

Iowa Code section(s) or chapter(s) authorizing rulemaking: 10A.310(1)“a,” 17A and Executive Order 10

State or federal law(s) implemented by the rulemaking: Iowa Code chapters 10A, 17A and 85

Public Hearing

A public hearing at which persons may present their views orally or in writing will be held as follows:

November 3, 2026
1 p.m.

6200 Park Avenue
Des Moines, Iowa
Via videoconference call:
[dial-iowa-gov.zoom.us/j/81654334225?](https://dial-iowa-gov.zoom.us/j/81654334225?pwd=5JUj7K10vOhVPFGUp2QWlyI2imRXx9.1)
[pwd=5JUj7K10vOhVPFGUp2QWlyI2imRXx9.1](https://dial-iowa-gov.zoom.us/j/81654334225?pwd=5JUj7K10vOhVPFGUp2QWlyI2imRXx9.1)

Public Comment

Any interested person may submit written or oral comments concerning this Regulatory Analysis, which must be received by the Workers' Compensation Division no later than 4:30 p.m. on the date of the public hearing. Comments should be directed to:

William Grell
Department of Inspections, Appeals, and Licensing
6200 Park Avenue
Des Moines, Iowa 50321
Phone: 515.829.5993
Email: william.grell@dia.iowa.gov

Purpose and Summary

Proposed Chapter 10 provides procedures for the agency to assist in adjudicating health service disputes. Iowa Code section 85.27(3) allows for an employer, insurance carrier, or health service provider to refer charges believed to be excessive or unnecessary to the agency for informal dispute resolution procedures “established by rule by the commissioner.” This chapter establishes the procedures that govern the informal resolution of these health service disputes pursuant to the statutory mandate.

*Analysis of Impact***1. Persons affected by the proposed rulemaking:****• Classes of persons that will bear the costs of the proposed rulemaking:**

There are no direct costs associated with the proposed repromulgation of this chapter. There are costs associated with the review since the chapter notes, “The costs of the person making the review shall be paid as mutually agreed by the provider and the responsible party.” If there is no agreement, then whoever bears the costs may change. Nevertheless, there is no direct, defined cost.

• Classes of persons that will benefit from the proposed rulemaking:

Health providers, employers, insurers, and their associated counsel all benefit from resolving health service disputes. Additionally, if these disputes are resolved, the injured worker also derives a tertiary benefit.

2. Impact of the proposed rulemaking, economic or otherwise, including the nature and amount of all the different kinds of costs that would be incurred:

- **Quantitative description of impact:**

Not applicable.

- **Qualitative description of impact:**

Not applicable.

3. Costs to the State:

- **Implementation and enforcement costs borne by the agency or any other agency:**

The costs to the Division to implement or enforce this chapter involve regular employee salaries and benefits.

- **Anticipated effect on State revenues:**

There are no proposed changes to the budget, nor is there an anticipated effect on State revenues.

4. Comparison of the costs and benefits of the proposed rulemaking to the costs and benefits of inaction:

The costs associated with this rulemaking allow for the essential functioning of the Division and of the workers' compensation system in the State of Iowa. The costs also are necessary to implement Iowa law. Inaction would allow the chapter to expire.

5. Determination whether less costly methods or less intrusive methods exist for achieving the purpose of the proposed rulemaking:

There do not appear to be any less costly or intrusive methods for achieving the purpose of the proposed repromulgation of the chapter.

6. Alternative methods considered by the agency:

- **Description of any alternative methods that were seriously considered by the agency:**

The agency has not identified any viable alternatives to these rules.

- **Reasons why alternative methods were rejected in favor of the proposed rulemaking:**

The agency has not identified any viable alternatives to these rules.

Small Business Impact

If the rulemaking will have a substantial impact on small business, include a discussion of whether it would be feasible and practicable to do any of the following to reduce the impact of the rulemaking on small business:

- Establish less stringent compliance or reporting requirements in the rulemaking for small business.

- Establish less stringent schedules or deadlines in the rulemaking for compliance or reporting requirements for small business.

- Consolidate or simplify the rulemaking's compliance or reporting requirements for small business.

- Establish performance standards to replace design or operational standards in the rulemaking for small business.

- Exempt small business from any or all requirements of the rulemaking.

If legal and feasible, how does the rulemaking use a method discussed above to reduce the substantial impact on small business?

There is no substantial impact on small business caused by this rulemaking.

Text of Proposed Rulemaking

ITEM 1. Rescind 876—Chapter 10 and adopt the following **new** chapter in lieu thereof:

CHAPTER 10
INFORMAL DISPUTE RESOLUTION PROCEDURES

876—10.1(17A,85,86) Health service dispute resolution.

10.1(1) The purpose of this rule and rule 876—2506.64(10A,17A,85) is to establish the procedures for resolving a dispute under Iowa Code section 85.27 between a provider and a responsible party over the treatment rendered by a provider to an injured worker. Utilization of these procedures by a responsible party is not an admission of liability for any other proceeding. This rule is effective October 7, 1992.

10.1(2) Definitions. The following definitions apply to this rule and rule 876—2506.64(10A,17A,85).

“Dispute” means a disagreement between a provider and responsible party over the necessity of service or reasonableness of charges or both; or a disagreement between a provider and a responsible party over the necessity for or the reasonableness of charges for crutches, artificial members and appliances; and includes only those situations where liability or extent of liability is not an issue.

“Person” means an individual, corporation, government or governmental subdivision or agency, business trust, estate, trust, partnership or association, or any other legal entity.

“Provider” means any person furnishing surgical, medical, dental, osteopathic, chiropractic, podiatric, physical rehabilitation, nursing, ambulance, or hospital services and supplies; crutches; artificial members; and appliances.

“Responsible party” means the person who is liable for payment of medical services provided pursuant to the Iowa workers' compensation laws and includes an employer, an employer who has been relieved from insurance pursuant to Iowa Code section 87.11, and an insurance carrier that provides an employer workers' compensation insurance.

“Workers' compensation commissioner” means the workers' compensation commissioner or the workers' compensation commissioner's designee.

10.1(3) Informal resolution of disputes.

a. The charges not in controversy shall be paid to the provider prior to utilization of the procedures outlined in this rule.

b. A responsible party who refuses to pay the amount in controversy of a dispute shall give the provider written notice of the dispute within 60 days of receiving a bill with proper supporting documentation. The written notice shall specify:

- (1) The name of the patient-employee;
- (2) The name of the employer on the date of injury;
- (3) The date of the treatment in dispute;
- (4) The amount charged for the treatment, the amount of the charge the responsible party agrees to pay, and the amount in dispute;
- (5) The reason for belief that the bill is excessive or unnecessary and documentation relied upon to formulate the belief;
- (6) The address to use in directing correspondence to the responsible party regarding the dispute;
- (7) The provider's right to utilize the procedures specified in this rule and rule 876—2506.64 (10A,17A,85);
- (8) The provisions of paragraphs 10.1(3) “*c*” and “*d*” and 876—subrule 2506.64(2); and
- (9) That the provider or the responsible party is prohibited by Iowa Code section 85.27 from seeking payment from the injured worker when there is a dispute regarding reasonableness of a fee.

c. If the provider agrees to accept the amount of the charge the responsible party has paid, the provider shall notify the responsible party.

d. If the provider does not agree to accept the amount of the charge the responsible party agrees to pay, the provider shall notify the responsible party in writing. The provider and the responsible

party shall submit the dispute to a mutually agreed-upon person for review. The person reviewing the dispute under this rule will not be the workers' compensation commissioner. If the provider and the responsible party cannot agree upon the person to make the review, they shall, within 90 days of time the provider notified the responsible party of the disagreement, each recommend to the workers' compensation commissioner one person to do the review. The workers' compensation commissioner may choose the person or persons recommended to make the review. A person other than the persons recommended may be chosen at the discretion of the workers' compensation commissioner. The selected person or persons shall review information submitted by the provider and the responsible party and make a determination.

e. The person making the review shall make a determination of the amount that is reasonable and necessary. The determination shall be made as soon as practicable and shall be dated. It shall be in writing and specify the facts relied upon. The person making the review may choose any amount to set the reasonableness of a charge. If the person chosen to make the review does not make a determination within a reasonable time, that person may be discharged without being paid.

f. Costs. The costs of the person making the review shall be paid as mutually agreed by the provider and the responsible party. In the event of no agreement, the costs shall be paid by whomever chose an amount further from the determination of the person reviewing the matter. If the amount is equally close to both parties, the costs shall be shared equally. However, if the workers' compensation commissioner selects the person or persons to do the review, the costs shall be shared equally.

g. Nothing in this rule is intended to prevent providers and responsible parties from developing other procedures to informally resolve their disputes.

10.1(4) Contested case procedures can be found in 876—Chapter 2506.

10.1(5) The workers' compensation electronic system (WCES) shall not be used for health service dispute matters.

This rule is intended to implement Iowa Code sections 10A.310, 17A.10, 17A.12, and 85.27.

RA 26-342

WORKERS' COMPENSATION DIVISION[876]**Regulatory Analysis**

Notice of Intended Action to be published: 876—Chapter 11
“Electronic Data Interchange (EDI)”

Iowa Code section(s) or chapter(s) authorizing rulemaking: 10A.310(1)“a,” 17A and Executive Order 10

State or federal law(s) implemented by the rulemaking: Iowa Code chapters 10A and 85

Public Hearing

A public hearing at which persons may present their views orally or in writing will be held as follows:

November 3, 2026
1 p.m.

6200 Park Avenue
Des Moines, Iowa
Via videoconference call:
[dial-iowa-gov.zoom.us/j/81654334225?](https://dial-iowa-gov.zoom.us/j/81654334225?pwd=5JUj7K10vOhVPFGUp2QWlyI2imRXx9.1)
[pwd=5JUj7K10vOhVPFGUp2QWlyI2imRXx9.1](https://dial-iowa-gov.zoom.us/j/81654334225?pwd=5JUj7K10vOhVPFGUp2QWlyI2imRXx9.1)

Public Comment

Any interested person may submit written or oral comments concerning this Regulatory Analysis, which must be received by the Workers' Compensation Division no later than 4:30 p.m. on the date of the public hearing. Comments should be directed to:

William Grell
Department of Inspections, Appeals, and Licensing
6200 Park Avenue
Des Moines, Iowa 50321
Phone: 515.829.5993
Email: william.grell@dia.iowa.gov

Purpose and Summary

The purpose of proposed Chapter 11, as stated in rule 876—11.1(85,86), is “to establish the procedure for fulfilling reporting requirements of the workers' compensation division.” The rule lists the reports that are required to be filed, including a first report of injury (FROI), a subsequent report of injury (SROI), an annual report on every claim that is open on June 30 of each year that also shows all benefits paid since the initiation of the claim through June 30 of the current year, and a final report at the time the claim is closed. These reports are implemented pursuant to statute. The chapter simply clarifies how the reports should be filed, which is by using the electronic data interchange (EDI) system. The agency has a contract with Verisk for use of the EDI system.

*Analysis of Impact***1. Persons affected by the proposed rulemaking:****• Classes of persons that will bear the costs of the proposed rulemaking:**

Uninsured employers with no EDI access must pay \$150 per paper FROI filed; however, Iowa law requires employers to have workers' compensation insurance. This situation arises only a handful of times per year.

- **Classes of persons that will benefit from the proposed rulemaking:**

Health providers, employers, insurers, and their associated counsel all benefit from resolving health service disputes. Additionally, if these disputes are resolved, the injured worker derives a tertiary benefit.

2. Impact of the proposed rulemaking, economic or otherwise, including the nature and amount of all the different kinds of costs that would be incurred:

- **Quantitative description of impact:**

Not applicable.

- **Qualitative description of impact:**

Not applicable.

3. Costs to the State:

- **Implementation and enforcement costs borne by the agency or any other agency:**

The costs to the Division to implement or enforce this chapter involve regular employee salaries and benefits. Additionally, the Division has an ongoing contract with Verisk. The current term carries an annual cost of about \$42,000 for this contract.

- **Anticipated effect on State revenues:**

There are no proposed changes to the budget, nor is there an anticipated effect on State revenues.

4. Comparison of the costs and benefits of the proposed rulemaking to the costs and benefits of inaction:

The costs associated with this rulemaking allow for the essential functioning of the Division and of the workers' compensation system in the State of Iowa. The costs are also necessary to implement Iowa law. Inaction would allow the chapter to expire, leaving the agency lacking in obtaining compliance information.

5. Determination whether less costly methods or less intrusive methods exist for achieving the purpose of the proposed rulemaking:

There do not appear to be any less costly or intrusive methods for achieving the purpose of the proposed repromulgation of this chapter.

6. Alternative methods considered by the agency:

- **Description of any alternative methods that were seriously considered by the agency:**

The agency has not identified any viable alternatives to these rules.

- **Reasons why alternative methods were rejected in favor of the proposed rulemaking:**

The agency has not identified any viable alternatives to these rules.

Small Business Impact

If the rulemaking will have a substantial impact on small business, include a discussion of whether it would be feasible and practicable to do any of the following to reduce the impact of the rulemaking on small business:

- Establish less stringent compliance or reporting requirements in the rulemaking for small business.

- Establish less stringent schedules or deadlines in the rulemaking for compliance or reporting requirements for small business.

- Consolidate or simplify the rulemaking's compliance or reporting requirements for small business.

- Establish performance standards to replace design or operational standards in the rulemaking for small business.

- Exempt small business from any or all requirements of the rulemaking.

If legal and feasible, how does the rulemaking use a method discussed above to reduce the substantial impact on small business?

There is no substantial impact on small business caused by this rulemaking.

Text of Proposed Rulemaking

ITEM 1. Rescind 876—Chapter 11 and adopt the following **new** chapter in lieu thereof:

CHAPTER 11
ELECTRONIC DATA INTERCHANGE (EDI)

876—11.1(85,86) Purpose. The purpose of this chapter is to establish the procedure for fulfilling reporting requirements of the workers' compensation division.

876—11.2(85,86) Definitions. The following definitions apply to 876—Chapter 3 and this chapter:

“EDI” or “electronic data interchange” means electronic transmission or reception, or both, of data through a telecommunications process utilizing a value-added network or the internet as set forth in the EDI partnering agreement.

“EDI partnering agreement” means the written agreement between an entity and the workers' compensation division specifying the terms and manner of reporting by EDI.

“Filed” means receipt and acceptance of a report by the workers' compensation division. A report is considered to be “filed” on the date it is accepted (TA) by the workers' compensation division. A report that is submitted but rejected (TR) is not considered “filed.”

“Report” means a first report of injury (FROI), a subsequent report of injury (SROI), or both.

“Reporter” means the person who is responsible for reporting to the workers' compensation division pursuant to the Iowa workers' compensation laws and includes an employer, an employer who has been relieved from insurance pursuant to Iowa Code section 87.11, and an insurance carrier that provides an employer workers' compensation insurance.

“Reporting” means submission of claims data and data fields of information of a report.

876—11.3(85,86) Form of reporting. The format of EDI reporting must be the current version of the International Association of Industrial Accident Boards and Commissions (IAIABC) Release 3.1 FROI/SROI.

876—11.4(85,86) Manner of reporting. The manner of EDI reporting is electronic.

876—11.5(85,86) Mandatory reporting. All reporters are responsible for reporting by EDI 3.1. A reporter may contract with another entity for reporting, but the reporter is ultimately responsible for reporting. Each reporter or entity reporting on behalf of a reporter must sign an EDI partnering agreement.

876—11.6(85,86) Required reports.

11.6(1) A reporter shall file reports as required by Iowa Code sections 10A.313, 10A.314, and 10A.315; 876—subrules 3.1(1) and 3.1(2); this chapter; and the partnering agreement. Reports required to be filed include but are not limited to the following:

- a. FROI. More information can be found in 876—subrule 3.1(1);
- b. SROI. More information can be found in 876—subrule 3.1(2);
- c. Annual report on every claim that is open on June 30 each year. The annual report shall show all benefits paid since the claim was initiated through June 30 of the current year. A final report shall be filed in lieu of the annual report if the claim is closed and the final report is filed before the date when the annual report is scheduled to be filed; and
- d. Final report filed at the time the claim is closed. The final report indicates that no further benefit payments are contemplated.

11.6(2) A reporter shall file a change to FROI and SROI reports whenever a reporter is made aware that information previously submitted is incorrect. The reporter shall file a change within

45 days after being made aware that previously submitted information is incorrect. Information for which a change shall be filed includes but is not limited to the injured employee's social security number, date of injury, employer's name, and injured employee's name. A reporter shall also correct information used in calculation of the compensation rate including but not limited to marital status and number of exemptions, average weekly wage, and compensation rate at the time of the employee's injury. If a final decision by the workers' compensation division or a court of law changes any of the previously submitted information, the attorney for the employer and insurance carrier shall notify the reporter. The reporter shall file a change within 45 days of the final decision.

These rules are intended to implement Iowa Code sections 10A.310, 10A.313, 10A.314, 10A.315, and 85.26.

RA 26-343**WORKERS' COMPENSATION DIVISION[876]****Regulatory Analysis**

Notice of Intended Action to be published: 876—Chapter 2506
“Contested Cases”

Iowa Code section(s) or chapter(s) authorizing rulemaking: 10A.310(1)“a,” 17A, and Executive Order 10

State or federal law(s) implemented by the rulemaking: Iowa Code chapters 10A, 17A, and 85 through 85B

Public Hearing

A public hearing at which persons may present their views orally or in writing will be held as follows:

November 3, 2026
1 p.m.

6200 Park Avenue
Des Moines, Iowa
Via videoconference call:
[dial-iowa-gov.zoom.us/j/81654334225?](https://dial-iowa-gov.zoom.us/j/81654334225?pwd=5JUj7K10vOhVPFGUp2QWlyI2imRXx9.1)
[pwd=5JUj7K10vOhVPFGUp2QWlyI2imRXx9.1](https://dial-iowa-gov.zoom.us/j/81654334225?pwd=5JUj7K10vOhVPFGUp2QWlyI2imRXx9.1)

Public Comment

Any interested person may submit written or oral comments concerning this Regulatory Analysis, which must be received by the Workers' Compensation Division no later than 4:30 p.m. on the date of the public hearing. Comments should be directed to:

William Grell
Interim Workers' Compensation Commissioner
Iowa Workers' Compensation Division
6200 Park Avenue, Suite 100
Des Moines, Iowa 50321
Phone: 515.829.5993
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Purpose and Summary

Chapter 2506 contains emergency rules the Division adopted in response to the passage of the Uniform Rules on Agency Procedure, recently enacted by the Iowa Legislature. The Division did not adopt certain Uniform Rules related to contested case hearings (7—Chapter 2506) to maintain the procedural rights and guarantees within the workers' compensation system, which have developed over more than a century and offer greater protections than those outlined in the Uniform Rules on Agency Procedure.

The overarching purpose of Chapter 2506 is to ensure greater procedural protections for parties than afforded within the Uniform Rules on Agency Procedure as well as provide clear deadlines for the administration of contested cases before the Division. The rules comply with statutory deadlines for the administration of alternate medical care hearings and reduce confusion for litigants before the Division that would occur with significant changes in deadlines and procedures.

The main benefits provided by Chapter 2506 include continuity in the handling of the Division's contested cases, including deadlines, procedures, and discovery rights, and compliance with statutory

deadlines. This is evidenced by the continuation of contested case proceedings as usual despite changes with the implementation of the Uniform Rules on Agency Procedure and the adoption of Chapter 2506.

The Division's current structure and procedures operate more like district court proceedings than typical agency contested case proceedings. The vast majority of litigants appearing before the Division are represented by counsel. Counsel appearing before the Division are highly specialized and knowledgeable about the procedures involved in the workers' compensation process. Significant changes to the Division's contested case procedures would have significant impact upon those practitioners, injured workers, businesses, insurers, and the Second Injury Fund appearing before the Division. For litigants who elect to proceed pro se before the Division, the proposed contested case rules provide minimum procedural rights to ensure production and exchange of information prior to a formal hearing before the agency.

Contested cases coming before the Division vary in significant ways from contested cases before other State agencies. First, most of the Division's contested cases are brought by private citizens against their employer or its insurance carrier or both. Contested cases before the Division do not begin with governmental action. Instead, cases are initiated pursuant to Iowa Code section 85.26(3) by the filing of an original notice and petition. The Division's arbitration cases and review-reopening cases involve significant discovery and typically take approximately one year from the original notice and petition until a contested case hearing occurs.

Practical rules have been adopted over the decades to make the workers' compensation contested case process as efficient as possible. The Division seeks to repromulgate many of those rules for efficiency, which are not contained in the Uniform Rules on Agency Procedure. For instance, the Division has rules that mandate automatic service of medical records between parties. These rules ensure admissibility of medical records and reports without laying foundation for such evidence or requiring depositions of treating medical providers to admit their opinions. These rules serve as efficiencies within the Division's system and significantly reduce time and cost for the parties. Failure to adopt these rules would have a detrimental impact on the efficiency of the workers' compensation system and on the ultimate expense to the litigants appearing before the Division.

The Division also handles different types of contested cases that do not easily fit within the Uniform Rules on Agency Procedure. Alternate medical care hearings are governed by a statutory deadline. More information is contained in Iowa Code section 85.27. The Uniform Rules on Agency Procedure would not permit the Division to comply with the statutory deadline. Similarly, the Division is tasked with hearing health service (medical fee) disputes as well as applications for vocational training pursuant to Iowa Code section 85.70(2). Neither fits easily within the Uniform Rules on Agency Procedure, and specialized rules are necessary, which are found in Chapter 2506.

The Division has modernized and implemented an electronic filing system. The Division opted out of some of the Uniform Rules on Agency Procedure because they are not consistent with the operational abilities of the Division's current electronic filing system. Failure to implement these rules would require significant upgrade to, or modification of, the Division's computer filing system. Use of the Uniform Rules on Agency Procedure would require unnecessary duplication of efforts for documents that are automatically served on all parties when electronically filed.

For instance, the provisions of 7—subrule 2506.12(5) would require all documents exchanged by the parties to be filed with the Division. The Division's server literally could not host the hundreds of thousands of medical records, tax returns, personnel files, and discovery responses exchanged by parties every year and would require a significant upgrade with a significant fiscal impact to the Division not contemplated within the Division's budgetary constraints. Maintaining a vast quantity of unnecessary medical records, tax records, and personnel files would also pose an unnecessary risk of disclosure of personally identifiable information of users of the workers' compensation system.

The Division has determined that there is a need for continuity in the handling of its cases, including deadlines, procedures, and discovery rights. The Division has determined that the need to avoid a significant fiscal impact requires this proposed chapter. The Division has determined that

compliance with statutory deadlines also requires the adoption of these rules. Therefore, the Division opted out of certain Uniform Rules on Agency Procedure and proposes to adopt other rules.

The reference to 876—subrule 3.1(2) is to that subrule as published concurrently herein (**RA 26-338**, IAB 10/14/26).

Analysis of Impact

1. Persons affected by the proposed rulemaking:

- **Classes of persons that will bear the costs of the proposed rulemaking:**

There are no costs to the public associated with this proposed rulemaking.

- **Classes of persons that will benefit from the proposed rulemaking:**

Both injured workers and employers and their insurance carriers benefit from this proposed rulemaking because it maintains continuity in procedures for contested case proceedings before the Division. There is also benefit to the staff within the Division because the continuity in procedure prevents confusion and chaos and promotes efficiency within the system. This, in turn, reduces costs for litigants appearing before the Division and protects the procedural rights and guarantees that have developed over more than a century in Iowa.

2. Impact of the proposed rulemaking, economic or otherwise, including the nature and amount of all the different kinds of costs that would be incurred:

- **Quantitative description of impact:**

Not applicable.

- **Qualitative description of impact:**

Not applicable.

3. Costs to the State:

- **Implementation and enforcement costs borne by the agency or any other agency:**

There are no costs imposed by these proposed rules beyond the Division's statutory obligations. The costs allow for the essential functioning of the Division and therein the workers' compensation system for the entire State of Iowa. The costs cover staff needed to oversee compliance with Iowa's workers' compensation statutes, adjudicate the rights and liabilities of parties in workers' compensation claims, approve settlements in accordance with applicable statutes, and conduct appeals.

- **Anticipated effect on State revenues:**

There are no proposed changes to the agency's budget and no anticipated effect on State revenues.

4. Comparison of the costs and benefits of the proposed rulemaking to the costs and benefits of inaction:

There are no costs imposed by these proposed rules beyond the Division's statutory obligations. The cost of inaction would result in reversion to the Uniform Rules on Agency Procedure, which the Division has determined provide fewer procedural protections for parties appearing before the Division. Additionally, the Uniform Rules on Agency Procedure would not allow for Division compliance with statutory deadlines, and the confusion and inefficiencies that would result would have a significant fiscal impact.

5. Determination whether less costly methods or less intrusive methods exist for achieving the purpose of the proposed rulemaking:

All of the Division's rules were recently reviewed as part of the emergency rulemaking process associated with the implementation of the Uniform Rules on Agency Procedure. As such, considerations were made as to whether less costly or intrusive alternatives would accomplish the same benefit. Chapter 2506 deals with contested case proceedings and is primarily procedural in nature, so any provisions that would be considered intrusive are necessary due to statutory and/or judicial requirements and deadlines. As stated above, there are no costs imposed by these proposed

rules beyond the Division's statutory obligations. As a result, there are no less costly or less intrusive methods for achieving the purpose of this proposed rulemaking.

6. Alternative methods considered by the agency:

• **Description of any alternative methods that were seriously considered by the agency:**

The agency seriously considered adoption of the Uniform Rules on Agency Procedure but ultimately determined that was not a viable alternative to these rules.

• **Reasons why alternative methods were rejected in favor of the proposed rulemaking:**

As noted in greater detail above, the Division determined that there is a need for continuity in the handling of its cases, including deadlines, procedures, and discovery rights, so the Division opted out of certain Uniform Rules on Agency Procedure and adopted the rules in Chapter 2506 on an emergency basis earlier this year. The Division determined that the need to avoid a significant fiscal impact and comply with statutory deadlines required adopting the emergency rules. Therefore, the Division opted out of certain Uniform Rules on Agency Procedure and adopted other rules on an emergency basis.

Small Business Impact

If the rulemaking will have a substantial impact on small business, include a discussion of whether it would be feasible and practicable to do any of the following to reduce the impact of the rulemaking on small business:

- Establish less stringent compliance or reporting requirements in the rulemaking for small business.
- Establish less stringent schedules or deadlines in the rulemaking for compliance or reporting requirements for small business.
- Consolidate or simplify the rulemaking's compliance or reporting requirements for small business.
- Establish performance standards to replace design or operational standards in the rulemaking for small business.
- Exempt small business from any or all requirements of the rulemaking.

If legal and feasible, how does the rulemaking use a method discussed above to reduce the substantial impact on small business?

Chapter 2506 has no substantial impact on small business.

Text of Proposed Rulemaking

ITEM 1. Rescind 876—Chapter 2506 and adopt the following **new** chapter in lieu thereof:

CHAPTER 2506
CONTESTED CASES

The Uniform Rules on Agency Procedure, 7—Chapters 2500 through 2506, are rules generally applicable to agencies pursuant to Iowa Code section 17A.24. Additions, exceptions, or amendments to the corresponding chapter are below.

876—2506.4(17A) Electronic requests for contested case proceeding. This rule is not adopted.

876—2506.5(17A) Notice of hearing. This rule is not adopted.

876—2506.6(17A) Presiding officer.

2506.6(1) This subrule is not adopted.

2506.6(2) This subrule is not adopted.

2506.6(3) This subrule is not adopted.

876—2506.8(17A) Telephone proceeding. This rule is not adopted.

876—2506.11(17A) Pleadings. This rule is not adopted.

876—2506.12(17A) Electronic service and filing of pleadings and other papers.

2506.12(1) This subrule is not adopted.

2506.12(2) This subrule is not adopted.

2506.12(3) This subrule is not adopted.

2506.12(4) This subrule is not adopted.

2506.12(6) This subrule is not adopted.

876—2506.13(17A) Discovery. This rule is not adopted.

876—2506.15(17A) Motions. This rule is not adopted.

876—2506.16(17A) Prehearing conference. This rule is not adopted.

876—2506.17(17A) Continuances. This rule is not adopted.

876—2506.22(17A) Default. This rule is not adopted.

876—2506.23(17A) Ex parte communication.

2506.23(3) This subrule is not adopted.

876—2506.24(17A) Recording costs. This rule is not adopted.

876—2506.25(17A) Interlocutory appeals. This rule is not adopted.

876—2506.27(17A) Appeals and review. This rule is not adopted.

876—2506.28(17A) Applications for rehearing. This rule is not adopted.

876—2506.32(10A,17A,85) Contested cases. Contested case proceedings before the workers' compensation commissioner are:

2506.32(1) Arbitration as described in Iowa Code section 10A.317.

2506.32(2) Review-reopening of an award or a settlement as described in Iowa Code section 10A.317.

2506.32(3) Benefits as described in Iowa Code section 85.27.

2506.32(4) Death and burial benefits as described in Iowa Code sections 85.28, 85.29, and 85.31.

2506.32(5) Determination of dependency as described in Iowa Code sections 85.42 through 85.44.

2506.32(6) Equitable apportionment as described in Iowa Code section 85.43.

2506.32(7) Second injury fund as described in Iowa Code section 85.63 et seq.

2506.32(8) Vocational rehabilitation benefits as described in Iowa Code section 85.70(1).

2506.32(9) Vocational training and education as described in Iowa Code section 85.70(2).

2506.32(10) Approval of fees as described in Iowa Code section 10A.327.

2506.32(11) Commutation as described in Iowa Code section 85.45 et seq.

2506.32(12) Employee's examination as described in Iowa Code section 85.39.

2506.32(13) Determination of compliance with Iowa Code chapters 10A, 85 through 85B, and 87.

2506.32(14) Applications for alternate medical care as described in Iowa Code section 85.27.

2506.32(15) Determination of liability, reimbursement for benefits paid and recovery of interest as described in Iowa Code section 85.21.

2506.32(16) Interest as described in Iowa Code section 85.30.

2506.32(17) Penalty as described in Iowa Code section 10A.315.

2506.32(18) Application for approval of third-party settlement as described in Iowa Code section 85.22.

2506.32(19) Matters that would be a contested case if there were a dispute over the existence of material facts.

2506.32(20) Any other issue determinable upon evidential hearing that is under the jurisdiction of the workers' compensation commissioner.

There shall be no hearing in contested cases pursuant to subrules 2506.32(8) through 2506.32(12) unless otherwise ordered or requested in writing by the petition in the original notice or petition or by the respondent within ten days following the time allowed by these rules for appearance.

This rule is intended to implement Iowa Code sections 10A.310 and 17A.2(2) and chapter 85.

876—2506.33(10A) Separate evidentiary hearing—denial or delay of benefits. Entitlement to penalty benefits for unreasonable delay, denial, or termination of benefits, as provided in Iowa Code section 10A.315, shall be pled. Discovery shall be limited to matters discoverable in the absence of such pleading unless it is bifurcated. The claimant may bifurcate the denial or delay issue by filing and serving a notice of bifurcation at any time before a case is assigned for hearing, in which case discovery on that issue may proceed only after the final decision of the agency on all other issues.

This rule is intended to implement Iowa Code sections 10A.315, 10A.319, and 10A.321.

876—2506.34(10A,85,85A,85B,87) Compliance proceedings. If the workers' compensation commissioner shall have reason to believe that there has not been compliance with the workers' compensation law by any person or entity, the commissioner may on the commissioner's own motion give notice to the person or entity and schedule a hearing for the purpose of determining whether there has been compliance by the person or entity. The notice shall state the time and place of the hearing and a brief statement of the matters to be considered. The notice of hearing may be given by ordinary mail or by Workers' Compensation Electronic System (WCES) if the alleged noncompliant person or entity is registered in WCES and is currently participating in a contested case using WCES and may be given to the insurer for the employer in lieu of the employer as permitted by Iowa Code section 87.10 if the insurer has filed a report, pleading or motion that acknowledges that it is the insurer for the claim at issue. Following the hearing, the commissioner or a deputy workers' compensation commissioner may issue a finding regarding compliance. In the event a failure to comply is found, the commissioner may impose sanctions in accordance with Iowa Code section 10A.314, 10A.315 or 10A.316 or order compliance within a specified time and under specified circumstances. The commissioner may file a certified copy of the order in an appropriate district court and may file a certified copy of the order with the Iowa insurance division of the department of insurance and financial services with a request for action by the insurance division upon failure to comply with the order. Nothing in this rule shall prevent the commissioner from conducting an informal conference with any person or entity concerning problems of compliance prior to the initiation of a compliance proceeding.

This rule is intended to implement Iowa Code chapters 10A, 85 through 85B, and 87.

876—2506.35(10A,85,85A,85B,87) Commencement by the workers' compensation commissioner. In addition to an aggrieved party, the workers' compensation commissioner may initiate proceedings under subrule 2506.32(10). The proceeding may be held before a deputy workers' compensation commissioner or the commissioner. The commissioner shall be the only person to commence a proceeding under subrule 2506.32(13) unless such authority is specifically delegated by the commissioner to a deputy commissioner concerning a specific matter.

This rule is intended to implement Iowa Code chapters 10A, 85 through 85B, and 87.

876—2506.36(10A,17A,85) Original notice and petition. A petition or application must be delivered or filed with the original notice unless original notice Form 100, Form 100A, Form 100B, or Form 100D of the workers' compensation division is used.

2506.36(1) The original notice Form 100, Form 100A, Form 100B, Form 100C, Form 100D, or a determination of liability reimbursement for benefits paid and recovery of interest form shall provide for the data required in Iowa Code section 17A.12(2) and shall contain factors relevant to the contested case proceedings listed in rule 876—2506.32(10A,17A,85).

- a.* Form 100 is to be used for all contested case proceedings, except as indicated in this rule.
- b.* Form 100A is to be used for the contested case proceedings provided for in subrule 2506.32(12).
- c.* Form 100B is to be used for the contested case proceeding provided for in subrule 2506.32(8).
- d.* Form 100C is to be used for the contested case proceeding provided for in rules 876—2506.62(10A) and 876—2506.65(10A,17A,85).
- e.* Form 100D is to be used for the contested case proceeding provided for in rule 876—2506.67(10A,17A,85).
- f.* The application and consent order for payment of benefits under Iowa Code section 85.21 is to be used for contested case proceedings brought under Iowa Code section 85.21.
- g.* When a commutation is sought, Form 200 or Form 201 must be filed in addition to any other document.
- h.* The petition for declaratory order, approval of attorney fees, determination of compliance and other proceedings not covered in the original notice forms must accompany the original notice.

2506.36(2) At the same time and in the same manner as service of the original notice and petition, the claimant shall serve a patient's waiver using Form 3 (authorization for release of information regarding claimants seeking workers' compensation benefits), or a substantially equivalent form, which shall not be revoked until conclusion of the contested case. The claimant shall provide the patient's waivers in other forms and update the patient's waivers as necessary to permit full disclosure of discoverable information whenever requested by a medical practitioner or institution.

2506.36(3) A separate original notice and petition shall be filed for each claim that seeks benefits due to the occurrence of an injury, occupational disease or occupational hearing loss.

- a.* The original notice and petition shall allege a specific date of occurrence consisting of a day, month and year.
- b.* Alternate or multiple dates of occurrence may be alleged in the same original notice and petition if the claim or claims arose from the same occurrence or series of occurrences and uncertainty exists concerning the correct date of occurrence or the number of occurrences.
- c.* An employee may join any number of employers or insurance carriers in the same original notice and petition if the claim is made against them jointly, severally or in the alternative. The remedy for misjoinder must be requested by motion within a reasonable time after the grounds become known but in no event later than the claimant's case preparation completion date.
- d.* All remedies will be applied without prejudice to any claim or defense.
- e.* In addition to the remedies contained in Iowa R. Civ. P. 1.236, the workers' compensation commissioner may order that parts of a claim be severed and proceeded with separately or that separate related claims be joined or consolidated for administrative convenience or for any good cause. If a correction is ordered but not made by a date specified in the order, the original notice and petition may be dismissed without further notice. If the correction is made within the specified time, the correction relates back to the date of the initial filing for purposes of the statute of limitations.

This rule is intended to implement Iowa Code chapter 10A and sections 17A.12, 85.27, 85.45, and 85.48.

876—2506.37(17A,85) Delivery of notice, orders, rulings and decisions. Delivery of the original notice shall be made by the petitioning party as provided in Iowa Code section 17A.12(1), except that a party may deliver the original notice on a nonresident employer as provided in Iowa Code section 85.3. A proposed or final decision, order or ruling may be delivered by the workers' compensation division to any party by regular mail, by email or by WCES. Filing of a notice, ruling and decision in WCES is the official filing and start of any appeal or motion deadline.

This rule is intended to implement Iowa Code sections 17A.12 and 85.3.

876—2506.38(17A) Filing of notice.

2506.38(1) A contested case is commenced by filing the original notice and petition with the workers' compensation commissioner. No action shall be taken by the commissioner on any contested case against an adverse party unless the adverse party has answered or unless it can be shown by proper proof that the adverse party has been properly served. The original notice and petition if required by rule 876—2506.36(10A,17A,85) shall be accompanied by proof that the petitioner has deposited copies of such documents with the U.S. post office for delivery by certified mail, return receipt requested, upon the respondent or has submitted such copies to a proper person for delivery of personal service as in civil actions.

2506.38(2) Filing fee.

a. For all original notices and petitions for arbitration or review-reopening relating to weekly benefits filed on account of each injury, occupational disease or occupational hearing loss alleged, a filing fee shall be paid at the time of filing. The filing fee for petitions is \$125. No filing fee is due for the filing of other actions where the sole relief sought is one of the following or a combination of any of them:

- (1) Medical and other benefits under Iowa Code section 85.27;
- (2) Burial benefits under Iowa Code section 85.28;
- (3) Determination of dependency under Iowa Code sections 85.42 through 85.44;
- (4) Equitable apportionment under Iowa Code section 85.43;
- (5) Second injury fund under Iowa Code sections 85.63 through 85.69;
- (6) Vocational rehabilitation benefits under Iowa Code section 85.70(1);
- (7) Vocational training and education benefits under Iowa Code section 85.70(2);
- (8) Approval of legal, medical and other fees under Iowa Code section 10A.327;
- (9) Commutation under Iowa Code sections 85.45, 85.47 and 85.48;
- (10) Employee's examination under Iowa Code section 85.39;
- (11) Employee's examination or sanctions under Iowa Code section 85.39;
- (12) Application for alternate care under Iowa Code section 85.27;
- (13) Determination of liability, reimbursement for benefits paid and recovery of interest under Iowa Code section 85.21;
- (14) Interest under Iowa Code section 85.30;
- (15) Penalty under Iowa Code section 10A.315(4);
- (16) Application for approval of third-party settlement under Iowa Code section 85.22; and
- (17) Petitions for declaratory orders or petitions for interventions. An amendment to a petition that alleges an additional or alternate date of occurrence does not require payment of an additional filing fee if a filing fee was paid when the petition was filed.

b. A filing fee shall be required for each original notice and petition filed as required in paragraph 2506.38(2) "*a.*" If a party overpays a filing fee, the party may receive a refund. The party who made the overpayment must request a refund before June 1 of the fiscal year in which the overpayment occurred.

c. If no filing fee is paid at the time of filing of the original notice and petition, the workers' compensation commissioner shall return the original notice and petition to the party filing it. Filing an original notice and petition without paying the fee shall not toll the statute of limitations. Tendering an amount less than required will be considered failure to pay a filing fee.

d. The filing fee may be taxed as a cost to the losing party in the case. If the filing fee would impose an undue hardship or be unjust in the circumstances for the losing party, the filing fee may be taxed as costs to the winning party in the case. More information can be found in rule 876—2506.59(10A).

e. The filing fee shall be paid at the same time the petition is filed. The filing fee shall be paid electronically with a credit card, via automated clearing house (ACH), or by other electronic means as allowed by WCES unless an order granting permission for nonelectronic payment has been issued. If an order granting permission for nonelectronic payment has been issued, the party filing the petition shall issue a check payable to the Iowa Workers' Compensation Division. If the payment of the filing fee is made by an account with insufficient funds or the payment is stopped or the payment is otherwise not honored, it will be treated as a failure to pay the correct filing fee. More information can be found in paragraph 2506.38(2) "c." Nonelectronic payment will not be accepted without an order granting permission for nonelectronic payment. The statute of limitations is not tolled if a party has requested nonelectronic payment and is awaiting an order.

f. The workers' compensation commissioner may accept for filing an original notice and petition without prepayment of the filing fee if in the discretion of the commissioner the petitioner is unable to pay the fee at the time of filing. A deferral of payment of the filing fee shall only be granted upon written application by the petitioner. The application shall be filed at the same time the original notice and petition is filed. The application shall be in the form required by the commissioner and shall include an affidavit signed by the petitioner. When payment of the filing fee is deferred, provisions for payment of the filing fee must be included in any settlement submitted to the commissioner for approval or taxed as costs. When the application for deferral of payment of the filing fee is denied, the filing fee shall be paid as ordered. More information can be found in paragraph 2506.38(2) "c." The form for the application deferral of prepayment of fees (Form 102) shall not be filed using WCES. The document shall be filed in paper form. If the request for deferral of fees is granted, a claim will be established in WCES. Parties to the claim shall use WCES for future filings unless a party has been granted a waiver of the mandatory use of WCES.

g. Parties shall use the payment gateway in WCES to pay filing fees unless an order has been issued allowing deferral of the payment of the filing fee or payment outside of WCES. In addition to the filing fee, the parties shall pay the convenience fee charged by the financial institution that is processing payment for WCES. This cost may be recoverable under rule 876—2506.59(10A).

This rule is intended to implement Iowa Code section 17A.12.

876—2506.39(17A) Appearance and responses, pleadings, motions and settlements. Appearances and responses to pleadings and motions shall be made in WCES. Registration with the division of workers' compensation's WCES is required. Registration is accepted at efile.iowaworkcomp.gov. After a matter has been commenced and the respondent has been served with an original notice and filed an answer or appearance, subsequent filings or submissions in WCES do not require proof of service to parties of record who are registered with WCES. If a party has been granted a waiver of the mandatory use of WCES, the party shall include a proof of service for all parties of record. Attorneys will need to use the AT PIN or pro hac vice PIN assigned by the Iowa Supreme Court to be associated with a case in WCES. When an attorney is not representing a party, the employer or insurance carrier or the employer's or insurance carrier's agent or claimant shall register in WCES to file the settlement or medical data pursuant to 876—subrule 3.1(2). The filer will receive a status update for the information the filer submits based upon the status the filer selects when registering in WCES.

2506.39(1) Motions. Motions attacking a pleading must be served before responding to a pleading or, if no responsive pleading is required, upon motion made by a party within 20 days after the service of the pleading on such party.

2506.39(2) Time after motions attacking pleadings and special appearances. If a motion attacking a pleading is so disposed of as to require further pleading, such further pleading shall

be served within ten days after notice of the action of the workers' compensation commissioner or deputy workers' compensation commissioner. If the further pleading requires a response, the response shall be filed within ten days after service of the further pleading.

2506.39(3) *Form, submission and ruling on motions.*

a. All motions, including pre-answer motions and motions for summary judgment, shall have appended to them a concise memorandum brief and argument. All motions except motions for summary judgment shall be deemed submitted without hearing on the record presented on the tenth day following filing. Motions for summary judgment shall be deemed submitted as provided in Iowa R. Civ. P. 1.981. Resistances to motions shall have appended to them a concise memorandum brief and argument and shall be filed on or before the date of submission. Briefs and arguments are waived unless appended to the motion or resistance.

b. An order may be entered consolidating any motion for ruling with the hearing of the contested case. Any party desiring a ruling on a motion prior to the hearing may concisely set forth the necessity of prior ruling in the motion, application or resistance. If a pre-answer motion alleging lack of jurisdiction is overruled or consolidated with hearing of the contested case, the party shall plead to the merits and proceed to hearing of the contested case without submitting to the jurisdiction of the commissioner. If a motion attacking a pleading is consolidated with hearing of the contested case, the party shall respond to the pleading in the same manner as if the motion had been overruled.

2506.39(4) *Withdrawal of counsel.*

a. Counsel may withdraw if another counsel has appeared or if the client's written consent accompanies the withdrawal.

b. Under all other circumstances, counsel may withdraw only upon the order of the commissioner after making written application. Counsel shall give the client written notice that the client has the right to object to the withdrawal by filing written objections and a request for a hearing to the Workers' Compensation Division, 6200 Park Avenue, Suite 100, Des Moines, Iowa 50321, within ten days following the date the notice was mailed or personally delivered to the client. The client's response does not need to be filed in WCES but may be mailed or delivered to the division. Counsel's application shall be accompanied by proof that a copy of the application and notice was sent by certified mail addressed to the client's last-known address or was delivered to the client personally. If no objections are timely filed, the withdrawal will become effective when approved by the commissioner. If objections are timely filed, a hearing on the application will be held. No withdrawal under this subrule will be effective without the approval of the commissioner. The filing of an application to withdraw stays all pending matters until a ruling is made on the application.

2506.39(5) *Pro hac vice.* An out-of-state attorney desiring to appear pro hac vice in an Iowa workers' compensation division case is required to access the office of professional regulation/supreme court commissions (OPR/SCC) website, submit certain personal information to complete pertinent fields in the lawyer database, and pay a fee that will be deposited in the client security trust fund. The registration and fee payment allow the attorney to apply to appear pro hac vice in division of workers' compensation cases, subject to the limits and requirements of Iowa Ct. R. 31.14, for a period of up to five years from the date of registration. Attorneys who register and pay the fee appear in the OPR/SCC database with the status of "pro hac vice." The division of workers' compensation will request from the Iowa courts that a pro hac vice number be issued and will provide that number to the out-of-state attorney for registration with WCES. The affiliated in-state attorney shall file in WCES the application to appear pro hac vice completed by the out-of-state attorney using a pleading that is substantially similar to Iowa Ct. R. 31.25—Form 1.

This rule is intended to implement Iowa Code section 17A.12.

876—2506.40(10A,87) Insurance carrier as a party. Whenever any insurance carrier shall issue a policy with a clause in substance providing that jurisdiction of the employer is jurisdiction of the insurance carrier, the insurance carrier shall be deemed a party in any action against the insured.

This rule is intended to implement Iowa Code chapter 10A and section 87.10.

876—2506.41(17A) Signatures on documents and papers. All documents and papers required by these rules, the Iowa Rules of Civil Procedure as applicable, or a statutory provision shall be signed by the party if unrepresented or the party's attorney if represented. The party's signature in addition to the attorney's signature shall be necessary only when otherwise required by these rules, the Iowa Rules of Civil Procedure as applicable, and any statutory provision. Iowa R. Elec. P. 16.305 concerning signatures is applicable to WCES.

This rule is intended to implement Iowa Code section 17A.12.

876—2506.42(10A,17A) Service on parties. Any document or paper not delivered under rules 876—2506.36(10A,17A,85) and 876—2506.37(17A,85) that is to be filed and seeks relief from or action against another party, or that has any significant effect on any contested case, shall be served on each party of record under rule 876—2506.43(10A,17A).

This rule is intended to implement Iowa Code sections 10A.319 and 17A.12.

876—2506.43(10A,17A) Method of service.

2506.43(1) Except as provided in rules 876—2506.36(10A,17A,85) and 876—2506.37(17A,85), service of all documents and papers to be served according to this chapter or otherwise upon a party represented by an attorney shall be made upon the attorney unless service upon the party is ordered by the workers' compensation commissioner or deputy workers' compensation commissioner.

2506.43(2) Service upon the attorney or party shall be made using WCES once a party or party's attorney has registered in WCES for the claim being contested. If a party has been granted a waiver of the mandatory use of WCES or if a party or attorney has not appeared in WCES, service upon the attorney or party shall be made by delivery of a copy or mailing a copy to the last-known address of the attorney or party or, if no address is known, by filing a copy with the division of workers' compensation.

2506.43(3) Delivery of a copy within this rule means:

- a. Handing it to the attorney or party;
- b. Leaving it at the office of the attorney or party's office or with the person in charge of the office; if there is no one in charge of the office, leaving it in a conspicuous place in the office; or if the office is closed or the person to be served has no office, leaving it at the person's dwelling house or usual place of abode with some person of suitable age and discretion who is residing at the dwelling or abode;

2506.43(4) Service by mail under this rule is complete upon mailing.

2506.43(5) Documents that are served on a party for discovery and medical evidence under rules 876—2506.44(10A) and 876—2506.47(10A) shall not be filed with the division of workers' compensation.

2506.43(6) No documents or papers referred to in this rule shall be served by the commissioner.

This rule is intended to implement Iowa Code sections 10A.319 and 17A.12.

876—2506.44(10A) Filing of documents and papers. All documents and papers required to be served on a party under rule 876—2506.42(10A,17A) shall be filed with the workers' compensation commissioner either before service or within a reasonable time thereafter. No deposition, notice of deposition, notice of requests for discovery, notice of responses to requests for discovery, or notice of medical records and reports required to be served by rule 876—2506.46(10A) shall be filed with or accepted for filing in WCES unless ordered by the commissioner or a deputy workers' compensation commissioner, or its use becomes otherwise necessary in the action, in which case it shall be attached to the relevant motion or response to the motion requiring its use, or unless offered as evidence at hearing of the contested case.

This rule is intended to implement Iowa Code section 10A.319.

876—2506.45(10A) Proof of service. Proof of service of all documents and papers to be served on another party under rule 876—2506.42(10A,17A) shall be filed with the division of workers'

compensation promptly and, in any event, before action is to be taken thereon by the workers' compensation commissioner or a deputy workers' compensation commissioner or any party unless a responsive pleading has been filed. Proof shall be made by filing the document in WCES when another party is registered in WCES for that claim. If a party or a party's attorney or representative is not in WCES for the claim being contested, the proof shall show the date and manner of service and may be by written acknowledgment of service, by certification of a member of the bar of this state, by affidavit of the person who served the papers, or by any other proof satisfactory to the commissioner.

This rule is intended to implement Iowa Code section 10A.319.

876—2506.46(10A) Service of records and reports.

2506.46(1) Each party to a contested case shall serve all records received pursuant to a patient's waiver (Form 3—authorization for release of information regarding claimants seeking workers' compensation benefits) and medical records and reports concerning the injured worker in the possession of the party upon each opposing party not later than 20 days following filing of an answer or, if not then in possession of a party, within 10 days of receipt.

a. Medical records and reports are records of medical practitioners and institutions concerning the injured worker.

b. Medical practitioners and institutions include physicians, physician associates, surgeons, osteopathic physicians and surgeons, chiropractors, dentists, nurses, podiatrists, psychiatrists, psychologists, counselors, hospitals, clinics, persons engaged in physical or vocational rehabilitation or evaluation for rehabilitation, and all other practitioners of the healing arts or sciences and all other institutions in which the healing arts or sciences are practiced.

2506.46(2) Each party shall serve a notice accompanying the records and reports identifying the records and reports served by the name of the practitioner or institution or other source and date of the records and reports and, if served later than 20 days following filing of the answer, stating the date when the records and reports were received by the party serving them. Pursuant to rule 876—2506.44(10A), the notice and records and reports shall not be filed with the workers' compensation commissioner.

2506.46(3) A party failing to comply with the provisions of this rule shall, if the failure is prejudicial to an opposing party, be subject to the provisions of rule 876—2506.62(10A). This rule does not require a party to serve any record or report that was previously served by another party in a contested case proceeding. Compliance with this rule does not automatically permit a record or report to be received into evidence if the record or report was not served prior to an applicable deadline established by rule or order for completing discovery or service of exhibits.

This rule is intended to implement Iowa Code sections 10A.310 and 10A.319.

876—2506.47(10A) Medical evidence and discovery. Discovery in workers' compensation proceedings is governed by the Iowa Rules of Civil Procedure pursuant to rule 876—2506.61(10A,17A). Any relevant medical record or report served upon a party in compliance with these rules prior to any deadline established by order or rule for service of the records and reports shall be admissible as evidence at hearing of the contested case unless otherwise provided by rule. Any party against which a medical record or report may be used shall have the right, at the party's own initial expense, to cross-examine by deposition the medical practitioner producing the record or report and the deposition shall be admissible as evidence in the contested case.

This rule is intended to implement Iowa Code sections 10A.310 and 10A.319.

876—2506.48(10A) Prehearing procedure.

2506.48(1) Prehearing procedure in contested cases shall be administered in accordance with these rules and the orders issued by the workers' compensation commissioner or a deputy workers' compensation commissioner.

2506.48(2) Counsel of record and pro se litigants have a duty to exercise reasonable diligence to bring the contested case to hearing at the earliest reasonable opportunity.

2506.48(3) The following time limits govern prehearing procedure, completion of discovery and case management in contested cases, except proceedings under rules 876—2506.64(10A,17A,85) and 876—2506.65(10A,17A,85) and except when otherwise ordered by the commissioner or a deputy commissioner.

a. Within 120 days, but not less than 60 days, following the filing of a petition, the counsel of record for all parties and all pro se litigants shall utilize WCES scheduling procedures to request an available hearing time slot consistent with the presiding deputy commissioner's hearing schedule. The claimant has primary responsibility for initiating the contact. The parties shall identify the case by file number and the names of the parties and request that the hearing be set at a specific date, place and time that is shown to be available on the hearing scheduler published on the division's website. Primary and backup times must be requested for hearings in venues other than Des Moines. When the contact is made by email, a copy of the request shall be sent to each opposing party and the hearing administrator will reply indicating whether or not the case is assigned at the time requested. If a request is denied, the parties shall continue to contact the hearing administrator by telephone or email until the case is scheduled or a prehearing conference is ordered. A joint scheduling contact may be initiated by any party at any other time agreeable to the parties. If more than 120 days have elapsed since the petition was filed, any party may move to schedule the hearing at a particular date, time and place that is available and the hearing administrator may assign the case for hearing at that date, time and place. The hearing date shall be within 12 months following the date the petition was filed or as soon thereafter as reasonably practicable as determined by the hearing administrator. If the parties fail to schedule the hearing with the hearing administrator, the case will be scheduled at the discretion of the hearing administrator without prior notice to the parties.

b. A party who intends to introduce evidence from an expert witness, including a rebuttal expert witness, shall certify to all other parties the expert's name, subject matter of expertise, and qualifications and a summary of the expert's opinions within the following time period:

- (1) Claimant—120 days before hearing;
- (2) Employer/second injury fund of Iowa—90 days before hearing;
- (3) Rebuttal—60 days before hearing.

Certification is not required to introduce evidence from an examining physician pursuant to Iowa Code section 85.39, a treating physician, or a vocational consultant if the expert witness is known by all parties to have personally provided services to the claimant and the witness's reports are served on opposing parties prior to the date when certification is required. The parties may alter these times by written agreement.

c. Discovery responses must be supplemented as required in Iowa R. Civ. P. 1.503(4) and 1.508(3) and shall be supplemented within 20 days after a party requests supplementation. All discovery responses, depositions, and reports from independent medical examinations shall be completed and served on opposing counsel and pro se litigants at least 30 days before hearing. The parties may alter these times by written agreement.

d. At least 30 days before hearing, counsel of record and pro se litigants shall serve a witness list and exhibit list on all opposing counsel and pro se litigants and exchange all intended exhibits that were not previously required to be served.

(1) The witness list shall name all persons, except the claimant, who will be called to testify at the hearing or who will be deposed prior to the hearing in lieu of testifying at the hearing.

(2) The exhibit list must specifically identify each exhibit in a way that permits the opposing party to recognize the exhibit.

(3) The description for a document should include the document's date, number of pages and author or source.

(4) Exhibits that were specifically identified when served pursuant to rule 876—2506.46(10A) or in a discovery response may be collectively identified by describing the service (e.g., "exhibits

described in the notices served pursuant to rule 876—2506.46(10A) on May 7, June 11 and July 9, 2004”). Blanket references, such as “all medical records,” “personnel file” or “records produced during discovery,” do not specifically identify an exhibit.

(5) A party may serve a copy of the actual intended exhibits in lieu of an exhibit list.

(6) Evidentiary depositions pursuant to Iowa Code section 10A.319(2) may be taken at any time before the hearing in lieu of the witness testifying at the hearing.

e. At least 14 days before the hearing, the parties shall file proposed hearing exhibits.

(1) The proposed joint exhibits shall not exceed 100 pages. The proposed claimant’s exhibits shall not exceed 50 pages.

(2) The proposed defendants’ exhibits shall not exceed 50 pages.

(3) The commissioner or a deputy commissioner may, upon a showing of good cause, allow proposed hearing exhibits in excess of the page limits mentioned herein.

2506.48(4) If evidence is offered at hearing that was not disclosed in the time and manner required by these rules, as altered by order of the commissioner or a deputy commissioner or by a written agreement by the parties, the evidence will be excluded unless the offering party demonstrates good cause for failure to comply with the rules or order. Sanctions may be imposed pursuant to rule 876—2506.62(10A) in addition to or in lieu of exclusion if exclusion is not an effective remedy for the prejudice.

2506.48(5) Counsel and pro se litigants shall prepare a hearing report that defines the claims, defenses, and issues that are to be submitted to the deputy commissioner who presides at the hearing. The hearing report shall be signed by all counsel of record and pro se litigants and submitted to the deputy commissioner when the hearing commences.

2506.48(6) Jurisdictional deadlines, including but not limited to any applicable statute of limitations, cannot be extended. It is each party’s responsibility to ensure that a document is filed timely to comply with jurisdictional deadlines. A technical failure, including a failure of WCES, will not excuse a failure to comply with a jurisdictional deadline.

2506.48(7) A party is not excused from missing a jurisdictional or nonjurisdictional filing deadline because of problems attributable to the party.

This rule is intended to implement Iowa Code chapter 10A.

876—2506.49(10A) Prehearing conference. A deputy workers’ compensation commissioner or the workers’ compensation commissioner may order parties in the case to either appear before the commissioner or a deputy commissioner for a conference, or communicate with the commissioner or a deputy commissioner and with each other in any manner as may be prescribed to consider, so far as applicable to the particular case:

2506.49(1) The necessity or desirability of amending pleadings by formal amendment or prehearing order;

2506.49(2) Agreeing to admissions of facts, documents or records not really controverted, to avoid unnecessary proof;

2506.49(3) Limiting the number of witnesses;

2506.49(4) Settling any facts of which the commissioner or a deputy commissioner is to be asked to take official notice;

2506.49(5) Stating and simplifying the factual and legal issues to be determined;

2506.49(6) Specifying the items and amounts of compensation claimed;

2506.49(7) Specifying all proposed exhibits and proof thereof;

2506.49(8) Consolidation of cases and bifurcation of issues;

2506.49(9) Specifying all witnesses expected to testify;

2506.49(10) Possibility of settlement;

2506.49(11) Filing of advance briefs, if any;

2506.49(12) Setting or altering dates for completion of discovery or completion of medical evidence by each party;

2506.49(13) Any other matter which may facilitate, expedite, or simplify any contested case. This rule is intended to implement Iowa Code sections 10A.318 and 10A.319.

876—2506.50(10A) Prehearing conference record. At the request of any attorney in the case, or at the discretion of a deputy workers' compensation commissioner or the workers' compensation commissioner, the entire prehearing conference or any designated part thereof shall be recorded and the cost of the reporter shall be assessed to the requesting party or, if directed by the commissioner or deputy commissioner, assessed as costs.

This rule is intended to implement Iowa Code sections 10A.318 and 10A.319.

876—2506.51(10A) Assignment for hearing. Contested cases shall be set for hearing within the discretion of the workers' compensation commissioner as soon as practicable after the parties have had adequate opportunity to prepare for hearing. A party may request in writing that no hearing in a contested case be held until such time as specified matters have been accomplished or specified events have occurred. Continuances of hearings in contested cases shall be granted only by the commissioner or the commissioner's designee. Continuances are governed by Iowa R. Civ. P. 1.910 through 1.912. Requests for continuance shall also state in detail the reasons for the request and whether the opposing party accedes to the request. Defendants shall promptly notify the commissioner of settlements.

This rule is intended to implement Iowa Code sections 10A.310 and 10A.319.

876—2506.52(10A,17A,85,85A,85B) Rehearing. Any party may file an application for rehearing of a proposed decision in any contested case by a deputy workers' compensation commissioner or a decision in any contested case by the workers' compensation commissioner within 20 days after the issuance of the decision. If a party has been allowed to file not using WCES or a party to the claim is not in WCES, a copy of such application shall be timely mailed by the applicant to all parties of record not joining therein. An application for rehearing shall be deemed denied unless the deputy commissioner or commissioner rendering the decision grants the application within 20 days after its filing. For purposes of this rule, motions or requests for reconsideration or new trial or retrial or any reexamination of any decision, ruling, or order shall be treated the same as an application for rehearing.

This rule is intended to implement Iowa Code chapters 10A, 17A, and 85 through 85B.

876—2506.53(10A,17A) Appeal when rehearing requested. An appeal to or a review on a motion of the workers' compensation commissioner must be filed within 20 days after the application for rehearing of a proposed decision by a deputy workers' compensation commissioner under rule 876—2506.52(10A,17A,85,85A,85B) has been denied or deemed denied or a decision on rehearing has been issued. If a notice of appeal is filed by one party and an application for rehearing is filed by a different party, the deputy retains jurisdiction to act on the application for rehearing, and the notice of appeal is stayed and deemed to have been filed on the day after the application for rehearing is denied or deemed denied or the decision on rehearing is issued.

This rule is intended to implement Iowa Code sections 10A.321, 17A.15, and 17A.16.

876—2506.54(10A,17A) Appeal.

2506.54(1) Except as provided in rules 876—2506.33(10A) and 876—2506.53(10A,17A), an appeal to the workers' compensation commissioner from a decision, order or ruling of a deputy workers' compensation commissioner in contested case proceedings shall be commenced within 20 days of the filing of the decision, order or ruling by filing a notice of appeal with the workers' compensation commissioner. If two or more contested cases were consolidated for hearing, the notice of appeal shall specify which of the contested cases are being appealed. The date the notice of appeal is filed shall be the date the notice of appeal is received by the agency. The notice shall be served on the opposing parties as provided in rule 876—2506.43(10A,17A). An appeal shall be heard in Polk County or in any location designated by the commissioner.

2506.54(2) An interlocutory decision, order or ruling can be appealed only as hereinafter provided. A decision, order or ruling is interlocutory if, when issued, it does not dispose of all issues in the contested case that are ripe for adjudication. If the sole issue remaining for determination is claimant's entitlement to additional compensation for unreasonable denial or delay of payment pursuant to Iowa Code section 10A.315, the decision is not interlocutory. An adjudication that awards ongoing payments of weekly compensation under Iowa Code section 85.33 or 85.34(1) is not interlocutory. The commissioner may, upon application from any party or on the commissioner's own motion, and upon such terms as the commissioner orders, grant an appeal from an interlocutory decision, order or ruling if the commissioner finds that the ruling affects substantial rights, that the ruling will materially affect the final decision and that determination of the correctness of the ruling will better serve the interests of justice.

2506.54(3) A cross-appeal may be taken under this rule or rule 876—2506.53(10A,17A) in the same manner as an appeal within the 20 days for the taking of an appeal or within 10 days after filing of the appeal, whichever is later.

This rule is intended to implement Iowa Code sections 10A.321 and 17A.15.

876—2506.55(10A) Briefing requirements on appeal.

2506.55(1) The workers' compensation commissioner shall decide an appeal upon the record submitted to the deputy workers' compensation commissioner unless the commissioner is satisfied that additional newly discovered material evidence exists, which could not have been discovered and produced at the hearing with reasonable diligence. A party must file a request for taking additional evidence in WCES within 20 days after the notice of appeal was filed. If a party has been granted a waiver of the mandatory use of WCES, the party shall file the request for taking additional evidence with the division of workers' compensation and serve a copy on the other parties. Any briefs required or allowed by this rule shall be filed promptly following service. The agency will take additional evidence only if the party establishes that the evidence is material, that good cause existed for its not being presented at the hearing, and that the party has not waived the right to present the evidence.

2506.55(2) Time for serving briefs. An appellant shall serve the appellant's brief within 50 days after the date on which the notice of appeal was filed, or within 20 days after the filing of the hearing transcript, whichever date is later. An appellee shall serve the appellee's brief within 20 days after service of the brief of the appellant. If the appellant serves a reply brief, it shall be done within ten days after service of the appellee's brief.

2506.55(3) Cross-appeals. In the event of a cross-appeal, an appellee (cross-appellant) shall serve the appellee's brief within 20 days after service of the brief of an appellant. The appellant (cross-appellee) shall serve the appellant's responsive reply brief within 20 days after service of the brief of the appellee. The appellee (cross-appellant) may serve a reply brief within ten days after service of the appellant's reply brief. When more than one party appeals, the party filing the first notice of appeal will be designated the appellant and the party filing a subsequent notice of appeal will be designated the cross-appellant.

2506.55(4) Multiple adverse parties. In cases involving multiple appeals involving multiple claimants, employers, insurance carriers or the second injury fund, the commissioner shall enter an order establishing a briefing schedule.

2506.55(5) Form of briefs. Respective briefs and exceptions on appeal shall include the following:

- a. Statement of the case.
- b. Statement of the issues on appeal.
- c. An argument corresponding to the separately stated issues and contentions of an appellant with respect to the issues presented and reasons for them, with specific reference to the page or pages of the transcript that are material to the issues on appeal.
- d. A short conclusion stating the precise relief sought.

An appellee may submit a brief on appeal replying to the issues presented by the appellant unless a cross-appeal is made, in which case the brief of the appellee shall contain the issues and argument involved in the cross-appeal as well as the response to the brief of the appellant.

2506.55(6) Length of briefs. Information on length of briefs can be found in rule 876—2506.63(10A,17A).

2506.55(7) Extensions. One extension of up to 30 days will be granted if a motion to extend the time is served on or before the date service of the brief that is required by this rule. A subsequent extension requires a motion showing good cause. The commissioner may grant a party the right to serve and file a brief after the time to do so has expired if the appeal or cross-appeal has not been dismissed or decided, the party moves for relief within 60 days from the date service of the brief was due, and the motion shows that the failure to timely serve the brief was due to a good cause that could not have been avoided through the exercise of reasonable diligence.

2506.55(8) Issues considered on appeal. The appeal will consider the issues presented for review by the appellant and cross-appellant in their briefs and any issues necessarily incident to or dependent upon the issues that are expressly raised, except as provided in rule 876—2506.56(10A,17A). An issue will not be considered on appeal if the issue could have been but was not presented to the deputy commissioner. An issue raised on appeal is decided de novo, and the scope of the issue is viewed broadly. If the ruling from which the appeal was taken made a choice between alternative findings of fact, conclusions of law, theories of recovery or defenses and the alternative selected in the ruling is challenged as an issue on appeal, de novo review includes reconsideration of all alternatives that were available to the deputy commissioner.

2506.55(9) Sanctions. If an appellant's brief or cross-appellant's brief is not served and filed within the time required by this rule, including any extension, the party defending against the appeal or cross-appeal may move for dismissal. If an appellant's brief or cross-appellant's brief is not served within 30 days after the time required by these rules, including any extension, the commissioner will notify the party in default that upon 15 days from service of the notification the appeal or cross-appeal will be dismissed for want of prosecution unless the default is remedied within that period. If the default is not remedied, the appeal or cross-appeal will be dismissed. If an appellee's brief or a cross-appellee's brief is not served and filed, the appeal will be decided without reference to that brief.

This rule is intended to implement Iowa Code section 10A.321.

876—2506.56(10A,17A) Review upon motion. Except as provided in rule 876—2506.53(10A,17A), the workers' compensation commissioner may review the decision, order or ruling of a deputy workers' compensation commissioner in any contested case upon the commissioner's own motion. Except as provided in rule 876—2506.53(10A,17A), the motion to review a decision, order or ruling in all contested cases must be filed within 20 days of the filing of the decision, order or ruling. The commissioner shall specify in a notice filed in WCES or mailed to the parties by certified mail, return receipt requested, on the date of filing of the motion the issues to be reviewed and the additional evidence, if any, to be obtained by the parties. The hearing under this rule shall be heard in Polk County or in any locality designated by the commissioner.

This rule is intended to implement Iowa Code sections 10A.321 and 17A.15.

876—2506.57(10A,17A) Transcript on appeal or review. When an appeal to or a review on a motion of the workers' compensation commissioner is taken pursuant to rule 876—2506.54(10A,17A) or 876—2506.56(10A,17A), a transcript of the proceedings before the commissioner shall be filed with the commissioner within 30 days after the notice of the appeal is filed with the commissioner. The appealing party shall bear the initial cost of transcription on appeal and shall pay the certified shorthand reporter or service for the transcript. In the event there is a cross-appeal, the appellant and cross-appellant shall share the cost of the transcript. In the event the cost of the transcript has been initially borne by a nonappealing party prior to appeal, the nonappealing party is entitled to

reimbursement within 30 days after serving on the appealing party proof of the cost of the transcript. If not so reimbursed, the appeal may be dismissed.

This rule is intended to implement Iowa Code sections 10A.320, 10A.321, 10A.328, 17A.12, and 17A.15.

876—2506.58(10A) Recording of proceedings. The workers' compensation commissioner may arrange for the attendance of a certified shorthand reporter or mechanical means to record proceedings in contested cases. The commissioner may require a defendant employer or on appeal to the commissioner, an appellant, to arrange for the attendance of a certified shorthand reporter or adequate mechanical means of recording the proceedings. The charges for attendance shall be paid initially to the certified shorthand reporter or service by the defendant employer or, on an appeal to the commissioner, the appellant. The charges shall be taxed as costs. The party initially paying the expense shall be reimbursed by the party taxed with the cost. If the expense is unpaid, it shall be paid by the party taxed with the cost.

This rule is intended to implement Iowa Code section 10A.320.

876—2506.59(10A) Costs.

2506.59(1) Costs taxed by the workers' compensation commissioner or a deputy workers' compensation commissioner shall be:

- a.* Costs of attendance of a certified shorthand reporter or presence of mechanical means at hearings and evidential depositions;
- b.* Transcription costs when appropriate;
- c.* Costs of service of the original notice and subpoenas;
- d.* Witness fees and expenses as provided by Iowa Code sections 622.69 and 622.72;
- e.* The costs of doctors' and practitioners' deposition testimony, provided that said costs do not exceed the amounts provided by Iowa Code sections 622.69 and 622.72;
- f.* The reasonable costs of obtaining no more than two doctors' or practitioners' reports;
- g.* Filing fees when appropriate, including convenience fees incurred by using the WCES payment gateway; and
- h.* Costs of persons reviewing health service disputes.

2506.59(2) Costs of service of notice and subpoenas shall be paid initially to the serving person or agency by the party utilizing the service. Expenses and fees of witnesses or of obtaining doctors' or practitioners' reports initially shall be paid to the witnesses, doctors or practitioners by the party on whose behalf the witness is called or by whom the report is requested. Witness fees shall be paid in accordance with Iowa Code section 622.74. Proof of payment of any cost shall be filed with the commissioner before costs are taxed. The party initially paying the expense shall be reimbursed by the party taxed with the cost. If the expense is unpaid, it shall be paid by the party taxed with the cost. Costs are to be assessed at the discretion of the deputy commissioner or commissioner hearing the case unless otherwise required by the Iowa Rules of Civil Procedure governing discovery.

This rule is intended to implement Iowa Code section 10A.328.

876—2506.60(10A,17A) Dismissal for lack of prosecution. It is the declared policy that in the exercise of reasonable diligence, all contested cases before the workers' compensation commissioner, except under unusual circumstances, shall be brought to issue and heard at the earliest possible time. To accomplish such purpose, the commissioner may take the following action:

2506.60(1) Any contested case, where the original notice and petition is on file in excess of two years, may be subject to dismissal after the notice described in subrule 2506.60(2) is sent to all parties and after the time as provided for in the notice.

2506.60(2) After the circumstances provided in subrule 2506.60(1) occur, all parties to the action, or their attorneys, shall be sent a notice from the division of workers' compensation by certified mail containing the following:

- a. The names of the parties;
- b. The date or dates of injury involved in the contested case or appeal proceeding;
- c. Counsel appearing;
- d. Date of filing of the petition or appeal;
- e. That the contested case proceeding will be dismissed without prejudice on the thirtieth day following the date of the notice unless good cause is shown why the contested case proceeding should not be dismissed.

2506.60(3) The action or actions dismissed may, at the discretion of the commissioner, and shall, upon a showing that such dismissal was the result of oversight, mistake or other reasonable cause, be reinstated. Applications for such reinstatement, setting forth the grounds, shall be filed within three months from the date of dismissal.

This rule is intended to implement Iowa Code sections 10A.310, 10A.319, and 17A.3(1) "b."

876—2506.61(10A,17A) Iowa Rules of Civil Procedure. The Iowa Rules of Civil Procedure shall govern the contested case proceedings before the workers' compensation commissioner unless the provisions are in conflict with these rules and Iowa Code chapters 10A, 17A, 85 through 85B, and 87. In those circumstances, these rules or the appropriate Iowa Code section shall govern. Where appropriate, reference to the word "court" shall be deemed reference to the "workers' compensation commissioner" and reference to the word "trial" shall be deemed reference to "contested case hearing."

This rule is intended to implement Iowa Code sections 10A.310, 17A.1, and 17A.12 through 17A.14.

876—2506.62(10A) Compliance with order or rules. If any party to a contested case or an attorney representing such party shall fail to comply with these rules or any order of a deputy workers' compensation commissioner or the workers' compensation commissioner, the deputy commissioner or commissioner may impose sanctions that may include dismissing the action without prejudice, excluding or limiting evidence, assessing costs or expenses, and closing the record in whole or in part to further activity by the party.

This rule is intended to implement Iowa Code section 10A.310.

876—2506.63(10A,17A) Length of briefs. Except by permission of the presiding deputy workers' compensation commissioner or by permission of the workers' compensation commissioner when an appeal pursuant to rule 876—2506.54(10A,17A) has been filed, principal briefs shall not exceed 50 Arabic-numbered pages. Reply briefs shall not exceed 25 Arabic-numbered pages. In the event of a cross-appeal, an appellant's (cross-appellee's) responsive reply brief shall be considered a principal brief. The type used shall not be smaller than pica type, and each line shall contain an average of no more than 60 characters. If a brief is submitted in excess of the length allowed in this rule, the portion exceeding the allowable length will not be considered. This rule does not prohibit a presiding deputy commissioner or the commissioner from limiting the length of a brief. An exception to this rule is the length of briefs (three pages) in an application for alternate care.

This rule is intended to implement Iowa Code sections 10A.310, 10A.319, 10A.321, 17A.12, and 17A.15.

876—2506.64(10A,17A,85) Contested case proceedings—health service disputes.

2506.64(1) More information about informal resolution procedures and definitions can be found in rule 876—10.3(17A,85,86). The following definition also applies to this rule:

"Petitioning party" means the person who requests or initiates a contested case proceeding.

2506.64(2) If utilization of the procedures given in rule 876—10.3(17A,85,86) does not resolve the dispute and the parties have complied with the good faith requirements of rule 876—10.1(17A,85,86), a contested case may be initiated. The procedures given in rule 876—10.3(17A,85,86) must be used prior to initiation of a contested case. The provider or the

responsible party that is unwilling to accept the determination of the person making a determination after reviewing the dispute as provided in rule 876—10.3(17A,85,86) shall initiate the contested case proceeding. The proceeding shall be initiated as provided in this chapter and Iowa Code chapter 17A and shall follow the provisions of this rule. The proceeding must be initiated within 30 days of the date of the determination made pursuant to rule 876—10.3(17A,85,86). If a contested case proceeding is not initiated or is not initiated within the time provided in this rule, the allowed amount of the charge by the provider shall be the amount determined pursuant to rule 876—10.3(17A,85,86).

2506.64(3) The evidence submitted in the contested case proceeding shall be limited to the evidence submitted pursuant to rule 876—10.3(17A,85,86) and a copy of the determination made pursuant to rule 876—10.3(17A,85,86). This evidence shall be filed by the party requesting the contested case proceeding at the time the contested case proceeding is initiated. However, the workers' compensation commissioner may request that additional evidence be submitted or may grant submission of additional evidence if the commissioner is satisfied that there exists additional material evidence, newly discovered, which could not with reasonable diligence be discovered and produced pursuant to rule 876—10.3(17A,85,86). The issues of the contested case proceeding shall be limited to the dispute considered in rule 876—10.3(17A,85,86).

2506.64(4) The petitioning party has the burden of proof.

2506.64(5) If the petitioning party wishes to file a brief, the brief must be filed with the request for contested case proceeding.

2506.64(6) The opposing party must file a response within 30 days of the date of service of the request for a contested case proceeding.

2506.64(7) If the opposing party wishes to file a brief, the brief must be filed with the response.

2506.64(8) Sixty days after the request for a contested case is filed with the commissioner, the commissioner will review the matter. The notice of the review to the parties shall meet the provisions of this rule and no other notice will be given.

2506.64(9) The commissioner shall review the matter and make a decision as soon as practicable after the review. The decision shall be as provided in this chapter and Iowa Code chapter 17A.

This rule is intended to implement Iowa Code sections 10A.310, 10A.327, 17A.10, 17A.12, 17A.14, and 85.27.

876—2506.65(10A,17A,85) Application for alternate care.

2506.65(1) *Purpose.* The purpose of this rule is to establish the procedures for issuing decisions on applications for alternate care within the time provided in Iowa Code section 85.27.

2506.65(2) *Definitions.* The following definitions apply to this rule:

"Application for alternate care" or *"application"* means a contested case proceeding filed with the workers' compensation commissioner that requests alternate care pursuant to Iowa Code section 85.27.

"Employer" means the person or entity that is liable for payment of medical services provided pursuant to the Iowa workers' compensation laws and includes an employer, an employer who has been relieved from insurance pursuant to Iowa Code section 87.11, and an insurance carrier that provides an employer with workers' compensation insurance.

"Proper application" means an application for alternate care that complies with the requirements of this rule.

2506.65(3) *Dissatisfaction—basis.* Prior to filing the application, the employee must communicate the basis of dissatisfaction of the care to the employer.

2506.65(4) *Application.* The application shall:

- a. Be filed on the form provided by the commissioner;
- b. Concern only the issue of alternate care;
- c. State the reasons for the employee's dissatisfaction with the care chosen by the employer;
- d. Be served on the employer;
- e. Contain proof of service on the employer; and

f. Specify whether a telephone or in-person hearing is requested.

2506.65(5) Fee. No filing fee is due. More information can be found in paragraph 2506.38(2) "a."

2506.65(6) Employer liability. Application cannot be filed under this rule if the liability of the employer is an issue. If an application is filed where the liability of the employer is an issue, the application will be dismissed without prejudice. (Petitions for alternate care where liability of the employer is an issue should be filed pursuant to subrule 2506.32(3).)

2506.65(7) Notice of hearing. The commissioner will notify the parties by ordinary mail, by facsimile transmission (fax), by electronic mail (email), or by WCES of the time, place and nature of the hearing. No notice will be made until a proper application is received by the commissioner. The notice will specify whether the hearing will be by telephone, in person or by digital means.

2506.65(8) Appearance or answer. After being served with an application for alternate care, the employer shall file an appearance of answer as soon as practicable before the time of the hearing.

2506.65(9) Discovery and evidence. All discovery must be completed prior to the contested case hearing. Any written evidence to be used by the employer or the employee must be exchanged prior to the hearing. All written evidence must be filed with the agency before the date of the hearing. Written evidence shall be limited to ten pages per party.

2506.65(10) Motions. All motions except as provided in this subrule will be considered at the hearing. A timely motion to change the type of hearing (telephone or in-person) may be considered prior to the hearing. The commissioner will make no rulings on discovery matters or motions.

2506.65(11) Briefs. Hearing briefs, if any, must be filed with the agency before the date of the hearing and shall be limited to three pages.

2506.65(12) Hearing. The hearing will be held by telephone, by digital means or in person in Des Moines, Iowa. The employer shall have the right to request an in-person hearing if the employee has requested a telephone hearing in the application. The employer shall on the record respond to the allegations contained in the application. The hearing will be electronically recorded. If there is an appeal of a proposed decision or judicial review of final agency action, the appealing party is responsible for filing a transcript of the hearing.

2506.65(13) Transcripts. Copies of the recording will be provided to the parties upon notice of appeal. A transcript shall be provided by the appealing party pursuant to Iowa Code section 10A.321(4), and a copy thereof shall be served on the opposing party at the time the transcript is filed with the commissioner unless the parties submit an agreed-upon transcript. If a party disputes the accuracy of any transcript prepared by the opposing party, that party shall submit its contentions to the commissioner for resolution. Any transcription charges incurred by the commissioner in resolving the dispute shall be initially paid pursuant to Iowa Code section 10A.320(1) by the party that disputes the accuracy of the transcript prepared by the appellant.

2506.65(14) Represented party. A party may be represented as provided in Iowa Code section 631.14. The presiding deputy workers' compensation commissioner may permit a party who is a natural person to be assisted during a hearing by any person who does so without cost to that party if the assistance promotes full and fair disclosure of the facts or otherwise enhances the conduct of the hearing. The employer and the employer's insurance carrier shall be treated as one party unless their interests appear to be in conflict and a representative of either the employer or the employer's insurance carrier shall be deemed to be a representative of both unless notice to the contrary is given.

2506.65(15) Decision. A decision will be issued within 10 working days of receipt of a proper application when a telephone hearing is held or within 14 working days of receipt of a proper application when an in-person hearing is held.

This rule is intended to implement Iowa Code sections 10A.310, 10A.318, 17A.12, and 85.27.

876—2506.66(10A,17A,85) Method of holding hearing.

2506.66(1) Any hearing held under this chapter may be by voice or video technology, including but not limited to internet-based video.

2506.66(2) A hearing shall not be held in proceedings under subrules 2506.32(8) through 2506.32(12) unless otherwise ordered or requested in writing by the petitioner in the original notice and petition or by the respondent within ten days following the time allowed by these rules for appearance.

This rule is intended to implement Iowa Code sections 10A.310, 10A.318, 10A.319, 17A.12, and 85.27.

876—2506.67(10A,17A,85) Vocational training, education, and supplies.

2506.67(1) *Purpose.* The purpose of this rule is to establish the procedures for issuing decisions on applications for vocational training, education, and supplies provided for in Iowa Code section 85.70(2).

2506.67(2) *Definitions.* The following definitions apply to this rule:

“Application for vocational training and education hearing” or “application” means a contested case proceeding filed with the division of workers’ compensation contesting the results of an evaluation and determination or contesting or requesting the termination of a vocational training and education program.

“Evaluation and determination” means an assessment conducted by the department of workforce development to determine if the employee would benefit from a vocational training and education program offered through an area community college to allow the employee to return to the workforce.

“Request for vocational training and education” or “request” means a written request for an evaluation and determination of whether an employee is entitled to vocational training, education, and supplies.

“Vocational training and education” shall include general educational development programs for employees who have not graduated from high school or obtained a general education diploma, and career and technical education programs that provide instruction in the areas of agriculture, family and consumer sciences, health occupations, business, industrial technology, and marketing offered through an area community college that will allow the employee to return to the workforce.

2506.67(3) *Application for vocational training and education.*

a. An application shall:

- (1) Only concern the issue of vocational training, education, and supplies;
- (2) Be filed on the form provided by the division of workers’ compensation;
- (3) State the reasons for the application;
- (4) Be served on the other party;
- (5) Contain a proof of service on the other party; and
- (6) Specify whether a telephone or in-person hearing is requested.

b. An application for vocational training and education must be filed in WCES unless a party has been granted a waiver of the mandatory use of WCES, in which case the party shall file the application for vocational training and education with the division of workers’ compensation. Applicant(s) must serve a copy of this form on an appellee(s) by certified mail, return receipt requested, or by personal service as in civil actions in accordance with rule 876—2506.37(17A,85) and mail a copy to the attorney of record for the appellee(s), if known, in accordance with rule 876—2506.43(10A,17A).

2506.67(4) *Fee.* No filing fee is due. More information can be found in paragraph 2506.38(2)“a.”

2506.67(5) *Request for vocational education and training.* Prior to filing an application, the employee shall complete a request on a form supplied by the department of workforce development and submit the completed form to the department of workforce development asking for an evaluation and determination. The employee, employer, or insurance carrier may contest the results of the evaluation and determination by filing an application with the division of workers’ compensation.

2506.67(6) *Proper application.* An application cannot be filed under this rule until:

a. An evaluation and determination has been made by the department of workforce development; and

b. There has been a finding by the division of workers' compensation or the employer or the employer's insurance carrier or both and the employee agrees that the employee has sustained an injury to the shoulder resulting in a permanent partial disability for which compensation is payable under Iowa Code section 85.34(2) "n" and the employee cannot return to gainful employment because of such disability.

2506.67(7) *Notice of hearing.* The workers' compensation commissioner shall notify the parties by email, ordinary mail, fax, or WCES of the time, place, and nature of the hearing. No notice will be made until a proper application is received by the commissioner. The notice shall specify whether the hearing will be held by telephone, in person, or by digital means.

2506.67(8) *Evidence.* Any written evidence to be used by the employer, the employer's insurance carrier, or the employee must be exchanged prior to the hearing. All written evidence must be filed with the agency before the date of hearing. Written evidence shall be limited to 50 pages per party.

2506.67(9) *Motion to change hearing type.* A timely motion to change the hearing type (by telephone, in person, or by digital means) may be considered prior to the hearing. The commissioner will make no rulings on other types of motions.

2506.67(10) *Briefs.* Hearing briefs, if any, must be filed with the agency before the date of the hearing and shall be limited to five pages.

2506.67(11) *Hearing.* The hearing will be held either by telephone, in person in Des Moines, Iowa, or by digital means. If the party filing the application does not request an in-person hearing in the application, the other parties may request an in-person hearing. The hearing will be recorded electronically. Copies of the recording will be provided to the parties. If there is an appeal of a proposed decision or judicial review of final agency action, the appealing party is responsible for filing a transcript of the hearing. A transcript shall be provided by the appealing party pursuant to Iowa Code section 10A.321(4) and a copy of the transcript shall be served on the opposing party at the time the transcript is filed with the commissioner unless the parties submit an agreed-upon transcript. If a party disputes the accuracy of any transcript prepared by the opposing party, that party shall submit its contentions to the commissioner for resolution. Any transcription charges incurred by the commissioner in resolving the dispute shall be initially paid pursuant to Iowa Code section 10A.320(1) by the party that disputes the accuracy of the transcript prepared by the appellant.

2506.67(12) *Represented party.* A party may be represented as provided in Iowa Code section 631.14. The presiding deputy workers' compensation commissioner may permit a party who is a natural person to be assisted during a hearing by any person who does so without cost to that party if the assistance promotes full and fair disclosure of the facts or otherwise enhances the conduct of the hearing. The employer and the employer's insurance carrier shall be treated as one party unless their interests appear to be in conflict and a representative of either the employer or the employer's insurance carrier shall be deemed to be a representative of both unless notice to the contrary is given.

2506.67(13) *Decision.* A decision will be issued within 30 working days of receipt of a proper application.

This rule is intended to implement Iowa Code sections 10A.318, 17A.12, and 85.70(2).

876—2506.68(10A,17A) Agency notice of judicial review matters. A party that petitions for judicial review shall file a copy of the petition for judicial review in WCES within ten days of filing the petition with a district court. If a party has been granted a waiver of the mandatory use of WCES, the party shall file a copy of the petition for judicial review with the division of workers' compensation within ten days of filing the petition with a district court. A party shall also file a copy of each appellate court decision in WCES within ten days of the date the appellate court decision was issued and filed. If a party has been granted a waiver of the mandatory use of WCES, the party shall file a copy of the appellate court decision with the division of workers' compensation within ten days of

the date the appellate court decision was issued and filed. Within 45 days of the filing of the final appellate court decision, the same party shall notify the division of workers' compensation of the result of the appellate process.

This rule is intended to implement Iowa Code sections 10A.322 and 17A.19.

876—2506.69(10A,17A,85,85A,85B) Rule of electronic procedure. Chapter 16 of the Iowa Court Rules of Electronic Procedure shall govern the use and filings in WCES for contested case proceedings before the workers' compensation commissioner unless the provisions are in conflict with these rules or Iowa Code chapters 10A, 17A, 85 through 85B, and 87 or are obviously inapplicable to the commissioner. In those circumstances, these rules or the appropriate Iowa Code section shall govern. Where appropriate, reference to the word "court" shall be deemed reference to the "workers' compensation commissioner or deputy workers' compensation commissioner," reference to the word "trial" shall be deemed reference to "contested case hearing," and reference to "clerk of court" shall be deemed reference to staff at the workers' compensation division.

This rule is intended to implement Iowa Code chapters 10A, 17A, and 85 through 85B.

ARC 0642D

CHIEF INFORMATION OFFICER, OFFICE OF THE[129]**Notice of Intended Action****Proposing rulemaking related to rescission of chapters
and providing an opportunity for public comment**

The Office of the Chief Information Officer (OCIO) hereby proposes to rescind Chapter 8, “Information Technology Governance,” Chapter 10, “Procurement of Information Technology,” Chapter 20, “Broadband Infrastructure—Targeted Service Areas,” Chapter 21, “Broadband Infrastructure—Project Certification,” and Chapter 22, “Broadband Grants Program,” Iowa Administrative Code.

Legal Authority for Rulemaking

This rulemaking is proposed under the authority provided in Iowa Code section 8.5(7) and Executive Order 10.

State or Federal Law Implemented

This rulemaking implements, in whole or in part, Iowa Code chapter 8.

Purpose and Summary

The OCIO is now consolidated into the Department of Management (DOM). Chapters 8, 10, 20, 21, and 22, concerning governance of information technology, procurement of information technology, and the broadband grant program, are no longer necessary and can be rescinded. Replacement rules will be drafted to the extent required by law. In addition, the DOM intends to implement agency policy to address numerous issues addressed by this rulemaking.

Regulatory Analysis

A Regulatory Analysis for this rulemaking was published in the Iowa Administrative Bulletin on August 5, 2026. A public hearing was held on the following date(s):

- August 31, 2026

Fiscal Impact

This rulemaking has no fiscal impact to the State of Iowa.

Jobs Impact

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

Waivers

Any person who believes that the application of the discretionary provisions of this rulemaking would result in hardship or injustice to that person may petition the OCIO for a waiver of the discretionary provisions, if any.

Public Comment

Any interested person may submit written or oral comments concerning this proposed rulemaking, which must be received by the OCIO no later than 4:30 p.m. on November 6, 2026. Comments should be directed to:

Brad Horn
Office of the Chief Information Officer
Room G13

1007 East Grand Avenue
Iowa State Capitol
Des Moines, Iowa 50319
Phone: 515.414.6187
Email: brad.horn@dom.iowa.gov

Public Hearing

Public hearings at which persons may present their views orally or in writing will be held as follows:

November 3, 2026 9 to 10 a.m.	Room G13 Iowa State Capitol Des Moines, Iowa
November 6, 2026 9 to 10 a.m.	Room G13 Iowa State Capitol Des Moines, Iowa

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

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

Review by Administrative Rules Review Committee

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

The following rulemaking action is proposed:

- ITEM 1. Rescind and reserve **129—Chapter 8.**
- ITEM 2. Rescind and reserve **129—Chapter 10.**
- ITEM 3. Rescind and reserve **129—Chapter 20.**
- ITEM 4. Rescind and reserve **129—Chapter 21.**
- ITEM 5. Rescind and reserve **129—Chapter 22.**

ARC 0658D

CORRECTIONS DEPARTMENT[201]

Notice of Intended Action

Proposing rulemaking related to departmental organization and procedures and providing an opportunity for public comment

The Department of Corrections hereby proposes to rescind Chapter 1, "Departmental Organization and Procedures," Iowa Administrative Code, and to adopt a new Chapter 1 with the same title.

Legal Authority for Rulemaking

This rulemaking is proposed under the authority provided in Iowa Code section 904.103.

State or Federal Law Implemented

This rulemaking implements, in whole or in part, Iowa Code chapter 904.

Purpose and Summary

This proposed rulemaking rescinds and replaces Chapter 1 with revised administrative rules to satisfy the requirements of Executive Order 10. The purpose of Chapter 1 is to provide the public with a clear, accessible overview of the Department's organizational structure, mission, and central contact protocols.

Pursuant to Executive Order 10, the Department conducted a comprehensive review of this chapter to eliminate restrictive terms, obsolete rules, and language that duplicates State statutes. Specifically, this rulemaking does the following:

- Updates the description of the Board of Corrections to align its function with the statutory changes mandated by 2024 Iowa Acts, Senate File 2385.
- Consolidates and streamlines public contact paths.
- Deletes granular internal staff responsibilities and specific facility contact metrics that are more accurately maintained on the Department's active website, thereby preventing the rules from becoming instantly obsolete.
- Eliminates redundant text regarding topics that are already comprehensively governed by Iowa Code chapters 21 and 904.

The result is a streamlined chapter that maintains essential public transparency while ensuring alignment with provisions of the Iowa Code.

Regulatory Analysis

A Regulatory Analysis for this rulemaking was published in the Iowa Administrative Bulletin on August 19, 2026. A public hearing was held on the following date(s):

- September 8, 2026

No comments were received, and no changes from the Regulatory Analysis have been made.

Fiscal Impact

This rulemaking has no fiscal impact to the State of Iowa.

Jobs Impact

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

Waivers

Any person who believes that the application of the discretionary provisions of this rulemaking would result in hardship or injustice to that person may petition the Department for a waiver of the discretionary provisions, if any, pursuant to 201—Chapter 2504.

Public Comment

Any interested person may submit written or oral comments concerning this proposed rulemaking, which must be received by the Department no later than 4:30 p.m. on November 3, 2026. Comments should be directed to:

Jen Rathje
Iowa Department of Corrections
Jessie Parker Building
510 East 12th Street
Des Moines, Iowa 50319
Phone: 515.802.0898
Email: jen.rathje1@iowa.gov

Public Hearing

Public hearings at which persons may present their views orally or in writing will be held as follows:

November 3, 2026
9:30 to 10:30 a.m.

Via Google Meet Video at
meet.google.com/hjx-panj-ukw
Or dial: (US) +1 318.814.8332
PIN: 569 488 452#

November 3, 2026
1:30 to 2:30 p.m.

Via Google Meet Video at
meet.google.com/rzq-sqzh-aae
Or dial: (US) +1 401.315.8618
PIN: 517 967 012#

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

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

Review by Administrative Rules Review Committee

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

The following rulemaking action is proposed:

ITEM 1. Rescind 201—Chapter 1 and adopt the following **new** chapter in lieu thereof:

TITLE I
GENERAL DEPARTMENTAL PROCEDURES

CHAPTER 1
DEPARTMENTAL ORGANIZATION AND PROCEDURES

201—1.1(904) Title I definitions.

“Department” means the department of corrections.

“Director” means the director of the department of corrections.

“District department” means the same as defined in Iowa Code section 904.101(7).

201—1.2(904) Mission and function.

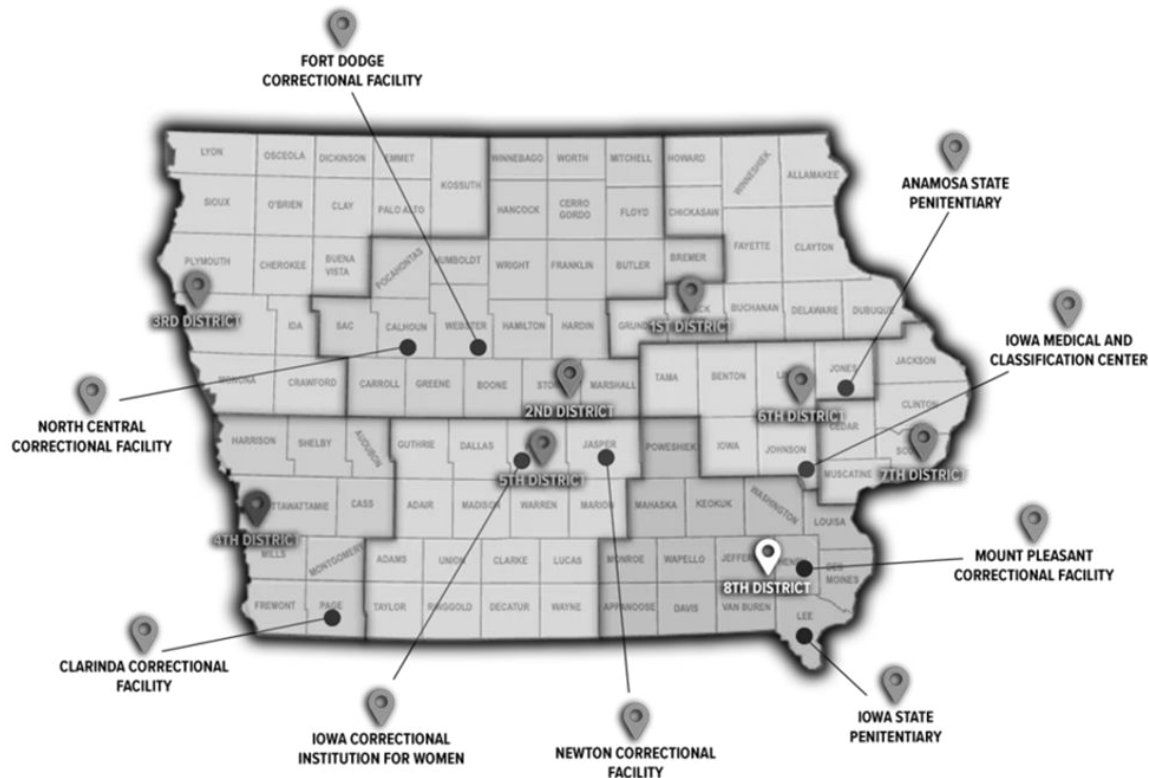
1.2(1) The department is established by Iowa Code chapter 904 and consists of an advisory board, a director and areas of responsibility.

1.2(2) The mission of the department is creating opportunities for safer communities.

201—1.3(904) Offices.

1.3(1) *Central office.* The central office for the department is located in the Jessie Parker State Office Building in the Capitol Complex in Des Moines. Its mailing address is the Department of Corrections, Jessie Parker State Office Building, 510 East 12th Street, Des Moines, Iowa 50319.

1.3(2) *Contact information.* Contact information for correctional institutions, district departments and other offices located outside the principal headquarters may be found on the department's website at doc.iowa.gov. The following map provides a general overview of district department and correctional institution locations.



201—1.4(904) Public contact information.

1.4(1) Information regarding department offices and methods for contacting the department are available on the department's website.

1.4(2) Public records requests shall be submitted in accordance with 201—Chapter 2505.

201—1.5(904) Board of corrections.

1.5(1) The director of the department has, by statute, the advice and counsel of the board of corrections. This seven-member board is appointed by the governor with confirmation by the senate, and its powers and duties are advisory with respect to the services and programs operated by the department.

1.5(2) The board will oversee the work of the department as defined in Iowa Code section 904.105 and, for this purpose, will have access at any time to all books, papers, documents, and records of the department.

1.5(3) Meetings of the board and any committees appointed by the chairperson will be conducted in accordance with Iowa Code chapter 21. The chairperson may appoint committees as necessary to conduct the business of the board.

1.5(4) A quorum shall consist of two-thirds of the membership appointed and qualified to vote.

1.5(5) When a quorum is present, a position is carried by a majority of the qualified members of the board.

1.5(6) Persons wishing to appear before the board shall submit their request to the department office not less than ten days prior to the meeting. Presentations may be made at the discretion of the chairperson and only upon matters appearing on the agenda.

1.5(7) Persons wishing to submit written material should do so at least ten days in advance of the scheduled meeting to ensure that board members have adequate time to receive and evaluate the material.

201—1.6(904) Director.

1.6(1) The governor appoints the director of the department. The director is responsible for the daily administration of the department.

1.6(2) The appointment, qualifications, and duties of the director are mandated in Iowa Code sections 904.107 and 904.108 and other applicable provisions of the Iowa Code.

201—1.7(904) Organization of the department. The department is established by Iowa Code section 904.102 to perform the functions and duties set forth in that section, in Iowa Code section 904.103, in other applicable provisions of the Iowa Code, and in the Iowa Administrative Code.

These rules are intended to implement Iowa Code sections 904.101 through 904.108.

ARC 0659D

CORRECTIONS DEPARTMENT[201]

Notice of Intended Action

Proposing rulemaking related to institutions administration and providing an opportunity for public comment

The Department of Corrections hereby proposes to rescind Chapter 20, “Institutions Administration,” Iowa Administrative Code, and to adopt a new Chapter 20 with the same title.

Legal Authority for Rulemaking

This rulemaking is proposed under the authority provided in Iowa Code sections 904.103, 904.108, 904.310A, 904.320, 904.506, and 904.910.

State or Federal Law Implemented

This rulemaking implements, in whole or in part, Iowa Code chapters 904, 910, and 915 and sections 2C.14 and 80A.2.

Purpose and Summary

Pursuant to Executive Order 10, the Department proposes to rescind Chapter 20 and adopt a new chapter. This new chapter consolidates public engagement frameworks while providing necessary public transparency regarding public-facing systems such as facility visitation, correspondence, publications, fiduciary transactions, and victim notification. This proposed rulemaking eliminates language that is overly restrictive or duplicative of State statutes, removes historical placeholders, and removes an obsolete rule regarding outdated federal parameters.

Regulatory Analysis

A Regulatory Analysis for this rulemaking was published in the Iowa Administrative Bulletin on August 19, 2026. A public hearing was held on the following date(s):

- September 8, 2026

No comments were received, and no changes from the Regulatory Analysis have been made.

Fiscal Impact

This rulemaking has no fiscal impact to the State of Iowa.

Jobs Impact

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

Waivers

Any person who believes that the application of the discretionary provisions of this rulemaking would result in hardship or injustice to that person may petition the Department for a waiver of the discretionary provisions, if any, pursuant to 201—Chapter 2504.

Public Comment

Any interested person may submit written or oral comments concerning this proposed rulemaking, which must be received by the Department no later than 4:30 p.m. on November 3, 2026. Comments should be directed to:

Jen Rathje
Iowa Department of Corrections
Jessie Parker Building
510 East 12th Street
Des Moines, Iowa 50319
Phone: 515.802.0898
Email: jen.rathje1@iowa.gov

Public Hearing

Public hearings at which persons may present their views orally or in writing will be held as follows:

November 3, 2026 9:30 to 10:30 a.m.	Via Google Meet Video at meet.google.com/hjx-panj-ukw Or dial: (US) +1 318.814.8332 PIN: 569 488 452#
November 3, 2026 1:30 to 2:30 p.m.	Via Google Meet Video at meet.google.com/rzq-sqzh-aae Or dial: (US) +1 401.315.8618 PIN: 517 967 012#

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

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

Review by Administrative Rules Review Committee

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

The following rulemaking action is proposed:

ITEM 1. Rescind 201—Chapter 20 and adopt the following **new** chapter in lieu thereof:

TITLE II
INSTITUTIONS

CHAPTER 20
INSTITUTIONS ADMINISTRATION

201—20.1(904) Application of rules. The rules in this chapter apply to all adult correctional institutions outlined in Iowa Code section 904.102 unless otherwise stated.

This rule is intended to implement Iowa Code section 904.102.

201—20.2(904) Title II definitions.

“Commercially published information or material” means any book, booklet, pamphlet, magazine, periodical, newsletter, photograph or other pictorial depiction, or similar document, including stationery and greeting cards, published by any individual, organization, company, or corporation, that is distributed or made available through any means or media for commercial purposes. This definition includes any portion extracted, photocopied, or clipped from such items.

“Contraband” means weapons; alcohol; drugs; money; obscene materials; or materials advocating disruption of or injury to incarcerated individuals, employees, programs, or physical facilities. Contraband shall also include anything that is illegal to possess under federal or state law; anything that is against institutional regulations; drugs or alcohol or materials that are used in the production or use of drugs or alcohol or weapons, explosives, or potential weapons and explosives; and altered authorized property. *“Contraband”* also includes possession or use of any prohibited communication device.

“Department” means the Iowa department of corrections.

“Features” means that the publication contains depictions of nudity or sexually explicit conduct on a routine or regular basis or promotes itself based upon such depictions in the case of individual one-time issues. Publications containing nudity illustrative of medical, educational, or anthropological content may be excluded from this definition.

“Furlough” means any temporary release from custody as granted in accordance with Iowa Code section 904.108(2).

“Furlough residence” means any private dwelling, apartment, house, mobile home park, hotel, motel or community dwelling place.

“Immediate family” means an incarcerated individual’s spouse, mother, father, sister, brother, child, grandparent, established legal guardian or other who acted in place of parents, and step- or half-relation if the step- or half-relation and the incarcerated individual were raised as cohabiting siblings.

For the purpose of visitation, all of the above will be included as immediate family provided a positive relationship exists. Immediate family members may be subject to criminal background investigation.

“Medical practitioner” means medical doctor, osteopathic physician or physician associate employed by the department.

“Nudity” means a pictorial depiction where genitalia or female breasts are exposed. When the pictorial depiction of the female breast displays the areola or nipple, this material will be rejected.

“Obscene material” means the same as that described in subrule 20.6(5).

“Plan of payment” means the method by which the incarcerated individual is to make restitution. The plan may include legal financial obligations. The plan is to reflect the incarcerated individual’s present circumstances, such as income, physical and mental health, education, employment and family circumstances.

“Plan of restitution” means a plan stating the amount of restitution as set by the court.

“Publication” means a book, booklet, pamphlet, or similar document, or a single issue of a magazine, periodical, newsletter, newspaper, plus such other materials addressed to a specific incarcerated individual, such as catalogs.

“Sexually explicit” means a pictorial depiction of actual or simulated sexual acts including sexual intercourse, oral sex, or masturbation. Sexually explicit material does not include material of a news or information type. Publications concerning research or opinions on sexual, health, or reproductive issues should be admitted unless the publications are otherwise a threat to legitimate institutional interests.

This rule is intended to implement Iowa Code section 904.108(1) “k.”

201—20.3(904) Visits to incarcerated individuals. Visiting is a privilege that allows incarcerated individuals to maintain and strengthen relationships with family members and friends. Though visits are encouraged, institutions’ space, schedules, personnel constraints, treatment considerations, or other

safety and security issues of the institutions and their operations may result in limiting the number and length of visits. Visitation is additionally governed by the provisions of department policy OP-MTV-04.

20.3(1) Incarcerated individuals will be provided information on the structured visiting process during orientation to the institution and are responsible to communicate visiting procedures to potential visitors.

20.3(2) The visiting application and information pertaining to the visitation of incarcerated individuals are available on the department's website at doc.iowa.gov. Visitor applications may also be provided to the incarcerated individual at each institution to be mailed by the incarcerated individual to potential visitors.

This rule is intended to implement Iowa Code section 904.512.

201—20.4(2C,904) Mail. Constructive, unlimited correspondence with family, friends, and community sources will be encouraged and facilitated. Incarcerated individuals have the responsibility in the use of correspondence to be truthful and honest. Institutions have the responsibility to maintain a safe, secure, and orderly procedure for use of the mail by an incarcerated individual.

20.4(1) *Nonconfidential.*

a. In an effort to maintain proper security measures, mail may be monitored and read on a random basis.

b. All nonconfidential mail will be inspected for contraband and processed through a central processing facility.

20.4(2) *Confidential.*

a. Confidential mail will not be read or censored.

b. Confidential mail will be delivered unopened and then, in the presence of the incarcerated individual, will be opened and inspected for contraband and to ensure that the contents are from the return addressee.

c. Confidential mail may be read only after a finding of probable cause by a court of competent jurisdiction that a threat to the order and security of the institution or abuse of correspondence exists.

d. The incarcerated individual receiving confidential mail will be directed to photocopy each page using the designated copier under direct supervision of a staff person. Upon completion of copying each page, the incarcerated individual will check to verify that all original documents have been copied appropriately.

e. The incarcerated individual will choose to have the original documents either sent out at the incarcerated individual's expense or destroyed by shredding in the presence of the incarcerated individual.

f. Pursuant to Iowa Code chapter 2C, mail addressed to and received from the ombudsman office will be delivered unopened.

20.4(3) *General.*

a. Mail is additionally governed by the provisions of department policy OP-MTV-01.

b. Information on how to correspond with an incarcerated individual is available on the department's website at doc.iowa.gov.

c. Misuse of mails will result in institution discipline and be reported to the United States Postal Inspector or other state or federal agencies for action.

This rule is intended to implement Iowa Code sections 2C.14 and 904.108(1) "k."

201—20.5(904) Money orders, cashier's checks, and electronic funds transfers for incarcerated individuals. A person may deposit funds in an incarcerated individual's account by money order, cashier's check, or electronic funds transfer unless the person is the protected party of an active no contact order. Personal checks and cash will not be accepted. Only money orders and cashier's checks will be accepted for deposit into an incarcerated individual's account by mail. Money orders and cashier's checks must be made payable to the Iowa Department of Corrections Offender Fiduciary Account (IDOC OFA); must be sent to Fort Dodge Correctional Facility, 1550 L Street, Suite B, Fort Dodge, Iowa 50501; and must include the incarcerated individual's name and ID number and the

sender's name and complete address. Funds will also be accepted via electronic funds transfers from authorized vendors. An incarcerated individual's suspected abuse of requests for money from the public may be cause for limits or restrictions on the amounts of money that can be received and from whom money can be received.

This rule is intended to implement Iowa Code section 904.506.

201—20.6(904) Publications.

20.6(1) The institution will allow incarcerated individuals access to publications when doing so is consistent with institutional goals of maintaining internal order, safety, security, and rehabilitation. Publications are additionally governed by the provisions of department policy OP-MTV-02.

20.6(2) Publications include any periodical, newspaper, book, pamphlet, magazine, newsletter, or similar material published by any individual, organization, company, or corporation and made available for a commercial purpose. Publications may be purchased by a third party or an incarcerated individual and shall be unused and sent directly from an approved publisher or bookstore that does mail order business. Any exceptions must be authorized by the warden. No publication will be denied solely on the basis of its appeal to a particular ethnic, racial, religious, or political group. The quantity of printed materials, as with other personal property, shall be controlled for safety and security reasons.

20.6(3) All publications not on the approved list will be reviewed by a publication review committee for approval or denial.

a. The committee will be appointed by the director of the department or the director's designee and include:

- (1) A person with broad exposure to various publications.
- (2) Two representatives of correctional operations.

b. The committee will fairly review all types of publications to be received by incarcerated individuals in accordance with these rules.

20.6(4) The following procedures will be used when a publication not on the approved list is reviewed:

a. The committee will approve or deny publications within 30 working days of receipt of the publication.

b. When a publication is denied, the committee will send the incarcerated individual a written notice stating the publication involved, the reason for denial, and the incarcerated individual's available appeal process.

c. The incarcerated individual will have ten days from receipt of the notice of denial to notify the designated institution staff to destroy the publication, to specify where to send the publication at the incarcerated individual's expense, or to notify the institution that the decision is being appealed.

d. A list of approved publications will be maintained.

20.6(5) A publication may be denied when the publication presents a danger to the security or order of an institution or is inconsistent with rehabilitation goals. Authorized reasons for denying a publication are that the publication:

- a.* Is likely to be disruptive or produce violence.
- b.* Contains material that portrays or simulates a minor (any person 17 years of age or younger) engaged in or simulating any act that is sexual in nature.
- c.* Contains lewd exhibition of the genitals or material that is sexually explicit or features nudity.
- d.* Contains information relating to escapes or formulating escape plans.
- e.* Contains information relating to provoking a riot or disturbance.
- f.* Contains information relating to obtaining an emotional or behavioral state comparable to those produced by a controlled substance by using aerosols, glue, or other chemical materials.
- g.* Contains materials that illustrate, explain, describe, or teach martial arts, or other manufacture of weapons or explosives, or advocate behavior contrary to duly established institution rules or Iowa statutes. Contains materials that illustrate, explain, describe, or teach ability to frustrate crowd or riot control methods. Contains materials that illustrate, explain, describe, or teach ability to sabotage

or disrupt communications networks, including a prison's internal and external communications and automated information systems.

- h.* Contains information concerning criminal activities.
- i.* Contains encoded material. This will not automatically include foreign language publications not otherwise prohibited in these rules.
- j.* May violate postal regulations, such as threats, blackmail, contraband, or similar violations.
- k.* Is a catalog or other publication whose purpose is primarily or significantly to sell items or materials that are expressly prohibited inside any of the department institutions. The warden can make exceptions for materials that serve reentry efforts.

This rule is intended to implement Iowa Code sections 904.108(1) "k" and 904.310A.

201—20.7(904) Interviews and statements.

20.7(1) When incarcerated individuals are selected to be interviewed and photographed within the institution, either individually or as part of a group, identifiable interviews or pictures will have the written consent of the incarcerated individual involved as well as prior consent of the warden or designee, and the department chief of staff.

20.7(2) The warden is responsible for all communications with mass media after consultation and approval by the department chief of staff.

This rule is intended to implement Iowa Code section 904.108(1) "k."

201—20.8(904) Guests of institution. Persons wishing to visit the institution are to give prior notice of their intended visit and receive approval for the visit. The prior notice and approval may be waived by the warden or designee for emergencies.

20.8(1) Any guest must agree to comply with the policy and procedures of the institution when signing in at the control center.

20.8(2) Persons under 18 years of age may only visit with prior approval of the warden or designee and shall be accompanied by a responsible adult. An adult shall be in charge of no more than four children. Persons under 18 years of age shall not be allowed to make institutional tours of maximum security prisons.

20.8(3) Guests will be escorted by a staff member. Any exception will have prior approval of the warden or designee.

20.8(4) Guests will be allowed personal contact with an incarcerated individual only when it serves the best interests of the incarcerated individual as determined by the warden or designee.

20.8(5) All contacts with incarcerated individuals will be absent of any encouragement, support, or suggestion of activity that would bring disorder to the institution.

This rule is intended to implement Iowa Code sections 904.108(1) "k" and 904.512.

201—20.9(904) Donations. Donations of money, books, games, recreation equipment or other such gifts will be made directly to the warden or the warden's designee. The warden or the warden's designee will evaluate the donation in terms of the nature of the contribution to the institution program. The warden or the warden's designee is responsible for accepting the donation and reporting the gift to the deputy director of institutional operations on a monthly basis.

This rule is intended to implement Iowa Code section 904.113.

201—20.10(904) Incarceration fees. The director may charge incarcerated individuals an incarceration fee pursuant to Iowa Code section 904.108.

This rule is intended to implement Iowa Code section 904.108(6).

201—20.11(904,910) Restitution.

20.11(1) Every incarcerated individual required by a court order to pay restitution will have a restitution plan and a restitution plan of payment developed, unless a court-ordered restitution plan has been completed.

20.11(2) The restitution plan of payment will consider the present circumstances of an incarcerated individual's physical/mental health and other legal financial obligations.

20.11(3) The deputy director of institutions will ensure that there are written procedures governing the development and modification of each restitution plan and plan of payment.

20.11(4) Each incarcerated individual will be given a Predeprivation Notice: Notice of Intent to Deduct Restitution From All Account Credits and Notice of Opportunity to Respond during initial reception following admission to the Iowa medical and classification center (IMCC) or the Iowa correctional institution for women (ICIW).

20.11(5) Initial complaints by incarcerated individuals regarding restitution plans of payment or modifications may be addressed via the grievance procedure for incarcerated individuals.

20.11(6) Each incarcerated individual will receive a copy of the restitution plan of payment.

20.11(7) Restitution payments will be deducted from all credits to an incarcerated individual's account. Up to 50 percent may be deducted. The following are exempt for deductions from credits to an incarcerated individual's account from an outside source:

a. An amount, assessed by the warden or designee, specifically for medical costs. The same percent as established in the restitution plan will be deducted from any amount over the total amount assessed. If the medical procedures are not performed or carried out, the money will be returned to the sender at the incarcerated individual's expense.

b. An amount, assessed by the warden or designee, specifically for the cost of a funeral trip. The same percent as established in the restitution plan will be deducted from any amount over the total amount assessed.

c. An amount as assessed by the appropriate authority specifically for transportation fees as a result of work release/OWI violations or compact transfers. The same percent as established in the restitution plan will be deducted from any amount over the total amount assessed.

d. Refunds from outside vendors or institution commissaries.

e. Property tort claims.

f. Any other exception approved by the warden or designee.

20.11(8) Restitution deductions will be forwarded to the clerk of court in the county of commitment on a quarterly basis.

20.11(9) When the department has knowledge of other income or assets, the district court clerk of the sentencing county will be notified.

20.11(10) A percent greater than that established in the restitution plan of payment may be deducted from a credit to an incarcerated individual's account by authorization of either the incarcerated individual or the warden or designee or by court order.

20.11(11) The restitution plan of payment may be modified through each level of commitment. (This includes preinstitutional services and postinstitutional services.)

This rule is intended to implement Iowa Code chapter 904 and sections 910.2, 910.3 and 910.5.

201—20.12(904) Furloughs.

20.12(1) Furloughs are a privilege, not a right, and may be denied or canceled at any time for reasons deemed sufficient by the warden. Reasons for denial or cancellation will be given to the incarcerated individual.

20.12(2) Emergency family furlough will be considered in the event of a death or imminent death in the immediate family.

20.12(3) Emergency medical furlough is for those incarcerated individuals whose medical condition has deteriorated to the point of incapacitation or to a comatose state.

20.12(4) Both emergency family furloughs and emergency medical furloughs will have approval of the warden and the deputy director of institutional operations.

20.12(5) Furloughs are additionally governed by the provisions of the department's furlough policy IS-RL-04.

This rule is intended to implement Iowa Code section 904.108(2).

201—20.13(904) Board of parole interviews. Each institution provides space for the conduct of interviews between the Iowa board of parole and institutional incarcerated individuals.

20.13(1) All board of parole interviews and case reviews are conducted virtually and closed to in-person attendance.

a. Members of the public may listen to hearings online; instructions for access are on the board of parole website at bop.iowa.gov.

b. Registered victims may participate in a hearing online and should coordinate with the board of parole victim liaison prior to the proceeding.

20.13(2) Interviews may be temporarily modified or suspended in the following circumstances: riot, disturbance, fire, labor dispute, space restriction, natural disaster, or other extreme emergency.

20.13(3) Rules governing conduct at the hearings as required by the board of parole are contained in the board's administrative rules under agency number [205].

20.13(4) Provisions that apply to registered victims are found in subrule 20.15(7).

This rule is intended to implement Iowa Code sections 904.102 and 904.103.

201—20.14(80A) Transportation for incarcerated individuals.

20.14(1) Companies under contract to county or state agencies to transport Iowa incarcerated individuals must meet the requirements of this rule to qualify for exemption under Iowa Code section 80A.2.

20.14(2) To comply with the exemption in Iowa Code section 80A.2, the following requirements shall apply:

a. Companies contracting with any jurisdiction/agency within the state of Iowa will provide, upon request, training and compliance with policy standards governing weapons, security, transportation, and management procedures for incarcerated individuals essential to accomplishing safe and secure movement of incarcerated individuals.

b. Companies contracting to provide transportation for incarcerated individuals with a jurisdiction/agency within the state of Iowa will provide proof of insurance coverage including but not limited to comprehensive general liability, automobile liability, workers' compensation insurance, all-inclusive policies, general liability, and errors or omissions.

c. Companies contracting with any jurisdiction/agency within the state of Iowa will provide the names, dates of birth, and social security numbers of all transportation personnel for criminal history checks.

d. All transporting personnel will possess appropriate and valid driver's licenses as required by the regulatory agencies.

e. All transporting vehicles will be licensed under the appropriate Interstate Commerce Commission (ICC) regulations and the state where the vehicle is registered.

f. All transmitting/receiving radios and communication equipment will comply with Federal Communications Commission (FCC) regulations.

g. This exemption applies only to transportation companies for incarcerated individuals. This exemption does not provide exemption for any other part of this statute.

This rule is intended to implement Iowa Code sections 80A.2 and 904.320.

201—20.15(915) Victim notification.

20.15(1) Definitions.

"Notification" means the same as defined in Iowa Code section 915.10(1).

"Registered" means having provided the appropriate office, agency, or department with the victim's written request for notification and current mailing address and telephone number.

"Victim" means a person who has suffered physical, emotional, or financial harm as the result of a public offense, other than a simple misdemeanor, committed in this state. The term also includes the immediate family members of a victim who died or was rendered incompetent as a result of the offense or who was under 18 years of age at the time of the offense.

"Violent crime" means the same as defined in Iowa Code section 915.10(5).

20.15(2) Victims may become registered with the department, which entitles the victim to be notified of changes in an incarcerated individual's status as outlined in Iowa Code sections 915.17 and 915.17A.

20.15(3) A victim will become registered upon official request by the county attorney to the director of the department or the director's designee.

20.15(4) Assistance for registering may be obtained through the county attorney or by contacting the department's office of victim programs at 800.778.1182.

20.15(5) All information with regard to a registered victim will be kept confidential.

20.15(6) A registered victim is responsible for notifying the department of address or telephone changes.

20.15(7) Registered victims of the board of parole may attend hearings in accordance with procedures established by the board of parole pursuant to Iowa Code section 915.18. Information on this process may be accessed on the board of parole website at bop.iowa.gov.

This rule is intended to implement Iowa Code chapter 915.

201—20.16(904) Institutional community placement.

20.16(1) *Home care program.* This program allows for selected incarcerated individuals to be released from institutional confinement for a set period of time for the purpose of caring for the incarcerated individual's immediate family. Release may be to a community correction residential facility/halfway house or to the incarcerated individual's home, the home of an immediate family member, or other approved arrangements, provided the living environment is suitable to institutional requirements. Release may be for a set number of hours or days as appropriate.

a. Eligibility criteria.

- (1) The incarcerated individual must be the natural parent or legal guardian of the child(ren).
- (2) The incarcerated individual must show cause that this program can provide more suitable care than the present living situation of the child(ren).
- (3) The child(ren) must be minor(s).
- (4) The incarcerated individual must have been the primary caretaker of the child(ren) prior to incarceration.
- (5) Investigating staff must be able to confirm that the incarcerated individual had satisfactorily served this care prior to incarceration.
- (6) The proposed living arrangements shall provide a suitable environment for the incarcerated individual and dependents.
- (7) The physical structure of the residence shall provide for adequate space; meet sanitary, health and safety requirements; and be in good repair. A functional telephone must be maintained in the residence at all times.
- (8) It will be verified that the incarcerated individual, including a spouse or immediate family member living at the same residence, can and will provide adequate support toward the child, children, or other dependent. Eligibility requirements for assistance through the department of health and human services programs (FIP, food stamps, etc.) will be verified prior to final approval.
- (9) It will be verified that the incarcerated individual or immediate family living at the residence can provide adequate transportation or that public transportation is available.
- (10) Adequate support services (medical, psychological, educational, as well as other treatment programs) must be arranged and available to both the incarcerated individual and dependents.
- (11) Dependent care for an adult member of the incarcerated individual's immediate family must include a medically documented need with periodic supervision or other approved arrangements by a health-trained professional.

b. Requirements.

- (1) Education/employment/child care/adult dependent care. Where all dependents are involved in full-time school, participation in an educational or employment program may be required of the incarcerated individual. Where such dependents are not yet in school, child care may be considered as full-time employment.

(2) Child care/adult dependent care. Child care shall be provided in the home. Therefore, the residence will be considered as the designated place of assignment. Deviations from the same shall be reported to staff in advance.

20.16(2) *Work program—eligibility criteria.* This program allows for selected incarcerated individuals to be released from institutional confinement for a period of time for gainful employment in the community. The program may also include placement in a community corrections residential facility/halfway house or to the incarcerated individual's home, the home of an immediate family member, or other approved arrangements, provided the living environment is suitable to institutional requirements. Release may be for a set number of hours or days as appropriate.

a. The incarcerated individual must show a substantial need and interest for participation in the program.

b. The incarcerated individual must seek and apply for employment through established procedures of the furlough program or through institutional correspondence, telephone, or visiting procedures.

c. Suitable employment and verification must be obtained by staff prior to consideration.

20.16(3) *Educational program—eligibility criteria.* This program allows for selected incarcerated individuals to be released from institutional confinement for a period of time for educational opportunities in the community. This program may also include placement in a community corrections residential facility/halfway house or to the incarcerated individual's home, the home of an immediate family member, or other approved arrangements, provided the environment is suitable to institutional requirements. Release may be for a set number of hours or days as appropriate.

a. The incarcerated individual must show a substantial need and interest for participation in the program.

b. The incarcerated individual must seek educational opportunities and financial support through established procedures of the furlough program or through institutional correspondence, telephone, or visiting procedures (financial arrangements can only include family support or grants). Educational loans or loans of any type will not be allowed while on institutional count. Additional community corrections restriction may apply while under community supervision.

20.16(4) *General requirements for all three programs.*

a. Participation in any of these programs at any level is a privilege, not a right, of which participating incarcerated individuals are subject to and held accountable for all provisions of this policy as well as the specific program plan.

b. Institutional progress and recommended program participation must reflect an average or above rating.

c. Incarcerated individuals must be furlough-eligible in accordance with furlough eligibility standards in department policy IS-RL-04 and rule 201—20.12(904).

d. If applicable, community corrections residential/halfway house rules and regulations will apply, as well as institutional rules including all program plan rules.

e. Local authorities will be contacted to determine possible concerns (correctional services, county attorney, law enforcement).

f. The incarcerated individual may be required to submit to periodic or regular urinalysis testing (this procedure may be completed at any correctional institution, community corrections facility/office, or at the residence).

g. All activity will be monitored by community corrections staff and institutional staff as agreed.

h. All employment and educational earnings, less payroll deductions including education grants and expenses, will be surrendered to the residential facility/halfway house staff according to established procedures or to the institution business manager, whichever applies, according to the program plan. Employment earning deductions will be prioritized in accordance with Iowa Code section 904.905 for all levels of placement.

i. Contact frequency. A minimum of one home visit and one other face-to-face contact per month is required of staff. Furthermore, a sufficient number of collateral contacts will be made each month to ensure that the incarcerated individual is meeting requirements of the program plan.

j. Special needs. In situations where incarcerated individuals or the family have special needs, a case planning system will be incorporated to address needs, capabilities, and specific goals. Special attention shall be given to past or immediate problems.

k. Travel. Supervisory staff may grant permission for travel within the state. Standard policy will apply to out-of-state travel.

l. Temporary absence. Incarcerated individuals may temporarily leave the residence for necessary purposes such as shopping, religious services, family recreation, medical appointments, and employment as indicated on the plan.

20.16(5) *Application procedures.*

a. Applications must be made to the present institutional classification committee.

b. The application must contain all pertinent information and resources for the requested program.

c. The classification committee shall review each case considering all standards and criteria.

d. The classification committee's recommendation must be approved by the warden.

e. If approved by the warden, the recommendation and all pertinent information shall be forwarded to the institutional deputy director for final approval.

f. If the recommendation is approved by the institutional deputy director, the incarcerated individual must agree to abide by all rules established in the program plan, including institutional rules and community corrections rules as well as all local, state, and federal laws.

g. Each level of review has the authority to deny the application or to make changes in the program plan, including level of placement (i.e., institutional, residential/halfway house, home) and electronic monitoring devices.

h. Incarcerated individuals placed in any of these programs will not be relieved of paying restitution or any other financial obligation as required by the court or institution.

20.16(6) *Violations.*

a. Violation of any rule set forth in the program plan, including any additional rules set forth by any authority listed in this policy, may constitute the revocation of participation in either program at any level.

b. Revocation may also occur for improper care of children or dependents, inadequate earnings, failure to maintain employment or unacceptable employment conduct, rule violations, or failure to meet program expectations.

20.16(7) *Program activity.* This rule does not create any liberty interest in the incarcerated individual's continued participation in any of the programs at any level listed under this rule, and the department or its designee(s) reserves the right to revoke, suspend, or limit/restrict program activity from the listed programs for any reason, without hearing.

20.16(8) *Waiver of liberty interests.* As a condition for an incarcerated individual to participate in any of the programs at any level listed under this rule, the incarcerated individual must voluntarily waive any and all liberty interests to a hearing should the department exercise its right to revoke, suspend or limit/restrict program activity. This waiver must be signed prior to an incarcerated individual's acceptance into a program. The signed waiver shall remove any and all rights to due process should the department exercise its right to revoke, suspend or limit/restrict program activity.

This rule is intended to implement Iowa Code section 904.910.

ARC 0660D

CORRECTIONS DEPARTMENT[201]

Notice of Intended Action

**Proposing rulemaking related to sex offender management and treatment
and providing an opportunity for public comment**

The Department of Corrections hereby proposes to rescind Chapter 38, "Sex Offender Management and Treatment," Iowa Administrative Code, and to adopt a new Chapter 38 with the same title.

Legal Authority for Rulemaking

This rulemaking is proposed under the authority provided in Iowa Code section 903B.10.

State or Federal Law Implemented

This rulemaking implements, in whole or in part, Iowa Code chapters 692A and 903B.

Purpose and Summary

This proposed rulemaking rescinds and replaces Chapter 38 to fulfill the requirements of Executive Order 10. The intended benefit of Chapter 38 is public safety through the reduction of sexual recidivism. The chapter provides the necessary clinical and administrative frameworks to manage individuals under sex offender supervision, specifically addressing electronic tracking, pharmacological intervention, or both. Pursuant to Executive Order 10, the chapter was evaluated to realign the text with baseline regulatory drafting standards. Specifically, this rulemaking does the following:

- Removes former rule 201—38.3(692A) (rescinded in 2010) and sequentially renumbers the subsequent rule to maintain numerical continuity.
- Removes text that duplicates provisions directly set forth in Iowa Code chapter 692A and sections 903B.10 and 915.17A.

Regulatory Analysis

A Regulatory Analysis for this rulemaking was published in the Iowa Administrative Bulletin on August 19, 2026. A public hearing was held on the following date(s):

- September 8, 2026

No comments were received, and no changes from the Regulatory Analysis have been made.

Fiscal Impact

This rulemaking has no fiscal impact to the State of Iowa.

Jobs Impact

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

Waivers

Any person who believes that the application of the discretionary provisions of this rulemaking would result in hardship or injustice to that person may petition the Department for a waiver of the discretionary provisions, if any, pursuant to 201—Chapter 2504.

Public Comment

Any interested person may submit written or oral comments concerning this proposed rulemaking, which must be received by the Department no later than 4:30 p.m. on November 3, 2026. Comments should be directed to:

Jen Rathje
Iowa Department of Corrections
Jessie Parker Building
510 East 12th Street
Des Moines, Iowa 50319
Phone: 515.802.0898
Email: jen.rathje1@iowa.gov

Public Hearing

Public hearings at which persons may present their views orally or in writing will be held as follows:

November 3, 2026
9:30 to 10:30 a.m.

Via Google Meet Video at
meet.google.com/hjx-panj-ukw
Or dial: (US) +1 318.814.8332
PIN: 569 488 452#

November 3, 2026
1:30 to 2:30 p.m.

Via Google Meet Video at
meet.google.com/rzq-sqzh-aae
Or dial: (US) +1 401.315.8618
PIN: 517 967 012#

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

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

Review by Administrative Rules Review Committee

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

The following rulemaking action is proposed:

ITEM 1. Rescind 201—Chapter 38 and adopt the following **new** chapter in lieu thereof:

CHAPTER 38 SEX OFFENDER MANAGEMENT AND TREATMENT

201—38.1(692A,903B) Application. This chapter applies to sex offender electronic monitoring and hormonal intervention therapy.

201—38.2(692A,903B) Electronic monitoring. It is the intent of the department of corrections that the electronic monitoring system (EMS) will be used to enhance public safety. Appropriate levels of EMS should be used to verify the location and restrict the movement of sex offenders in accordance with the provisions of Iowa Code section 692A.124(2). EMS is additionally governed by the provisions of department of corrections policies OP-SOP-06, CBC-15, and CBC-HRU-04.

38.2(1) Definitions.

“Client” means a person who is required to register with the Iowa sex offender registry.

“Electronic monitoring system” or “EMS” is a term used collectively for technology that determines the location of clients who have restricted movement while being supervised in their respective community.

38.2(2) Selection of clients for EMS. All clients on supervision for a current sex offense who are required to be registered as a sex offender under Iowa Code chapter 692A may be placed on EMS immediately after assignment to supervision. This level may be changed based on risk assessment.

38.2(3) Risk assessment instrument. Districts will use the statewide approved and validated risk/needs assessment.

38.2(4) Notification of victims. The department of corrections shall notify a registered victim regarding a sex offender in accordance with the provisions of Iowa Code section 915.17A.

38.2(5) Additional rules. The department of public safety's rules regarding the Iowa sex offender registry are contained in 661—Chapter 83.

201—38.3(903B) Hormonal intervention therapy.

38.3(1) Affected clients. All clients convicted of a serious sex offense in which the victim was a child who, at the time the offense was committed, was 12 years of age or younger; or clients convicted of

a second or subsequent offense may be required to undergo hormonal intervention therapy as ordered by the court or board of parole in accordance with the provisions of Iowa Code section 903B.10.

38.3(2) *Agency responsibility.* The department of corrections' and the board of parole's responsibilities are defined in accordance with the provisions of Iowa Code section 903B.10.

38.3(3) *Assessment of affected clients.*

a. Psychosexual assessment. A psychosexual assessment will be conducted on all affected clients as a part of the presentence investigation (PSI) prior to sentencing or upon entry into community supervision or institutional placement if a referral for hormonal intervention therapy is being made.

(1) The psychosexual assessment will be conducted by or under the direction of:

1. A licensed psychologist; or
2. A person specifically trained and experienced in the professional administration, scoring and interpretation of psychological tests (graduate level coursework in testing and assessment); or
3. A staff member who meets the experience and educational requirements of the department of administrative services or department of corrections behavioral health professional classification.

(2) The psychosexual assessment includes:

1. Evaluation of emotional and mental health stability.
2. IQ to measure cognitive, overall functioning, personality, impulsivity and judgment capability.
3. Measure of denial, minimization or distortions of deviant sexual characteristics.
4. Plethysmography, if clinically indicated.

(3) The assessment will follow the statewide standardized format and will include a determination as to the need and effectiveness of hormonal intervention therapy as well as treatment recommendations.

b. Medical assessment. If hormonal intervention therapy is recommended as an appropriate treatment component, the client will receive a medical assessment to determine biological factors as related to hormonal intervention therapy.

38.3(4) *Pharmaceuticals and distribution.* The director of corrections may contract the purchase and distribution process to reduce pharmaceutical costs and ensure effective distribution and management of all pharmaceuticals related to the hormonal therapy program.

38.3(5) *Educational/treatment programming.*

a. Hormonal intervention therapy is to be utilized in conjunction with a sex offender treatment program (SOTP). The client should be involved in concurrent cognitive-behavioral treatment. In all cases where the treatment plan includes hormonal therapy, the plan will also include monitoring and counseling.

b. All SOTPs will meet the current Iowa board for the treatment of sexual abusers (IBTSA) standards.

38.3(6) *Application of hormonal therapy.*

a. Utilization of hormonal therapy.

(1) Therapy will utilize medroxyprogesterone acetate (MPA) or other approved pharmaceutical agents.

(2) Therapy will be initiated as soon as reasonably possible after the client is sentenced.

1. If the client is incarcerated within a local jurisdiction (jail, residential facility), the supervising district will coordinate initiation of treatment prior to the release of the client from custody.

2. If the client is incarcerated within a correctional institution, initiation of treatment will be determined by department of corrections medical staff.

(3) Requests for hormonal therapy by the client when the aforementioned criteria are not met will be reviewed for consideration by the agency of jurisdiction.

(4) At any time during the course of supervision, the agency of jurisdiction may conduct a reassessment to determine whether hormonal therapy should be considered or reconsidered as part of the treatment plan.

b. Monitoring/termination of hormonal therapy.

(1) Monitoring. The agency of jurisdiction will continue to monitor the client's therapy throughout the client's confinement or supervision and may adjust medication, initiate other medication, or continue prescribed therapy with medical approval.

(2) Termination. Hormonal therapy may be discontinued only by the medical authority, with consent of the supervising officer. Termination requires a reassessment conclusion that the therapy has been determined ineffective or is no longer necessary.

38.3(7) Client fees. Clients are responsible for the costs related to hormonal therapy. Client fees are based on the client's ability to pay as determined by the statewide client fee policy.

38.3(8) Maintenance/transfer of records. Client file information will be available and shared upon request between responsible agencies, including court of jurisdiction.

These rules are intended to implement Iowa Code chapters 692A and 903B.

ARC 0664D

ECONOMIC DEVELOPMENT AUTHORITY[261]

Notice of Intended Action

Proposing rulemaking related to federal investment tax credit program and providing an opportunity for public comment

The Economic Development Authority hereby proposes to rescind Chapter 411, "Investment Tax Credit Program," and to adopt a new Chapter 411, "Federal Investment Tax Credit Program," Iowa Administrative Code.

Legal Authority for Rulemaking

This rulemaking is proposed under the authority provided in Iowa Code section 15.121.

State or Federal Law Implemented

This rulemaking implements, in whole or in part, Iowa Code section 15.121 and 26 U.S.C. §47.

Purpose and Summary

Pursuant to Executive Order 10, the Authority proposes to rescind Chapter 411 and adopt a new chapter in lieu thereof. The chapter describes the responsibilities and policies of the State Historic Preservation Office (Office) and staff of the Office relating to the federal investment tax credit for rehabilitation of certified historic structures.

The updated chapter will be clearer and more concise throughout. Language that duplicates federal statute and regulation will not be included. The following will be added for clarity:

- Definitions;
- Specifics on the role of the State Historic Preservation Officer (SHPO) in the tax credit process;
- A new rule explaining that tax credit applicants must utilize established forms and instructions from the SHPO and the National Park Service (NPS); and
- The specification that references to the United States Code in the chapter are as of the effective date of the rulemaking.

Regulatory Analysis

A Regulatory Analysis for this rulemaking was published in the Iowa Administrative Bulletin on July 22, 2026. A public hearing was held on the following date(s):

- August 11, 2026

Fiscal Impact

This rulemaking has no fiscal impact to the State of Iowa.

Jobs Impact

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

Waivers

Any person who believes that the application of the discretionary provisions of this rulemaking would result in hardship or injustice to that person may petition the Authority for a waiver of the discretionary provisions, if any, pursuant to 7—Chapter 2504.

Public Comment

Any interested person may submit written or oral comments concerning this proposed rulemaking, which must be received by the Authority no later than 4:30 p.m. on November 5, 2026. Comments should be directed to:

Lisa Connell
Iowa Economic Development Authority
1963 Bell Avenue, Suite 200
Des Moines, Iowa 50315
Phone: 515.348.6163
Email: lisa.connell@iowaeda.com

Public Hearing

Public hearings at which persons may present their views orally or in writing will be held as follows:

November 3, 2026 9 to 9:15 a.m.	Via Microsoft Teams Information about Teams participation can be found at opportunityiowa.gov/about/iowa-economic-development-authority/ieda-red-tape-review
November 5, 2026 3 to 3:15 p.m.	Via Microsoft Teams Information about Teams participation can be found at opportunityiowa.gov/about/iowa-economic-development-authority/ieda-red-tape-review

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

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

Review by Administrative Rules Review Committee

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

The following rulemaking action is proposed:

ITEM 1. Rescind 261—Chapter 411 and adopt the following **new** chapter in lieu thereof:

CHAPTER 411
FEDERAL INVESTMENT TAX CREDIT PROGRAM

261—411.1(303) Tax credit. Federal income tax benefits for rehabilitation of certified historic structures are available pursuant to 26 U.S.C. §47.

261—411.2(15) Definitions. For purposes of this chapter, unless the context otherwise requires:

“*Certified historic structure*” means the same as defined in 26 U.S.C. §47(c)(3).

“*Part 1 application*” means an application submitted to the SHPO to determine whether a property is historically significant.

“*Part 2 application*” means an application submitted to the SHPO to determine whether the proposed rehabilitation work meets the federal standards.

“*Part 3 application*” means an application submitted to the SHPO to determine whether a project has complied with applicable laws, rules and regulations, including federal standards, and is therefore eligible for a tax credit.

“*State historic preservation officer*” or “*SHPO*” means the officer appointed and certified pursuant to Iowa Code section 15.121.

261—411.3(15) Responsibilities.

411.3(1) Applications for the credit are reviewed and commented on by the SHPO, who makes recommendations to the Secretary of the Interior for final approval. Upon completion, the work is certified by the Secretary of the Interior for the taxpayer to receive benefits pursuant to federal regulations.

411.3(2) The SHPO will also do all of the following:

- a.* Serve as first point of contact for property owners seeking the credit.
- b.* Provide application forms, regulations, information on appropriate treatments and technical assistance to property owners seeking the credit.
- c.* Advise applicants for the credit on rehabilitation projects and make site visits.

261—411.4(15) Applications. All applications and other filings related to the program shall be on such forms and in accordance with such instructions as may be established by the National Park Service and the SHPO. Information about the program, including a link to the online applications and instructions, may be obtained by visiting the authority’s website. An application shall not be considered submitted for review until the application is complete and all required supporting documentation and information are provided. SHPO review of part 1, part 2, and part 3 applications, including amendments thereto, will generally occur within 30 days of receipt.

261—411.5(15) References. All references to the United States Code in this chapter are as in effect on [effective date of this rulemaking].

These rules are intended to implement Iowa Code section 15.121 and 26 U.S.C. §47.

ARC 0667D

ECONOMIC DEVELOPMENT AUTHORITY[261]

Notice of Intended Action

**Proposing rulemaking related to review and compliance program
and providing an opportunity for public comment**

The Economic Development Authority hereby proposes to rescind Chapter 414, “Review and Compliance Program,” Iowa Administrative Code, and to adopt a new Chapter 414 with the same title.

Legal Authority for Rulemaking

This rulemaking is proposed under the authority provided in Iowa Code section 15.121.

State or Federal Law Implemented

This rulemaking implements, in whole or in part, Iowa Code section 15.121 and 54 U.S.C. Subtitle III, Division A.

Purpose and Summary

Pursuant to Executive Order 10, the Authority proposes to rescind Chapter 414 and adopt a new chapter in lieu thereof. The chapter describes the policies and procedures related to review of federal agency undertakings by the State Historic Preservation Office as required by Section 106 of the National Historic Preservation Act.

The updated chapter will be clearer and more concise throughout. Definitions will be added for clarity. Language that duplicates federal law or regulation will be omitted from the chapter. The chapter will include new language to address consultation required by Iowa Code section 15.121(7) for State-owned properties.

Regulatory Analysis

A Regulatory Analysis for this rulemaking was published in the Iowa Administrative Bulletin on August 19, 2026. A public hearing was held on the following date(s):

- September 8, 2026

Fiscal Impact

This rulemaking has no fiscal impact to the State of Iowa.

Jobs Impact

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

Waivers

Any person who believes that the application of the discretionary provisions of this rulemaking would result in hardship or injustice to that person may petition the Authority for a waiver of the discretionary provisions, if any, pursuant to 7—Chapter 2504.

Public Comment

Any interested person may submit written or oral comments concerning this proposed rulemaking, which must be received by the Authority no later than 4:30 p.m. on November 5, 2026. Comments should be directed to:

Lisa Connell
Iowa Economic Development Authority
1963 Bell Avenue, Suite 200
Des Moines, Iowa 50315
Phone: 515.348.6163
Email: lisa.connell@iowaeda.com

Public Hearing

Public hearings at which persons may present their views orally or in writing will be held as follows:

November 3, 2026 9 to 9:15 a.m.	Via Microsoft Teams Information about Teams participation can be found at opportunityiowa.gov/about/iowa-economic-development-authority/ieda-red-tape-review
November 5, 2026 3 to 3:15 p.m.	Via Microsoft Teams Information about Teams participation can be found at opportunityiowa.gov/about/iowa-economic-development-authority/ieda-red-tape-review

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

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

Review by Administrative Rules Review Committee

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

The following rulemaking action is proposed:

ITEM 1. Rescind 261—Chapter 414 and adopt the following **new** chapter in lieu thereof:

CHAPTER 414
REVIEW AND COMPLIANCE PROGRAM

261—414.1(15) Definitions. For purposes of this chapter, unless the context otherwise requires:

“*Act*” means the National Historic Preservation Act of 1966, PL 89-665, 54 U.S.C. Subtitle III, Division A.

“*Advisory Council*” means the Advisory Council on Historic Preservation established under the Act.

“*Agency*” means the same as defined in 54 U.S.C. §300301.

“*Historic property*” means the same as defined in 54 U.S.C. §300308.

“*National Register of Historic Places*” or “*National Register*” means the federal government's list of historic properties authorized under the Act, administered by the National Park Service, United States Department of the Interior.

“*Section 106*” means the section of the Act that requires federal agencies to take into account the effects of the undertakings that the agencies carry out, fund, license, permit or approve on historic properties and afford the Advisory Council a reasonable opportunity to comment.

“*State historic preservation officer*” or “*SHPO*” means the officer appointed and certified pursuant to Iowa Code section 15.121.

“*Undertaking*” means the same as defined in 54 U.S.C. §300320.

261—414.2(15) Laws, regulations, and other requirements. In addition to this chapter, the Iowa review and compliance program shall operate in accordance with the following:

414.2(1) The Act, including but not limited to Section 106.

414.2(2) 36 CFR Part 60 (National Register of Historic Places).

414.2(3) 36 CFR Part 61 (Procedures for State, Tribal, Local Government Historic Preservation Programs).

414.2(4) 36 CFR Part 63 (Determinations of Eligibility for Inclusion in the National Register of Historic Places).

414.2(5) 36 CFR Part 800 (Protection of Historic Properties).

414.2(6) Contract terms outlined in a Historic Preservation Fund grant agreement between the SHPO and the National Park Service.

414.2(7) Iowa Code sections 15.121 and 15.122.

261—414.3(15) Procedures.

414.3(1) Technical assistance. In addition to the technical assistance described in rule 261—415.3(303), the SHPO shall advise and assist agencies as prescribed in 36 CFR §800.2(c)(1)(i).

414.3(2) SHPO review of federal undertakings.

a. Agency officials and agency program applicants or recipients requesting consultation with the SHPO on an undertaking pursuant to Section 106 shall submit documentation regarding the undertaking and potential effects to historic properties.

b. The SHPO will make appropriate forms and guidelines available to the public for submission of project documentation to the SHPO.

261—414.4(15) State-owned properties. This rule applies to consultation with the SHPO required pursuant to Iowa Code section 15.121(7).

414.4(1) If a property owned by a state agency has not been listed in, or identified as eligible for, the National Register of Historic Places, the state agency shall submit information sufficient for the SHPO to determine if the property is a historic property. The SHPO will determine whether a property is eligible for listing on the National Register or state register of historic places. A property may be reevaluated for this purpose for subsequent modifications to the property. Consultation with the Keeper of the National Register of Historic Places may be requested to determine whether a property is a historic property.

414.4(2) The SHPO will make appropriate forms and guidelines available to state agencies for submission of project documentation for review and comment by the SHPO. Required information shall include but not be limited to the area of potential effects and a description of modifications to the historic property.

414.4(3) The SHPO shall provide comments within 45 days of submission of required information. If the information is incomplete when submitted, the 45-day review period will restart when the SHPO receives a complete submission. Comments may include requests for further information or address any of the following:

- a.* The scope, scale, and nature of the proposed project;
- b.* The potential for effects on historic properties;
- c.* The likelihood that historic properties are present within the area of potential effects; and
- d.* Applicable professional standards and state, tribal, and local laws, regulations, and guidelines.

414.4(4) Modifications to historic properties that may be considered adverse effects include but are not limited to physical destruction of or damage to the historic property, alteration of a property that would affect the eligibility for or listing on the National Register, or removal of the property from its historic location. The SHPO will consult with the state agency to evaluate potential methods to avoid or minimize effects to the historic property. Alternatively, the state agency and SHPO may enter into an agreement to mitigate the adverse effects.

261—414.5(15) References. All references to the Act, United States Code, or Code of Federal Regulations in this chapter are as in effect on [effective date of this rulemaking].

These rules are intended to implement Iowa Code section 15.121 and 54 U.S.C. Subtitle III, Division A.

ARC 0666D

ECONOMIC DEVELOPMENT AUTHORITY[261]

Notice of Intended Action

Proposing rulemaking related to historic property rehabilitation tax exemption and providing an opportunity for public comment

The Economic Development Authority hereby proposes to adopt new Chapter 418, “Historic Property Rehabilitation Tax Exemption,” Iowa Administrative Code.

Legal Authority for Rulemaking

This rulemaking is proposed under the authority provided in Iowa Code section 15.121.

State or Federal Law Implemented

This rulemaking implements, in whole or in part, Iowa Code sections 15.121 and 427.16.

Purpose and Summary

Pursuant to Executive Order 10, the Authority proposes to adopt a new Chapter 418. The chapter will replace 223—Chapter 47, which was adopted by the State Historic Preservation Office (Office) prior to its alignment with the Authority in 2023 Iowa Acts, Senate File 514. 223—Chapter 47 is proposed to be rescinded as part of a concurrent rulemaking (**ARC 0663D**, IAB 10/14/26).

The new chapter describes the responsibilities and policies of the State Historic Preservation Officer (SHPO) and staff of the Office relating to the historic property rehabilitation tax exemption available pursuant to Iowa Code section 427.16.

Regulatory Analysis

A Regulatory Analysis for this rulemaking was published in the Iowa Administrative Bulletin on July 22, 2026. A public hearing was held on the following date(s):

- August 11, 2026

Fiscal Impact

This rulemaking has no fiscal impact to the State of Iowa.

Jobs Impact

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

Waivers

Any person who believes that the application of the discretionary provisions of this rulemaking would result in hardship or injustice to that person may petition the Authority for a waiver of the discretionary provisions, if any, pursuant to 7—Chapter 2504.

Public Comment

Any interested person may submit written or oral comments concerning this proposed rulemaking, which must be received by the Authority no later than 4:30 p.m. on November 5, 2026. Comments should be directed to:

Lisa Connell
Iowa Economic Development Authority
1963 Bell Avenue, Suite 200
Des Moines, Iowa 50315
Phone: 515.348.6163
Email: lisa.connell@iowaeda.com

Public Hearing

Public hearings at which persons may present their views orally or in writing will be held as follows:

November 3, 2026 9:30 to 9:45 a.m.	Via Microsoft Teams Information about Teams participation can be found at opportunityiowa.gov/about/iowa-economic-development-authority/ieda-red-tape-review
November 5, 2026 3:30 to 3:45 p.m.	Via Microsoft Teams Information about Teams participation can be found at opportunityiowa.gov/about/iowa-economic-development-authority/ieda-red-tape-review

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

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

Review by Administrative Rules Review Committee

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

The following rulemaking action is proposed:

ITEM 1. Adopt the following **new** 261—Chapter 418:

CHAPTER 418
HISTORIC PROPERTY REHABILITATION TAX EXEMPTION

261—418.1(15,427) Definitions. For purposes of this chapter, unless the context otherwise requires:

“*Adjusted basis*” means the same as defined in Iowa Code section 427.16.

“*Application for exemption*” means the application for a property tax exemption filed with the applicable assessor pursuant to Iowa Code section 427.16.

“*Authority*” means the economic development authority created in Iowa Code section 15.105.

“*Certification*” means confirmation, following completion of an entire project, that substantial rehabilitation work for a historic property meets the federal standards.

“*Exemption*” means the temporary release from the increase in valuation due to certified substantial rehabilitation of a historic property contemplated by Iowa Code section 427.16.

“*Federal standards*” means the U.S. Secretary of the Interior's standards for rehabilitation set forth in 36 CFR 67.7.

“*Historic property*” means the same as defined in Iowa Code section 427.16(7).

“*Part 1 application*” means an application submitted to the authority to determine whether a property is a historic property.

“*Part 2 application*” means an application submitted to the authority to determine whether the proposed rehabilitation work for a historic property meets federal standards.

“*Part 3 application*” means an application submitted to the authority to determine whether the rehabilitation work for a historic property has been completed in accordance with the federal standards and that the expenditure constitutes a certified substantial rehabilitation.

“*Property owner*” means an individual or corporation that is the owner of real estate for taxation purposes.

“*State historic preservation officer*” or “*SHPO*” means the officer appointed and certified pursuant to Iowa Code section 15.121.

“*Substantial rehabilitation*” means the same as defined in Iowa Code section 427.16(8).

261—418.2(15,427) Program administration. Boards of supervisors administer historic property tax exemptions pursuant to Iowa Code section 427.16. The SHPO approves certifications for inclusion with an exemption application pursuant to this chapter.

261—418.3(15,427) Eligibility.

418.3(1) A property owner may apply for certification.

418.3(2) The SHPO will not approve a certification for a condominium.

261—418.4(15,427) Certification procedure.

418.4(1) All applications for certification shall be on such forms and in accordance with such instructions as may be established by the SHPO. Online applications and instructions may be obtained by visiting the authority's website. An application shall not be considered submitted for review until the application is complete and all required supporting documentation and information are provided.

418.4(2) Applications for certification shall provide historical, architectural and financial information and plans, photographs and maps as required on the application forms.

a. Part 1 applications establish the significance of the property as a historic property. Photographs shall show the pre-rehabilitation condition of the property, including the interior and exterior, before any work or new construction begins.

b. Part 2 applications detail the existing conditions and the proposed rehabilitation workplan. Photographs shall show specific areas of work and both the interior and exterior conditions prior to the start of work. Photographs shall show the pre-rehabilitation condition of the property, including the interior and exterior, before any work or new construction begins.

c. Part 3 applications document the completed work. Photographs shall show specific areas where work has been completed and both the overall interior and exterior conditions after the completion of work. Part 3 applications shall include sufficient documentation to allow SHPO staff to determine whether the property has undergone a substantial rehabilitation. Such documentation may include but is not limited to a letter from the applicable county assessor establishing the taxpayer's adjusted basis or verification of qualified expenditures by a certified public accountant authorized to practice in this state.

d. Applicants are strongly encouraged to obtain approvals on parts 1 and 2 of the application prior to the start of work to prevent delays in approval of certification or denials caused by rehabilitation work that is not completed in accordance with the federal standards. Applicants shall file completed part 3 applications with the authority on or before December 31 of the year the substantial rehabilitation is completed.

418.4(3) All applications will be reviewed by the SHPO within 30 days of receipt of a complete application. If the application is incomplete when submitted or if the SHPO requests additional information, the 30-day review period will restart when the SHPO receives the requested information.

418.4(4) Any modification to the original rehabilitation proposal following approval of a part 2 application requires that an applicant amend the part 2 application to request review of the modification. Amendments to the part 2 application may result in rescission of approval if the SHPO determines that the work does not meet the federal standards or does not otherwise comply with the requirements of the exemption. Amendments to the part 2 application will not be accepted after the authority has approved the part 3 application. Work completed after approval of certification may be reviewed pursuant to rule 261—418.6(15,427).

418.4(5) Materials submitted to the authority will not be returned.

418.4(6) The process of application for certification pursuant to this chapter does not substitute for any other reviews or applications that may be required of property owners.

418.4(7) Inquiries concerning information required, historic property eligibility, and review criteria should be addressed to the authority.

261—418.5(15,427) Review and approval standards for applications for certification.

418.5(1) Project certification shall be based on the federal standards.

418.5(2) The standards apply to interior and exterior work. All reviews shall consider the entire rehabilitation project, including any new construction on site, rather than only a limited segment of the project. Certification shall be based on conformity of the total project to the standards.

418.5(3) If required documentation is incomplete and the review and evaluation cannot be completed following a request for additional information and if no response is provided within one year, the application may be considered abandoned or, if applicable, the requested certification denied. The applicant shall be notified by the authority.

418.5(4) If the SHPO approves certification, the applicant shall be notified in writing.

261—418.6(15,427) Revocation of certification. The SHPO may revoke certification of a historic property if, during the period of the exemption, work is completed for the historic property that does not meet the federal standards. Proposed work for the historic property following approval of certification should be reviewed by the SHPO to ensure continued certification.

261—418.7(15,427) Application for exemption. Application for exemption forms may be obtained from the office of the appropriate assessor or board of supervisors and submitted as directed in Iowa Code section 427.16.

261—418.8(15,427) Appeals. Decisions made by the authority may be appealed pursuant to Iowa Code chapter 17A.

261—418.9(15,427) References. All references to the Code of Federal Regulations are to the laws as in effect on [effective date of this rulemaking].

These rules are intended to implement Iowa Code sections 15.121 and 427.16.

ARC 0665D

ECONOMIC DEVELOPMENT AUTHORITY[261]

Notice of Intended Action

Proposing rulemaking related to survey and registration of cultural resources program and providing an opportunity for public comment

The Economic Development Authority hereby proposes to adopt new Chapter 419, “Survey and Registration of Cultural Resources Program,” Iowa Administrative Code.

Legal Authority for Rulemaking

This rulemaking is proposed under the authority provided in Iowa Code section 15.121.

State or Federal Law Implemented

This rulemaking implements, in whole or in part, Iowa Code section 15.121.

Purpose and Summary

Pursuant to Executive Order 10, the Authority proposes to adopt a new Chapter 419. The chapter will replace 223—Chapter 41, which was adopted by the State Historic Preservation Office prior to its alignment with the Authority in 2023 Iowa Acts, Senate File 514. 223—Chapter 41 is proposed to be rescinded as part of a concurrent rulemaking (ARC 0663D, IAB 10/14/26).

The new chapter describes the survey and registration of cultural resources programs administered by the Office and staff of the Office. The updated chapter will be clearer and more concise throughout, including the addition of definitions. Language will be added to the chapter to address records in the Iowa site inventory.

Regulatory Analysis

A Regulatory Analysis for this rulemaking was published in the Iowa Administrative Bulletin on July 22, 2026. A public hearing was held on the following date(s):

- August 11, 2026

Fiscal Impact

This rulemaking has no fiscal impact to the State of Iowa.

Jobs Impact

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

Waivers

Any person who believes that the application of the discretionary provisions of this rulemaking would result in hardship or injustice to that person may petition the Authority for a waiver of the discretionary provisions, if any, pursuant to 7—Chapter 2504.

Public Comment

Any interested person may submit written or oral comments concerning this proposed rulemaking, which must be received by the Authority no later than 4:30 p.m. on November 5, 2026. Comments should be directed to:

Lisa Connell
Iowa Economic Development Authority
1963 Bell Avenue, Suite 200
Des Moines, Iowa 50315
Phone: 515.348.6163
Email: lisa.connell@iowaeda.com

Public Hearing

Public hearings at which persons may present their views orally or in writing will be held as follows:

November 3, 2026 9:15 to 9:30 a.m.	Via Microsoft Teams Information about Teams participation can be found at opportunityiowa.gov/about/iowa-economic-development-authority/ieda-red-tape-review
November 5, 2026 3:15 to 3:30 p.m.	Via Microsoft Teams Information about Teams participation can be found at opportunityiowa.gov/about/iowa-economic-development-authority/ieda-red-tape-review

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

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

Review by Administrative Rules Review Committee

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

The following rulemaking action is proposed:

ITEM 1. Adopt the following **new** 261—Chapter 419:

CHAPTER 419

SURVEY AND REGISTRATION OF CULTURAL RESOURCES PROGRAM

261—419.1(15) Definitions. For purposes of this chapter, unless the context otherwise requires:

“*Act*” means the National Historic Preservation Act of 1966, Public Law 89-665, 54 U.S.C. Subtitle III, Division A.

“*Authority*” means the economic development authority created in Iowa Code section 15.105.

“*Historic preservation plan*” means the comprehensive statewide historic preservation plan required by the Act.

“Iowa site inventory” means the repository of architectural, archaeological, and historical survey data maintained by the state historic preservation office, including but not limited to survey data collected through projects funded by the state historic preservation office.

“State historic preservation officer” or *“SHPO”* means the officer appointed and certified pursuant to Iowa Code section 15.121.

261—419.2(15) Regulations. The Iowa cultural resources survey and registration program shall operate in accordance with the Act and 36 CFR Part 800.

261—419.3(15) Survey selection.

419.3(1) Surveys may be conducted by state historic preservation office staff, certified local governments, or pursuant to subgrants to consultants or interagency agreements with federal, state, and local governmental agencies.

419.3(2) Selection of survey areas or topics, and the inclusion of survey results in the survey files, shall be determined by the priorities of the historic preservation plan or pursuant to federal and state requirements.

419.3(3) The SHPO shall make available to the public, on request, federal and state guidelines for planning and conducting surveys of historic properties, appropriate forms, and guidelines for the reporting of results to the SHPO. These specifications and guidelines shall be used in all historic property surveys conducted or funded either partially or totally by the state historic preservation office. For other surveys, adoption of these specifications and guidelines is strongly recommended to facilitate comprehensive preservation planning, Section 106 review, information sharing, consistency in survey standards, and listing of historic properties on the National Register of Historic Places.

419.3(4) State historic preservation office staff may assist federal and state agencies, local governments, and individuals in survey planning, the preparation of requests for proposals, and proposal evaluation.

261—419.4(15) Survey funding.

419.4(1) Surveys funded by the state historic preservation office shall be conducted by principal investigators who meet the qualifications set forth in the Secretary of Interior Professional Qualification Standards. The same standards are recommended for investigators for other surveys.

419.4(2) All survey projects to be conducted by a consultant shall be awarded in a competitive bidding process.

261—419.5(15) Iowa site inventory.

419.5(1) Records in the Iowa site inventory may be stored indefinitely and subject to open records requests. Photographs, images, digital media, and all other materials submitted to the Iowa site inventory become sublicensable property of the SHPO and may be reproduced without permission, in perpetuity, royalty-free.

419.5(2) Individuals are solely responsible for determining copyright status and for obtaining any permissions that may be required for the proposed use of records in the Iowa site inventory.

261—419.6(15) Confidentiality of archaeological site information.

419.6(1) In accordance with Iowa Code section 22.7(21) and 685—Chapter 14, specific locational information on archaeological resources is confidential unless approved for disclosure. SHPO will consult with the office of the state archaeologist on the release of locational information on archaeological resources.

419.6(2) Notwithstanding any of the preceding subrule, the SHPO, or designee, shall retain the authority to deny access to the Iowa site records, site location maps, and all supporting documents if the release is believed to result in an unreasonable risk of damage or loss of the resource.

419.6(3) The state historic preservation office may enter into agreements with other entities, including but not limited to the state archaeologist, to obtain or make available records for planning purposes.

261—419.7(15) References. All references to the Act, United States Code, or Code of Federal Regulations, or the Secretary of Interior Professional Qualification Standards in this chapter are as in effect on [effective date of the rulemaking].

These rules are intended to implement Iowa Code section 15.121.

ARC 0647D

EDUCATION DEPARTMENT[281]

Notice of Intended Action

Proposing rulemaking related to failure to appeal proposed decision and providing an opportunity for public comment

The State Board of Education hereby proposes to amend Chapter 1, “Organization and Operation,” Iowa Administrative Code.

Legal Authority for Rulemaking

This rulemaking is proposed under the authority provided in Iowa Code chapters 17A and 290 and section 256.7.

State or Federal Law Implemented

This rulemaking implements, in whole or in part, Iowa Code chapters 17A and 290.

Purpose and Summary

This proposed rulemaking clarifies the State Board of Education’s role when there is no appeal of a proposed decision in contested cases under its jurisdiction. The Department of Education published a Regulatory Analysis, the public comment period of which closed on September 8, 2026.

Regulatory Analysis

A Regulatory Analysis for this rulemaking was published in the Iowa Administrative Bulletin on August 19, 2026. A public hearing was held on the following date(s):

- September 8, 2026

Fiscal Impact

This rulemaking has no fiscal impact to the State of Iowa.

Jobs Impact

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

Waivers

Any person who believes that the application of the discretionary provisions of this rulemaking would result in hardship or injustice to that person may petition the State Board for a waiver of the discretionary provisions, if any, pursuant to 7—Chapter 2504.

Public Comment

Any interested person may submit written or oral comments concerning this proposed rulemaking, which must be received by the State Board no later than 4:30 p.m. on November 3, 2026. Comments should be directed to:

Thomas A. Mayes
Department of Education
Grimes State Office Building

400 East 14th Street
Des Moines, Iowa 50319
Phone: 515.281.8661
Email: thomas.mayes@iowa.gov

Public Hearing

A public hearing at which persons may present their views orally or in writing will be held as follows:

November 3, 2026
8 to 9 a.m.

Room B50
Grimes State Office Building
Des Moines, Iowa
Via videoconference:
meet.google.com/sib-mznu-iuf

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

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

Review by Administrative Rules Review Committee

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

The following rulemaking action is proposed:

ITEM 1. Adopt the following **new** subrule 1.1(5):

1.1(5) *Failure to appeal proposed decision to the state board.* A proposed decision of the presiding officer, if there is no timely appeal under 7—subrule 2506.27(1), is placed on the consent agenda of the next regular board meeting for summary adoption unless the decision is within the province of the director to make.

ARC 0649D

EDUCATION DEPARTMENT[281]

Notice of Intended Action

Proposing rulemaking related to department-operated special school and program and providing an opportunity for public comment

The State Board of Education hereby proposes to rescind Chapter 11, “Department-Operated Special School and Program,” Iowa Administrative Code, and to adopt a new Chapter 11 with the same title.

Legal Authority for Rulemaking

This rulemaking is proposed under the authority provided in Iowa Code section 256.107.

State or Federal Law Implemented

This rulemaking implements, in whole or in part, Iowa Code chapter 256, subchapter V.

Purpose and Summary

After a review required by Executive Order 10, this proposed rulemaking removes obsolete language and rules. The Department of Education published a Regulatory Analysis, the public comment period of which closed on August 25, 2026.

Regulatory Analysis

A Regulatory Analysis for this rulemaking was published in the Iowa Administrative Bulletin on August 5, 2026. A public hearing was held on the following date(s):

- August 25, 2026

After the conclusion of the comment period for the Regulatory Analysis, the Department identified additional obsolete language, which is updated in this Notice.

Fiscal Impact

This rulemaking has no fiscal impact to the State of Iowa.

Jobs Impact

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

Waivers

Any person who believes that the application of the discretionary provisions of this rulemaking would result in hardship or injustice to that person may petition the State Board for a waiver of the discretionary provisions, if any, pursuant to 7—Chapter 2504.

Public Comment

Any interested person may submit written or oral comments concerning this proposed rulemaking, which must be received by the State Board no later than 4:30 p.m. on November 3, 2026. Comments should be directed to:

Thomas A. Mayes
Department of Education
Grimes State Office Building
400 East 14th Street
Des Moines, Iowa 50319
Phone: 515.281.8661
Email: thomas.mayes@iowa.gov

Public Hearing

A public hearing at which persons may present their views orally or in writing will be held as follows:

November 3, 2026
8 to 9 a.m.

Room B50
Grimes State Office Building
Des Moines, Iowa
Via videoconference:
meet.google.com/sib-mznu-iuf

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

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

Review by Administrative Rules Review Committee

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

The following rulemaking action is proposed:

ITEM 1. Rescind 281—Chapter 11 and adopt the following new chapter in lieu thereof:

CHAPTER 11
DEPARTMENT-OPERATED SPECIAL SCHOOL AND PROGRAM

281—11.1(256) Organization: Iowa educational services for the blind and visually impaired.

11.1(1) *Statement of mission.* The mission of Iowa educational services for the blind and visually impaired (IESBVI) has two primary components: to provide direct educational services to visually impaired children and youth of the state of Iowa and to serve a leadership and resource role in statewide efforts to meet the needs of the visually impaired. In fulfilling its stated mission, IESBVI will coordinate its efforts with all appropriate state agencies, area education agencies, and local education agencies.

a. Consistent with the various sections of the Iowa Code, the educational mission of IESBVI is to provide an appropriate individual education program for visually impaired children and youth who require the comprehensive programs provided by the school.

b. The educational programs of IESBVI will be consistent with the philosophy, reflected in federal and state legislation, that children and youth with and without disabilities be educated together to the greatest extent possible. Thus, IESBVI assumes responsibility for providing an education for the blind and visually impaired, including those with additional disabilities, for whom the comprehensive educational programs of IESBVI are most appropriate.

c. The scope of the educational program includes provisions for the blind and visually impaired from infancy through secondary education.

d. The IESBVI also serves as a state resource and dissemination center for education of the blind and visually impaired. In this role, IESBVI has a central and vital mission in the statewide education of the blind and visually impaired and provides a resource center for educators, related field professionals, parents, and all interested citizens. Such a role affords the opportunity for the community at large to draw upon the specialized program and services available at IESBVI.

e. IESBVI will make its special resources available to regent universities, area education agencies, local education agencies, and other public and private agencies. Resource services would provide support in such activities as:

- (1) Assessment, counseling, and educational planning for visually impaired children and youth;
- (2) Programs for development of specialized skills;
- (3) Parent education;
- (4) Instruction in orientation and mobility;
- (5) Research;
- (6) Preservice and continuing education of teachers and related professionals;
- (7) Consultative services to other professionals;
- (8) Curriculum development and evaluation; and
- (9) Development, use, and dissemination of instructional materials and technology.

f. Within the scope of IESBVI's mission, future programs will be determined by the ongoing evaluation of existing programs and an analysis of developing needs. Programs will be added, curtailed, or eliminated based on assessment of need and the most effective use of resources. IESBVI remains flexible so as to respond quickly and effectively to unmet needs of visually impaired children and youth of Iowa.

11.1(2) *Officers.* IESBVI has two statutory officers: the superintendent and the secretary-treasurer (business manager). The superintendent is the chief administrative officer of IESBVI and has such authority and duties as delegated by the department of education. The secretary-treasurer (business manager) is responsible for investments, financial transactions, financial records, maintenance of facilities and related services.

11.1(3) *Organization.* The mission of IESBVI is carried out through the regular academic programs, the special curriculum program, and outreach services.

11.1(4) *Communications.* Written inquiries, personal inquiries, submissions, and requests should be addressed to the Office of the Superintendent, 3501 Harry Langdon Boulevard, Council Bluffs, Iowa 51503, or the office of the Department of Education, Grimes State Office Building, 400 East 14th Street, Des Moines, Iowa 50319. In general, inquiries, submissions and requests by the public may be submitted via informal letter. However, application for a particular purpose is to be made on a specified form. A list of these forms and the address where they may be obtained is found in 281—11.2(256).

281—11.2(256) *Forms.* IESBVI uses a number of forms in its relations with the public. They are available from the superintendent's office, 3501 Harry Langdon Boulevard, Council Bluffs, Iowa 51503.

281—11.3 to 11.5 Reserved.

281—11.6(256) *Admission requirements.* To receive services from IESBVI, an individual must meet the following criteria:

1. Be blind or visually impaired;
2. Be intellectually and physically capable of benefiting from IESBVI's educational services, as determined by the decision-making processes and teams required by 281—Chapter 41;
3. Be of an age eligible for special education services under Iowa Code chapter 256B;
4. Be immunized as evidenced by a valid certificate of immunization, unless an exception or exemption applies; and
5. Be a resident of the state of Iowa. (The residency requirement will be established on an individual basis consistent with the laws of the state of Iowa and the rules of the state board of education.)

281—11.7 to 11.10 Reserved.

281—11.11(256) *Organization: Iowa School for the Deaf.*

11.11(1) *Statement of mission.* The mission of the Iowa School for the Deaf (ISD) has two primary components: to provide direct educational services to deaf and hard-of-hearing children and youth of the state of Iowa and to serve a leadership and resource role in statewide efforts to meet the needs of the deaf and hard of hearing. In fulfilling its stated mission, ISD will coordinate its efforts with all appropriate state agencies, area education agencies, and local education agencies.

a. Consistent with various sections of the Iowa Code, the educational mission of ISD is to provide an appropriate individual education program for deaf and hard-of-hearing children and youth who require the comprehensive programs provided by the school.

b. The educational programs of ISD will be consistent with the philosophy, reflected in federal and state legislation, that children and youth with and without disabilities be educated together to the greatest extent possible. Thus, ISD assumes responsibility for providing an education for those deaf and hard-of-hearing children and youth, including those with additional disabilities, for whom the comprehensive educational programs of the school are appropriate.

c. The scope of the educational program includes provisions for the deaf and hard of hearing from infancy through secondary education. Program formats include full-time residential, day school, summer and other short-term residential programs to meet specific needs, vocational, and on- and off-campus individual assessment and evaluation services. For residential students, activities and experiences on a 24-hour basis, not restricted to the traditional academic day, are an integral part of the program.

d. ISD also serves as a state resource and dissemination center for education of the deaf and hard of hearing. In this role, the school has a central and vital mission in the statewide education of the deaf and hard of hearing and provides a resource center for educators, related field professionals, parents, the deaf and hard-of-hearing community, and all interested citizens. Such a role affords the opportunity for the community at large to draw upon the specialized programs and services available at ISD.

e. ISD will make its special resources available to regent universities, area education agencies, local education agencies, and other public and private agencies. Resource services would provide support in such activities as:

- (1) Assessment, counseling, and educational planning for deaf and hard-of-hearing children and youth;
- (2) Programs for development of specialized communications skills;
- (3) Parent education;
- (4) Extended educational programming for deaf and hard-of-hearing adults;
- (5) Research;
- (6) Preservice and continuing education of teachers and related professionals;
- (7) Curriculum development and evaluation; and
- (8) Development and dissemination of instructional materials and technology.

f. Within the scope of the school's mission, future programs will be determined by the ongoing evaluation of existing programs and an analysis of developing needs. Programs will be added, curtailed, or eliminated based on assessment of need and the most effective use of resources. The school remains flexible so as to respond quickly and effectively to unmet needs of deaf and hard-of-hearing children and youth of Iowa.

11.11(2) *Officers.* The school has two statutory officers: the superintendent and the secretary-treasurer. The superintendent is the chief administrative officer of the school and has such authority and duties as delegated by the department of education. The secretary-treasurer is responsible for nonfaculty personnel, investments, financial transactions, financial records, maintenance of facilities and related services. The secretary-treasurer is also designated as business manager.

11.11(3) *Organization.* The academic mission of the school is principally carried out through its elementary, middle school, and high school departments.

11.11(4) *Communications.* Written and personal inquiry, submissions and requests should be addressed to the Office of the Superintendent, Iowa School for the Deaf, 3501 Harry Langdon Boulevard, Council Bluffs, Iowa 51503-7898, or the office of the Iowa Department of Education, Grimes State Office Building, 400 East 14th Street, Des Moines, Iowa 50319. Generally, inquiries, submissions and requests by the public may be submitted by informal letter. However, application for some purposes is to be made on a specified form. A list of the forms, general description, and the address where they may be obtained are found at 281—11.12(256).

281—11.12(256) *Forms.* The school uses the following forms in its relations with the public. They are available from the superintendent's office, Iowa School for the Deaf, 3501 Harry Langdon Boulevard, Council Bluffs, Iowa 51503-7898.

Application for student admission

Facilities Request Form

Employment—application for employment

281—11.13 Reserved.

281—11.14(256) *Transportation.* Transportation from the institution to the residence of the parents or guardians and return to the institution for children enrolled in the Iowa School for the Deaf shall be reimbursed or provided as follows:

11.14(1) Transportation or transportation reimbursement at a rate to be established annually by the department of education shall be provided to the parents or guardians of children who reside in the Council Bluffs area but do not live at the school and travel daily to the school.

11.14(2) Transportation for children who attend the school and live outside the Council Bluffs area shall be provided in accordance with special education law.

281—11.15(256) General rules.

11.15(1) Salespersons or agents for any product, proposition, or cause are prohibited from soliciting employees or students in any building or part of the school property, except with the permission of the superintendent.

11.15(2) Permission is given by the superintendent for the solicitation of employees by charitable organizations under all of the following circumstances:

a. The charitable organization presents documentation of its tax-exempt status as provided in Section 501(C)(3) of the Internal Revenue Code.

b. The solicitation is conducted through the school's campus mail system or once a year through an on-campus coordinated campaign of all eligible organizations meeting the conditions and giving written notice to the school of the desire to participate at least 120 days prior to the campaign period.

c. The organization may be expected to pay the administrative and out-of-pocket costs associated with using the campus mail system or other school facilities.

d. The solicitation by any one charitable organization may occur once in any calendar year.

e. No solicitation using the school's facilities may occur except as described above; however, any eligible charitable organization may arrange to conduct information sessions at which no solicitation occurs, at times and places and in a manner the school deems reasonable.

f. Any eligible charitable organization acting pursuant to the authority of this rule may also make use of the payroll deduction system described in Iowa Code sections 70A.14 and 70A.15, if qualified under the terms of those provisions.

These rules are intended to implement Iowa Code chapter 256, subchapter V.

ARC 0648D

EDUCATION DEPARTMENT[281]

Notice of Intended Action

**Proposing rulemaking related to school health services
and providing an opportunity for public comment**

The State Board of Education hereby proposes to amend Chapter 14, "School Health Services," Iowa Administrative Code.

Legal Authority for Rulemaking

This rulemaking is proposed under the authority provided in Iowa Code section 256.7.

State or Federal Law Implemented

This rulemaking implements, in whole or in part, 2026 Iowa Acts, House Files 2670 and 2676.

Purpose and Summary

This proposed rulemaking makes technical corrections required by 2026 Iowa Acts, House Files 2670 and 2676. The Department of Education published a Regulatory Analysis, the public comment period of which closed on September 8, 2026.

Regulatory Analysis

A Regulatory Analysis for this rulemaking was published in the Iowa Administrative Bulletin on August 19, 2026. A public hearing was held on the following date(s):

- September 8, 2026

Fiscal Impact

This rulemaking has no fiscal impact to the State of Iowa.

Jobs Impact

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

Waivers

Any person who believes that the application of the discretionary provisions of this rulemaking would result in hardship or injustice to that person may petition the State Board for a waiver of the discretionary provisions, if any, pursuant to 7—Chapter 2504.

Public Comment

Any interested person may submit written or oral comments concerning this proposed rulemaking, which must be received by the State Board no later than 4:30 p.m. on November 3, 2026. Comments should be directed to:

Thomas A. Mayes
Department of Education
Grimes State Office Building
400 East 14th Street
Des Moines, Iowa 50319
Phone: 515.281.8661
Email: thomas.mayes@iowa.gov

Public Hearing

A public hearing at which persons may present their views orally or in writing will be held as follows:

November 3, 2026
8 to 9 a.m.

Room B50
Grimes State Office Building
Des Moines, Iowa
Via videoconference:
meet.google.com/sib-mznu-iuf

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

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

Review by Administrative Rules Review Committee

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

The following rulemaking action is proposed:

ITEM 1. Amend subrule 14.1(3) as follows:

14.1(3) A statement that authorized persons administering medication include licensed health personnel working under the auspices of the school, such as licensed registered nurses, physicians, physician associates, and persons to whom authorized practitioners have delegated the administration of

prescription and nonprescription drugs (who have successfully completed a medication administration course). Individuals who have demonstrated competency in administering their own medications may self-administer their medication. Individuals may self-administer asthma or other airway constricting disease medication, use a bronchodilator canister or bronchodilator canister and spacer, or possess and have use of an epinephrine ~~auto-injector~~ delivery system with parent and physician (or physician associate) consent on file for each school year, without the necessity of demonstrating competency to self-administer these medications. If a student misuses this privilege, it may be withdrawn. For purposes of this chapter, “self-administration” and “medication” mean the same as defined in Iowa Code section 280.16(1).

ITEM 2. Amend paragraph 14.1(7)“d” as follows:

d. Medication name and purpose, including the use of a bronchodilator canister or a bronchodilator canister and spacer or the use of an epinephrine ~~auto-injector~~ delivery system.

ITEM 3. Amend rule 281—14.3(256) as follows:

281—14.3(256) School district and accredited nonpublic school stock epinephrine ~~auto-injector~~ delivery system, bronchodilator canister, or bronchodilator canister and spacer voluntary supply.

14.3(1) Definitions. For the purpose of this rule, the following definitions apply:

“Act” means 2015 Iowa Acts, Senate File 462, which amended Iowa Code section 280.16 and created Iowa Code section 280.16A.

“Bronchodilator” means the same as defined in Iowa Code section 280.16(1)“a.”

“Bronchodilator canister” means the same as defined in Iowa Code section 280.16(1)“b.”

“Department” means the department of education.

“Epinephrine ~~auto-injector~~ delivery system” means the same as defined in Iowa Code section 280.16(1)“c.”

“Licensed health care professional” means the same as defined in Iowa Code section 280.16(1)“d.”

“Medication administration course” means a course approved or provided by the department that includes safe storage of medication, handling of medication, general principles, procedural aspects, skills demonstration and documentation requirements of safe medication administration in schools.

“Medication error” means the failure to administer an epinephrine ~~auto-injector~~ delivery system to a student or individual by proper route, failure to administer the correct dosage, or failure to administer an epinephrine ~~auto-injector~~ delivery system, bronchodilator, or bronchodilator canister and spacer according to generally accepted standards of practice.

“Medication incident” means accidental injection of an epinephrine ~~auto-injector~~ delivery system into a digit of the authorized personnel administering the medication.

“Personnel authorized to administer epinephrine or a bronchodilator” means the same as defined in Iowa Code section 280.16A(1)“e.”

“School building” means each attendance center within a school district or accredited nonpublic school where students or other individuals are present.

“School nurse” means the same as defined in Iowa Code section 280.16A(1)“f.”

“Spacer” means the same as defined in Iowa Code section 280.16A(1)“g.”

14.3(2) Applicability. This rule applies to and permits:

a. A licensed health care professional to prescribe a stock epinephrine ~~auto-injector~~ delivery system, a bronchodilator canister, or a bronchodilator canister and spacer in the name of a school district or accredited nonpublic school for use in accordance with the Act and this rule;

b. A pharmacist to dispense a stock supply pursuant to paragraph 14.3(2)“a”; and

c. A school district or accredited nonpublic school to acquire and maintain a stock supply pursuant to paragraphs 14.3(2)“a” and 14.3(2)“b.”

14.3(3) Prescription for stock epinephrine ~~auto-injectors~~ delivery systems, bronchodilator canisters, and bronchodilator canisters and spacers. A school district or accredited nonpublic school may obtain a prescription for epinephrine ~~auto-injectors~~ delivery systems, bronchodilator canisters, and bronchodilator canisters and spacers from a licensed health care professional annually in the name of

the school district or accredited nonpublic school for administration to a student or individual who may be experiencing an anaphylactic reaction or may need treatment for respiratory distress, asthma, or other airway constricting disease. The school district or accredited nonpublic school is to maintain the supply of such ~~auto-injectors~~ delivery systems, bronchodilator canisters, and bronchodilator canisters and spacers according to manufacturer instructions. If a school district or accredited nonpublic school obtains a prescription pursuant to the Act and these rules for epinephrine ~~auto-injectors~~ delivery systems, the school district or accredited nonpublic school will stock a minimum of one pediatric dose and one adult dose for each school building. A school district or accredited nonpublic school may obtain a prescription for more than the minimum and may maintain a supply in other buildings.

14.3(4) *Authorized personnel and stock epinephrine ~~auto-injector~~ delivery system, bronchodilator canister, or bronchodilator canister and spacer administration.* A school nurse or personnel trained and authorized may provide or administer an epinephrine ~~auto-injector~~ delivery system, bronchodilator canister, or bronchodilator canister and spacer from a school supply to a student or individual in circumstances authorized by Iowa Code section 280.16.

a. Pursuant to Iowa Code section 280.23, authorized personnel will submit a signed statement to the school nurse stating that the authorized personnel agree to perform the service of administering a stock epinephrine ~~auto-injector~~ delivery system to a student or individual who may be experiencing an anaphylactic reaction or administering a bronchodilator canister or a bronchodilator canister and spacer to a student or individual experiencing respiratory distress, asthma, or other airway constricting disease.

b. Emergency medical services (911) will be contacted immediately after a stock epinephrine ~~auto-injector~~ delivery system is administered to a student or individual, and the school nurse or authorized personnel will remain with the student or individual until emergency medical services arrive. In the event of administration of a stock bronchodilator or bronchodilator canister and spacer to a student or individual, the school nurse will be contacted and will determine, based on professional judgment, the necessary care of a student or individual.

c. The administration of an epinephrine ~~auto-injector~~ delivery system, a bronchodilator, or a bronchodilator canister and spacer in accordance with this rule is not the practice of medicine.

14.3(5) *Stock epinephrine ~~auto-injector~~ delivery system, bronchodilator, or bronchodilator canister and spacer training.* School employees may obtain a signed certificate to become authorized personnel.

a. Training to obtain a signed certificate may be accomplished by:

(1) Successfully completing, every five years, the medication administration course provided by the department;

(2) Annually demonstrating to the school nurse a procedural return-skills check on medication administration;

(3) Annually completing an anaphylaxis, asthma, or airway constricting disease training program approved by the department;

(4) Demonstrating to the school nurse a procedural return-skills check on the use of an epinephrine ~~auto-injector~~ delivery system, bronchodilator canister, and bronchodilator canister and spacer using information from the training, using authorized prescriber instructions, and as directed by the prescription manufacturing label; and

(5) Providing to the school nurse a signed statement, pursuant to Iowa Code section 280.23, that the person agrees to perform one or more of the services described in this rule.

b. Training required after a medication error or medication incident. Authorized personnel or the school nurse directly involved with a medication error or medication incident involving the administration of stock epinephrine ~~auto-injectors~~ delivery systems, bronchodilators, or bronchodilator canisters and spacers are required to follow the medication error or medication incident protocol adopted by the board of directors of the school district or authorities in charge of the school district or accredited nonpublic school. To retain authorization to administer stock epinephrine ~~auto-injectors~~ delivery systems, bronchodilators, or bronchodilator canisters and spacers in the school setting, authorized personnel directly involved with a medication error or medication incident will be required to provide a procedural skills demonstration to the school nurse demonstrating competency in the administration

of stock epinephrine ~~auto-injectors~~ delivery systems, bronchodilators, or bronchodilator canisters and spacers.

14.3(6) *Procurement and maintenance of stock epinephrine ~~auto-injector~~ delivery system, bronchodilator, or bronchodilator canister and spacer supplies.* A school district or accredited nonpublic school may obtain a prescription to stock, possess, and maintain epinephrine ~~auto-injectors~~ delivery systems, bronchodilators, or bronchodilator canisters and spacers.

a. Stock epinephrine ~~auto-injectors~~ delivery systems, bronchodilator canisters, and bronchodilator canisters and spacers will be stored in a secure, easily accessible area for an emergency within the school building, or in addition to other locations as determined by the school district or accredited nonpublic school, and in accordance with the manufacturing label of the stock epinephrine ~~auto-injector~~ delivery system, bronchodilator canister, or bronchodilator canister and spacer.

b. A school district or school will designate an employee to routinely check stock epinephrine ~~auto-injectors~~ delivery systems, bronchodilator canisters, and bronchodilator canisters and spacers and document the following in a log monthly throughout the calendar year:

- (1) The expiration date;
- (2) Any visualized particles or color change, for epinephrine ~~auto-injectors~~ delivery systems; or
- (3) Bronchodilator canister damage.

c. The school district or school will develop a protocol to replace as soon as reasonably possible any logged epinephrine ~~auto-injector~~ delivery system, bronchodilator canister, or bronchodilator canister and spacer that is used, is damaged, is close to expiration, or is discolored or has particles visible in the epinephrine ~~auto-injector~~ delivery system liquid.

14.3(7) *Disposal of used stock epinephrine ~~auto-injectors~~ delivery systems, bronchodilators, or bronchodilator canisters and spacers.* The school district or school that administers epinephrine ~~auto-injectors~~ delivery systems, bronchodilators, or bronchodilator canisters and spacers shall dispose of used cartridge injectors as infectious waste pursuant to the department's medication waste guidance and bronchodilators or bronchodilator canisters and spacers pursuant to the department's medication waste guidance. For purposes of this rule, a multiuse bronchodilator canister is considered "used" when it no longer contains sufficient active ingredient to be medically useful.

14.3(8) *Reporting.* A school district or school that obtains a prescription for stock medications under this rule will report to the department within 48 hours, using the reporting format approved by the department, each medication incident or error with the administration of a stock epinephrine injector, bronchodilator canister, or bronchodilator canister and spacer or administration of a stock epinephrine ~~auto-injector~~ delivery system.

14.3(9) *School district or accredited nonpublic school policy.* A school district or school may stock epinephrine ~~auto-injectors~~ delivery systems, bronchodilator canisters, or bronchodilator canisters and spacers. The board of directors in charge of the school district or authorities in charge of the accredited nonpublic school that stocks epinephrine ~~auto-injectors~~ delivery systems, bronchodilator canisters, or bronchodilator canisters and spacers shall establish a policy and procedure for the administration of a stock epinephrine ~~auto-injector~~ delivery system, bronchodilator canister, or bronchodilator canister and spacer, which is to comply with the minimum provisions of this rule.

14.3(10) *Rule of construction.* This rule will not be construed to require school districts or accredited nonpublic schools to maintain a stock of epinephrine ~~auto-injectors~~ delivery systems, bronchodilator canisters, or bronchodilator canisters and spacers. An election not to maintain such a stock is not to be considered to be negligence.

14.3(11) *Opioid antagonists.* A school district may obtain a valid prescription for an opioid antagonist and maintain a supply of opioid antagonists in a secure location at each location where a student may be present for use as provided in this rule. Any school district that does so is to comply with rules and procedures adopted by the department of health and human services.

ITEM 4. Amend rule 281—14.4(279) as follows:

281—14.4(279) Suicide prevention, identification of adverse childhood experiences, and strategies to mitigate toxic stress response. Iowa Code section 279.70 is incorporated by this reference.

ARC 0653D**EDUCATION DEPARTMENT[281]****Notice of Intended Action****Proposing rulemaking related to open enrollment
and providing an opportunity for public comment**

The State Board of Education hereby proposes to amend Chapter 17, “Open Enrollment and Other Enrollment Options,” Iowa Administrative Code.

Legal Authority for Rulemaking

This rulemaking is proposed under the authority provided in Iowa Code section 282.18.

State or Federal Law Implemented

This rulemaking implements, in whole or in part, 2026 Iowa Acts, House File 2754.

Purpose and Summary

This proposed rulemaking adds a reporting requirement enacted by 2026 Iowa Acts, House File 2754, and makes a technical terminology change. The Department of Education published a Regulatory Analysis, the public comment period of which closed on September 8, 2026.

Regulatory Analysis

A Regulatory Analysis for this rulemaking was published in the Iowa Administrative Bulletin on August 19, 2026. A public hearing was held on the following date(s):

- September 8, 2026

Fiscal Impact

This rulemaking has no fiscal impact to the State of Iowa.

Jobs Impact

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

Waivers

Any person who believes that the application of the discretionary provisions of this rulemaking would result in hardship or injustice to that person may petition the State Board for a waiver of the discretionary provisions, if any, pursuant to 7—Chapter 2504.

Public Comment

Any interested person may submit written or oral comments concerning this proposed rulemaking, which must be received by the State Board no later than 4:30 p.m. on November 3, 2026. Comments should be directed to:

Thomas A. Mayes
Department of Education
Grimes State Office Building
400 East 14th Street
Des Moines, Iowa 50319
Phone: 515.281.8661
Email: thomas.mayes@iowa.gov

Public Hearing

A public hearing at which persons may present their views orally or in writing will be held as follows:

November 3, 2026
8 to 9 a.m.

Room B50
Grimes State Office Building
Des Moines, Iowa
Via videoconference:
meet.google.com/sib-mznu-iuf

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

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

Review by Administrative Rules Review Committee

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

The following rulemaking action is proposed:

ITEM 1. Adopt the following **new** paragraph **17.2(3)“f”**:

f. A receiving district that denies a request for open enrollment will comply with Iowa Code section 282.18(2) “*b*”(2) as amended by 2026 Iowa Acts, House File 2754, section 95.

ITEM 2. Amend rule 281—17.10(282), catchwords, as follows:

281—17.10(282) ~~Special education students~~ Students requiring special education services.

ARC 0652D

EDUCATION DEPARTMENT[281]**Notice of Intended Action****Proposing rulemaking related to private instruction and dual enrollment
and providing an opportunity for public comment**

The State Board of Education hereby proposes to amend Chapter 31, “Private Instruction and Dual Enrollment,” Iowa Administrative Code.

Legal Authority for Rulemaking

This rulemaking is proposed under the authority provided in Iowa Code section 299A.10.

State or Federal Law Implemented

This rulemaking implements, in whole or in part, 2026 Iowa Acts, House File 2754.

Purpose and Summary

This proposed rulemaking implements sections 98 and 99 of 2026 Iowa Acts, House File 2754. The Department of Education published a Regulatory Analysis, the public comment period of which closed on August 25, 2026.

Regulatory Analysis

A Regulatory Analysis for this rulemaking was published in the Iowa Administrative Bulletin on August 5, 2026. A public hearing was held on the following date(s):

- August 25, 2026

Fiscal Impact

This rulemaking has no fiscal impact to the State of Iowa.

Jobs Impact

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

Waivers

Any person who believes that the application of the discretionary provisions of this rulemaking would result in hardship or injustice to that person may petition the State Board for a waiver of the discretionary provisions, if any, pursuant to 7—Chapter 2504.

Public Comment

Any interested person may submit written or oral comments concerning this proposed rulemaking, which must be received by the State Board no later than 4:30 p.m. on November 3, 2026. Comments should be directed to:

Thomas A. Mayes
Department of Education
Grimes State Office Building
400 East 14th Street
Des Moines, Iowa 50319
Phone: 515.281.8661
Email: thomas.mayes@iowa.gov

Public Hearing

A public hearing at which persons may present their views orally or in writing will be held as follows:

November 3, 2026
8 to 9 a.m.

Room B50
Grimes State Office Building
Des Moines, Iowa
Via videoconference:
meet.google.com/sib-mznu-iuf

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

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

Review by Administrative Rules Review Committee

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

The following rulemaking action is proposed:

ITEM 1. Adopt the following **new** subrules 31.7(8) and 31.7(9):

31.7(8) *Recognition of attainment in private instruction.* Recognition of attainment in private instruction, including recognition of diplomas and transcripts, is governed by Iowa Code section 299A.13 as enacted by 2026 Iowa Acts, House File 2754, section 98.

31.7(9) *Verification of enrollment or participation.* The rights of a parent, guardian, or legal custodian of a child of compulsory education age who is receiving competent or private instruction are governed by Iowa Code section 299A.14 as enacted by 2026 Iowa Acts, House File 2754, section 99.

ARC 0651D

EDUCATION DEPARTMENT[281]

Notice of Intended Action

Proposing rulemaking related to standards for practitioner and administrator preparation programs and providing an opportunity for public comment

The State Board of Education hereby proposes to amend Chapter 79, “Standards for Practitioner and Administrator Preparation Programs,” Iowa Administrative Code.

Legal Authority for Rulemaking

This rulemaking is proposed under the authority provided in Iowa Code sections 256.7 and 256.16.

State or Federal Law Implemented

This rulemaking implements, in whole or in part, Iowa Code section 256.16.

Purpose and Summary

This proposed rulemaking removes surplus language and provides greater detail on preparing future teachers to deliver instruction consistent with the science of reading and evidence-based instruction in mathematics. The Department of Education published a Regulatory Analysis, the public comment period of which closed on August 25, 2026.

Regulatory Analysis

A Regulatory Analysis for this rulemaking was published in the Iowa Administrative Bulletin on August 5, 2026. A public hearing was held on the following date(s):

- August 25, 2026

Fiscal Impact

This rulemaking has no fiscal impact to the State of Iowa.

Jobs Impact

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

Waivers

Any person who believes that the application of the discretionary provisions of this rulemaking would result in hardship or injustice to that person may petition the State Board for a waiver of the discretionary provisions, if any, pursuant to 7—Chapter 2504.

Public Comment

Any interested person may submit written or oral comments concerning this proposed rulemaking, which must be received by the State Board no later than 4:30 p.m. on November 3, 2026. Comments should be directed to:

Thomas A. Mayes
Department of Education
Grimes State Office Building
400 East 14th Street
Des Moines, Iowa 50319
Phone: 515.281.8661
Email: thomas.mayes@iowa.gov

Public Hearing

A public hearing at which persons may present their views orally or in writing will be held as follows:

November 3, 2026
8 to 9 a.m.

Room B50
Grimes State Office Building
Des Moines, Iowa
Via videoconference:
meet.google.com/sib-mznu-iuf

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

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

Review by Administrative Rules Review Committee

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

The following rulemaking action is proposed:

ITEM 1. Adopt the following **new** definition of “Literacy changes lives: Iowa literacy competencies for preservice educators,” in rule **281—79.2(256)**:

“*Literacy changes lives: Iowa literacy competencies for preservice educators*” means the department’s tool with specific requirements for all teacher candidates and those candidates in specified endorsement areas listed on the department website (educate.iowa.gov) that was most recently updated by the department on [the effective date of this rulemaking].

ITEM 2. Rescind subrule 79.15(3) and adopt the following **new** subrule in lieu thereof:

79.15(3) Literacy instruction and practical application include all of the following:

a. All teacher candidates demonstrate competency in:

(1) Literacy, including reading theory, knowledge, and evidence-based reading strategies and approaches, and integrating literacy instruction into content areas.

(2) Direct and explicit strategies and systematic and sequential approaches to teaching phonemic awareness, phonics, vocabulary, fluency, and text comprehension.

(3) Responsive teaching and making appropriate accommodations for students who struggle with literacy. Demonstrated competency shall address the needs of all students, including those listed in Iowa Code section 256.16(1) “*a.*”

Preparation shall not include instruction or practical application on teaching foundational reading that incorporates the three-cueing system.

b. Each educator preparation program will adopt literacy curriculum for teacher candidates in specified endorsement areas, listed on the department website (educate.iowa.gov) that include evidence-based reading instruction, determined by research, including those practices identified within the

statewide literacy plan, and detailed in literacy changes lives: Iowa literacy competencies for preservice educators.

ITEM 3. Renumber subrules **79.15(4)** to **79.15(5)** as **79.15(5)** to **79.15(6)**.

ITEM 4. Adopt the following **new** subrule 79.15(4):

79.15(4) Mathematics instruction and practical application include all of the following:

a. All teacher candidates demonstrate competency in:

- (1) Assessment, diagnosis, and evaluation of student learning in mathematics.
- (2) Current, research-based instructional methods in mathematical processes, including:
 1. Systemic and sequential instruction in mathematical progressions.
 2. Conceptual understanding, procedural fluency, and application.
 3. Use of high-quality instructional materials aligned to Iowa's academic standards.
 4. Leveraging multiple numerical models, benchmark numbers, and diverse representations across all grade levels.
5. Differentiated instruction and responsive teaching, including small-group interventions and intensive interventions for students who are persistently at risk in mathematics.

(3) Appropriate integration of technology in teaching and student learning in mathematics.

(4) Classroom management applied to mathematics methods, including fostering productive struggle and mathematical discourse.

b. Each educator preparation program will adopt mathematics curriculum for teacher candidates in specified endorsement areas, listed on the department website (educate.iowa.gov) that include evidence-based mathematics instruction and that are detailed in the mathematics teacher preparation workbook, most recently published on [the effective date of this rulemaking].

ARC 0650D

EDUCATION DEPARTMENT[281]

Notice of Intended Action

Proposing rulemaking related to equal employment opportunity and affirmative action in educational agencies and providing an opportunity for public comment

The State Board of Education hereby proposes to amend Chapter 95, "Equal Employment Opportunity and Affirmative Action in Educational Agencies," Iowa Administrative Code.

Legal Authority for Rulemaking

This rulemaking is proposed under the authority provided in Iowa Code section 19B.11.

State or Federal Law Implemented

This rulemaking implements, in whole or in part, Iowa Code section 19B.11 and 2026 Iowa Acts, House File 2711.

Purpose and Summary

This proposed rulemaking implements amendments made to Iowa Code section 19B.11 by 2026 Iowa Acts, House File 2711. The Department of Education published a Regulatory Analysis, the public comment period of which closed on August 25, 2026.

Regulatory Analysis

A Regulatory Analysis for this rulemaking was published in the Iowa Administrative Bulletin on August 5, 2026. A public hearing was held on the following date(s):

- August 25, 2026

Fiscal Impact

This rulemaking has no fiscal impact to the State of Iowa.

Jobs Impact

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

Waivers

Any person who believes that the application of the discretionary provisions of this rulemaking would result in hardship or injustice to that person may petition the State Board for a waiver of the discretionary provisions, if any, pursuant to 7—Chapter 2504.

Public Comment

Any interested person may submit written or oral comments concerning this proposed rulemaking, which must be received by the State Board no later than 4:30 p.m. on November 3, 2026. Comments should be directed to:

Thomas A. Mayes
Iowa Department of Education
Grimes State Office Building
400 East 14th Street
Des Moines, Iowa 50319
Phone: 515.281.8661
Email: thomas.mayes@iowa.gov

Public Hearing

A public hearing at which persons may present their views orally or in writing will be held as follows:

November 3, 2026
8 to 9 a.m.

Room B50
Grimes State Office Building
Des Moines, Iowa
Via videoconference:
meet.google.com/sib-mznu-iuf

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

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

Review by Administrative Rules Review Committee

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

The following rulemaking action is proposed:

ITEM 1. Amend **281—Chapter 95**, title, as follows:

EQUAL EMPLOYMENT OPPORTUNITY
~~AND AFFIRMATIVE ACTION IN EDUCATIONAL AGENCIES~~

ITEM 2. Amend rule 281—95.1(19B) as follows:

281—95.1(19B) Definitions. The following definitions will be applied to the rules in this chapter:

~~“Affirmative action” means action appropriate to overcome the effects of past or present practices, policies, or other barriers to equal employment opportunity.~~

~~“Agency” means a local school district, an area education agency or a community college.~~

~~“Availability” means the extent to which members of a racial/ethnic group, women, men or persons with disabilities are present within the relevant labor market.~~

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

~~“Director of education” means the director of the Iowa department of education.~~

~~“Equal employment opportunity” means equal access to employment, training and advancement, or employment benefits regardless of race, creed, color, religion, sex, age, national origin and disability.~~

~~“Metropolitan statistical area” means a large population nucleus (over 50,000 persons) and nearby communities which have a high degree of economic and social integration with that nucleus. Each area consists of one or more entire counties.~~

~~“Person with a disability” means any person who has a physical or mental impairment that substantially limits one or more major life activities, has a record of such impairment or is regarded as having such an impairment, as defined in Iowa Code section 216.2.~~

~~“Racial/ethnic minority person” means any person who is African American, Hispanic, Asian or Pacific Islander, American Indian or Alaskan Native.~~

~~“Relevant labor market” means the geographic area in which an agency can reasonably be expected to recruit for a particular job category.~~

~~“Underrepresentation” means having fewer members of a racial/ethnic group, women, men or persons with disabilities in a particular job category than would be reasonably expected based on their availability in the relevant labor market.~~

~~“Work force” means an agency’s full-time and part-time employees.~~

ITEM 3. Amend rule 281—95.2(19B) as follows:

281—95.2(19B) Equal employment opportunity standards. An agency’s employment policies and practices shall provide equal employment opportunity to all persons. No person may be denied equal access to agency employment opportunities because of race, creed, color, religion, national origin, gender sex, age or disability.

ITEM 4. Amend rule 281—95.3(19B) as follows:

281—95.3(19B) Duties of boards of directors. Each agency’s board of directors will adopt a policy statements statement and develop plans a plan for implementation of equal employment opportunity standards ~~and affirmative action programs~~, which contain the following elements:

1. A policy statement outlining the board of directors’ commitment to the principles of equal employment opportunity ~~and affirmative action~~, which ~~contain~~ contains procedures for employees and applicants for employment to redress complaints of discrimination.

2. A written equal employment opportunity ~~and affirmative action~~ plan, to be evaluated and updated on a biennial basis.

3. Assignment of responsibility to an employee for coordinating the development and ongoing implementation of the ~~plans plan~~. This employee may be the same employee who has been assigned to coordinate the agency’s efforts to comply with federal laws requiring nondiscrimination in educational programs and employment.

4. Systematic input from diverse racial/ethnic groups, women, men and persons with disabilities into the development and implementation of the ~~plans plan~~, which may include using existing advisory committees or public hearing procedures.

5. Periodic training for all staff who hire or supervise personnel on the principles of equal employment opportunity ~~and the implementation of its affirmative action plan~~.

~~6.—Maintenance of necessary records to document its affirmative action progress. An agency will report employment data to the department by racial/ethnic category, gender and disability.~~

ITEM 5. Amend rule 281—95.4(19B), introductory paragraph, as follows:

281—95.4(19B) Plan components. In addition to the board policy statement, each agency's equal employment opportunity ~~and affirmative action plan~~ will include, at a minimum, the following components:

ITEM 6. Amend subrule 95.4(1) as follows:

95.4(1) General.

a. The name, job title, address and phone number of the employee responsible for coordinating the development and implementation of the equal employment opportunity ~~and affirmative action plans plan~~.

b. An administrative statement on how the agency's equal employment opportunity ~~and affirmative action policies policy~~ and ~~plans plan~~ are to be implemented, including the internal system for auditing and reporting progress, to be signed and dated by the chief executive officer of the agency.

c. A work force analysis showing the numerical and percentage breakdown of the agency's full-time and part-time employees within each major job category (consistent with the E.E.O. 5 and E.E.O. 6 occupational categories reported to the United States Equal Employment Opportunity Commission) by racial/ethnic group, ~~gender~~, and disability. For the purpose of confidentiality, disability data may be based on total agency figures, rather than those of major job categories.

~~*d.* A quantitative analysis comparing work force analysis figures with the availability of qualified or qualifiable members of racial/ethnic groups, women, men and persons with disabilities within the relevant labor market.~~

~~*e.* When underrepresentation is identified in one or more major job category, the agency will conduct a qualitative analysis to be included in the agency's affirmative action plan. The qualitative analysis is a review of employment policies and practices to determine if and where those policies and practices tend to exclude, disadvantage, restrict or result in adverse impact on the basis of racial/ethnic origin, gender, or disability. The analysis may include, but is not limited to the review of:~~

- ~~(1) Recruitment practices and policies;~~
- ~~(2) A demographic study of the applicant pool and flow;~~
- ~~(3) The rate and composition of turnover in major job categories;~~
- ~~(4) Trends in enrollment that will affect the size of the work force;~~
- ~~(5) Application and application screening policies and practices;~~
- ~~(6) Interview, selection, and placement policies and practices;~~
- ~~(7) Transfer and promotion policies and practices;~~
- ~~(8) Discipline, demotion, termination, and reduction in force policies and practices;~~
- ~~(9) Employee assistance, training selection, and mentoring policies and practices;~~
- ~~(10) The impact of any collective bargaining agreement on equal employment opportunity and the affirmative action process;~~
- ~~(11) Law, policies or practices external to the agency that may hinder success in equal employment opportunity and affirmative action.~~

ITEM 7. Rescind and reserve subrules **95.4(2)** to **95.4(4)**.

ITEM 8. Amend rule 281—95.5(19B) as follows:

281—95.5(19B) Dissemination. Each agency will adopt an internal and external system for disseminating its equal employment opportunity ~~and affirmative action policies policy~~ and ~~plans plan~~.

95.5(1) Plan distribution. An agency will annually distribute its ~~policies policy~~ and ~~plans plan~~ to agency employees involved in the hiring or management of personnel, and the agency will make the ~~policies policy~~ and ~~plans plan~~ available to other agency employees, the public and the director of education upon request.

95.5(2) No change.

ITEM 9. Amend rule 281—95.6(19B) as follows:

281—95.6(19B) Reports. Each agency will submit an annual progress report on equal employment opportunity ~~and affirmative action~~ to its local board of directors and the director of education upon request. ~~Each agency will submit its annual progress report under this chapter to the department by December 31 of each year. The report is a part of the basic educational data collection system administered by the department.~~

ARC 0656D

ENVIRONMENTAL PROTECTION COMMISSION[567]

Notice of Intended Action

Proposing rulemaking related to uniform rules on agency procedure and providing an opportunity for public comment

The Environmental Protection Commission (Commission) hereby proposes to rescind Chapter 2, “Public Records and Fair Information Practices,” and to adopt a new Chapter 2505, “Fair Information Practices,” and Chapter 2506, “Contested Cases,” Iowa Administrative Code.

Legal Authority for Rulemaking

This rulemaking is proposed under the authority provided in Iowa Code chapter 17A; Iowa Code section 22.11; and 2026 Iowa Acts, Senate File 2463.

State or Federal Law Implemented

This rulemaking implements, in whole or in part, Iowa Code chapter 17A.

Purpose and Summary

This proposed rulemaking modifies the Uniform Rules on Agency Procedure related to fair information practices (7—Chapter 2505) to ensure that business confidential records are properly processed and stored by the Department of Natural Resources (Department). This rulemaking also is being proposed in accordance with 2026 Iowa Acts, Senate File 2463, in which portions of Chapter 2 relating to personally identifiable information portions were not rescinded. In order for the Commission’s chapters to contain all of the Department’s rules regarding fair information practices, the portions of Chapter 2 related to personally identifiable information are being moved to Chapter 2505. This will allow for Chapter 2 to be rescinded.

This proposed rulemaking also modifies the Uniform Rules on Agency Procedure related to contested cases (7—Chapter 2506) to ensure that the deadline for an administrative appeal is a definite date.

Regulatory Analysis

A Regulatory Analysis for this rulemaking was published in the Iowa Administrative Bulletin on July 8, 2026. A public hearing was held on the following date(s):

- August 12, 2026

Fiscal Impact

This rulemaking has no fiscal impact to the State of Iowa.

Jobs Impact

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

Waivers

Any person who believes that the application of the discretionary provisions of this rulemaking would result in hardship or injustice to that person may petition the Department for a waiver of the discretionary provisions, if any, pursuant to 7—Chapter 2504.

Public Comment

Any interested person may submit written or oral comments concerning this proposed rulemaking, which must be received by the Department no later than 4:30 p.m. on November 3, 2026. Comments should be directed to:

Kelli Book, Attorney
Iowa Department of Natural Resources
6200 Park Avenue, Suite 200
Des Moines, Iowa 50321
Phone: 515.210.3408
Email: kelli.book@dnr.iowa.gov

Free language assistance: If you speak a non-English language, the Department offers language assistance services free of charge. Contact the Department at kelli.book@dnr.iowa.gov.

Servicios gratuitos de asistencia lingüística: Si habla un idioma que no sea el inglés, los servicios de asistencia lingüística están disponibles de forma gratuita. Comuníquese con el Departamento al kelli.book@dnr.iowa.gov.

Public Hearing

A public hearing at which persons may present their views orally or in writing will be held as follows:

November 3, 2026
1 to 2 p.m.

Backbone Conference Room
6200 Park Avenue, Suite 200
Des Moines, Iowa

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

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

Free language assistance: If you need assistance in a language other than English, contact the Department at kelli.book@dnr.iowa.gov or civilrights@dnr.iowa.gov or by telephone at 515.326.0430 at least seven days before the event.

Asistencia lingüística gratuita: Si necesita ayuda en un idioma que no sea inglés, comuníquese con el Departamento al kelli.book@dnr.iowa.gov o civilrights@dnr.iowa.gov o por teléfono a 515.326.0430 al menos siete días antes del evento.

Review by Administrative Rules Review Committee

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

The following rulemaking action is proposed:

ITEM 1. Rescind and reserve **567—Chapter 2**.

ITEM 2. Adopt the following **new** 567—Chapter 2505:

CHAPTER 2505
FAIR INFORMATION PRACTICES

The Uniform Rules on Agency Procedure, 7—Chapters 2500 through 2506, are rules generally applicable to agencies pursuant to Iowa Code section 17A.24. Additions, exceptions, or amendments to the corresponding chapter are below.

567—2505.5(17A,22) Confidential records. The custodian may treat a record as a confidential record and withhold it from examination only to the extent that the custodian is authorized by Iowa Code section 22.7, another applicable provision of law, or a court order. Unless deemed as a confidential record or considered as a confidential record by Iowa Code section 22.7, all records are considered public and routinely disclosed without the consent of the subject.

2505.5(1) *Persons who may request.* Any person who would be aggrieved or adversely affected by disclosure of a record and who asserts that Iowa Code section 22.7, another applicable provision of law, or a court order authorizes the custodian to treat the record as a confidential record may request the custodian to treat that record as a confidential record and to withhold it from public inspection.

2505.5(2) *Request.* A written request that a record be treated as a confidential record and be withheld from public inspection should be filed with the custodian. The request must set forth the legal and factual basis justifying such confidential record treatment for that record. The request should include two copies of the record in question: one copy of the record with all information provided and a second copy of the record with the information being requested confidential deleted from the record.

2505.5(3) *Timing of decision.* A decision by the custodian with respect to the disclosure of a record to members of the public may be made when a request for its treatment as a confidential record that is not available for public inspection is filed or when the custodian receives a request for access to the record by a member of the public.

2505.5(4) *Request granted or deferred.* If a request for such confidential record treatment is granted, or if action on such a request is deferred, a copy of the record from which the matter in question has been deleted and a copy of the decision to grant the request or to defer action upon the request will be made available for public inspection in lieu of the original record. If the custodian subsequently receives a request for access to the original record, the custodian will make reasonable and timely efforts to notify any person who has filed a request for its treatment as a confidential record that is not available for public inspection of the pendency of that subsequent request.

2505.5(5) *Request denied and opportunity to seek injunction.* If a request that a record be treated as a confidential record and be withheld from public inspection is denied, the custodian will notify the requester in writing of that determination and the reasons therefor. On application by the requester, the custodian may engage in a good-faith, reasonable delay in allowing examination of the record so that the requester may seek injunctive relief under the provisions of Iowa Code section 22.8 or other applicable provision of law. However, such a record need not be withheld from public inspection for any period of time if the custodian determines that the requester had no reasonable grounds to justify the treatment of that record as a confidential record. The custodian will notify the requester in writing of the time period allowed to seek injunctive relief or the reason for the determination that no reasonable grounds exist to justify the treatment of that record as a confidential record. The custodian may extend the period of good faith, reasonable delay in allowing examination of the record so that the requester may seek injunctive relief only if no request for examination of that record has been received; if a court directs the custodian to treat it as a confidential record, to the extent permitted by another applicable provision of law; or with the consent of the person requesting access.

2505.5(6) *Processing of confidentiality claims.* In order to request a record be held confidential with the department, the party will comply with the following provisions:

a. Applicability/availability. Businesses that provide information to the department in applications, reports or otherwise in recorded form, or from or about which information is obtained and recorded by the department, may request that information not be disclosed to others for reasons of business confidentiality. Until such time as a request for confidentiality is received by the department, all

information will be available to the public. If a claim is received after the information itself is received, the department will make such efforts as are administratively practicable to associate the claim with all copies of the previously received information. However, the department cannot ensure that such efforts will be effective in light of the possibility of prior disclosure or dissemination of the information beyond the department's reasonable control.

b. Confidentiality request process. An entity that submits information to the department may assert a confidentiality claim in accordance with the following process:

(1) Attach a cover sheet indicating the entity is seeking the information to be held confidential. The submission will include a letter of substantiation with the information required by paragraph 2505.5(6) "c."

(2) File two copies of the information: one copy with all information present and a second copy with the information for which the party wishes to claim confidential treatment deleted from the document.

c. Contents of claim. All claims for confidentiality must be substantiated with the following information in a letter attached to the proposed confidential document:

(1) A statement of all measures the business has taken to protect the confidentiality of the information and a statement of intent to continue to take such measures;

(2) Practices and policies of other businesses, if known, regarding confidentiality of similar information;

(3) A statement that the information is not, and has not been, reasonably attainable without the consent of the business by other persons other than government bodies by use of legitimate means;

(4) A statement demonstrating that disclosure of the information is likely to cause substantial harm to the business's competitive position;

(5) A reference to any other determinations of confidential status of the information or similar information.

d. Initial action by department. All claims will be reviewed for completeness and applicability of subrule 2505.5(8). If the claim does not include the substantiation required by paragraph 2505.5(6) "c," or if the claim relates to information within subrule 2505.5(8), the business making the claim will be notified by certified mail. If the substantiation or comment regarding the inapplicability of subrule 2505.5(8) is not received by the department within ten days of the date on the return receipt, the department will place the information in the public file. Otherwise, all information claimed to be confidential will be treated as such by the department until further notice.

e. Substantive criteria for use in confidentiality determinations. Prior determinations by the courts, the department, or other agencies on the information or similar information will be given due consideration and effect. Determinations will hold that business information is entitled to confidential treatment for the benefit of a particular person if:

(1) The business has taken and intends to continue to take reasonable measures to protect the confidentiality of the information;

(2) The information is not readily obtainable by others by legitimate means;

(3) The claim is not unreasonable in view of the nature of the information, the interests and normal practices of the business, and the practices of other businesses;

(4) No statute or rule specifically requires disclosure of the information; and

(5) There is a substantial likelihood that disclosure of the information would cause substantial harm to the competitive position of the business.

f. Determination. The department will transmit its determination regarding a claim for business confidentiality to the claimant by certified mail, notifying the claimant of the opportunity to provide comments within ten days subject to reasonable extension upon written request, and that failure to comment will be construed to indicate agreement with the preliminary determination. If the determination is in response to a request for disclosure, the person requesting the disclosure will be sent a similar notice in the same manner within ten days of the request. If any substantial comments are received, the final decision will be made by the director or designee. If no substantial comments are received, the preliminary determination becomes the final decision.

g. All procedures within this rule will not be considered contested case proceedings as provided in Iowa Code chapter 17A.

2505.5(7) Confidential records. The following records may be withheld from public inspection. Records are listed by category, according to the legal basis for withholding them from public inspection.

- a. Sealed bids received prior to the time set for public opening of bids;
- b. Tax records made available to the department;
- c. Records that are exempt from disclosure under Iowa Code section 22.7;
- d. Minutes of closed meetings of a government body;
- e. Identifying details in final orders, decisions, and opinions to the extent required to prevent a clearly unwarranted invasion of personal privacy or trade secrets;
- f. Those portions of the department's staff manuals, instructions, or other statements issued that set forth criteria or guidelines to be used by staff in auditing; in making inspections; in settling commercial disputes or negotiating commercial arrangements; or in the selection or handling of cases, such as operational tactics or allowable tolerances or criteria for the defense, prosecution, or settlement of cases when disclosure of these statements would:
 - (1) Enable law violators to avoid detection;
 - (2) Facilitate disregard of requirements imposed by law; or
 - (3) Give a clearly improper advantage to persons who are in an adverse position to the department;
- g. Records that constitute attorney work product, constitute attorney-client communications, or are otherwise privileged. Attorney work product is confidential under Iowa Code sections 22.7(4), 622.10 and 622.11; Iowa R.C.P. 1.503(3); Fed. R. Civ. P. 26(b)(3); and case law. Attorney-client communications are confidential under Iowa Code sections 622.10 and 622.11, the rules of evidence, the Code of Professional Responsibility, and case law.
- h. Any other records made confidential by law.

2505.5(8) Not confidential. Notwithstanding any other provision, the following information will not be considered confidential by the department:

a. Emission data. For purposes of this subrule, "emission data" means the following, with reference to any source of emission of any substance into the air:

- (1) Information necessary to determine the identity, amount, frequency, concentration, or other characteristics (to the extent related to air quality) of any emission that has been emitted by the source (or of any pollutant resulting from any emission by the source) or any combination of the foregoing;
- (2) Information necessary to determine the identity, amount, frequency, concentration, or other characteristics (to the extent related to air quality) of the emissions that, under an applicable standard or limitation, the source was authorized to emit (including, to the extent necessary for such purposes, a description of the manner or rate of operation of the source); and
- (3) A general description of the location and nature of the source to the extent necessary to identify the source and to distinguish it from other sources (including, to the extent necessary for such purposes, a description of the device, installation, or operation constituting the source).

b. Analytical results of monitoring or public water supply systems;

c. Name and address of any permit applicant; and

d. NPDES permits, applications (including any information required by NPDES application forms), and effluent data. For purposes of this subrule, "effluent data" means the following, with reference to any source of discharge of any pollutant:

- (1) Information necessary to determine the identity, amount, frequency, concentration, temperature, or other characteristics (to the extent related to water quality) of any pollutant that has been emitted by the source (or of any pollutant resulting from any discharge from the source) or any combination of the foregoing;
- (2) Information necessary to determine the identity, amount, frequency, concentration, temperature, or other characteristics (to the extent related to water quality) of the pollutants that, under an applicable standard or limitation, the source was authorized to discharge (including, to the extent necessary for such purposes, a description of the manner or rate of operation of the source); and

(3) A general description of the location and nature of the source to the extent necessary to identify the source and to distinguish it from other sources (including, to the extent necessary for such purposes, a description of the device, installation, or operation constituting the source).

567—2505.9(17A,22) Personally identifiable information. This rule describes the nature and extent of personally identifiable information that is collected, maintained, and retrieved by the department of natural resources by personal identifier in record systems. For the purposes of this rule, “record system” means any group of records under the control of the agency from which a record may be retrieved by a personal identifier, such as the name of an individual, number, symbol, or other unique retriever assigned to an individual. Records maintained by the department of natural resources, the environmental protection commission, and the natural resource commission are in accordance with guidelines as set forth by the state records commission’s file system. An updated index is maintained by the department and is available for public inspection. Records are collected pursuant to authorities contained in Iowa Code title XI. Records are stored on paper; microfilm; microfiche; and, in some cases, automated data processing systems, such as electronic management systems and department web applications. Department of natural resources and natural resource commission records may include but are not limited to the following:

2505.9(1) Department of natural resources.

a. Administration, organization, and management.

- (1) Organization and management.
- (2) Planning and programming.
- (3) Administrative reports.
- (4) Insurance and bonding.
- (5) Departmental emergency planning.
- (6) Correspondence and reference materials.
- (7) Information and public relations.

b. Budgets, accounting and financial analysis.

- (1) Budget information.
- (2) Accounting.
- (3) Cost accounting.

c. Office services and facilities management.

- (1) Communications.
- (2) Printing and reproduction.
- (3) Records management.
- (4) Motor pool operations.
- (5) Facilities management.
- (6) Engineering and construction.

d. Equipment, supplies, and services.

- (1) Procurement.
- (2) Property accountability.

e. Legislative and legal.

- (1) Department legislative liaison.
- (2) Bills, joint resolutions, amendments, messages, and reports.
- (3) Federal government.
- (4) Administrative procedures.
- (5) Attorney general opinions and research materials.
- (6) Claims against the state.
- (7) Lawsuits filed by the state.
- (8) 28E agreements.

f. Personnel and payroll.

- (1) Employee personnel/payroll files.
- (2) Merit rules.

- (3) Payroll administration.
- (4) Position classification.
- (5) Preemployment.
- (6) Certification and selection.
- (7) Scheduling, assignments, and working hours.
- (8) Grievances.
- (9) Training and education.
- (10) Employee benefits and welfare.
- (11) Employment relations.
- (12) Equal employment opportunity.
- (13) Management improvement programs.
- (14) Delegation of authority and signature authorization.
- g. Conservation and environment.*
 - (1) Geology.
 - 1. Surface and groundwater monitoring.
 - 2. Natural resources geographic information system (GIS) library.
 - 3. Oil/gas exploration and drilling.
 - (2) Water conservation.
 - (3) Land conservation.
 - (4) Soil conservation.
 - (5) Forestry management.
 - (6) Fish and game conservation.
 - (7) Recreation.
 - (8) Environmental technology.
 - (9) Air quality monitoring.
 - (10) Water quality monitoring.
 - (11) Land quality monitoring.
 - (12) Hazardous material planning.
 - 1. Hazardous waste management.
 - 2. Underground storage tanks.
 - 3. Leaking underground storage tanks.
 - (13) Radioactive materials.
 - (14) Environmental—interdisciplinary.
- 2505.9(2)** Natural resource commission.
 - a.* Tort claims investigations.
 - b.* Numerous licensing files.
 - c.* Lifetime licenses.
 - d.* Boat registrations.
 - e.* Docks, mooring, buoys or raft registrations.
 - f.* Snowmobile registrations.
 - g.* Miscellaneous mailing list (e.g., magazine).
 - h.* Payroll and personnel information system.
 - i.* Fur buyer reports.
 - j.* Fish and game violations.
 - k.* Safety certified students (hunter safety, snowmobile safety, and boating safety).
 - l.* Special events applications and permits.
 - m.* Snowmobile accident reports.
 - n.* Boating accident reports.
 - o.* Drowning reports.
 - p.* Timber buyer reports and bonds.
 - q.* Work programs with Iowa State University.
 - r.* Timber management and forestry.

- s. State park ranger violation reports.
- t. Incident reports.
- u. Donations.
- v. Real estate acquisition.
- w. Encroachments.
- x. Campground host program.
- y. Law enforcement intelligence network (LEIN) and turn in poachers (TIP).
- z. Park leases and concessions.

567—2505.10(17A,22) Other groups of records. This rule describes groups of records maintained by the department of natural resources other than record systems as defined in rule 567—2505.9(17A,22). These records are routinely available to the public. However, the department's files of these records may contain confidential information. In addition, some records may contain information about individuals. Records are stored on paper; microfilm; microfiche; and, in some cases, automated data processing systems, such as electronic management systems and department web applications.

2505.10(1) Rulemaking. Rulemaking records may contain information about individuals making written or oral comments on proposed rules. This information is collected pursuant to Iowa Code section 17A.4.

2505.10(2) Commission records. Agendas, minutes, and materials presented to the environmental protection commission and the natural resource commission are available from the office of the director, except these records concerning closed sessions that are confidential under Iowa Code section 21.5(5). Commission records contain information about people who participate in meetings. This information is collected pursuant to Iowa Code section 21.3.

2505.10(3) Publications. News releases, annual reports, Iowa Outdoors magazine, project reports, agency newsletters, etc., are available from the department offices for public information. Brochures describing various department programs are available at local offices of the department. Department news releases, project reports, Iowa Outdoors magazine, and newsletters may contain information about individuals, including department staff or members of the commission or committees.

2505.10(4) Statistical reports. Periodic reports for various department programs are available from the department offices for public information.

2505.10(5) Grants or loans. Records on persons and institutions receiving grants or loans are available through the institutions, also for public information. The records may contain information about employees of a grantee.

2505.10(6) Published materials. The department of natural resources uses many legal and technical publications in its work. The public may inspect these publications upon request. Some of these materials may be protected by copyright law.

2505.10(7) Policy manuals. The department of natural resources employees' manual, containing the policies and procedures for programs administered by the department, is available in every office of the department. Policy manuals do not contain information about individuals.

2505.10(8) All other records that are not exempted from disclosure by law. The department maintains a variety of records that do not generally contain information pertaining to named individuals.

ITEM 3. Adopt the following new 567—Chapter 2506:

CHAPTER 2506 CONTESTED CASES

The Uniform Rules on Agency Procedure, 7—Chapters 2500 through 2506, are rules generally applicable to agencies pursuant to Iowa Code section 17A.24. Additions, exceptions, or amendments to the corresponding chapter are below.

567—2506.4(17A) Electronic requests for contested case proceeding.

2506.4(1) A person entitled to a contested case proceeding must electronically file written request for such a proceeding within the time specified by the governing rules or statutes or, if no rule or statute sets such a time, within 60 days.

ARC 0657D**ENVIRONMENTAL PROTECTION COMMISSION[567]****Notice of Intended Action****Proposing rulemaking related to IWFDS standards
and providing an opportunity for public comment**

The Environmental Protection Commission (Commission) hereby proposes to amend Chapter 60, “Scope of Title, Definitions, Wastewater Construction Permits, and Operation Permits,” Iowa Administrative Code.

Legal Authority for Rulemaking

This rulemaking is proposed under the authority provided in Iowa Code sections 455B.103(2), 455B.105(3) and 455B.173(3).

State or Federal Law Implemented

This rulemaking implements, in whole or in part, Iowa Code section 455B.173.

Purpose and Summary

A construction permit issued by the Department of Natural Resources (Department) is required for the construction, installation, or modification of any disposal system or part thereof or any extension or addition thereto. Construction permit applications must comply with the requirements established in the Iowa Wastewater Facilities Design Standards (IWFDS), which are referenced by rule in Chapter 60.

Chapters 6 (Settling) and 8B (Activated Sludge Biological Treatment) of the IWFDS are being revised based on review of current engineering recommendations and comments previously received from stakeholders in order to modernize the standards by enhancing clarity and promoting greater flexibility. Minor typographical and reference errors are also being corrected throughout the IWFDS. The revised IWFDS document is available at: www.iowadnr.gov/environmental-protection/water-quality/wqb-rulemaking.

Regulatory Analysis

A Regulatory Analysis for this rulemaking was published in the Iowa Administrative Bulletin on June 10, 2026. A public hearing was held on the following date(s):

- June 30, 2026

Fiscal Impact

This rulemaking has no fiscal impact to the State of Iowa.

Jobs Impact

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

Waivers

Any person who believes that the application of the discretionary provisions of this rulemaking would result in hardship or injustice to that person may petition the Department for a waiver of the discretionary provisions, if any, pursuant to 7—Chapter 2504.

Public Comment

Any interested person may submit written comments concerning this proposed rulemaking, which must be received by the Commission no later than 4:30 p.m. on November 3, 2026. Comments should be directed to:

Satya Chennupati
Iowa Department of Natural Resources
6200 Park Avenue, Suite 200
Des Moines, Iowa 50321
Email: satya.chennupati@dnr.iowa.gov

Free language assistance: If you speak a non-English language, the Department offers language assistance services free of charge. Contact the Department at iwfds@dnr.iowa.gov.

Servicios gratuitos de asistencia lingüística: Si habla un idioma que no sea el inglés, los servicios de asistencia lingüística están disponibles de forma gratuita. Comuníquese con el Departamento al iwfds@dnr.iowa.gov.

Public Hearing

A public hearing at which persons may present their views orally or in writing will be held as follows:

November 3, 2026 10 to 11 a.m.	Via Google Meet meet.google.com/gfy-pmza-skb Or dial: 1.609.451.1104 PIN: 266 896 777# More phone numbers: tel.meet/gfy-pmza-skb?pin=7246544614129 Meeting information can be found at www.iowadnr.gov/environmentalprotection/water-quality/wqb-rulemaking
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Persons who wish to make oral comments at the public hearing may be asked to state their names for the record and to confine their remarks to the subject of this proposed rulemaking.

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

Free language assistance: If you need assistance in a language other than English, contact the Department at iwfds@dnr.iowa.gov or civilrights@dnr.iowa.gov or by telephone at 515.326.0430 at least seven days before the event.

Asistencia lingüística gratuita: Si necesita ayuda en un idioma que no sea inglés, comuníquese con el Departamento al iwfds@dnr.iowa.gov o civilrights@dnr.iowa.gov o por teléfono a 515.326.0430 al menos siete días antes del evento.

Review by Administrative Rules Review Committee

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

The following rulemaking action is proposed:

ITEM 1. Amend paragraph **60.2(1)“b”** as follows:

b. Exemptions to the requirement to obtain a construction permit are listed in the Iowa Wastewater Facilities Design Standards, effective ~~June 18, 2025~~ [effective date of this rulemaking], located on the department's website; hereafter referred to as the IWFDS.

ARC 0663D**HISTORICAL DIVISION[223]****Notice of Intended Action****Proposing rulemaking related to survey and registration of cultural resources program and historic property rehabilitation tax exemption and providing an opportunity for public comment**

The Division of Cultural Affairs (Department) hereby proposes to rescind Chapter 41, “Survey and Registration of Cultural Resources Program,” and Chapter 47, “Historic Property Rehabilitation Tax Exemption,” Iowa Administrative Code.

Legal Authority for Rulemaking

This rulemaking is proposed under the authority provided in Iowa Code sections 15.121 and 427.16.

State or Federal Law Implemented

This rulemaking implements, in whole or in part, Iowa Code sections 15.121 and 427.16.

Purpose and Summary

Pursuant to Executive Order 10, the Economic Development Authority proposes to rescind Chapters 41 and 47. The chapters were adopted by the Department pursuant to Iowa Code section 303.2 and chapter 303, subchapter II. The Department’s former responsibilities were divided between the Department of Administrative Services (DAS) and the Authority by 2023 Iowa Acts, Senate File 514.

Chapter 41 describes the Survey and Registration of Cultural Resources Program administered by the State Historic Preservation Officer (SHPO) and staff of the State Historic Preservation Office (Office). The chapter will be replaced with a new 261—Chapter 419 as part of a concurrent rulemaking (**ARC 0665D**, IAB 10/14/26).

Chapter 47 describes the responsibilities and policies of the SHPO and staff of the Office relating to the historic property rehabilitation tax exemption available pursuant to Iowa Code section 427.16. The chapter will be replaced with a new 261—Chapter 418 as part of a concurrent rulemaking (**ARC 0666D**, IAB 10/14/26).

Regulatory Analysis

A Regulatory Analysis for this rulemaking was published in the Iowa Administrative Bulletin on July 22, 2026. A public hearing was held on the following date(s):

- August 11, 2026

Fiscal Impact

This rulemaking has no fiscal impact to the State of Iowa.

Jobs Impact

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

Waivers

Any person who believes that the application of the discretionary provisions of this rulemaking would result in hardship or injustice to that person may petition the Authority for a waiver of the discretionary provisions, if any, pursuant to 7—Chapter 2504.

Public Comment

Any interested person may submit written comments concerning this proposed rulemaking, which must be received by the Authority no later than 4:30 p.m. on November 5, 2026. Comments should be directed to:

Lisa Connell
Iowa Economic Development Authority
1963 Bell Avenue, Suite 200
Des Moines, Iowa 50309
Email: lisa.connell@iowaeda.com

Public Hearing

Public hearings at which persons may present their views orally or in writing will be held as follows:

November 3, 2026 9:15 to 9:30 a.m.	Via Microsoft Teams Information about Teams participation can be found at opportunityiowa.gov/about/iowa-economic-development-authority/ieda-red-tape-review
November 5, 2026 3:15 to 3:30 p.m.	Via Microsoft Teams Information about Teams participation can be found at opportunityiowa.gov/about/iowa-economic-development-authority/ieda-red-tape-review

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

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

Review by Administrative Rules Review Committee

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

The following rulemaking action is proposed:

- ITEM 1. Rescind and reserve **223—Chapter 41**.
- ITEM 2. Rescind and reserve **223—Chapter 47**.

ARC 0661D

HUMAN SERVICES DEPARTMENT[441]**Notice of Intended Action****Proposing rulemaking related to rent reimbursement
and providing an opportunity for public comment**

The Department of Health and Human Services hereby proposes to amend Chapter 62, "Rent Reimbursement," Iowa Administrative Code.

Legal Authority for Rulemaking

This rulemaking is proposed under the authority provided in Iowa Code section 425.37.

State or Federal Law Implemented

This rulemaking implements, in whole or in part, Iowa Code chapter 425 and 2026 Iowa Acts, Senate File 2472.

Purpose and Summary

This proposed rulemaking eliminates outdated language and codifies the Department's practice that electronic applications received after 4:30 p.m. will be counted as having been received on the next business day. In addition, this proposed rulemaking implements 2026 Iowa Acts, Senate File 2472, division VII, by reflecting the increase in the maximum reimbursement amount from \$1,000 to \$1,500 beginning with claims for reimbursement for property tax paid during 2026.

Regulatory Analysis

A Regulatory Analysis for this rulemaking was published in the Iowa Administrative Bulletin on September 2, 2026. A public hearing was held on the following date(s):

- September 23, 2026

Fiscal Impact

This proposed rulemaking has no impact on State revenues beyond Item 2, which implements 2026 Iowa Acts, Senate File 2472, division VII. This increases the maximum amount of rent reimbursement a claimant can receive from \$1,000 to \$1,500. The Legislative Services Agency estimates an approximate \$300,000 increase in the amount appropriated beginning in State fiscal year 2027.

Jobs Impact

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

Waivers

Any person who believes that the application of the discretionary provisions of this rulemaking would result in hardship or injustice to that person may petition the Department for a waiver of the discretionary provisions, if any, pursuant to 441—Chapter 2504.

Public Comment

Any interested person may submit written or oral comments concerning this proposed rulemaking, which must be received by the Department no later than 4:30 p.m. on November 3, 2026. Comments should be directed to:

Victoria L. Daniels
Department of Health and Human Services
Lucas State Office Building
321 East 12th Street
Des Moines, Iowa 50319
Phone: 515.829.6021
Email: compliancerules@hhs.iowa.gov

Public Hearing

A public hearing at which persons may present their views orally or in writing will be held as follows:

November 3, 2026
10 to 10:30 a.m.

Microsoft Teams
Meeting ID: 248 759 469 701 592
Passcode: P7mr37nG

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

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

Review by Administrative Rules Review Committee

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

The following rulemaking action is proposed:

ITEM 1. Amend rule 441—62.1(425), introductory paragraph, as follows:

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

ITEM 2. Amend subrule 62.2(3) as follows:

62.2(3) The claims are to be based on the actual property tax due and rent constituting property tax paid, with a combined maximum of ~~\$1,000~~ \$1,500 upon which the credit and reimbursement can be calculated.

EXAMPLE: \$800 property tax due
~~\$400~~ \$900 rent constituting property taxes paid

- a. No change.
- b. The claim form for calculating the rent reimbursement must reflect only the remaining ~~\$200~~ \$700 of the ~~\$1,000~~ \$1,500 maximum allowance.
- c. No change.

ITEM 3. Rescind rule 441—62.16(425) and adopt the following **new** rule in lieu thereof:

441—62.16(425) Time for filing a claim.

62.16(1) Claims received after 4:30 p.m. central time Monday through Friday or on a paid holiday, including any paid vacation days granted to state employees by the governor of the state of Iowa, will be considered to be received by the department on the next business day. For the purposes of this rule, “paid holiday” means the same as described in Iowa Code section 1C.2(1).

62.16(2) The granting of an extension of time for filing a claim for reimbursement does not extend the time within which or the dates on or by which eligibility requirements must be satisfied.

This rule is intended to implement Iowa Code section 425.20.

ARC 0662D

HUMAN SERVICES DEPARTMENT[441]

Notice of Intended Action

**Proposing rulemaking related to nursing facilities
and providing an opportunity for public comment**

The Department of Health and Human Services hereby proposes to amend Chapter 81, “Nursing Facilities,” Iowa Administrative Code.

Legal Authority for Rulemaking

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

State or Federal Law Implemented

This rulemaking implements, in whole or in part, Iowa Code chapter 249A and 42 CFR Sections 483.151, 483.152, 483.154, and 483.156.

Purpose and Summary

This proposed rulemaking implements federal updates to the Nurse Aid Training and Competency Evaluation Programs (NATCEP) by amending Chapter 81 to update the date certain for internal references to 42 CFR Sections 483.151, 483.152, 483.154, and 483.156. This proposed rulemaking also restores a student-to-teacher ratio to help ensure the quality of clinical instruction provided to nurse aide trainees.

The Centers for Medicare and Medicaid Services (CMS) issued a policy clarification memo in April 2026 updating training, supervision, and instructor qualifications for NATCEP. Because NATCEP is State-approved under federal law (42 CFR Part 483, Subpart D), each State must update its own NATCEP regulations and approval processes to align with CMS's clarified requirements. States are responsible for implementing these changes in their own statutes, rules, and program approvals.

Iowa addresses CMS's NATCEP requirements in Chapter 81 by referencing the applicable federal regulations with a date certain. The current date certain used in Chapter 81 is August 1, 2024. As such, there is a need to update that date certain to ensure that the new federal requirements apply.

This proposed rulemaking also reinstates a student-to-teacher ratio of one registered nurse or licensed practical nurse assistant to every 15 students within a clinical training setting. This requirement was inadvertently removed during the 2024 Red Tape Review since it was thought to be covered by referencing the federal regulation. Reestablishing this student-to-teacher ratio will help ensure the quality of the clinical portion of nurse aide training.

Regulatory Analysis

A Regulatory Analysis for this rulemaking was published in the Iowa Administrative Bulletin on September 2, 2026. A public hearing was held on the following date(s):

- September 23, 2026

Fiscal Impact

This rulemaking has no fiscal impact to the State of Iowa.

Jobs Impact

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

Waivers

Any person who believes that the application of the discretionary provisions of this rulemaking would result in hardship or injustice to that person may petition the Department for a waiver of the discretionary provisions, if any, pursuant to 441—Chapter 2504.

Public Comment

Any interested person may submit written or oral comments concerning this proposed rulemaking, which must be received by the Department no later than 4:30 p.m. on November 3, 2026. Comments should be directed to:

Victoria L. Daniels
Department of Health and Human Services
Lucas State Office Building

321 East 12th Street
Des Moines, Iowa 50319
Phone: 515.829.6021
Email: compliance.rules@hhs.iowa.gov

Public Hearing

A public hearing at which persons may present their views orally or in writing will be held as follows:

November 3, 2026	Microsoft Teams
10 to 10:30 a.m.	Meeting ID: 248 759 469 701 592
	Passcode: P7mr37nG

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

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

Review by Administrative Rules Review Committee

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

The following rulemaking action is proposed:

ITEM 1. Amend paragraph **81.13(2)“e”** as follows:

e. Withdrawal of approval. The department of inspection, appeals, and licensing will follow the provision of ~~42 CFR 483.151(e) (as amended to August 1, 2024)~~ 42 CFR 483.151(f) as amended to January 1, 2027, regarding withdrawals of approvals.

ITEM 2. Amend subrule 81.13(3) as follows:

81.13(3) *Requirements for approval of a nurse aide training and competency evaluation program.* The department has designated the department of inspections, appeals, and licensing to approve required nurse aide training and competency evaluation programs. Policies and procedures governing approval of the programs are set forth in 42 CFR 483.152 ~~(as amended to August 1, 2024)~~ as amended to January 1, 2027.

a. to c. No change.

d. Clinical setting student-to-teacher ratio. The ratio of department of inspections, appeals, and licensing-approved instructors to students shall not exceed one registered nurse, or licensed practical nurse functioning as an assistant to a registered nurse, who is in the proximate area in the clinical setting, for every 15 students in the clinical setting.

ITEM 3. Amend subrule 81.13(4) as follows:

81.13(4) *Nurse aide competency evaluation.* Nurse aid competency evaluation program shall be administered in accordance with 42 CFR 483.154 ~~(as amended to August 1, 2024)~~ as amended to January 1, 2027.

a. to d. No change.

ITEM 4. Amend paragraph **81.13(5)“a”** as follows:

a. Establishment of registry. The department of inspections, appeals, and licensing shall establish and maintain a registry of nurse aides in accordance with 42 CFR 483.156 ~~(as amended to August 1, 2024)~~ as amended to January 1, 2027. In addition, the registry shall contain a record of known

convictions by a court of law of a person convicted of abuse, neglect, mistreatment, or misappropriation of resident property.

ARC 0673D

INSPECTIONS, APPEALS, AND LICENSING DEPARTMENT[481]

Amended Notice of Intended Action

Providing for a public hearing on rulemaking related to electrical installations

The Notice of Intended Action published in the Iowa Administrative Bulletin on September 2, 2026, as **ARC 0549D** proposes to amend Chapter 404, "Electrical Inspection Program," Iowa Administrative Code. In order to receive oral comments concerning **ARC 0549D**, the Department of Inspections, Appeals, and Licensing hereby gives notice that a public hearing will be held as follows:

November 9, 2026
10 to 11 a.m.

6200 Park Avenue
Des Moines, Iowa

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

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

Legal Authority for Rulemaking

This rulemaking is proposed under the authority provided in Iowa Code section 103.6.

State or Federal Law Implemented

This rulemaking implements, in whole or in part, Iowa Code section 17A.7.

Purpose and Summary

The proposed rulemaking amends the rules promulgated by the Department to implement Iowa Code section 17A.7. The rulemaking implements the adoption, by the Electrical Examining Board, of the minimum standards set forth in the most current publication of the National Electrical Code (NEC) issued and adopted by the National Fire Protection Association (NFPA).

This Amended Notice of Intended Action schedules a public hearing and allows for additional comment time.

Fiscal Impact, Jobs Impact, Waivers

Statements related to the fiscal impact, jobs impact, and waiver of this rulemaking may be found in the preamble of **ARC 0549D**.

Review by Administrative Rules Review Committee

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

ARC 0655D**NATURAL RESOURCE COMMISSION[571]****Notice of Intended Action****Proposing rulemaking related to uniform rules on agency procedure and providing an opportunity for public comment**

The Natural Resource Commission (Commission) hereby proposes to rescind Chapter 2, “Public Records and Fair Information Practices,” and to adopt a new Chapter 2505, “Fair Information Practices,” and Chapter 2506, “Contested Cases,” Iowa Administrative Code.

Legal Authority for Rulemaking

This rulemaking is proposed under the authority provided in Iowa Code chapter 17A; Iowa Code section 22.11; and 2026 Iowa Acts, Senate File 2463.

State or Federal Law Implemented

This rulemaking implements, in whole or in part, Iowa Code chapter 17A.

Purpose and Summary

This proposed rulemaking modifies the Uniform Rules on Agency Procedure related to fair information practices (7—Chapter 2505) to ensure that business confidential records are properly processed and stored by the Department of Natural Resources (Department). This rulemaking also is being proposed in accordance with 2026 Iowa Acts, Senate File 2463, in which portions of Chapter 2 relating to personally identifiable information portions were not rescinded. In order for the Commission’s chapters to contain all of the Department’s rules regarding fair information practices, the portions of Chapter 2 related to personally identifiable information are being moved to Chapter 2505. This will allow for Chapter 2 to be rescinded.

This proposed rulemaking also modifies the Uniform Rules on Agency Procedure related to contested cases (7—Chapter 2506) to ensure that the deadline for an administrative appeal is a definite date.

Regulatory Analysis

A Regulatory Analysis for this rulemaking was published in the Iowa Administrative Bulletin on July 8, 2026. A public hearing was held on the following date(s):

- August 12, 2026

Fiscal Impact

This rulemaking has no fiscal impact to the State of Iowa.

Jobs Impact

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

Waivers

Any person who believes that the application of the discretionary provisions of this rulemaking would result in hardship or injustice to that person may petition the Department for a waiver of the discretionary provisions, if any, pursuant to 7—Chapter 2504.

Public Comment

Any interested person may submit written or oral comments concerning this proposed rulemaking, which must be received by the Department no later than 4:30 p.m. on November 3, 2026. Comments should be directed to:

Kelli Book, Attorney
Iowa Department of Natural Resources
6200 Park Avenue, Suite 200
Des Moines, Iowa 50321
Phone: 515.210.3408
Email: kelli.book@dnr.iowa.gov

Free language assistance: If you speak a non-English language, the Department offers language assistance services free of charge. Contact the Department at kelli.book@dnr.iowa.gov.

Servicios gratuitos de asistencia lingüística: Si habla un idioma que no sea el inglés, los servicios de asistencia lingüística están disponibles de forma gratuita. Comuníquese con el Departamento al kelli.book@dnr.iowa.gov.

Public Hearing

A public hearing at which persons may present their views orally or in writing will be held as follows:

November 3, 2026
1 to 2 p.m.

Backbone Conference Room
6200 Park Avenue, Suite 200
Des Moines, Iowa

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

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

Free language assistance: If you need assistance in a language other than English, contact the Department at kelli.book@dnr.iowa.gov or civilrights@dnr.iowa.gov or by telephone at 515.326.0430 at least seven days before the event.

Asistencia lingüística gratuita: Si necesita ayuda en un idioma que no sea inglés, comuníquese con el Departamento al kelli.book@dnr.iowa.gov o civilrights@dnr.iowa.gov o por teléfono a 515.326.0430 al menos siete días antes del evento.

Review by Administrative Rules Review Committee

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

The following rulemaking action is proposed:

ITEM 1. Rescind and reserve **571—Chapter 2**.

ITEM 2. Adopt the following **new** 571—Chapter 2505:

CHAPTER 2505
FAIR INFORMATION PRACTICES

The Uniform Rules on Agency Procedure, 7—Chapters 2500 through 2506, are rules generally applicable to agencies pursuant to Iowa Code section 17A.24. Additions, exceptions, or amendments to the corresponding chapter are below.

571—2505.5(17A,22) Confidential records. The custodian may treat a record as a confidential record and withhold it from examination only to the extent that the custodian is authorized by Iowa Code section 22.7, another applicable provision of law, or a court order. Unless deemed as a confidential record or considered as a confidential record by Iowa Code section 22.7, all records are considered public and routinely disclosed without the consent of the subject.

2505.5(1) *Persons who may request.* Any person who would be aggrieved or adversely affected by disclosure of a record and who asserts that Iowa Code section 22.7, another applicable provision of law, or a court order authorizes the custodian to treat the record as a confidential record may request the custodian to treat that record as a confidential record and to withhold it from public inspection.

2505.5(2) *Request.* A written request that a record be treated as a confidential record and be withheld from public inspection should be filed with the custodian. The request must set forth the legal and factual basis justifying such confidential record treatment for that record. The request should include two copies of the record in question: one copy of the record with all information provided and a second copy of the record with the information being requested confidential deleted from the record.

2505.5(3) *Timing of decision.* A decision by the custodian with respect to the disclosure of a record to members of the public may be made when a request for its treatment as a confidential record that is not available for public inspection is filed or when the custodian receives a request for access to the record by a member of the public.

2505.5(4) *Request granted or deferred.* If a request for such confidential record treatment is granted, or if action on such a request is deferred, a copy of the record from which the matter in question has been deleted and a copy of the decision to grant the request or to defer action upon the request will be made available for public inspection in lieu of the original record. If the custodian subsequently receives a request for access to the original record, the custodian will make reasonable and timely efforts to notify any person who has filed a request for its treatment as a confidential record that is not available for public inspection of the pendency of that subsequent request.

2505.5(5) *Request denied and opportunity to seek injunction.* If a request that a record be treated as a confidential record and be withheld from public inspection is denied, the custodian will notify the requester in writing of that determination and the reasons therefor. On application by the requester, the custodian may engage in a good faith, reasonable delay in allowing examination of the record so that the requester may seek injunctive relief under the provisions of Iowa Code section 22.8 or other applicable provision of law. However, such a record need not be withheld from public inspection for any period of time if the custodian determines that the requester had no reasonable grounds to justify the treatment of that record as a confidential record. The custodian will notify the requester in writing of the time period allowed to seek injunctive relief or the reason for the determination that no reasonable grounds exist to justify the treatment of that record as a confidential record. The custodian may extend the period of good faith, reasonable delay in allowing examination of the record so that the requester may seek injunctive relief only if no request for examination of that record has been received; if a court directs the custodian to treat it as a confidential record, to the extent permitted by another applicable provision of law; or with the consent of the person requesting access.

2505.5(6) *Processing of confidentiality claims.* In order to request a record be held confidential with the department, the party will comply with the following provisions:

a. **Applicability/availability.** Businesses that provide information to the department in applications, reports or otherwise in recorded form, or from or about which information is obtained and recorded by the department, may request that information not be disclosed to others for reasons of business confidentiality. Until such time as a request for confidentiality is received by the department, all information will be available to the public. If a claim is received after the information itself is received, the department will make such efforts as are administratively practicable to associate the claim with all copies of the previously received information. However, the department cannot ensure that such efforts

will be effective in light of the possibility of prior disclosure or dissemination of the information beyond the department's reasonable control.

b. Confidentiality request process. An entity that submits information to the department may assert a confidentiality claim in accordance with the following process:

(1) Attach a cover sheet indicating the entity is seeking the information to be held confidential. The submission will include a letter of substantiation with the information required by paragraph 2505.5(6) "c."

(2) File two copies of the information: one copy with all information present and a second copy with the information for which the party wishes to claim confidential treatment deleted from the document.

c. Contents of claim. All claims for confidentiality must be substantiated with the following information in a letter attached to the proposed confidential document:

(1) A statement of all measures the business has taken to protect the confidentiality of the information and a statement of intent to continue to take such measures;

(2) Practices and policies of other businesses, if known, regarding confidentiality of similar information;

(3) A statement that the information is not, and has not been, reasonably attainable without the consent of the business by other persons other than government bodies by use of legitimate means;

(4) A statement demonstrating that disclosure of the information is likely to cause substantial harm to the business's competitive position;

(5) A reference to any other determinations of confidential status of the information or similar information.

d. Initial action by department. All claims will be reviewed for completeness and applicability of subrule 2505.5(8). If the claim does not include the substantiation required by paragraph 2505.5(6) "c," or if the claim relates to information within subrule 2505.5(8), the business making the claim will be notified by certified mail. If the substantiation or comment regarding the inapplicability of subrule 2505.5(8) is not received by the department within ten days of the date on the return receipt, the department will place the information in the public file. Otherwise, all information claimed to be confidential will be treated as such by the department until further notice.

e. Substantive criteria for use in confidentiality determinations. Prior determinations by the courts, the department, or other agencies on the information or similar information will be given due consideration and effect. Determinations will hold that business information is entitled to confidential treatment for the benefit of a particular person if:

(1) The business has taken and intends to continue to take reasonable measures to protect the confidentiality of the information;

(2) The information is not readily obtainable by others by legitimate means;

(3) The claim is not unreasonable in view of the nature of the information, the interests and normal practices of the business, and the practices of other businesses;

(4) No statute or rule specifically requires disclosure of the information; and

(5) There is a substantial likelihood that disclosure of the information would cause substantial harm to the competitive position of the business.

f. Determination. The department will transmit its determination regarding a claim for business confidentiality to the claimant by certified mail notifying the claimant of the opportunity to provide comments within ten days, subject to reasonable extension upon written request, and that failure to comment will be construed to indicate agreement with the preliminary determination. If the determination is in response to a request for disclosure, the person requesting the disclosure will be sent a similar notice in the same manner within ten days of the request. If any substantial comments are received, the final decision will be made by the director or designee. If no substantial comments are received, the preliminary determination becomes the final decision.

g. All procedures within this rule will not be considered contested case proceedings as provided in Iowa Code chapter 17A.

2505.5(7) *Confidential records.* The following records may be withheld from public inspection. Records are listed by category, according to the legal basis for withholding them from public inspection.

- a. Sealed bids received prior to the time set for public opening of bids;
- b. Tax records made available to the department;
- c. Records that are exempt from disclosure under Iowa Code section 22.7;
- d. Minutes of closed meetings of a government body;
- e. Identifying details in final orders, decisions, and opinions to the extent required to prevent a clearly unwarranted invasion of personal privacy or trade secrets;
- f. Those portions of the department's staff manuals, instructions, or other statements issued that set forth criteria or guidelines to be used by staff in auditing; in making inspections; in settling commercial disputes or negotiating commercial arrangements; or in the selection or handling of cases such as operational tactics or allowable tolerances or criteria for the defense, prosecution, or settlement of cases when disclosure of these statements would:
 - (1) Enable law violators to avoid detection;
 - (2) Facilitate disregard of requirements imposed by law; or
 - (3) Give a clearly improper advantage to persons who are in an adverse position to the department;
- g. Records that constitute attorney work product, constitute attorney-client communications, or are otherwise privileged. Attorney work product is confidential under Iowa Code sections 22.7(4), 622.10 and 622.11; Iowa R.C.P. 1.503(3); Fed. R. Civ. P. 26(b)(3); and case law. Attorney-client communications are confidential under Iowa Code sections 622.10 and 622.11, the rules of evidence, the Code of Professional Responsibility, and case law.
- h. Any other records made confidential by law.

2505.5(8) *Not confidential.* Notwithstanding any other provision, the following information will not be considered confidential by the department:

- a. Emission data. For purposes of this subrule, "emission data" means the following, with reference to any source of emission of any substance into the air:
 - (1) Information necessary to determine the identity, amount, frequency, concentration, or other characteristics (to the extent related to air quality) of any emission that has been emitted by the source (or of any pollutant resulting from any emission by the source) or any combination of the foregoing;
 - (2) Information necessary to determine the identity, amount, frequency, concentration, or other characteristics (to the extent related to air quality) of the emissions that, under an applicable standard or limitation, the source was authorized to emit (including, to the extent necessary for such purposes, a description of the manner or rate of operation of the source); and
 - (3) A general description of the location and nature of the source to the extent necessary to identify the source and to distinguish it from other sources (including, to the extent necessary for such purposes, a description of the device, installation, or operation constituting the source).
- b. Analytical results of monitoring or public water supply systems;
- c. Name and address of any permit applicant; and
- d. NPDES permits, applications (including any information required by NPDES application forms), and effluent data. For purposes of this subrule, "effluent data" means the following, with reference to any source of discharge of any pollutant:
 - (1) Information necessary to determine the identity, amount, frequency, concentration, temperature, or other characteristics (to the extent related to water quality) of any pollutant that has been emitted by the source (or of any pollutant resulting from any discharge from the source) or any combination of the foregoing;
 - (2) Information necessary to determine the identity, amount, frequency, concentration, temperature, or other characteristics (to the extent related to water quality) of the pollutants that, under an applicable standard or limitation, the source was authorized to discharge (including, to the extent necessary for such purposes, a description of the manner or rate of operation of the source); and
 - (3) A general description of the location and nature of the source to the extent necessary to identify the source and to distinguish it from other sources (including, to the extent necessary for such purposes, a description of the device, installation, or operation constituting the source).

571—2505.9(17A,22) Personally identifiable information. This rule describes the nature and extent of personally identifiable information that is collected, maintained, and retrieved by the department of natural resources by personal identifier in record systems. For the purposes of this rule, “record system” means any group of records under the control of the agency from which a record may be retrieved by a personal identifier, such as the name of an individual, number, symbol, or other unique retriever assigned to an individual. Records maintained by the department of natural resources, the environmental protection commission, and the natural resource commission are in accordance with guidelines as set forth by the state records commission’s file system. An updated index is maintained by the department and is available for public inspection. Records are collected pursuant to authorities contained in Iowa Code title XI. Records are stored on paper; microfilm; microfiche; and, in some cases, automated data processing systems, such as electronic management systems and department web applications. Department of natural resources and natural resource commission records may include but are not limited to the following.

2505.9(1) Department of natural resources.

a. Administration, organization, and management.

- (1) Organization and management.
- (2) Planning and programming.
- (3) Administrative reports.
- (4) Insurance and bonding.
- (5) Departmental emergency planning.
- (6) Correspondence and reference materials.
- (7) Information and public relations.

b. Budgets, accounting and financial analysis.

- (1) Budget information.
- (2) Accounting.
- (3) Cost accounting.

c. Office services and facilities management.

- (1) Communications.
- (2) Printing and reproduction.
- (3) Records management.
- (4) Motor pool operations.
- (5) Facilities management.
- (6) Engineering and construction.

d. Equipment, supplies, and services.

- (1) Procurement.
 - (2) Property accountability.
- e. Legislative and legal.*
- (1) Department legislative liaison.
 - (2) Bills, joint resolutions, amendments, messages, and reports.
 - (3) Federal government.
 - (4) Administrative procedures.
 - (5) Attorney general opinions and research materials.
 - (6) Claims against the state.
 - (7) Lawsuits filed by the state.
 - (8) 28E agreements.

f. Personnel and payroll.

- (1) Employee personnel/payroll files.
- (2) Merit rules.
- (3) Payroll administration.
- (4) Position classification.
- (5) Preemployment.
- (6) Certification and selection.

- (7) Scheduling, assignments, and working hours.
- (8) Grievances.
- (9) Training and education.
- (10) Employee benefits and welfare.
- (11) Employment relations.
- (12) Equal employment opportunity.
- (13) Management improvement programs.
- (14) Delegation of authority and signature authorization.
- g. *Conservation and environment.*
 - (1) Geology.
 - 1. Surface and groundwater monitoring.
 - 2. Natural resources geographic information system (GIS) library.
 - 3. Oil/gas exploration and drilling.
 - (2) Water conservation.
 - (3) Land conservation.
 - (4) Soil conservation.
 - (5) Forestry management.
 - (6) Fish and game conservation.
 - (7) Recreation.
 - (8) Environmental technology.
 - (9) Air quality monitoring.
 - (10) Water quality monitoring.
 - (11) Land quality monitoring.
 - (12) Hazardous material planning.
 - 1. Hazardous waste management.
 - 2. Underground storage tanks.
 - 3. Leaking underground storage tanks.
 - (13) Radioactive materials.
 - (14) Environmental—interdisciplinary.
- 2505.9(2)** Natural resource commission.
 - a. Tort claims investigations.
 - b. Numerous licensing files.
 - c. Lifetime licenses.
 - d. Boat registrations.
 - e. Docks, mooring, buoys or raft registrations.
 - f. Snowmobile registrations.
 - g. Miscellaneous mailing list (e.g., magazine).
 - h. Payroll and personnel information system.
 - i. Fur buyer reports.
 - j. Fish and game violations.
 - k. Safety certified students (hunter safety, snowmobile safety, boating safety).
 - l. Special events applications and permits.
 - m. Snowmobile accident reports.
 - n. Boating accident reports.
 - o. Drowning reports.
 - p. Timber buyer reports and bonds.
 - q. Work programs with Iowa State University.
 - r. Timber management and forestry.
 - s. State park ranger violation reports.
 - t. Incident reports.
 - u. Donations.
 - v. Real estate acquisition.

- w. Encroachments.
- x. Campground host program.
- y. Law enforcement intelligence network (LEIN) and turn in poachers (TIP).
- z. Park leases and concessions.

571—2505.10(17A,22) Other groups of records. This rule describes groups of records maintained by the department of natural resources other than record systems as defined in rule 571—2505.9(17A,22). These records are routinely available to the public. However, the department's files of these records may contain confidential information. In addition, some records may contain information about individuals. Records are stored on paper; microfilm; microfiche; and, in some cases, automated data processing systems, such as electronic management systems and department web applications.

2505.10(1) Rulemaking. Rulemaking records may contain information about individuals making written or oral comments on proposed rules. This information is collected pursuant to Iowa Code section 17A.4.

2505.10(2) Commission records. Agendas, minutes, and materials presented to the environmental protection commission and the natural resource commission are available from the office of the director, except these records concerning closed sessions that are confidential under Iowa Code section 21.5(5). Commission records contain information about people who participate in meetings. This information is collected pursuant to Iowa Code section 21.3.

2505.10(3) Publications. News releases, annual reports, Iowa Outdoors magazine, project reports, agency newsletters, etc., are available from the department offices for public information. Brochures describing various department programs are available at local offices of the department. Department news releases, project reports, Iowa Outdoors magazine, and newsletters may contain information about individuals, including department staff or members of the commission or committees.

2505.10(4) Statistical reports. Periodic reports for various department programs are available from the department offices for public information.

2505.10(5) Grants or loans. Records on persons and institutions receiving grants or loans are available through the institutions, also for public information. The records may contain information about employees of a grantee.

2505.10(6) Published materials. The department of natural resources uses many legal and technical publications in its work. The public may inspect these publications upon request. Some of these materials may be protected by copyright law.

2505.10(7) Policy manuals. The department of natural resources employees' manual, containing the policies and procedures for programs administered by the department, is available in every office of the department. Policy manuals do not contain information about individuals.

2505.10(8) All other records that are not exempted from disclosure by law. The department maintains a variety of records that do not generally contain information pertaining to named individuals.

ITEM 3. Adopt the following new 571—Chapter 2506:

CHAPTER 2506 CONTESTED CASES

The Uniform Rules on Agency Procedure, 7—Chapters 2500 through 2506, are rules generally applicable to agencies pursuant to Iowa Code section 17A.24. Additions, exceptions, or amendments to the corresponding chapter are below.

571—2506.4(17A) Electronic requests for contested case proceeding.

2506.4(1) A person entitled to a contested case proceeding must electronically file written request for such a proceeding within the time specified by the governing rules or statutes or, if no rule or statute sets such a time, within 60 days.

ARC 0654D**PUBLIC SAFETY DEPARTMENT[661]****Notice of Intended Action****Proposing rulemaking related to the fire service training bureau and providing an opportunity for public comment**

The Public Safety Department hereby proposes to rescind Chapter 53, “Fire Service Training Bureau,” Iowa Administrative Code, and to adopt a new Chapter 53 with the same title.

Legal Authority for Rulemaking

This rulemaking is proposed under the authority provided in Iowa Code sections 100B.4 and 100B.10 and Executive Order 10.

State or Federal Law Implemented

This rulemaking implements, in whole or in part, Iowa Code section 100B.6.

Purpose and Summary

Pursuant to Executive Order 10, the Department proposes to rescind Chapter 53 and adopt a new chapter in lieu thereof. The proposed chapter outlines the roles and responsibilities of the Fire Service Training Bureau (FSTB) within the State Fire Marshal division. This chapter also provides fees for various programs and courses.

Regulatory Analysis

A Regulatory Analysis for this rulemaking was published in the Iowa Administrative Bulletin on August 19, 2026. A public hearing was held on the following date(s):

- September 8, 2026

No public comments were received.

Fiscal Impact

This rulemaking has no fiscal impact to the State of Iowa.

Jobs Impact

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

Waivers

Any person who believes that the application of the discretionary provisions of this rulemaking would result in hardship or injustice to that person may petition the Department for a waiver of the discretionary provisions, if any, pursuant to 7—Chapter 2504.

Public Comment

Any interested person may submit written or oral comments concerning this proposed rulemaking, which must be received by the Department no later than 4:30 p.m. on November 4, 2026. Comments should be directed to:

Josie Wagler
Department of Public Safety
Oran Pape State Office Building
215 East 7th Street
Des Moines, Iowa 50319

Phone: 515.725.6185

Email: wagler@dps.state.ia.us

Public Hearing

Public hearings at which persons may present their views orally or in writing will be held as follows:

November 3, 2026 1 to 1:30 p.m.	First Floor Public Conference Room 125 Oran Pape State Office Building Des Moines, Iowa
November 4, 2026 10 to 10:30 a.m.	First Floor Public Conference Room 125 Oran Pape State Office Building Des Moines, Iowa

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

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

Review by Administrative Rules Review Committee

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

The following rulemaking action is proposed:

ITEM 1. Rescind 661—Chapter 53 and adopt the following **new** chapter in lieu thereof:

CHAPTER 53 FIRE SERVICE TRAINING BUREAU

661—53.1(100B) Fire service training bureau. There is established within the state fire marshal division a fire service training bureau with responsibility for instructing the general public and fire protection personnel throughout the state, providing service to public and private fire departments in the state, conducting research in the methods of maintaining and improving fire and other emergency services education consistent with the needs of Iowa communities, and performing any other functions assigned to the bureau by the state fire marshal in consultation with the state fire service and emergency response council.

661—53.2(100B) Programs, services, and fees.

53.2(1) Courses, conferences, and registration fees. Current course offerings, conferences, and associated registration and other fees of the fire service training bureau are available in electronic format via the fire service training bureau website. Current fees include the following:

- a. The fee for a live fire/live fire instructor-in-charge course is \$750.
- b. The fee for annual fire school is \$50 per day.
- c. The fee for a fire investigation course is \$750.

53.2(2) Reserved.

These rules are intended to implement Iowa Code section 100B.6.

ARC 0645D**PUBLIC SAFETY DEPARTMENT[661]****Notice of Intended Action****Proposing rulemaking related to criminal history and fingerprint records and providing an opportunity for public comment**

The Public Safety Department hereby proposes to rescind Chapter 82, “Criminal History and Fingerprint Records,” Iowa Administrative Code, and to adopt a new Chapter 82 with the same title.

Legal Authority for Rulemaking

This rulemaking is proposed under the authority provided in Iowa Code sections 692.2A and 692.10 and Executive Order 10.

State or Federal Law Implemented

This rulemaking implements, in whole or in part, Iowa Code chapters 690, 692 and 692B.

Purpose and Summary

Pursuant to Executive Order 10, the Department proposes to rescind Chapter 82 and adopt a new chapter in lieu thereof. Iowa Code chapters 690, 692, and 692B establish the responsibility and authority of the Division of Criminal Investigation (DCI) of the Department to act as the central State repository for official criminal history records for the State of Iowa and provide that such records are to be made available to requesting bodies. This proposed rulemaking outlines requirements and procedures related to the collection and dissemination of criminal history records.

Regulatory Analysis

A Regulatory Analysis for this rulemaking was published in the Iowa Administrative Bulletin on August 19, 2026. A public hearing was held on the following date(s):

- September 8, 2026

No public comments were received.

Fiscal Impact

This rulemaking has no fiscal impact to the State of Iowa.

Jobs Impact

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

Waivers

Any person who believes that the application of the discretionary provisions of this rulemaking would result in hardship or injustice to that person may petition the Department for a waiver of the discretionary provisions, if any, pursuant to 7—Chapter 2504.

Public Comment

Any interested person may submit written or oral comments concerning this proposed rulemaking, which must be received by the Department no later than 4:30 p.m. on November 4, 2026. Comments should be directed to:

Josie Wagler
Department of Public Safety
Oran Pape State Office Building

215 East 7th Street
Des Moines, Iowa 50319
Phone: 515.725.6185
Email: wagler@dps.state.ia.us

Public Hearing

Public hearings at which persons may present their views orally or in writing will be held as follows:

November 3, 2026 2:30 to 3 p.m.	First Floor Public Conference Room 125 Oran Pape State Office Building Des Moines, Iowa
November 4, 2026 11:30 a.m. to 12 noon	First Floor Public Conference Room 125 Oran Pape State Office Building Des Moines, Iowa

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

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

Review by Administrative Rules Review Committee

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

The following rulemaking action is proposed:

ITEM 1. Rescind 661—Chapter 82 and adopt the following **new** chapter in lieu thereof:

CHAPTER 82 CRIMINAL HISTORY AND FINGERPRINT RECORDS

661—82.1(690,692) Records and identification section. The records and identification section of the division of criminal investigation of the department of public safety maintains information necessary to identify persons with criminal histories. The section collects, files and disseminates criminal history data to authorized criminal justice agencies and to the public upon request and updates criminal history data on a continuing basis.

661—82.2(690,692) Definitions. The following definitions apply to rules 661—82.1(690,692) through 661—82.301(232):

“*Authorized agency*” means a division or office of the state of Iowa designated to report, receive, or disseminate information under Iowa state law or administrative rule.

“*Criminal identification records*” means either of the following records, the forms for which are provided by the department to law enforcement agencies:

1. Department of public safety arrest fingerprint cards.
2. State of Iowa final disposition reports.

“*Department*” means the Iowa department of public safety.

“*Division*” means the division of criminal investigation of the department of public safety.

“*Employee*” means a person who provides services and is compensated for those services.

“*Fee*” means any cost associated with conducting a state or national criminal history record check.

“*Felony*” means the same as described in Iowa Code section 701.7.

“Fitness determination” means an analysis of criminal history information to determine whether the criminal history information disqualifies an individual from holding a particular position or license either as an employee or a volunteer.

“Misdemeanor” means the same as described in Iowa Code section 701.8.

“National record check” means a criminal history record check from the FBI that is fingerprint-based and is transmitted through the state central repository.

“Non-criminal justice agency” means an agency that is authorized by law to receive criminal history data from the department, that is not a criminal or juvenile justice agency as defined in Iowa Code section 692.1(7), and that is not an institution that trains law enforcement officers for certification under Iowa Code chapter 80B.

“Qualified entity” means a business or organization, whether public, private, for-profit, not-for-profit or voluntary, that provides care or care placement services, including a business or organization that licenses or certifies persons or entities to provide care or care placement services, treatment, education, training, instruction, supervision or recreation to children, the elderly or individuals with disabilities.

“Taking of fingerprints” means obtaining a fully rolled set of inked fingerprint or electronically scanned fingerprint impressions of suitable quality for fingerprint classification and identification.

“Volunteer” means a person who provides services without compensation.

“Working day” means any day except any of the following:

1. Saturday.
2. Sunday.
3. State holiday.
4. Federal holiday during which the administrative office of the submitting agency is closed.
5. Any day during which the administrative office of the submitting agency is closed or relocated due to weather or road conditions or any condition related to a disaster emergency proclamation issued by the governor pursuant to Iowa Code section 29C.6.

661—82.3(690,692) Tracking criminal history data. For audit purposes only, the division shall establish an internal procedure for tracking criminal history data expunged from the files of the division.

661—82.4 to 82.100 Reserved.

DIVISION I
CRIMINAL HISTORY DATA

661—82.101(690,692) Release of information. Criminal history data maintained by the records and identification section are public records and are released to criminal justice agencies and the public as authorized by statute. Only the department may release criminal history information maintained by the department to non-criminal justice agencies or persons.

661—82.102(690,692) Right of review. Pursuant to Iowa Code section 692.5(1), any person or the person’s attorney has the right to examine and obtain a copy of criminal history data. Providing a copy of a criminal history record pursuant to this rule is subject to the fee provided in rule 661—82.108(692).

661—82.103(690,692) Review of record. An individual or an individual’s attorney, acting with written authorization from the individual, may obtain a copy of the individual’s criminal history record during normal business hours at the headquarters of the division or by submitting a request on a form provided by the department. A copy of this request form may be obtained by writing to Division of Criminal Investigation, Iowa Department of Public Safety, State Public Safety Headquarters Building, 215 East 7th Street, Des Moines, Iowa 50319; by telephoning the records and identification section at 515.725.6066; or by sending a request by email to dcirecordchecks@dps.state.ia.us. The request form may also be downloaded from the division’s website at www.dps.state.ia.us/dci. The completed request form must include submission of the fee established in rule 661—82.108(692).

661—82.104(17A,690,692) Inaccuracies in criminal history record. If an individual believes inaccuracies exist in the individual's criminal history record, notice may be filed with the division outlining the alleged inaccuracies and should be accompanied by any available supporting data pursuant to Iowa Code section 692.5. Any necessary changes shall be made to the individual's criminal history record. A final report shall be made to the individual who filed a notice of correction within 20 days of said filing. If, after notice is filed and the division makes its final report, the individual is still of the opinion that inaccuracies exist within the record, an appeal may be filed pursuant to Iowa Code section 692.5.

661—82.105(17A,690,692) Arresting agency portion of final disposition form. The sheriff of each county and the chief of police of each city shall complete the arresting agency portion of the final disposition forms with the arrest information for all persons whose fingerprints are taken in accordance with these rules or Iowa Code section 690.2, and thereafter forward the form to the appropriate county attorney or, at the discretion of the county attorney, to the clerk of district court, or if the case remains in juvenile court, to the juvenile court officer who received the referral.

661—82.106(690,692) Final disposition form. When a preliminary information or citation is dismissed without new charges being filed or when a case is ignored by a grand jury, the county attorney or juvenile court officer who received the referral shall complete a final disposition form and submit it to the division within 30 days. When an indictment is returned or a county attorney's information is filed, the final disposition form shall be forwarded by the county attorney to the clerk of the court having jurisdiction. The clerk of court shall forward a copy to the agency making the arrest and the division within 30 days after judgment. If a juvenile is processed through juvenile court services, the juvenile court officer shall forward the disposition form to the division.

661—82.107(692) Scope of record checks for non-criminal justice agencies and individuals. Record checks made for non-criminal justice agencies and individuals pursuant to these rules are based upon name, including maiden name and aliases, if any, and birth date. This information may not be sufficient to effect a precise identification of a subject. The department, therefore, cannot warrant the completeness or accuracy of the information provided. Agencies and individuals that receive criminal history information are therefore advised to verify all information received from the department to the extent possible (e.g., by contacting the reported arresting agency or court).

661—82.108(692) Fees. All individuals, their attorneys, and other non-criminal justice agencies requesting criminal history information for non-criminal justice purposes shall be assessed a fee. The fee for receipt of criminal history information from the department shall be not more than \$15 for each name for which information is requested. Each alias or maiden name submitted shall be considered a separate name for purposes of computing this fee.

661—82.109(17A,22,692) Requests for criminal history data.

82.109(1) *Requests for criminal history data.* Persons or agencies requesting criminal history data should direct requests in writing using forms or methods approved by the commissioner. Forms to use in requesting criminal history information may be requested by email to dcirecordchecks@dps.state.ia.us, by telephone at 515.725.6066, or from the division's website. The commissioner may authorize additional methods of requesting criminal history information.

82.109(2) *Required approvals.* Any agreement, arrangement or system for the transmission and exchange of criminal history data required to be approved by the commissioner shall be submitted in writing at least 30 days before its proposed effective date.

661—82.110(690) Administrative sanctions.

82.110(1) The commissioner may deny or restrict access to criminal history data maintained by the records and identification section of the division to any agency that fails to comply with the requirements of Iowa Code chapters 690 and 692 for submission of fingerprints and disposition reports

to the department. The commissioner shall notify the affected agency in writing prior to denying or restricting access and provide details of the requirements and the nature of the failure to comply.

82.110(2) Any agency that has received notification from the commissioner that the agency's access to criminal history data is to be denied or restricted may protest this action. Protests must be filed with the administrative services division within 30 days of the date of the notification from the commissioner in accordance with 7—Chapter 2506.

661—82.111(692) Criminal history record checks for qualified entities or authorized agencies.

82.111(1) The department may process requests for national criminal history record checks for a qualified entity or authorized agency.

82.111(2) All qualified entities or authorized agencies requesting criminal history record checks shall be required to pay any applicable state and federal fees associated with noncriminal justice record checks. The qualified entity or authorized agency is responsible for such fees whether the qualified entity requests or receives the information directly or through an agency authorized to make fitness determinations as provided in subrule 82.111(3).

82.111(3) Any public entity that has been duly authorized by statute or administrative rule to conduct fitness determinations of volunteers or employees of a qualified entity may receive state and national criminal history record checks.

82.111(4) A school district considering an applicant for a teaching position is a qualified entity pursuant to Iowa Code section 279.13. A school district may submit a request for a national criminal history record check of an applicant for employment as a teacher. The request shall be submitted on a form designated by the division and be accompanied by completed fingerprint cards for the applicant and the applicable fee. Prior to submitting the request, the district may contact the division by telephone at 515.725.6066 or by email at dcirecordchecks@dps.state.ia.us to obtain instructions on the submission or may consult the website of the division for such information.

661—82.112 to 82.300 Reserved.

DIVISION II
JUVENILE RECORDS

661—82.301(232) Juvenile fingerprints and criminal histories.

82.301(1) *Authority to fingerprint.* A law enforcement agency shall fingerprint and photograph any juvenile consistent with Iowa law and will submit those fingerprints to the division.

82.301(2) *Fingerprints entered into automated fingerprint identification system (AFIS).* Fingerprints of juveniles shall be entered into the AFIS maintained by the department.

82.301(3) *Juvenile criminal histories.*

a. A fingerprint card received for a juvenile suspect shall be used to establish a criminal history record for the suspect.

b. Criminal histories of juveniles over whom jurisdiction has been transferred from juvenile court to adult court shall be handled in the same manner as criminal histories of adults.

c. Criminal histories of juveniles who remain under the jurisdiction of the juvenile court shall be maintained only if the juvenile is adjudicated delinquent based upon an offense that would be a serious or aggravated misdemeanor or felony if committed by an adult. The criminal history record established in response to the division receiving a fingerprint card shall be expunged if the delinquency petition is dismissed. Juvenile court judges shall order that a juvenile be fingerprinted and the prints submitted to the division if the juvenile has been adjudicated delinquent for an offense that would be a serious or aggravated misdemeanor or felony if committed by an adult.

d. Criminal history data of juveniles over whom jurisdiction has not been transferred from juvenile court to adult court shall be expunged when the subject reaches the age of 21 unless the subject has been convicted of a serious or aggravated misdemeanor or a felony when the subject was between the ages of 18 and 21 or unless the retention of the records is necessary for the purpose of administering Iowa Code

chapter 692A. If the subject has been convicted of a serious or aggravated misdemeanor or a felony when the subject was between the ages of 18 and 21, the criminal history record shall be maintained in the same manner as adult criminal history data.

These rules are intended to implement Iowa Code chapters 690, 692, and 692B.

ARC 0644D

PUBLIC SAFETY DEPARTMENT[661]

Notice of Intended Action

Proposing rulemaking related to the Iowa sex offender registry and providing an opportunity for public comment

The Public Safety Department hereby proposes to rescind Chapter 83, “Iowa Sex Offender Registry,” Iowa Administrative Code, and to adopt a new Chapter 83 with the same title.

Legal Authority for Rulemaking

This rulemaking is proposed under the authority provided in Iowa Code section 692A.130 and Executive Order 10.

State or Federal Law Implemented

This rulemaking implements, in whole or in part, Iowa Code chapter 692A.

Purpose and Summary

Pursuant to Executive Order 10, the Department proposes to rescind Chapter 83 and adopt a new chapter in lieu thereof. The proposed chapter outlines forms and registration and verification procedures prescribed for use with the Iowa Sex Offender Registry (SOR).

This rulemaking also makes conforming changes pursuant to 2026 Iowa Acts, Senate File 2379.

Regulatory Analysis

A Regulatory Analysis for this rulemaking was published in the Iowa Administrative Bulletin on August 19, 2026. A public hearing was held on the following date(s):

- September 8, 2026

No public comments were received.

Fiscal Impact

This rulemaking has no fiscal impact to the State of Iowa.

Jobs Impact

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

Waivers

Any person who believes that the application of the discretionary provisions of this rulemaking would result in hardship or injustice to that person may petition the Department for a waiver of the discretionary provisions, if any, pursuant to 7—Chapter 2504.

Public Comment

Any interested person may submit written or oral comments concerning this proposed rulemaking, which must be received by the Department no later than 4:30 p.m. on November 4, 2026. Comments should be directed to:

Josie Wagler
Department of Public Safety
Oran Pape State Office Building
215 East 7th Street
Des Moines, Iowa 50319
Phone: 515.725.6185
Email: wagler@dps.state.ia.us

Public Hearing

Public hearings at which persons may present their views orally or in writing will be held as follows:

November 3, 2026 2 to 2:30 p.m.	First Floor Public Conference Room 125 Oran Pape State Office Building Des Moines, Iowa
November 4, 2026 11 to 11:30 a.m.	First Floor Public Conference Room 125 Oran Pape State Office Building Des Moines, Iowa

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

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

Review by Administrative Rules Review Committee

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

The following rulemaking action is proposed:

ITEM 1. Rescind 661—Chapter 83 and adopt the following **new** chapter in lieu thereof:

CHAPTER 83 IOWA SEX OFFENDER REGISTRY

661—83.1(692A) Sex offender registry established. The Iowa sex offender registry, as authorized by Iowa Code chapter 692A, is hereby established in the division of criminal investigation.

661—83.2(692A) Definitions. The definitions in Iowa Code section 692A.101 are adopted and incorporated herein.

661—83.3(692A) Forms and procedures. The following forms and procedures are prescribed for use with the Iowa sex offender registry. Supplies of these forms may be obtained by contacting the Iowa sex offender registry at the division of criminal investigation.

83.3(1) Notification. Form DCI-144, Notification of Registration Requirement, which notifies offenders of their duty to register with the Iowa sex offender registry, shall be provided, in printed form or electronically, to persons identified as being required to register. Failure to provide offenders with Form DCI-144 does not relieve offenders of their duty to register with the Iowa sex offender registry.

83.3(2) Registration.

a. Form DCI-145 or Form DCI-144R, Sex Offender Registration, shall be completed, as required by Iowa Code section 692A.104, on behalf of each offender and submitted, in printed or electronic form,

to the sheriff of each county in which the offender will be residing, employed, or attending classes and to the division of criminal investigation, in order to satisfy the registration requirements of the Iowa sex offender registry. This form shall also be completed on behalf of each offender and submitted to the sheriff of any county in which the offender will be a student, be employed, or be engaged in a vocation on a full-time or part-time basis, to satisfy the registration requirements.

b. Form DCI-145, or information stored by the division of criminal investigation, shall be used to report changes to relevant information. Form DCI-145 shall be completed and submitted by the registrant to the sheriff of any county of residence each time the registrant's relevant information changes. Form DCI-145 shall be completed and submitted by the registrant to the sheriff of the county in which the registrant is a student, an employee, or practicing a vocation on a full-time or part-time basis at an institution of higher education within three days of the registrant's becoming a student, an employee, or engaged in a vocation at the institution of higher education. The original of each completed Form DCI-145 shall be forwarded to the division of criminal investigation by the registering agency within five days of receiving the completed form.

When the department receives notification that a registrant has changed residence to a location outside of Iowa, the department shall notify the registering state agency in the registrant's new state of residence of the registrant's name, new address, and telephone number. Upon notification of the appropriate out-of-state agency, the department shall remove the registrant from the active registry, unless the registrant continues to maintain a residence or place of employment in Iowa or attends school in Iowa. The registrant shall not be required to submit periodic verifications of address while not on the active registry. The department shall maintain the registrant's file in the event the registrant establishes a residence in Iowa or becomes a student, becomes an employee, or practices a vocation at an institution of higher education in Iowa in the future. The department may also maintain the file for any other purpose.

c. Upon any submission of Form DCI-145, the form shall be accompanied by current photographs and fingerprints of the offender.

d. A list of all registrants within a county may be provided by the division of criminal investigation to the county sheriff.

83.3(3) Periodic verification. A registrant shall appear personally in the office of the sheriff of the county or counties of principal residence periodically as required by Iowa Code section 692A.108 to verify relevant information. A tier I offender shall appear annually, or more frequently if required by the sheriff; a tier II offender shall appear every six months, or more frequently if required by the sheriff; and a tier III offender shall appear every three months, or more frequently if required by the sheriff. Form DCI-146R, Periodic Verification Notification Form, shall be mailed by the division of criminal investigation to each registrant at the last address known to the registry at least 30 days prior to each required appearance. The registrant shall appear between the first and last day of the verification month. Form DCI-146R shall clearly state that it is to be returned to the division of criminal investigation if the addressee no longer resides at the address indicated and that Iowa law prohibits its being forwarded.

a. Each registrant shall report to the sheriff of the county of principal residence of the registrant. The sheriff shall take a current photograph of the registrant and shall submit the photograph to the registry.

b. The sheriff of any county of residence of a registrant may, at any time, instruct the registrant to report to the sheriff's office for the purpose of the taking of a current photograph. Such instructions shall be mailed to the registrant at the registrant's current address of registration. The registrant shall report to the sheriff's office within ten days of receiving such instructions. The sheriff shall submit the current photograph of the registrant to the registry.

83.3(4) Updating relevant information not requiring personal appearance. Any change in any item of relevant information other than changes of address, places of attendance as a student, places of employment, or vehicle information shall be communicated to the sheriff of the county of the registrant's principal residence in person, by telephone, or electronically, within three days of the change occurring. Any such change shall not be deemed to be completed until the registrant has received acknowledgment from the office receiving the change in printed or electronic form.

83.3(5) *Application for determination.* Form DCI-148, Application for Determination, shall be completed by a person to initiate a request that the department review whether one or more offenses of which the person has been convicted require registration with the Iowa sex offender registry, whether the time period during which the person is required to register has expired, whether the person is exempt from the placement of information on the sex offender registry website, and the tier placement of the offender. A person who submits a completed copy of Form DCI-148 for review shall provide with it copies of any sentencing or adjudicatory orders related to each offense for which a determination of whether registration is required is being requested. The completed application (Form DCI-148) shall specify the exact grounds for the application and include a statement of any additional facts or law that the person intends to present to the department in support of the application. Failure to submit any of the required information shall constitute grounds for denial of the application. If the application sets forth an issue of fact that cannot be evaluated based upon the record of convictions, sentencing and adjudicatory orders, relevant statutory provisions, and other records provided, and is material to the determination, the commissioner may refer the matter to an administrative law judge or presiding officer for a contested case hearing.

NOTE: Filing an application for determination does not excuse a person from having to comply with any of the applicable provisions of Iowa Code chapter 692A during the period prior to the issuance of the decision of determination.

83.3(6) *Decision of determination.*

a. Form DCI-149, Decision of Determination, shall be used by the division of criminal investigation to notify a person who has submitted an application for determination (Form DCI-148) of the results of that review. A completed Form DCI-149 shall be mailed to any person who has filed a completed Form DCI-148 within 90 days of the receipt by the division of criminal investigation of the completed Form DCI-148 and all required supporting documents. A decision of determination shall be signed by the commissioner and shall constitute final agency action for the purposes of Iowa Code chapter 17A.

b. If an administrative law judge or presiding officer has been assigned to hold a hearing regarding an application for determination, the administrative law judge or presiding officer shall prepare a proposed decision of determination. The proposed decision of determination shall be reviewed by the commissioner, who may uphold or modify the proposed decision of determination and shall then sign a final decision of determination. The final decision of determination shall constitute final agency action for the purposes of Iowa Code chapter 17A.

83.3(7) *Request for information.* Requests for information about whether a specific individual is registered shall be made to a county sheriff or local police department and may be made in person, by telephone, or in writing.

83.3(8) *Confidential records.* Completed forms filled out pursuant to rules 661—83.1(692A) through 661—83.5(692A) are confidential records that shall not be released to the public.

661—83.4(692A) Availability of records.

83.4(1) *Sex offender registry website.* The department shall place information regarding each registrant on the registry website (www.iowasexoffender.gov), except that information regarding any registrant for whom the sole basis of registration is a conviction or convictions for a violation or violations of Iowa Code section 709.4(1) “b”(2)(d), and whose offense was committed when the offender was under 20 years of age, shall not be placed on the website. Information regarding a registrant placed on the sex offender registry website may include any relevant information allowed under Iowa Code section 692A.121.

83.4(2) *List of registrants in county.* Any county sheriff shall provide access to the list of all registrants within the county in which the sheriff has jurisdiction to any person who requests such a list; however, records of persons protected under 18 U.S.C. Section 3521 shall not be disclosed.

83.4(3) *Release of information in response to individual request.* A sheriff or police department that receives a request for information about whether a specific individual is registered or not shall inquire of the division of criminal investigation via the Iowa on-line warrants and articles (IOWA) system or

the sex offender registry application (SORA) as to whether the person about whom information was requested is registered with the Iowa sex offender registry. If the division of criminal investigation notifies the sheriff or police department that the person about whom the inquiry is made is not on the registry, the sheriff or police department shall so notify the person who submitted the request. If the division of criminal investigation notifies the sheriff or police department that the person about whom the inquiry was made is a registrant with the Iowa sex offender registry, the sheriff or police department shall notify the person making the inquiry that the person about whom the inquiry was made is a registrant and may provide the requester with the relevant information allowed under Iowa Code section 692A.121 regarding the registrant.

83.4(4) *Submission of information to the National Sex Offender Registry.* The division shall submit sex offender registry data as required to the National Sex Offender Registry of the Federal Bureau of Investigation.

83.4(5) *Single contact repository.* The division shall perform a search of the sex offender registry for information about an individual, based on a request submitted through the single contact repository established pursuant to Iowa Code section 135C.33. The information provided from the registry shall be limited to whether the identified person is registered.

83.4(6) *No identification of victims.* Any release of information regarding any registrant, other than to criminal or juvenile justice agencies, shall not identify any victim of the registrant.

661—83.5(692A) Expungement of records.

83.5(1) *Expungement upon reversal of conviction.* Upon receipt of a certified copy of a court order reversing a conviction that forms the basis for a registrant's being required to register, the division of criminal investigation shall expunge the registration, provided that the registrant has been convicted of no other offense requiring registration.

83.5(2) *Expungement upon expiration of registration period.* The division of criminal investigation shall expunge a registrant's registration upon expiration of the period during which the registrant is required to register, provided that the registrant has not subsequently been convicted of an offense that would require registration.

These rules are intended to implement Iowa Code chapter 692A.

ARC 0646D

PUBLIC SAFETY DEPARTMENT[661]

Notice of Intended Action

**Proposing rulemaking related to devices and methods to test body fluids
for alcohol or drugs and providing an opportunity for public comment**

The Public Safety Department hereby proposes to rescind Chapter 157, "Devices and Methods to Test Body Fluids for Alcohol or Drugs," Iowa Administrative Code, and to adopt a new Chapter 157 with the same title.

Legal Authority for Rulemaking

This rulemaking is proposed under the authority provided in Iowa Code section 321J.2 and Executive Order 10.

State or Federal Law Implemented

This rulemaking implements, in whole or in part, Iowa Code chapter 321J and section 123.46.

Purpose and Summary

Pursuant to Executive Order 10, the Department proposes to rescind Chapter 157 and adopt a new chapter in lieu thereof. The purpose of proposed Chapter 157 is to outline the approved devices and

methods to take a specimen of a person's breath or urine for the purpose of determining the alcohol or drug concentration.

Additionally, one change from the existing chapter was made in subrule 157.7(1) to clarify that the levels used in the table are for drugs detected within the urine only and not blood.

Regulatory Analysis

A Regulatory Analysis for this rulemaking was published in the Iowa Administrative Bulletin on August 19, 2026. A public hearing was held on the following date(s):

- September 8, 2026

No public comments were received.

Fiscal Impact

This rulemaking has no fiscal impact to the State of Iowa.

Jobs Impact

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

Waivers

Any person who believes that the application of the discretionary provisions of this rulemaking would result in hardship or injustice to that person may petition the Department for a waiver of the discretionary provisions, if any, pursuant to 7—Chapter 2504.

Public Comment

Any interested person may submit written or oral comments concerning this proposed rulemaking, which must be received by the Department no later than 4:30 p.m. on November 4, 2026. Comments should be directed to:

Josie Wagler
Department of Public Safety
Oran Pape State Office Building
215 East 7th Street
Des Moines, Iowa 50319
Phone: 515.725.6185
Email: wagler@dps.state.ia.us

Public Hearing

Public hearings at which persons may present their views orally or in writing will be held as follows:

November 3, 2026 3 to 3:30 p.m.	First Floor Public Conference Room 125 Oran Pape State Office Building Des Moines, Iowa
November 4, 2026 12 noon to 12:30 p.m.	First Floor Public Conference Room 125 Oran Pape State Office Building Des Moines, Iowa

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

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

Review by Administrative Rules Review Committee

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

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

The following rulemaking action is proposed:

ITEM 1. Rescind 661—Chapter 157 and adopt the following **new** chapter in lieu thereof:

CHAPTER 157

DEVICES AND METHODS TO TEST BODY FLUIDS FOR ALCOHOL OR DRUGS

661—157.1(321J) Approval of devices and methods to test for alcohol or drug concentration. The commissioner, by these rules, approves the following devices and methods to take a specimen of a person's breath or urine for the purpose of determining the alcohol or drug concentration.

661—157.2(321J) Evidentiary breath testing.

157.2(1) A breath testing device is a device designed and constructed to measure a subject's breath alcohol concentration by utilizing a sample of the subject's breath.

157.2(2) A peace officer desiring to perform testing of a subject's breath for the purpose of determining the alcohol concentration shall employ, or cause to be used, a breath testing device of a type meeting the minimum performance requirements established in Highway Safety Programs; Model Specifications for Devices to Measure Breath Alcohol, Federal Register, Volume 58, No. 179 (September 17, 1993), pp. 48705-48708. All devices so used must be certified to be in proper working order at least once per calendar year according to procedures specified for that device. The interval between certifications shall not be more than 450 days.

157.2(3) The division of criminal investigation criminalistics laboratory shall maintain a list of devices approved by the commissioner of public safety for collection of breath samples for evidentiary purposes. The current list shall be available upon request to the Division of Criminal Investigation Criminalistics Laboratory at 2240 South Ankeny Boulevard, Ankeny, Iowa 50023, or on the website of the department of public safety.

157.2(4) The operator of an evidentiary breath testing device shall have been certified as competent in the operation of the breath testing device and shall proceed in accordance with the instructions included in an operating manual furnished by the division of criminal investigation criminalistics laboratory. An operating manual, with number and date, specific to a particular approved device and prepared by the division of criminal investigation criminalistics laboratory shall be available to operators using the device. The current version of the operating manual for each device currently approved for use in Iowa may be obtained by contacting the Division of Criminal Investigation Criminalistics Laboratory at 2240 South Ankeny Boulevard, Ankeny, Iowa 50023, or from the department's website.

157.2(5) All certifications of evidentiary breath testing devices shall be made by the division of criminal investigation criminalistics laboratory. All certifications of operators shall be made by the division of criminal investigation criminalistics laboratory or a designee. A designee shall be a person trained and certified by the division of criminal investigation criminalistics laboratory.

661—157.3(321J) Urine collection. A peace officer who collects a sample of a subject's urine for the purpose of determining alcohol or drug concentration shall proceed as follows.

157.3(1) The collection shall be made in the presence of a peace officer or other reliable person under the supervision of a peace officer. The peace officer or other person in the presence of the subject shall be of the same gender as the subject.

157.3(2) As soon as practicable, the subject shall urinate into a urine alcohol kit-supplied bottle, cup or other suitable container that is clean, dry, and free from any visible contamination. Anticoagulant and antimicrobial substances in a blood or urine kit do not constitute visible contamination.

157.3(3) The peace officer shall collect a second urine void for alcohol testing in a suitable container that is clean, dry, and free from visible contamination. If a second void cannot be collected,

the peace officer shall submit a sample from the first void and shall inform the Iowa division of criminal investigation criminalistics laboratory on the laboratory receipt form that the sample is from a first void. It is not necessary that the subject's bladder be completely emptied.

157.3(4) When collection of the sample for alcohol testing has been completed, the peace officer shall cause a portion of the collected sample to be transferred to a test tube containing 100 milligrams of sodium fluoride and anticoagulant.

157.3(5) A listing of test kits known to meet the requirements of subrules 157.3(2), 157.3(3) and 157.3(4) may be found on the division of criminal investigation criminalistics laboratory website. Any peace officer wishing to use a test kit that is not listed should inquire of the division of criminal investigation criminalistics laboratory as to whether the other test kit meets the requirements. Any provider of test kits may request the addition of a kit to the list by sending a sample kit to the administrator of the division of criminal investigation criminalistics laboratory with a cover letter requesting that the kit be added to the list of kits known to meet the requirements of this subrule.

NOTE: The current location of information about test kits on the laboratory website is: dps.iowa.gov/divisions-iowa-department-public-safety/iowa-division-criminal-investigation/iowa-dci-criminalistics-laboratory/toxicology-section.

157.3(6) If the peace officer requests additional toxicological testing, the remainder of the sample may be retained in a container and sent for analysis to the division of criminal investigation criminalistics laboratory.

157.3(7) The peace officer shall label the container showing the date and time the sample was collected and identifying the peace officer, the subject, and the person present during the collection of the sample if other than the peace officer.

661—157.4(321J) Submission of samples for alcohol and drug testing to the criminalistics laboratory. Any sample of urine or blood may be submitted to the division of criminal investigation criminalistics laboratory or other appropriate laboratory via ordinary mail, private courier, or personal delivery.

661—157.5(321J) Preliminary breath screening test.

157.5(1) A peace officer desiring to perform a preliminary screening test of a person's breath shall use a device approved by the division of criminal investigation criminalistics laboratory. Such devices are approved for accuracy and precision using a dry gas standard or breath simulating device. The division of criminal investigation criminalistics laboratory shall employ scientifically established tests or methods appropriate to a particular device in determining whether the device meets an acceptable standard for operation including accuracy, or the laboratory may, at its discretion, accept test results from another laboratory. The standards shall include the requirement that in all cases the device shall indicate the alcohol concentration on a numerical display. Devices shall be of a type that may be calibrated on a monthly basis by officers in the field.

The division of criminal investigation criminalistics laboratory shall maintain a list of devices approved by the commissioner for use as preliminary breath screening devices. The list of currently approved devices is available on the website of the department.

157.5(2) Any peace officer using an approved device shall follow the instructions furnished by the manufacturer for use of such a device. The calibration of each unit shall be checked at least once per month, and the device shall be calibrated, if necessary, using a dry gas standard. The officer or officer's department shall maintain a record of each calibration. This record shall include:

- a. The identity of the person performing the calibration.
- b. The date.
- c. The value of standard used.
- d. The unit type and identification number.
- e. The expiration date of the standard used.

661—157.6(123) Chemical test—alcohol concentration—public intoxication. All devices and methods approved in this chapter for the purpose of determining a person's alcohol concentration

for evidential purposes under Iowa Code chapter 321J, and the devices otherwise approved in this chapter only for use in performing preliminary breath screening tests, are equally approved for testing to determine alcohol concentration in connection with arrests for public intoxication under Iowa Code section 123.46. The chemical test results shall be expressed in terms of alcohol concentration as defined in Iowa Code section 321J.1.

661—157.7(321J) Detection of drugs other than alcohol.

157.7(1) *Adoption of federal standards.* Initial test requirements based upon standards adopted by the federal Substance Abuse and Health Services Administration in “Mandatory Guidelines for Federal Workplace Drug Testing Programs,” 88 FR 70768, Section 3.4, and displayed in the following table are hereby adopted as standards for determining detectable levels of controlled substances in a person’s urine in the division of criminal investigation criminalistics laboratory initial testing or analysis for controlled substances detected by the presence of the following: marijuana metabolites, cocaine metabolites, codeine/morphine, hydrocodone/hydromorphone, oxycodone/oxymorphone, 6-acetylmorphine, phencyclidine, amphetamine/methamphetamine, and MDMA/MDA. The following table shows the minimum levels of these substances that will result in a finding that a controlled substance is present at a detectable level:

Initial test analyte	Initial test cutoff ¹
Marijuana metabolites (THCA) ²	50 ng/mL ³
Cocaine metabolites (Benzoylecgonine)	150 ng/mL ³
Codeine/Morphine	2000 ng/mL
Hydrocodone/Hydromorphone	300 ng/mL
Oxycodone/Oxymorphone	100 ng/mL
6-Acetylmorphine	10 ng/mL
Phencyclidine	25 ng/mL
Amphetamine/Methamphetamine	500 ng/mL
MDMA ⁴ /MDA ⁵	500 ng/mL

¹ For grouped analytes (i.e., two or more analytes that are in the same drug class and have the same initial test cutoff):

Immunoassay: The test must be calibrated with one analyte from the group identified as the target analyte. The cross-reactivity of the immunoassay to the other analyte(s) within the group must be 80 percent or greater; if not, separate immunoassays must be used for the analytes within the group.

Alternate technology: Either one analyte or all analytes from the group must be used for calibration, depending on the technology. At least one analyte within the group must have a concentration equal to or greater than the initial test cutoff or, alternatively, the sum of the analytes present (i.e., equal to or greater than the laboratory’s validated limit of quantification) must be equal to or greater than the initial test cutoff.

² An immunoassay must be calibrated with the target analyte, D-9-tetrahydrocannabinol-9-carboxylic acid (THCA).

³ *Alternate technology* (THCA and benzoylecgonine): The confirmatory test cutoff must be used for an alternate technology initial test that is specific for the target analyte (i.e., 15 ng/mL for THCA, 100 ng/mL for benzoylecgonine).

⁴ Methylenedioxymethamphetamine (MDMA).

⁵ Methylenedioxyamphetamine (MDA).

157.7(2) Reserved.

These rules are intended to implement Iowa Code section 123.46 and chapter 321J.

ARC 0643D

PUBLIC SAFETY DEPARTMENT[661]

Notice of Intended Action

**Proposing rulemaking related to fire fighter training and equipment funds
and providing an opportunity for public comment**

The Public Safety Department hereby proposes to rescind Chapter 259, “Fire Fighter Training and Equipment Funds,” Iowa Administrative Code, and to adopt a new Chapter 259 with the same title.

Legal Authority for Rulemaking

This rulemaking is proposed under the authority provided in Iowa Code section 100B.10 and Executive Order 10.

State or Federal Law Implemented

This rulemaking implements, in whole or in part, Iowa Code chapter 100B.

Purpose and Summary

Pursuant to Executive Order 10, the Department proposes to rescind Chapter 259 and adopt a new chapter in lieu thereof. The proposed chapter outlines application procedures and eligibility requirements for certain funds available to fire services in Iowa.

Regulatory Analysis

A Regulatory Analysis for this rulemaking was published in the Iowa Administrative Bulletin on August 19, 2026. A public hearing was held on the following date(s):

- September 8, 2026

No public comments were received.

Fiscal Impact

This rulemaking has no fiscal impact to the State of Iowa.

Jobs Impact

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

Waivers

Any person who believes that the application of the discretionary provisions of this rulemaking would result in hardship or injustice to that person may petition the Department for a waiver of the discretionary provisions, if any, pursuant to 7—Chapter 2504.

Public Comment

Any interested person may submit written or oral comments concerning this proposed rulemaking, which must be received by the Department no later than 4:30 p.m. on November 4, 2026. Comments should be directed to:

Josie Wagler
Department of Public Safety
Oran Pape State Office Building
215 East 7th Street
Des Moines, Iowa 50319
Phone: 515.725.6185
Email: wagler@dps.state.ia.us

Public Hearing

Public hearings at which persons may present their views orally or in writing will be held as follows:

November 3, 2026 1:30 to 2 p.m.	First Floor Public Conference Room 125 Oran Pape State Office Building Des Moines, Iowa
November 4, 2026 10:30 to 11 a.m.	First Floor Public Conference Room 125 Oran Pape State Office Building Des Moines, Iowa

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

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

Review by Administrative Rules Review Committee

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

The following rulemaking action is proposed:

ITEM 1. Rescind 661—Chapter 259 and adopt the following **new** chapter in lieu thereof:

CHAPTER 259
FIRE FIGHTER TRAINING AND EQUIPMENT FUNDS

661—259.1 to 259.100 Reserved.

DIVISION I
VOLUNTEER FIRE FIGHTER TRAINING AND EQUIPMENT FUND

661—259.101(17A,77GA,ch1222) Establishment of fund.

259.101(1) There is established in the state fire marshal division the volunteer fire fighter training and equipment fund. The fund, to the extent of appropriations made available in each state fiscal year, shall provide support for the training and equipment needs of volunteer fire fighters. Funding is available to individual fire departments for equipment and to organizations or individuals delivering training to support courses available at no cost to volunteer fire fighters receiving the training or to their respective departments.

259.101(2) Advisory committee. The state fire marshal may establish a volunteer fire fighter training and equipment fund advisory committee of persons knowledgeable about the training and equipment needs of volunteer fire fighters and volunteer fire departments to advise on allocation of moneys from the volunteer fire fighter training and equipment fund, including the selection of recipients in competitive situations.

661—259.102(17A,77GA,ch1222) Allocations.

259.102(1) *Administrative allocation.* Each year, the state fire marshal shall allocate a portion of the funds appropriated to the volunteer fire fighter training and equipment fund for administration of the fund, including personnel expenses. A portion of the administrative allocation shall be made available to the fire service training bureau to defray the cost of maintaining records of course attendance and completion by volunteer fire fighters and for related expenses.

259.102(2) *Allocation to fire service training bureau.* The state fire marshal may allocate a portion of the moneys appropriated to the volunteer fire fighter training and equipment fund in any year to the fire service training bureau for the purpose of delivering training courses offered by the fire service training bureau to volunteer fire fighters at no cost to the volunteer fire fighters or their respective fire departments.

259.102(3) *Allocation for equipment purchases.* The state fire marshal may allocate a portion of the moneys appropriated to the volunteer fire fighter training and equipment fund in any year to equipment purchases for volunteer fire departments. Awards of funding to volunteer fire departments for

equipment purchases shall be on a competitive basis within guidelines published in an announcement of the availability of these funds.

259.102(4) *Allocation to community college consortium.* The state fire marshal may allocate a portion of the moneys appropriated to the volunteer fire fighter training and equipment fund in any year to a consortium of community colleges to deliver training to volunteer fire fighters at no cost to the fire fighters receiving this training or to their respective fire departments. These funds shall be administered in accordance with an agreement entered into between the department of public safety and community colleges pursuant to Iowa Code chapter 28E.

661—259.103(17A,77GA,ch1222) Awards to private providers of training. Funds appropriated each year to the volunteer fire fighter training and equipment fund that remain after the allocations set forth in rule 661—259.102(17A,77GA,ch1222) have been implemented shall be awarded on a competitive basis to private providers of training to provide training to volunteer fire fighters at no cost to the fire fighters receiving the training or to their respective fire departments.

259.103(1) *Funding requests.* Requests for funding of training courses instructed by private persons shall be submitted to the fire service training bureau. Requests for funding in any state fiscal year must be received on or before July 15 following the beginning of the fiscal year on July 1.

EXCEPTION: If moneys that have been previously unexpended become available for additional training courses during the course of a fiscal year, notice shall be given to certified fire and emergency services instructors of the availability of these moneys. In this event, the deadline for receiving applications shall be as stated in the notice of availability.

259.103(2) *Instructor qualifications.* Any person instructing a training course paid for by the volunteer fire fighter training and equipment fund shall be certified as a fire and emergency services instructor by the fire service training bureau or another organization recognized by the National Board on Fire Service Professional Qualifications System or the International Fire Service Accreditation Congress.

EXCEPTION: A person who has applied to the fire service training bureau for certification as a fire and emergency services instructor I and who is actively pursuing such certification may instruct a training course paid for by the volunteer fire fighter training and equipment fund, provided that the instruction is delivered under the direct supervision of a person who is currently certified as a fire and emergency services instructor I by the fire service training bureau or by another organization recognized by the National Board on Fire Service Professional Qualifications System or the International Fire Service Accreditation Congress.

259.103(3) *Course approval.* Each course paid for by the volunteer fire fighter training and equipment fund must have previously been approved by the fire service training bureau. Any person who is certified as a fire and emergency services instructor I or who is actively pursuing certification as a fire and emergency services instructor I should contact the fire service training bureau for information about the course approval process.

259.103(4) *Course availability.* Any course that is approved and funded from the volunteer fire fighter training and equipment fund must be available to any volunteer fire department in the state of Iowa.

259.103(5) *Notification.* Each person applying for moneys from the volunteer fire fighter training and equipment fund for delivery of training to volunteer fire fighters shall receive notification indicating whether the request has been approved or denied. Any approval of a request for funding is contingent upon the execution of a contract between the department of public safety and the provider of the proposed training course or courses setting out specific terms and conditions for the delivery of the proposed course or courses. Any person whose request for funding is denied may appeal that decision to the commissioner of public safety by filing a written notice of appeal within 14 calendar days of the date on which the notice indicating denial of the request is dated. Appeals of denials of funding shall be treated as contested cases and processed according to the procedures set out in 7—Chapter 2506.

Rules 661—259.101(17A,77GA,ch1222) through 661—259.103(17A,77GA,ch1222) are intended to implement 1998 Iowa Acts, chapter 1222, section 19(8).

661—259.104(100B) Paul Ryan memorial fire fighter safety training fund. Funds collected from the sale of special fire fighter license plates and deposited to the Paul Ryan memorial fire fighter safety training fund shall be utilized by the fire service training bureau to defray the cost of training provided to any fire fighter currently employed by or serving as a volunteer with any fire department in Iowa. Application of these funds shall be limited to defraying the cost of training courses approved for reimbursement from the volunteer fire fighter training and equipment fund established in rule 661—259.101(17A,77GA,ch1222).

This rule is intended to implement Iowa Code section 100B.12.

661—259.105(100B) Volunteer fire fighter preparedness fund. Funds appropriated to the volunteer fire fighter preparedness fund pursuant to Iowa Code section 100B.13 shall be utilized by the fire service training bureau to defray the cost of training provided to fire fighters currently serving as volunteers with any fire department in Iowa. Application of these funds shall be limited to defraying the cost of training courses approved for reimbursement from the volunteer fire fighter training and equipment fund established in rule 661—259.101(17A,77GA,ch1222).

This rule is intended to implement Iowa Code section 100B.13.

661—259.106 to 259.200 Reserved.

DIVISION II
FIRE FIGHTING EQUIPMENT REVOLVING LOAN FUND

661—259.201(80GA,ch177) Fire fighting equipment revolving loan fund. There is established in the fire service training bureau in the state fire marshal division the fire fighting equipment revolving loan fund.

661—259.202(80GA,ch177) Purpose and scope. The fire fighting equipment revolving loan fund is established to assist local fire departments to complete purchase or repairs of equipment used in the performance of the departments' fire fighting duties, when the acquisition or repair of such equipment would be impractical in the absence of assistance from the fund. Each payment of funds from the fund to a local fire department shall be a loan awarded in compliance with rules 661—259.201(80GA,ch177) through 661—259.207(80GA,ch177), and shall be for the specific purpose established in a contract entered into between the department of public safety and either the local fire department receiving the funds; the city, county, or township of which the fire department is a part; or another legal entity authorized to enter into legally binding commitments on behalf of the fire department.

661—259.203(80GA,ch177) Definitions. For purposes of rules 661—259.201(80GA,ch177) through 661—259.207(80GA,ch177), the following definitions apply:

“*Default*” or “*in default*” means that more than one payment on a loan is currently due.

“*Local fire department*” means a paid, volunteer, or combination fire protection service provided by a benefited fire district under Iowa Code chapter 357B or by a county, municipality or township, or a private corporate organization that has a valid contract to provide fire protection service for a benefited fire district, county, municipality, township or governmental agency. “Local fire department” does not include a military or private industrial fire department or service.

“*NFPA*” means the National Fire Protection Association.

“*PASS*” means personal alert safety system.

“*SCBA*” means self-contained breathing apparatus.

661—259.204(80GA,ch177) Application process.

259.204(1) Notice of availability of funds. Whenever funds are available for loans through the fire fighting equipment revolving loan fund, the fire service training bureau shall publish notice of the availability of those funds in the Iowa Administrative Bulletin and notify fire service organizations,

including but not limited to the Iowa Firemen's Association, the Iowa Fire Chiefs Association, and the Iowa Association of Professional Fire Chiefs, of the availability of those funds, the procedure for applying for loans through the program, the deadline for applying for funds, and the provisions of rules 661—259.201(80GA,ch177) through 661—259.207(80GA,ch177). All local fire departments in Iowa known to the fire service training bureau shall receive notice by mail or, when available, email. In addition, notice of availability of funds and the application procedure shall be published on the department's website.

259.204(2) Application. Application for a loan from the fire fighting equipment revolving loan fund shall be made on an application form provided by the fire service training bureau. A completed application shall be submitted to the fire service training bureau by the deadline specified in the notice of availability of public funds and include any attached materials required in the instructions provided with the application form.

a. An application form shall be completed by the local fire department. The application shall include contact information, the loan amount requested, the purpose of the loan, a statement of need, current financial information, and any additional information specified on the application form or accompanying instructions and be signed by an official authorized to enter into contracts on behalf of the local fire department.

b. In addition to the application, the following information will be required prior to loan approval:

(1) Documentation that the department requesting the loan meets the definition of a local fire department.

(2) Financial statements showing income, expenses, assets, liabilities, and sources of income for the department requesting the loan for a three-year period prior to the loan request date.

(3) Verification that the match requirement will be met. A letter from the executive or chief financial officer of the agency funding the match requirement will normally be sufficient.

(4) A copy of the contract, bid specifications, or proposal for purchase of the equipment/apparatus to be purchased with the loan proceeds, or repair work order, if applicable.

259.204(3) Loan application review.

a. The state fire marshal and the chief of the fire service training bureau shall review each application for completeness and compliance with rules 661—259.201(80GA,ch177) through 661—259.207(80GA,ch177).

b. The state fire service and emergency response council, or a subcommittee of the council established for this purpose, shall serve as an advisory committee to the state fire marshal in the loan application review process and shall recommend to the state fire marshal funding, partial funding, or denial of each application. Recommendations regarding loan applications shall be based upon availability of funds in relation to the total funds requested by eligible applicants, documentation of need for the proposed purchase or repair, and documentation of likely ability of the local fire department applying for a loan to repay the loan.

c. Decisions to award or not to award loans shall be made by the state fire marshal.

259.204(4) Appeals. If a local fire department's application is denied or partially funded by the state fire marshal, the department may appeal the decision of the state fire marshal to the commissioner of public safety using procedures for appeals set out in 7—Chapter 2506.

661—259.205(80GA,ch177) Allowable acquisitions. Loans from the fire fighting equipment revolving loan fund may be used to acquire the following equipment or repair services with the limitations indicated:

259.205(1) Fire fighting apparatus, including pumpers, tankers, ladder trucks, hazardous materials emergency response vehicles, or rescue vehicles. Any apparatus obtained with loan funds must comply with applicable NFPA standards, as identified by the state fire marshal.

259.205(2) Personal protective equipment and communications equipment, including personal protective clothing (structural and wild land) that includes helmets, coats, boots, pants, eye protection, gloves, and protective hoods; SCBA with integrated PASS devices; and radio communications devices. Radio communications devices obtained with loan funds must be interoperable with equipment utilized

by agencies with which the agency obtaining the equipment has mutual aid agreements, if such interoperable equipment is available. Equipment obtained must comply with applicable NFPA standards, as identified by the state fire marshal.

259.205(3) Repairs made to apparatuses identified in subrule 259.205(1).

259.205(4) Purchase of accessory equipment, including fire suppression equipment such as hoses, ladders, small fireground tools, ventilation equipment, or vehicle extrication and rescue equipment. Equipment obtained with loan funds must comply with applicable NFPA standards, as identified by the state fire marshal.

259.205(5) The state fire marshal, acting on the advice of the fire service and emergency response council, may establish priorities for funding through the revolving loan fund. If such priorities are established, they will be included in the notice of availability of funds and shall be utilized only if the total amount of funding requested exceeds the total of funds available to loan.

661—259.206(80GA,ch177) Eligibility requirements and restrictions.

259.206(1) Any local fire department in the state of Iowa is eligible to apply for a loan.

259.206(2) Loan applicants shall be required to provide a 10 percent match.

259.206(3) All successful loan applicants shall comply fully with the fire incident reporting requirements of the state fire marshal division.

259.206(4) No loan shall be made to a local fire department serving a population in excess of 30,000 people that will result in excess of 50 percent of the total funds loaned at any given time being loaned to local fire departments serving populations in excess of 30,000 people, unless the state fire marshal finds that there are no eligible applications pending from local fire departments serving populations of 30,000 people or less.

259.206(5) Following approval, loan funds will be provided only after the local fire department receiving the loan submits documentation showing that the department has either acquired, contracted for, or issued a purchase order for the equipment. Disbursement of the loan shall be in the form of a warrant payable either to the local fire department and the vendor or vendors supplying the equipment or repair services, or solely to the vendor or vendors, or, with the approval of the state fire marshal, solely to the local fire department receiving the loan.

259.206(6) A local fire department is eligible for only one loan during any five-year period or for the duration of an existing loan from this program, whichever is longer.

259.206(7) A local fire department that has been in default on a loan is not eligible for additional loans through this program for a period of two years beyond the time specified in subrule 259.206(6). Any prior history of defaulting on a loan from the revolving loan fund will be taken into account in evaluating a department's ability to repay a loan, pursuant to paragraph 259.204(3)“b.”

259.206(8) A local fire department receiving a loan is subject to a financial audit and any operational or program audits necessary to verify compliance with any requirements or conditions of the loan.

661—259.207(80GA,ch177) Loan origination fee and repayment schedule.

259.207(1) Each approved loan shall carry an origination fee of 1 percent of the loan amount, which shall be withheld by the fire service training bureau from the original payout of the loan.

259.207(2) A repayment schedule for each loan shall be established at the time the loan is awarded, with a minimum of two payments per year for the duration of the loan. Generally, loans of \$50,000 or less shall be repaid within a five-year period, and loans of more than \$50,000 shall be repaid within a ten-year period, although the state fire marshal may allow variations for good cause. There will be no penalty for early payment. Each payment shall be by warrant, check, or money order made payable to Fire Service Training Bureau, Iowa Department of Public Safety, and shall be clearly marked “Repayment of Loan from Fire Fighting Equipment Revolving Loan Fund.”

259.207(3) During any period when a loan is in default, there shall be a penalty of 1.5 percent of the remaining unpaid principal of the loan per month added to the amount of the loan.

These rules are intended to implement 2003 Iowa Acts, chapter 177, section 11.

TREASURER OF STATE

Notice—Public Funds Interest Rates

In compliance with Iowa Code chapter 74A and section 12C.6, the following interest rates of interest for public obligations and special assessments have been established. The usury rate for October is 6.75%.

INTEREST RATES FOR PUBLIC OBLIGATIONS AND ASSESSMENTS

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

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

The rate of interest has been determined to be the minimum interest rate that shall be paid on public funds deposited in approved financial institutions. To be eligible to accept deposits of public funds of the state of Iowa, a financial institution shall demonstrate a commitment to serve the needs of the local community in which it is chartered to do business. These needs include credit services as well as deposit services. All such financial institutions are required to provide the committee with a written description of their commitment to provide credit services in the community. This statement is available for examination by citizens.

New official state interest rates, effective October 9, 2026, setting the minimums that may be paid by Iowa depositories on public funds are listed below.

TIME DEPOSITS

7-31 days	Minimum .05%
32-89 days	Minimum .05%
90-179 days	Minimum 1.70%
180-364 days	Minimum 1.65%
One year to 397 days	Minimum 1.95%
More than 397 days	Minimum 2.10%

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

Inquiries may be sent to Roby Smith, Treasurer of State, State Capitol, Des Moines, Iowa 50319.

ARC 0668D

HUMAN SERVICES DEPARTMENT[441]**Adopted and Filed****Rulemaking related to the state training school**

The Department of Health and Human Services hereby rescinds Chapter 103, “State Training School,” Iowa Administrative Code, and adopts a new Chapter 103 with the same title.

Legal Authority for Rulemaking

This rulemaking is adopted under the authority provided in Iowa Code section 218.4.

State or Federal Law Implemented

This rulemaking implements, in whole or in part, Iowa Code chapter 218.

Purpose and Summary

This rulemaking sets a framework for the State Training School (STS), which provides a continuum of supervision and rehabilitation programs that meet the needs of males adjudicated delinquent in a manner consistent with public safety. These services and programs individualize treatment and control the offender for his own benefit and the protection of society.

This chapter was reviewed pursuant to Executive Order 10. As a result of the review, the Department reduced the number of restrictive terms, as appropriate; referred some items back to the facility manual of policies and procedures; updated terminology; and standardized the use of definitions.

Public Comment and Changes to Rulemaking

Notice of Intended Action for this rulemaking was published in the Iowa Administrative Bulletin on August 5, 2026, as **ARC 0456D**. Public hearings were held on the following date:

- August 25, 2026

No one attended the public hearings.

One public comment was received requesting that the Department ensure subrules within the chapter mandate structured discharge planning connected to local county service networks.

STS has a dedicated transition department that focuses on transition planning for youth following discharge. In fact, the discharge planning process begins once youth are admitted. The discharge plan includes medical services, employment, mental health options and providers, and many other areas that students will need for a successful transition into society. To better reflect this robust process, the Department has added language to subrule 103.3(2) regarding the prerelease conference. In addition, the Department corrected outdated references and information in rule 441—103.13(8,218).

Adoption of Rulemaking

This rulemaking was adopted by the Department on September 10, 2026.

Fiscal Impact

This rulemaking has no fiscal impact to the State of Iowa.

Jobs Impact

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

Waivers

Any person who believes that the application of the discretionary provisions of this rulemaking would result in hardship or injustice to that person may petition the Department for a waiver of the discretionary provisions, if any, pursuant to 441—Chapter 2504.

Review by Administrative Rules Review Committee

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

Effective Date

This rulemaking will become effective on December 1, 2026.

The following rulemaking action is adopted:

ITEM 1. Rescind 441—Chapter 103 and adopt the following **new** chapter in lieu thereof:

CHILDREN'S INSTITUTIONS

TITLE XI

CHAPTER 103

STATE TRAINING SCHOOL

441—103.1(218) Definitions.

“*Child*” means a person under the age of 18 years.

“*Contraband*” means weapons; ammunition; tobacco; alcohol; drugs; money; altered authorized property; mood-altering plant material; obscene material as defined in Iowa Code section 728.1(5); explosives; material that can be used in the manufacture of explosives; or material advocating disruption of or injury to students, employees, programs, or physical facilities. “*Contraband*” includes anything that is illegal to possess under federal or state law and materials that are used in the production of drugs or alcohol or used in conjunction with the taking of illicit drugs. “*Contraband*” also includes anything determined to be banned from individual possession by published facility rules.

“*Division director*” means the administrator of the division of state-operated specialty care within the department.

“*Facility*” means the state training school.

“*Family*” means spouse, child, parent, sibling, or grandparent.

“*Gift or bequest*” means anything of value that a facility receives that is intended for use directly by the employees of the facility. Items intended for public distribution, such as clothes or furniture, do not constitute a gift to the facility.

“*Grievance*” means a written or oral complaint by or on behalf of a student that involves:

1. A rights violation or unfairness to the student, or
2. Any aspect of the student's life with which the student does not agree.

“*Iowa sex offender registry*” means a central registry of sex offenders established under Iowa Code chapter 692A that is maintained by the department of public safety.

“*Juvenile court officer*” means the same as defined in Iowa Code section 232.2(35).

“*Juvenile offender*” means a juvenile who is required to be registered with the Iowa sex offender registry and with the sheriff of the juvenile's county of residence.

“*Legal representative*” means a person, including an attorney, who is authorized by law to act on behalf of a student.

“*Money*” means all forms of currency, checks, money orders, stocks, bonds, and any other item that can be used as a medium of exchange for payment for goods or services.

“*Parent*” means a natural or adoptive mother or father of a child but does not include a mother or father whose parental rights have been terminated.

“*Registration*” means the submission of registration forms to the Iowa sex offender registry and to the sheriff of the person’s county of residence.

“*Rights*” means the human, civil, and constitutional liberties an individual possesses through federal and state constitutions and laws.

“*State training school*” means the same as defined in Iowa Code section 233A.1(3).

“*Student*,” as used in this chapter, means any child who is committed to the director and is admitted to and receives services from the state training school. The terms “resident,” “juvenile,” and “youth” are synonymous with the term “student.” For purposes of the state training school, the term also includes a person whose stay is extended beyond the age of 18 under the provisions of Iowa Code section 232.53(2) and 232.53(4).

“*Superintendent*” means the same as defined in Iowa Code section 233A.1(3).

“*Tobacco*” means all forms of tobacco.

“*Weapon*” means any gun, knife, tool, object, or chemical that can be used to inflict harm on oneself or another.

This rule is intended to implement Iowa Code section 218.4.

441—103.2(218) Admission.

103.2(1) *Population guidelines.* The facility population level will be based on the population guidelines that the judicial branch, in consultation with the department, develops on the number of students who may be placed at a juvenile facility at any one time. Pursuant to those guidelines and the responsibility of the superintendent for admission of students, the superintendent and the chief juvenile court officers will allocate to each judicial district the number of children from each district who may be placed in the facility for diagnosis and evaluation and for treatment.

103.2(2) *Acceptance of child.* A certified copy of the court order that complies with Iowa Code chapter 232 shall accompany the child to the facility, along with the relevant petitions.

a. A child will be accepted for evaluation as specified in the court order only when a diagnostic bed is available.

b. A child will be accepted into the regular program as specified in the court order only when a treatment bed is available.

c. A child adjudicated as a child in need of assistance shall not be admitted to the state training school, except:

(1) For diagnosis and evaluation and then only when a current petition is on file that alleges the child to have committed a delinquent act, or

(2) When the child is also adjudicated delinquent and meets admission criteria for the state training school as a delinquent.

d. The superintendent or chief juvenile court officer shall notify the court when the appropriate space, service, or program is not available so that admission can be ordered when the facility can meet the child’s needs.

103.2(3) *Time of admission.* When a child is to be admitted to the facility, arrangements will be agreed to by the facility for the date and time of the actual admission.

This rule is intended to implement Iowa Code section 218.4.

441—103.3(218) Plan of care.

103.3(1) *Individual care plan conference.* The facility will schedule an individual care plan conference and provide prior notice to:

- a.* The student;
- b.* The student’s parents or guardians;
- c.* The student’s legal representative;
- d.* The student’s juvenile court officer; and
- e.* The court.

103.3(2) *Prerelease conference.* A prerelease conference will be held 30 days before any anticipated release of a student from the regular program. The focus of the conference will be to help the student plan for a successful transition into the community by leveraging local community services. The facility will provide written notice of the time, date, and purpose of the conference to:

- a. The student;
- b. The student's parents or guardians;
- c. The student's legal representative;
- d. The student's juvenile court officer; and
- e. The court.

This rule is intended to implement Iowa Code section 218.4.

441—103.4(218) Communication with students.

103.4(1) *Incoming telephone calls.* The superintendent or superintendent's designee must approve all incoming telephone calls for a student before the conversation occurs. An authorized employee will verify the identity of the caller before approval is given. Approved telephone calls will not be monitored.

103.4(2) *Mail and packages.*

a. The facility will maintain policies and procedures for outgoing or incoming letters and packages, including the facility's ability to search for and seize contraband by:

- (1) Opening, but not reading, incoming and outgoing letters and packages in the presence of the student to whom the letters and packages belong; or
- (2) Requiring that the student open the letters and packages in an employee's presence and disclose the contents.

b. Letters or packages found to contain contraband will be confiscated. Both the sender and the intended receiver of the confiscated letters and packages will be notified and given reasons for the action.

c. The superintendent or superintendent's designee may terminate correspondence between a student and another person when the student's treatment team has determined that the correspondence is not in the student's best interest and is detrimental to the student's treatment plan. Termination will be based on the circumstances of each case.

(1) The superintendent or superintendent's designee will provide justification to terminate the correspondence in a written notice to the correspondents.

(2) Correspondents may file a grievance concerning the termination.

103.4(3) *Visits.* The facility will maintain policies and procedures to allow for reasonable visitation. Visits by a student's family or legal representative will be encouraged. Flexibility in the hours and days of visitation will be considered as necessary.

a. *Applicability.* Other than a family member or legal representative, a person who wants to visit a student shall obtain prior approval from the student's juvenile court officer and the superintendent or superintendent's designee before visiting. Visitation rights will be denied to:

(1) A former facility resident unless the former resident is a family member or has prior approval of the superintendent or superintendent's designee;

(2) A parent whose parental rights have been terminated or limited by court order;

(3) A person who is restricted by court order from contact with the student;

(4) A visitor who refuses to cooperate with the rules of the facility;

(5) A visitor who creates a disturbance or is hostile to the point of being disruptive;

(6) A visitor who passes or attempts to pass contraband to a student or who aids in an escape or attempted escape;

(7) A visitor who is under the influence of or has been partaking of drugs or alcoholic beverages; and

(8) Any other person who, based on reasonable cause, is believed to pose a risk to the student's treatment or to the safety or security of the facility.

b. *Limitations.*

(1) A student shall not be permitted to visit with the family of another student unless the student's juvenile court officer and the superintendent or superintendent's designee have given prior approval. A student shall have written authorization of the student's juvenile court officer and the superintendent or superintendent's designee before accompanying the parents of another student off grounds on a visit.

(2) The superintendent reserves the right to limit or terminate visiting in all cases when doing so is in the best interests of the student's personal and therapeutic needs. When limitation or termination of visiting rights occurs, the superintendent or superintendent's designee will:

1. Immediately notify persons involved why the action was taken; and
2. Document the action in the student's file.

103.4(4) *Attorney contacts.* A student's attorney shall have the right to visit or have telephone contact with the student at any reasonable time.

a. A student shall have the right to contact the student's attorney during normal business hours and at other times with prior approval of the attorney. Responsibility for payment for the cost of the contact shall be determined before the contact is made.

b. A student who does not have an attorney will be referred to the committing court for an attorney to be appointed.

103.4(5) *Interviews and statements.*

a. Request. Requests to interview a student made by media (newspapers, television stations, radio stations, etc.), groups, or persons not related to the student shall be made through the superintendent's office.

(1) The superintendent or superintendent's designee will inform the student of the request and of the student's right to agree to participate in the interview or to remain silent and not participate.

(2) If an interview may have an impact on the student's legal status, the superintendent or superintendent's designee will contact the student's attorney to determine if the attorney has any objection to the student's participation.

b. Decision. When a student agrees to participate, the interview will be granted at the discretion of the superintendent. The superintendent may deny an interview in situations deemed detrimental to the student. The person requesting the interview may appeal the superintendent's decision to the division director or division director's designee.

c. Procedure.

(1) Whenever an interview is granted, at least one facility employee will be present for the entirety of the interview and will have the authority to terminate the interview anytime the employee believes the best interests of the student are not being served. Exceptions to this requirement will be made when the student's interview is with the student's own attorney or with state officials acting in an official capacity.

(2) The student shall be represented by legal counsel during any interview that is conducted to obtain information that will be or may be used in court.

d. Depositions. The superintendent may grant permission for written depositions according to the procedures for granting interviews. Voice recording of depositions will not be permitted. One copy of the deposition shall be submitted to the superintendent. This rule shall in no way restrict depositions ordered by the court.

This rule is intended to implement Iowa Code section 218.4.

441—103.5(218) *Photographing and recording of students.* A student's parent or legal representative may take photographs or make audio or video recordings of that student but shall not be authorized to take photographs or make recordings of any other student.

103.5(1) With the authorization of the superintendent or superintendent's designee, a student may take a photograph of another student with that student's consent.

103.5(2) Use of still or video cameras or voice recorders to photograph or record a student by anyone other than the student, parent, legal representative, or authorized employee will be allowed only with the prior authorization of the superintendent or superintendent's designee.

a. When granted, authorization to photograph or record will be for one specific use and will not extend to any other use.

b. Photographs and voice or video recordings of a student for public distribution will be permitted only with a signed informed consent from the superintendent and the individual's parent or legal representative.

c. The facility will maintain and implement policies and procedures for authorizing or denying photographing or recording of students. A person authorized to take photographs or recordings of a student shall make every effort to preserve the inherent dignity of the student and to preclude exploitation or embarrassment of the student or the family of the student.

This rule is intended to implement Iowa Code section 218.4.

441—103.6(218) Employment of students. The facility will maintain and implement policies and procedures for the employment of students to help ensure the employer's compliance with all applicable state and federal laws. Employers that want to hire a student must obtain approval from the superintendent or superintendent's designee. The employer, the superintendent or superintendent's designee, or the student shall have the right to terminate the employment at any time.

This rule is intended to implement Iowa Code section 218.4.

441—103.7(218) Temporary home visits.

103.7(1) The facility will maintain and implement policies and procedures for the granting or denial of temporary home visits.

103.7(2) The superintendent or superintendent's designee and the student's juvenile court officer shall approve a temporary home visit before the visit is scheduled and only after the juvenile court officer has investigated and approved in writing the temporary home visit placement.

This rule is intended to implement Iowa Code section 218.4.

441—103.8(218) Grievances. Any student who believes the student's rights have been violated by the facility or who has a complaint concerning the student's treatment at the facility may file a grievance. The student's parent, guardian, family, or legal representative may file a grievance on behalf of the student by submitting the grievance in writing to the superintendent. If the grievance directly concerns the superintendent, the grievance will be reviewed by the division director or the division director's designee. At any time during the grievance process, students retain their right to contact their attorney, juvenile court officer, the Iowa office of ombudsman, the division director or the division director's designee, regardless of the outcome determined by the facility or the superintendent.

This rule is intended to implement Iowa Code section 218.4.

441—103.9(692A) Sex offender registration. A student who has been determined to be a sex offender as defined in Iowa Code section 692A.101(26) must register as a sex offender before release from the facility unless the juvenile court finds that the student is exempted from this requirement.

103.9(1) Notification. When a student who is a juvenile offender has not previously registered, the superintendent or superintendent's designee will provide the student with Form DCI-144, Notification of Registration Requirement, as required by the department of public safety in 661—subrule 83.3(1). Failure to provide a juvenile offender with the notification form does not relieve the juvenile offender of the duty to register with the Iowa sex offender registry.

103.9(2) Exemption from registration. To exempt a juvenile offender from registration, the language in the order of adjudication or disposition must clearly state that the juvenile offender is exempted from the registration requirement. If a court order is silent, the registration requirement applies.

a. If the order language does not clearly state that the juvenile offender is exempted from the registration process, then the responsibility rests with the juvenile offender to seek a clarifying order to be exempt from the registration process. A juvenile offender who seeks an exemption from the registration requirement has the obligation to prove that the juvenile offender deserves the exemption.

b. When the judicial decision is deferred, registration shall be assumed to be required until the court orders otherwise. If the court order defers the decision to grant an exemption from registration until the juvenile offender's treatment is completed, the language in the order should specify who tracks the

case until the new court order is issued. If it is not clear who tracks the case, the juvenile offender is responsible to seek a clarifying order to be exempt from the registration process.

103.9(3) Registration. The superintendent or superintendent's designee will provide the juvenile offender with Form DCI-145, Sex Offender Registration, as required by the department of public safety in 661—subrule 83.3(2).

a. When the juvenile offender is released from the facility, the superintendent or superintendent's designee will submit the registration form to the division of criminal investigation of the department of public safety unless, by the time of release, the juvenile court finds that the juvenile should not be required to register as allowed by Iowa Code chapter 692A.

b. Copies of the sex offender registration will be maintained in the juvenile offender's file at the facility.

This rule is intended to implement Iowa Code section 692A.109.

441—103.10(218) Alleged child abuse. The department will arrange for the investigation of any reported case of alleged child abuse. For cases in which the alleged perpetrator is a facility employee, contractor, or volunteer, or some other department employee, the investigation shall be conducted by an agency other than the department.

This rule is intended to implement Iowa Code section 218.4.

441—103.11(233A) Cost of care. The facility will seek to recover a portion of the cost of care pursuant to Iowa Code section 233A.17. In determining the amount to be recovered:

103.11(1) The student will be allowed to retain a personal allowance equal to the personal allowance amount established by the Social Security Administration for the Supplemental Security Income program.

103.11(2) The amount recovered shall not exceed the actual cost of care.

103.11(3) The cost of care will be determined using the average per diem multiplied by the total days of care.

103.11(4) The superintendent may grant a one-time exception to recovery of up to \$1,000 for a personal needs living expense if a student is being discharged and has no viable means of support upon release.

This rule is intended to implement Iowa Code section 233A.17.

441—103.12(218) Buildings and grounds.

103.12(1) Tours. Tours of the facility will be subject to the prior approval of the superintendent or superintendent's designee.

103.12(2) Public use. Facility space is for the primary use of the facility. All public use of facility space shall require prior approval of the superintendent or superintendent's designee. Approval for use will be based on the order of requests received and on space availability after the programmatic and security needs of the facility are met.

This rule is intended to implement Iowa Code section 218.4.

441—103.13(68B,218) Gifts and bequests. Gifts or bequests of money, clothing, books, games, recreational equipment or other items shall be made directly to the superintendent.

103.13(1) The superintendent or superintendent's designee will evaluate the gift or bequest in terms of the nature of the contribution to the facility program.

103.13(2) The superintendent will be responsible for accepting the gift or bequest and reporting it to the division director.

a. All monetary gifts or bequests will be acknowledged in writing to the donor.

b. All gifts or bequests with a value of \$50 or more shall be reported to the Iowa ethics and campaign disclosure board pursuant to Iowa Code section 68B.22A.

This rule is intended to implement Iowa Code sections 68B.22A and 218.4.

[Filed 9/11/26, effective 12/1/26]

[Published 10/14/26]

EDITOR'S NOTE: For replacement pages for IAC, see IAC Supplement 10/14/26.

ARC 0669D

HUMAN SERVICES DEPARTMENT[441]

Adopted and Filed

Rulemaking related to certification of adoption investigators

The Department of Health and Human Services hereby rescinds Chapter 107, "Certification of Adoption Investigators," Iowa Administrative Code, and adopts a new Chapter 107 with the same title.

Legal Authority for Rulemaking

This rulemaking is adopted under the authority provided in Iowa Code chapter 600 and section 234.6.

State or Federal Law Implemented

This rulemaking implements, in whole or in part, Iowa Code chapter 600.

Purpose and Summary

This chapter was reviewed as a part of Executive Order 10. As a result, duplicative terms were removed, restrictive terms were reduced, and the rules were streamlined and updated to reflect current practices. This chapter outlines the standards and qualifications necessary to become a certified adoption investigator.

Public Comment and Changes to Rulemaking

Notice of Intended Action for this rulemaking was published in the Iowa Administrative Bulletin on August 19, 2026, as **ARC 0479D**. Public hearings were held on the following date:

- September 8, 2026

No one attended the public hearings. No public comments were received. No changes from the Notice have been made.

Adoption of Rulemaking

This rulemaking was adopted by the Department on September 23, 2026.

Fiscal Impact

This rulemaking has no fiscal impact to the State of Iowa.

Jobs Impact

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

Waivers

Any person who believes that the application of the discretionary provisions of this rulemaking would result in hardship or injustice to that person may petition the Department for a waiver of the discretionary provisions, if any, pursuant to 441—Chapter 2504.

Review by Administrative Rules Review Committee

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

Effective Date

This rulemaking will become effective on December 1, 2026.

The following rulemaking action is adopted:

ITEM 1. Rescind 441—Chapter 107 and adopt the following **new** chapter in lieu thereof:

CHAPTER 107
CERTIFICATION OF ADOPTION INVESTIGATORS

441—107.1(600,234) Definitions.

“Adoption work experience” means supervised employment in adoption services, which includes direct provision of adoption services, developing adoption policies, conducting training related to adoption services, oversight and review of adoption documents and activities, and direct supervision of adoption workers. Only the percentage of time related to provision of adoption services shall be considered as adoption work experience when job duties involve activities other than adoption services.

“Certified adoption investigator” means a person authorized by the department to provide background reports on birth parents, adoption preplacement investigations, postplacement supervision, and reports to the court within the state of Iowa.

441—107.2(600,234) Application.

107.2(1) Application form. Application for certification as an adoption investigator shall be made on a form obtained from the department.

107.2(2) Employees of licensed child-placing agencies and the department. Persons employed as social workers in licensed child-placing agencies who meet the requirements for certification in rule 441—107.3(600,234) are eligible to apply for certification as adoption investigators unless the agency employing them objects in writing.

a. The applicant shall furnish a letter of approval from the agency as part of the certification process.

b. Persons employed as social workers for the department who meet the requirements for certification in rule 441—107.3(600,234) are eligible to apply for certification as adoption investigators for services provided outside of their current job duties unless their current job duties include any of the following:

- (1) Any of the activities described in rule 441—107.7(600,234).
- (2) Immediate supervision of employees engaged in activities described in rule 441—107.7(600,234).
- (3) Certification of adoption investigators.
- (4) Placement of children for adoption.
- (5) Development of adoption policies used in administration of the adoption program.

441—107.3(600,234) Requirements for certification. Persons with academic qualifications and adoption work experience may be certified by the department to provide adoption preplacement investigations, postplacement supervision, and reports to the court.

107.3(1) Office location. The applicant shall retain an office in Iowa where all Iowa adoption reports and records of fees are maintained and are available for inspection.

107.3(2) Education and experience.

a. If the applicant was initially certified as an adoption investigator before October 1, 1991, the applicant shall have one of the following combinations of education and experience:

(1) Graduation from an accredited four-year college or university and adoption work experience equivalent to a total of three years of full-time experience.

(2) A bachelor's degree in social work from an accredited four-year college or university in a program accredited by the council on social work education and adoption work experience equivalent to a total of two years of full-time experience.

(3) A master's degree in social work from an accredited college or university in a program accredited by the council on social work education and adoption work experience equivalent to a total of one year of full-time experience.

b. If the applicant is initially certified as an adoption investigator on or after October 1, 1991, the applicant shall have one of the following combinations of education and experience:

(1) Graduation from an accredited four-year college or university with a bachelor's degree in social work, psychology, counseling, family therapy, family living, or other family-oriented degree and postgraduation adoption work experience equivalent to a total of three years of full-time experience.

(2) Graduate education in a master's program in social work, psychology, counseling, family therapy, family living, or other family-oriented program from an accredited four-year college or university may be substituted for required adoption work experience on the basis of 30 semester hours for one year of full-time experience, for up to two full years of the required three years of adoption work experience.

(3) A master's degree in social work, psychology, counseling, family therapy, family living, or other family-oriented degree from an accredited college or university and postgraduation adoption work experience equivalent to a total of one year of full-time experience.

107.3(3) Verification of qualifications.

a. The applicant shall provide a certified transcript of college credits; and

b. The applicant shall provide a record of all adoption work experience, including dates and location; and

c. The applicant shall provide the name(s) of employer(s) and supervisor(s) to enable the department to verify the applicant's adoption work experience; and

d. The applicant shall give names of at least two additional persons as character references who will be contacted by the certifier.

107.3(4) Statement of activities and duties. Prior to certification, the applicant shall prepare a written statement identifying the proposed activities, duties and fees of the applicant as a certified adoption investigator.

a. The statement shall indicate that the services described in rule 441—107.7(600,234) are being provided by the individual investigator, not a child-placing agency, and are not provided in the course of the individual investigator's employment with a child-placing agency or the department.

b. The activities and duties identified in the statement cannot exceed the scope of an investigator's services as defined in rule 441—107.7(600,234).

c. The statement shall include the fee schedule to be used in the determination of a charge for investigative services.

d. A copy of the statement shall be provided to the department to be maintained as a public record.

e. Upon request, this statement shall be provided by the investigator to persons requesting services from the investigator.

107.3(5) Record checks. The department of inspections, appeals, and licensing shall submit record checks for each new applicant and those applying for recertification to determine whether they have any founded child abuse reports, dependent adult abuse reports or convictions or have been placed on the sex offender registry.

a. The department of inspections, appeals, and licensing shall use the Request for Child Abuse and Dependent Adult Abuse Information form, and the Iowa Division of Criminal Investigation Criminal History Record Check Request form, for this purpose. The department will not certify the applicant with

a record of founded child abuse, dependent adult abuse, a criminal conviction, or placement on the sex offender registry as an adoption investigator unless evaluation of the founded abuse or crime indicates approval for certification.

b. The applicant shall complete and return a Record Check Evaluation form, within ten calendar days of the date on the form, to be used by the department to assist in the evaluation. Failure of the applicant to complete and return the Record Check Evaluation form within the specified time frame will result in denial of certification.

c. The department will evaluate the nature and seriousness of the founded abuse or crimes, the time elapsed since the commission of the founded abuse or crimes, the circumstances under which the founded abuse or crime was committed, the degree of rehabilitation, the likelihood that the person will commit the abuse or crime again, and the number of founded abuses or crimes committed by the applicant. The department will issue a notice of decision to the applicant of the results of the evaluation. The department will issue the notice of decision even in cases when the applicant fails to complete the evaluation form.

d. Investigators applying for recertification are subject to the same record checks as new applicants. The department will evaluate only abuses, convictions of crimes, and placement on the sex offender registry since the last record check using the same process.

107.3(6) *Certification actions for nonpayment of child support.* The department will revoke or deny the issuance or renewal of a certification of an adoption investigator upon the receipt of a certificate of noncompliance from child support services. In addition to the procedures set forth in Iowa Code chapter 252J, the rules in this chapter apply.

a. The notice required by Iowa Code section 252J.8 will be provided to the applicant in writing.

b. The effective date of the revocation or denial of the certification as specified in the notice required by Iowa Code section 252J.8 will be 60 days following service of the notice upon the applicant or certified investigator.

c. The department is authorized to prepare and serve the notice as required by Iowa Code section 252J.8 upon the applicant or certified investigator.

d. Applicants and certified investigators shall keep the department informed of all court actions, and all child support services actions taken under or in connection with Iowa Code chapter 252J, and shall provide the department copies, within seven days of filing or issuance, of all applications filed with the district court pursuant to Iowa Code section 252J.9, all court orders entered in these actions, and withdrawals of certificates of noncompliance by child support services.

e. An applicant or certified investigator may file an application with the district court within 30 days of service of a department notice pursuant to Iowa Code sections 252J.8 and 252J.9.

(1) The filing of the application shall stay the department action until the department receives a court order lifting the stay, dismissing the action, or otherwise directing the department to proceed.

(2) For purposes of determining the effective date of the revocation, or denial of the issuance or renewal of a certification, the department will count the number of days before the action was filed and the number of days after the action was disposed of by the court.

f. The department will notify the applicant or certified investigator in writing within ten days of the effective date of the revocation of certification or the denial of the issuance or renewal of a certificate of adoption investigator and will similarly notify the applicant or certified investigator when the certificate is issued, renewed, or reinstated following the department's receipt of a withdrawal of the certificate of noncompliance.

g. Notwithstanding Iowa Code section 17A.18, the registrant does not have the right to a hearing regarding this issue, but may request a court hearing pursuant to Iowa Code section 252J.9.

441—107.4(600,234) Granting, denial, or revocation of certification.

107.4(1) *Granting of certification.* When all of the requirements of this chapter are met, certification will be granted.

107.4(2) *Denial or revocation of certification.*

a. Certification or recertification will be denied or revoked when one or more of the following conditions exist:

(1) The applicant does not comply with the requirements listed in subrules 107.3(1), 107.3(2), and 107.3(4) and rules 441—107.9(600,234) and 441—107.10(600,234).

(2) The applicant does not provide information required in subrule 107.3(3).

(3) The applicant has willfully or knowingly misrepresented information regarding qualifications for certification.

(4) When information about the certified investigator is received and verified by the department of inspections, appeals, and licensing, such as but not limited to failure to carry out the activities and duties as stated in this chapter, charging fees in excess of those specified in subrule 107.7(5) and breaches of confidentiality, and the effect of the investigator's actions would be detrimental to any of the parties to the adoption. Complaints involving the reasonable exercise of professional judgment in the denial or approval of a preplacement investigation are not grounds for decertification.

(5) The investigator, after being warned in writing by the licensor, provided incomplete or inadequate information or inaccurate information in required reports as described in rule 441—107.7(600,234).

(6) The applicant has a founded child abuse, dependent adult abuse or criminal record conviction unless an evaluation of the founded abuse or criminal conviction is conducted by the department of inspections, appeals, and licensing that concludes that the abuse or crime does not merit prohibition of certification.

(7) The investigator aids or participates in an illegal placement or violates the statutes of Iowa Code chapter 600.

b. If an applicant is denied certification or recertification based on an inability to meet the requirements, the applicant may reapply when the requirements for certification have been met.

441—107.5(600,234) Certificate.

107.5(1) Contents. The State of Iowa Certificate of Adoption Investigator form will contain the name of the investigator and the expiration date of the certificate and be signed by a person designated by the director of the department.

107.5(2) Time limit. The investigator will be certified for two years. Certification will expire at the end of two years unless the investigator has made timely application for recertification. No provisional certificates will be issued.

107.5(3) Records of certifications.

a. The department will keep records of certifications, including the application and verifications.

b. The department will keep a list of certified adoption investigators by districts and will update the list at least semiannually. Lists of certified adoption investigators will be made available on the department's website.

441—107.6(600,234) Renewal of certification.

107.6(1) Request for renewal. To be recertified, the person shall submit a new Application for Certification of Adoption Investigator form at least 30 days before the expiration of the certificate. If no application is submitted, the certification will expire.

107.6(2) Evaluation of investigator. Upon receipt of the request for recertification, the department investigators' records shall be reviewed and evaluated by the licensor to determine whether the requirements of these rules have been met.

a. This evaluation shall include the review of 20 percent or no fewer than four of the adoption records opened since the last review for certification and the fees assessed to clients. Reports of investigations will be available to the licensor during the review for recertification, or at any other time upon request by the licensor.

b. When deficiencies are noted at the time of review, the investigator shall be given up to 30 days to meet the standards set forth in 441—Chapter 107.

c. The deficiencies shall be noted in writing and the investigator shall sign a statement that includes agreement to the following:

(1) The deficiencies noted by the licensor, including the areas of 441—Chapter 107 that are not met.

(2) A plan for correcting the deficiencies.

(3) The date by which the deficiencies will be corrected.

d. When the deficiencies are corrected within the time frame granted, the certificate will be renewed. Deficiencies not corrected within the allowed time frame are grounds for revocation of the investigator's certificate.

107.6(3) Notification. The department will notify the investigator of the decision regarding the initial application, and any applications for recertification, within 60 days of receipt of the application. When the request for recertification is not received prior to the date of expiration, the department will notify the investigator that the certification has expired.

441—107.7(600,234) Investigative services.

107.7(1) Preplacement investigations. When a certified adoption investigator provides a preplacement investigation of a prospective adoptive family, the investigation shall meet the requirements of Iowa Code section 600.8(1) "a."

a. The preplacement investigation shall include at a minimum two contacts, one face-to-face interview with the applicants and each member of the household and at least one home visit.

b. The certified adoption investigator shall have on file a written assessment of the family that shall be used to approve or deny a prospective adoptive family. The written home study assessment shall include the date the home study was completed, shall be signed by the investigator and the signature notarized. The assessment shall include the following:

(1) Motivation for adoption and whether the family has biological, adopted, or foster children;

(2) Family and extended family's attitude toward accepting an adopted child, and plans for discussing adoption with the child;

(3) The attitude toward adoption of other people involved with the family in a significant way;

(4) Emotional maturity; marital history, including verification of marriages and divorces; assessment of marital relationship; and compatibility of the adoptive parents;

(5) Ability to cope with problems, stress, frustrations, crises, separation, and loss;

(6) Medical, mental, or emotional conditions that would affect the applicant's ability to parent a child;

(7) Ability to provide for the child's physical and emotional needs and to respect the child's cultural and religious identity;

(8) Description of biological children and previously adopted children, if any, including their attitudes toward adoption, relationships with others, and school performance;

(9) Capacity to give and receive affection;

(10) Statements from at least three references provided by the family and other unsolicited references that the investigator may wish to contact;

(11) Attitudes of the adoptive applicants toward the birth parent(s) and the reason(s) the child is available for adoption;

(12) Income information, including the family's ability to financially provide for a child;

(13) Disciplinary practices that will be used;

(14) History of abuse involving family members, including how the abuse was addressed and how that history impacts the applicant's ability to be an adoptive parent;

(15) Assessment of, commitment to, and capacity to maintain other significant relationships;

(16) Substance use or abuse by members of the household, treatment history and current status of treatment;

(17) Recommendations for the number, age, sex, characteristics, and unique needs of children best served by this family; and

(18) The family's ability to anticipate and understand the unique needs of an adopted child as the child becomes older and how the family will manage those needs.

c. Record checks. The certified adoption investigator shall perform record checks for each applicant and for the other persons living in the home of the applicant as follows:

(1) The records of the applicants shall be checked:

1. On the Iowa central abuse registry using the Request for Child Abuse and Dependent Adult Abuse Information form;
2. By the Iowa division of criminal investigation, using the Criminal History Record Check form;
3. On the Iowa sex offender registry;
4. On the child abuse and dependent adult abuse registry of any state where the applicant has lived during the five years prior to the issuance of the investigative report; and
5. For a national criminal history through fingerprinting or another biometric identification-based process accepted by the federal government.

(2) The records of persons aged 14 or older living in the home of the applicant shall be checked:

1. On the Iowa central abuse registry using the Request for Child Abuse and Dependent Adult Abuse Information form;
2. By the Iowa division of criminal investigation, using the Criminal History Record Check form; and
3. On the Iowa sex offender registry.

(3) Out-of-state child abuse checks, dependent adult abuse checks and national criminal history checks may be completed on any adult in the home of the applicant if the certified adoption investigator has reason to do so.

(4) The person making the investigation shall not approve a prospective applicant and cannot perform an evaluation if the applicant or any other adult living in the home of the applicant has been convicted of a felony offense as set forth in Iowa Code section 600.8(2) "b."

(5) The person making the investigation shall not approve a prospective applicant and cannot perform an evaluation if the applicant or any other adult living in the home of the applicant has committed a crime in a state other than Iowa that would be a forcible felony if the crime would have been committed in Iowa as set forth in Iowa Code section 600.8(2) "b."

d. Evaluation of record. If there is a record of founded child abuse, dependent adult abuse or a criminal conviction for the applicant or any other adult living in the home of the applicant, the applicant shall not be approved to adopt, unless an evaluation determines that the abuse or criminal conviction does not warrant prohibition of approval.

(1) The evaluation shall consider the nature and seriousness of the founded child abuse, dependent adult abuse or crime in relation to adoption, the time elapsed since the commission of the founded abuse or crime, the circumstances under which the abuse or crime was committed, the degree of rehabilitation, the likelihood that the person will commit the abuse or crime again, and the number of abuses or crimes committed by the person.

(2) The person with the founded child abuse, dependent adult abuse or criminal conviction report shall complete and return the Record Check Evaluation form within ten calendar days of the date on the form to be used to assist in the evaluation. Failure of the person to complete and return the form within the specified time frame may result in a written denial of approval for adoption.

(3) If the applicant, or any other adult living in the home of the applicant, has been convicted of a simple misdemeanor or a serious misdemeanor that occurred five or more years prior to application, the evaluation and decision may be made by a certified adoption investigator. The certified adoption investigator shall notify the applicant of the results of the evaluation in writing. The notice shall contain information on appeal rights.

(4) If the applicant, or any other person living in the home of the applicant, has a founded child or dependent adult abuse report, has been convicted of an aggravated misdemeanor or felony at any time, or has been convicted of a simple or serious misdemeanor that occurred within five years prior to application, a certified adoption investigator shall initially conduct the evaluation.

1. If the certified adoption investigator determines that the abuse or crime does warrant prohibition of approval, the certified adoption investigator shall notify the applicant of the results of the evaluation in writing.

2. If the certified adoption investigator determines that the applicant should be approved despite the abuse or criminal conviction, the certified adoption investigator shall provide copies of the child abuse report, dependent adult abuse report or criminal history record and the Record Check Evaluation form to the department. Within 30 days, the department will determine whether the abuse or crime merits prohibition of approval and will notify the certified adoption investigator in writing of that decision. The certified adoption investigator will notify the applicant of the department's written decision regarding the evaluation of an abuse or crime.

e. Decision. The certified adoption investigator shall notify the applicant in writing no later than 30 days after completion of the home study of the investigator's decision regarding approval for placement of a child.

(1) If the applicant is denied, the certified adoption investigator shall state the reasons for denial in the written decision.

(2) The certified adoption investigator shall date, sign and notarize the adoptive home study.

(3) The certified adoption investigator shall provide a copy of the home study to the family at the time the written decision is sent.

(4) A home study shall be valid for up to two years from the date signed by the certified adoption investigator.

f. Denial. The certified adoption investigator shall deny approval of an adoption application when:

(1) The applicant or any other person living in the home of the applicant has been convicted of a felony offense as set forth in Iowa Code section 600.8(2) "b."

(2) The standards set forth in these rules are not met and cannot be corrected.

(3) The applicant or any person residing in the home has been convicted of a crime unless an evaluation of the crime has been made by the department that concludes that the crime does not merit prohibition of approval of an adoption application.

(4) The applicant or any person residing in the home has a record of founded child abuse or dependent adult abuse unless an evaluation of the founded child abuse or dependent adult abuse has been made by the department that concluded that the founded child abuse or dependent adult abuse does not merit prohibition of approval of an adoption application.

(5) The applicant has knowingly made false statements or has knowingly concealed information that is material to the investigation.

g. Updates. An update to the home study shall be completed no later than 24 months from the previous home study or previous home study update in order for the home study to remain valid. The home study update shall consist of completion of the following:

(1) The child abuse, dependent adult abuse and criminal history record checks, except for national criminal history checks, shall be repeated. If there are new founded abuses or convictions of crimes that were not evaluated in the previous home study, they shall be evaluated using the process set forth in paragraph 107.7(1) "d."

(2) One face-to-face visit shall be conducted with the approved family annually.

(3) The information in the approved home study shall be reviewed.

(4) An updated report of the adoptive home study shall be written, dated, signed and notarized and a copy provided to the applicant.

h. Annual visits to the adoptive home. The certified adoption investigator shall complete a minimum of one visit each year in the homes of families approved to adopt by the investigator.

(1) The visit shall include, at a minimum, an assessment of the following areas:

1. Home environment.

2. Persons present at the time of the visit.

3. Changes in the home or household members, or other areas addressed in the home study.

(2) When a person aged 14 or older moves into the home, the investigator shall perform checks on the Iowa central child and dependent adult abuse registry, by the division of criminal investigation, and

on the sex offender registry. The record check evaluation process shall be completed if the person has a criminal conviction, founded child abuse report, founded dependent adult abuse report or is on the sex offender registry.

(3) The findings from the visit shall be documented and maintained in the file.

107.7(2) *Background information investigation.* When a certified adoption investigator is requested to complete a background information investigation on the child to be adopted, the investigation shall include a complete medical, mental health and criminal history of the family and developmental history of the child to be adopted.

a. A personal interview with each parent of the child is mandatory unless a parent's identity or whereabouts is unknown.

b. If a parent's identity or whereabouts is unknown, as much information as possible shall be obtained from the other parent or other sources if available.

c. A copy of the background information shall be provided to prospective adoptive families before placement of the child.

107.7(3) *Postplacement supervision.* Postplacement reports shall be written after each postplacement visit, and copies shall be kept in the permanent family file retained by the investigator.

a. Postplacement supervision shall address the unique needs of the child, including but not limited to the following areas:

- (1) Integration and interaction of the child with the family.
 - (2) Changes in the family functioning that may be due to the child's placement.
 - (3) Social and emotional adjustment of the child.
 - (4) Child's growth and development since placement with the adoptive family.
 - (5) Changes and adjustments that have been made in the family since the child's placement.
 - (6) Family's method of dealing with testing behaviors and discipline.
 - (7) Behavioral evidence of the degree of bonding that is taking place and the degree to which the child is becoming a permanent member of the adoptive family.
 - (8) School adjustment of a child who is attending a school.
 - (9) The behavioral needs of the child.
 - (10) The psychological and mental health needs of the child.
 - (11) Services and supports that will assist the family in the future.
- b.* Postplacement visits shall be completed at a minimum as follows:
- (1) One no later than 30 days after placement.
 - (2) One no later than 90 days after placement.
 - (3) A final visit prior to requesting a consent to adopt, no later than 180 days after placement.
 - (4) Postplacement visits shall be completed as often as necessary if the adoptive family is experiencing problems, and the visits may extend to finalization or beyond 180 days if the department or certified adoption investigator believes additional time is needed.

c. The certified adoption investigator shall prepare a written report based on observations made during each home visit. Each report shall address the specific needs of the child and the family's ability to meet those needs. The reports shall be used by the certified adoption investigator in making a written recommendation to the court regarding finalization of the adoption.

107.7(4) *Reports of investigations.* The certified adoption investigator is authorized to provide reports to the courts concerning the above investigations and reports to the guardian or custodian of the child and the attorney for the adoptive family.

107.7(5) *Fees for services.* Certified adoption investigators may charge a fee for the services described in subrules 107.7(1), 107.7(2), and 107.7(3). The department will review the amount of fees for services charged to families at the time that the investigator's records are reviewed for recertification. Information shall also be retained regarding fees charged to a family by another party and collected by the investigator.

441—107.8(600,234) International adoptions postplacement report.

107.8(1) For an adoption based on a decree issued by another state's jurisdiction within the United States, the certified adoption investigator shall conduct a postplacement investigation and issue a postplacement report as required in 441—subrule 108.9(5).

107.8(2) For an adoption based on a decree issued by a jurisdiction outside the United States, a certified adoption investigator shall conduct a postplacement investigation that consists of a minimum of three face-to-face visits with the minor person and the adoptive parents during the first year after placement, with the first such visit to be conducted within 60 days of the placement of the minor person in the adoptive home. Additional visits may be conducted if required by the jurisdiction that issued the decree.

107.8(3) The postplacement investigation and report under this rule shall include documentation that any unique needs of the minor person are being met appropriately through the placement.

441—107.9(600,234) Retention of adoption records. The adoption investigator shall maintain a record of each family or child when one or more of the required reports have been completed. The record shall contain copies of all completed reports and a statement of fees charged by the investigator.

107.9(1) *Access to records.* The provisions regarding sealing of and access to adoption records in Iowa Code section 600.16 shall be followed, except that access under subrule 107.9(3) for recertification is permitted.

107.9(2) *Disposition of records.* Upon revocation, denial of renewal, or expiration of certification, all sealed records held by investigators shall be forwarded to the department.

107.9(3) *Access for recertification.* Authorized representatives of the department shall have access to all records of reports completed within a two-year period prior to recertification for purposes of recertification.

441—107.10(600,234) Reporting of violations. All violations or suspected violations under Iowa Code chapter 600 or 600A that come to the attention of the investigator shall be reported in writing to the district court having jurisdiction of the matter and to the department. The investigator shall provide copies of these written reports to the district court having jurisdiction of the matter and to the department.

441—107.11(600,234) Appeals. Certified investigators or applicants may appeal decisions of the department according to rules in 441—Chapter 2506.

These rules are intended to implement Iowa Code chapters 600 and 234.

[Filed 9/23/26, effective 12/1/26]

[Published 10/14/26]

EDITOR'S NOTE: For replacement pages for IAC, see IAC Supplement 10/14/26.

ARC 0670D

HUMAN SERVICES DEPARTMENT[441]

Adopted and Filed

Rulemaking related to foster care contracting

The Department of Health and Human Services hereby rescinds Chapter 152, "Foster Care Contracting," Iowa Administrative Code, and adopts a new Chapter 152 with the same title.

Legal Authority for Rulemaking

This rulemaking is adopted under the authority provided in Iowa Code section 234.6.

State or Federal Law Implemented

This rulemaking implements, in whole or in part, Iowa Code section 234.6.

Purpose and Summary

This chapter was reviewed as a part of the Red Tape Review set forth by Executive Order 10. As a part of this review, restrictive terms were eliminated and rules were updated to reflect modern practices. Chapter 152 sets forth the contracting process used for providers of foster group care, child welfare emergency services shelter, and supervised apartment living. This chapter also establishes provider qualifications, service authorization procedures, documentation requirements, and service termination and appeal procedures associated with these foster care services.

Public Comment and Changes to Rulemaking

Notice of Intended Action for this rulemaking was published in the Iowa Administrative Bulletin on August 19, 2026, as **ARC 0480D**. Public hearings were held on the following date:

- September 8, 2026

No one attended the public hearings. No public comments were received. No changes from the Notice have been made.

Adoption of Rulemaking

This rulemaking was adopted by the Department on September 23, 2026.

Fiscal Impact

This rulemaking has no fiscal impact to the State of Iowa.

Jobs Impact

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

Waivers

Any person who believes that the application of the discretionary provisions of this rulemaking would result in hardship or injustice to that person may petition the Department for a waiver of the discretionary provisions, if any, pursuant to 441—Chapter 2504.

Review by Administrative Rules Review Committee

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

Effective Date

This rulemaking will become effective on December 1, 2026.

The following rulemaking action is adopted:

ITEM 1. Rescind 441—Chapter 152 and adopt the following **new** chapter in lieu thereof:

CHAPTER 152
FOSTER CARE CONTRACTING

441—152.1(234) Definitions.

“Affiliates” means persons having a relationship such that any one of them directly or indirectly controls or has the power to control another.

“Authorized representative” means that person appointed to carry out audit procedures, including an assigned auditor, fiscal consultant, or agent contracted for a specific audit or audit procedure.

“Child” means the same as defined in Iowa Code section 234.1.

“Claim” means each record the department receives that tells the amount of requested payment and the service rendered by a provider to a child and family.

“Client” means a child who has been found to be eligible for foster care services through the department.

“Confidence level” means the probability that an overpayment or underpayment rate determined from a random sample of charges is less than or equal to the rate that exists in the sample from which the sample was drawn.

“Contract” means a formal written agreement between the department and a provider of foster care services.

“Extrapolation” means using sample data meeting the confidence level requirement to estimate the total dollars of overpayment or underpayment.

“Family,” for purposes of child welfare service delivery, includes the following:

1. The natural or adoptive parents, stepparents, domestic partner of the natural or adoptive parent, and children who reside in the same household.
2. A child who lives with an adult related to the child within the fourth degree of consanguinity and the adult relatives within the fourth degree of consanguinity in the child’s household who are responsible for the child’s supervision. Relatives within the fourth degree of consanguinity include full or half-siblings, aunts, uncles, great-aunts, great-uncles, nieces, great-nieces, nephews, great-nephews, grandparents, great-grandparents, great-great-grandparents, and first cousins.
3. A child who lives alone or who resides with a person or persons not legally responsible for the child’s support.

“Fiscal record” means a tangible and legible history that documents financial and statistical records.

“Juvenile court officer” means a person appointed as a juvenile court officer or chief juvenile court officer under Iowa Code chapter 602.

“Overpayment” means any payment or portion of a payment made to a provider that is incorrect according to the laws and rules applicable to foster care services and results in a payment greater than that to which the provider is entitled.

“Probation” means a specified period of conditional participation in the provision of foster care services.

“Provider” means the entity that has executed a contract with the department to provide services.

“Random sample” means a systematic (or every “nth” unit) sample for which each item in the sample has an equal probability of being selected.

“Referral worker” means the department worker or juvenile court officer who refers the case to a provider and who is responsible for carrying out the follow-up activities of determining client eligibility and ensuring that the service authorization is completed.

“Service authorization” means the process of determining service necessity and the level of care and number of units of service to be provided to a child.

“Service record” means an individual, tangible, and legible file that records service-related activities set forth in subrule 152.2(4).

“Site” means each licensed location of the foster care provider.

“Underpayment” means any payment or portion of a payment not made to a provider for services delivered to eligible recipients according to the laws and rules applicable to the foster care services program and to which the provider is entitled.

“Unit of service” means one day for group care and child welfare emergency services shelter.

“Withholding of payments” means a reduction or adjustment of the amounts paid to a provider on pending and subsequently submitted claims for purposes of offsetting overpayments previously made to the provider.

441—152.2(234) Conditions of participation.

152.2(1) *Provider licensure.* A provider facility shall obtain licensure prior to accepting placements from the department.

152.2(2) *Provider staffing.* At a minimum, all providers shall meet all licensure requirements for staff qualifications, training, and number of staff pursuant to 441—Chapter 105, 108, or 114.

152.2(3) *Provider charges.* A provider cannot charge department clients more than it receives for the same foster care services provided to nondepartment clients. The provider shall agree not to require any fee from department clients unless a fee is required by the department and is consistent with federal regulation and state policy.

152.2(4) *Maintenance of service records.* A provider shall maintain complete and legible records as required in this subrule.

a. For foster group care and shelter care, the provider shall establish and maintain confidential, individual service records for each client receiving foster care services. The service records must adequately support the provision of child welfare services and group care maintenance. The service record shall include, at a minimum, those items identified in rule 441—114.11(237) and 441—Chapter 105 and shall also include all of the following:

- (1) Additional reports, if requested by the referral worker.
- (2) Referral and Authorization Form.
- (3) Daily documentation of billed per diem services. The documentation shall include:
 1. The child's first and last name;
 2. The month, day, and year service was provided;
 3. The first and last names of the persons who or organizations that provided the service;
 4. A clear description of the specific service rendered, including interventions, actions, and activities performed that support the provision of child welfare services.

(4) Notes, which shall be entered no less than every seven calendar days, indicating the child's general progress in regard to the child's care plan.

(5) Any problem areas or unusual behavior for the child.

b. For supervised apartment living, the provider shall establish and maintain confidential, individual service records for each client receiving supervised apartment living services.

c. Failure to maintain records or failure to make records available to the department or to its authorized representatives upon request may result in a notice of violation and recoupment of payments.

152.2(5) *Maintenance of financial and statistical records.* The provider shall maintain sufficient financial and statistical records, including program and census data, to document the validity of the reports submitted to the department. The records shall be available for review at any time during normal business hours by department personnel, the department's fiscal consultant, and state or federal audit personnel.

a. At a minimum, financial and statistical records shall include all revenue and expenses supported by a provider's general ledger and documentation on file in the provider's office. These records include, at a minimum:

- (1) Payroll information.
- (2) Capital asset schedules.
- (3) All canceled checks, deposit slips, and invoices (paid and unpaid).
- (4) Audit reports (if any).
- (5) The board of directors' minutes (if applicable).
- (6) Loan agreements and other contracts.

(7) Reviewable, legible census reports and documentation of units of service provided to department clients that identify the individual client and are kept on a daily basis and summarized in a monthly report.

(8) For nondepartment clients, sufficient documentation of utilization to establish a complete unit of service count.

b. The provider shall maintain a list of all staff and supervisors providing foster care services and their qualifications for each program.

c. When a provider has an independent audit conducted, a firm not related to the provider shall conduct the audit. The provider shall submit a copy of the independent audit report to the department within 30 days of receipt of the report.

152.2(6) Cost report. Providers shall complete the Combined Cost Report Form as required by contract.

a. *Due date.* The cost report shall be submitted to the department no later than three months after the close of the provider's established fiscal year. The provider may request a one-month extension.

b. *Opinion of accountant.* The department may require that an opinion of a certified public accountant or public accountant accompany the report when adjustments made to prior reports indicate noncompliance with reporting instructions.

c. *County reimbursement for child welfare services shelter costs.* If a shelter care provider's actual and allowable costs as set forth in 441—Chapter 156 for a child's shelter care placement exceed the amount the department is authorized to pay and the provider is reimbursed by the child's county of legal settlement for the difference between actual and allowable costs and the amount reimbursed by the department, the amount paid by the county cannot be included by the department in its reimbursement rate determination, as long as the amount paid is not greater than the provider's actual and allowable costs or the statewide average of actual and allowable costs as identified in annual appropriations, whichever is less.

441—152.3(234) Provider reviews. The department may, at its discretion, review any provider at any time. Records generated and maintained by the department or its fiscal agent may be used by reviewers and in all proceedings of the department.

152.3(1) Review of provider records. The department has the authority to conduct a scheduled or unannounced visit to evaluate the adequacy of service records in compliance with the policies and procedures for foster care services.

152.3(2) Purpose. Upon proper identification, authorized representatives of the department have the right to review the service and fiscal records of the provider to determine whether:

- a. The department has accurately paid claims for services.
- b. The provider has furnished the services.
- c. The provider has retained service records and fiscal records that substantiate claims submitted for payment during the review period.
- d. Expenses reported to the department have been handled as required under subrule 152.2(6).

152.3(3) Method. The department will select the appropriate method of conducting a review and will protect the confidential nature of the records being reviewed. The provider may be required to furnish records to the department. The provider may select the method of delivering any requested records to the department. Review procedures may include but are not limited to the following:

- a. Comparing service and fiscal records with each claim.
- b. Interviewing clients and employees of providers.

152.3(4) Sampling. The department's procedures for reviewing a provider's service records may include the use of random sampling and extrapolation. When these procedures are used, all sampling will be performed within acceptable statistical methods, yielding not less than a 95 percent confidence level.

a. *Findings.* The review findings generated through the review procedure constitute prima facie evidence in all department proceedings of the number and amount of requests for payment as submitted by the provider.

b. *Extrapolation.* Findings of the sample will be extrapolated for the review period. The total of the payments determined to be in error in the review sample will be divided by the total payments in the reviewed sample to calculate the percentage of dollars paid in error. This percentage will then be multiplied by the total payments in the review sample to determine the extrapolated overpayment.

c. *Disagreement with findings.* When the provider disagrees with the department's review findings and the findings have been generated through sampling and extrapolation, the provider may present evidence to show that the sample was invalid. The burden of proof of compliance rests with the provider.

The evidence may include a 100 percent review of the provider records used by the department in the drawing of the department's sample. This review shall:

- (1) Be arranged and paid for by the provider.
- (2) Be conducted by a certified public accountant.
- (3) Demonstrate that bills and records not reviewed in the department's sample complied with program regulations and requirements.

- (4) Be submitted to the department with all supporting documentation.

152.3(5) *Actions based on review findings.*

a. The department will report the results of a review of provider records to concerned parties consistent with the provisions of 441—Chapter 2505.

b. When an overpayment is found, the department may do one or more of the following:

- (1) Request repayment in writing.
- (2) Impose sanctions provided for in rule 441—152.4(234).
- (3) Investigate and refer the matter to an agency empowered to prosecute.

441—152.4(234) Sanctions against providers. Failure to meet the requirements relevant to provider contracting, financial recordkeeping, billing and payment, and client recordkeeping may subject providers to sanctions.

152.4(1) *Grounds for sanction.* The department may impose sanctions against a provider for committing one or more of the following actions:

a. Failing to provide and maintain the quality of the services to children and families within established standards, including:

- (1) Failing to meet standards required by state or federal law for licensure.
- (2) Failing to correct deficiencies in provider operations after receiving notice of these deficiencies from the department.
- (3) Engaging in a course of conduct or performing an act that is in violation of state or federal regulations or continuing that conduct following notification that it should cease.

(4) Violating any laws, regulations, or code of ethics governing the conduct of occupations or professions subject to this chapter.

(5) Receiving a formal reprimand or censure by an association of the provider's peers for unethical practices.

(6) Being suspended or terminated from participation in another governmental program.

(7) Committing a negligent practice resulting in client death or injury.

b. Failing to disclose or make available to the department or its authorized agent records of services provided to a child and family and records of payments made for those services.

c. Failing to provide accurate and auditable cost report information or engaging in deceptive billing practices, such as:

- (1) Presenting or causing to be presented for payment any false or deceptive claim for services.
- (2) Submitting or causing to be submitted false information for the purpose of obtaining greater compensation than that to which the provider is legally entitled.

d. Submitting or causing to be submitted false information to meet service authorization requirements.

e. Inducing, furnishing or otherwise causing the child or family to receive foster care services that are not authorized (overutilization of services).

f. Rebating or accepting a fee or portion of a fee or a charge for referrals of a child or family.

g. Failing to repay or arrange for the repayment of identified overpayments or other erroneous payments.

h. Failing to submit the cost report on time or failing to submit complete responses to follow-up questions from the department or its fiscal consultant within 14 days of request without written approval from the department.

152.4(2) *Notice of violation.*

a. Should the department have information that indicates a provider may have done the following, the department will notify the provider of the discrepancies noted.

- (1) Submitted bills or been practicing in a manner inconsistent with the program requirements, or
- (2) Received payment for which the provider may not be properly entitled.

b. Notification to the provider will set forth:

- (1) The nature of the discrepancies or violations.
- (2) The known dollar value of the discrepancies or violations.
- (3) The method of computing the dollar value.
- (4) Further actions to be taken or sanctions to be imposed by the department.
- (5) Any actions required of the provider.

152.4(3) Sanctions. The following sanctions may be imposed on providers based on the grounds specified in subrule 152.4(1):

- a. A term of probation for provision of foster care services.
- b. Termination from participation in the provision of foster care services.
- c. Suspension from provision of foster care services.
- d. Suspension or withholding of payments to the provider.
- e. Review of 100 percent of the provider's claims before payment.
- f. Referral to the appropriate state licensing board for investigation.
- g. Referral of the matter to appropriate federal or state legal authorities for investigation and prosecution under applicable federal or state laws.
- h. Suspension of foster care services licensure.
- i. Termination of foster care services licensure.
- j. Reduction of payment to 75 percent of the current rate for failure to submit the cost report or cost report clarifications timely.
- k. Termination of the provider's contract for failure to submit the report within six months of the end of the fiscal year.

152.4(4) Imposition and extent of sanction. The department will determine the sanction to impose. The following factors will be considered in determining the sanction or sanctions to be imposed:

- a. Seriousness of the offense.
- b. Extent of violations.
- c. History of prior violations.
- d. Prior imposition of sanctions.
- e. Prior provision of technical assistance.
- f. Pattern of failure to follow program rules.
- g. Whether a lesser sanction will be sufficient to remedy the problem.
- h. Actions taken or recommended by peer review groups or licensing bodies.

152.4(5) Scope of sanction.

a. The sanction may be applied to all known affiliates of a provider. Each decision to include an affiliate will be made on a case-by-case basis after giving due regard to all relevant factors and circumstances. The violation, failure, or inadequacy of performance may be imputed to a person with whom the violator is affiliated when the conduct was committed in the course of official duty or was effectuated with the knowledge or approval of that person.

b. When there are grounds for sanction pursuant to subrule 152.4(1) against a provider facility, campus, or site, the department may suspend or terminate the provision of foster care services by:

- (1) The provider; or
- (2) The specific facility, campus, or site; or
- (3) Any individual within the provider's organization who is responsible for the violation.

c. No provider shall submit claims for payments to the department for any services provided by any facility, campus, site, or person within the organization that has been suspended or terminated from provision of foster care services, except for those services provided before the suspension or termination.

d. Suspension or termination from provision of foster care services shall preclude the submission of claims to the department for payment for any services provided after suspension or termination, whether submitted personally or through the provider.

152.4(6) *Suspension or withholding of payments pending a final determination.* When the department has notified a provider of a violation and has demanded repayment of an identified overpayment, the department may withhold payments on pending and subsequently received claims in an amount reasonably calculated to approximate the amounts in question or may suspend payments pending a final determination. When the department intends to withhold or suspend payments, it will notify the provider in writing.

152.4(7) *Notice of sanction.* When a provider has been sanctioned, the department will notify, as appropriate, the applicable professional society, board of registration or licensure, and federal or state agencies of the findings made and the sanctions imposed.

441—152.5(234) Adverse actions. Notice of adverse actions shall be given in accordance with 441—Chapter 16. The right to appeal the licensing decision shall be given in accordance with 441—Chapter 2506.

These rules are intended to implement Iowa Code section 234.6.

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EDITOR'S NOTE: For replacement pages for IAC, see IAC Supplement 10/14/26.

ARC 0671D

HUMAN SERVICES DEPARTMENT[441]

Adopted and Filed

Rulemaking related to the foster home insurance fund

The Department of Health and Human Services hereby rescinds Chapter 158, "Foster Home Insurance Fund," Iowa Administrative Code, and adopts a new Chapter 158 with the same title.

Legal Authority for Rulemaking

This rulemaking is adopted under the authority provided in Iowa Code section 237.13.

State or Federal Law Implemented

This rulemaking implements, in whole or in part, Iowa Code section 237.13.

Purpose and Summary

This chapter specifically relates to the Foster Home Insurance Fund established by Iowa Code section 237.13. The fund is established to provide reimbursement for any property damages caused by the acts of a foster child residing in a foster home. As a part of the Red Tape Review process laid out by Executive Order 10, the Department removed restrictive terms, streamlined duplicative information, and revised language to conform to modern procedures and practices.

Public Comment and Changes to Rulemaking

Notice of Intended Action for this rulemaking was published in the Iowa Administrative Bulletin on August 19, 2026, as **ARC 0478D**. Public hearings were held on the following date:

- September 8, 2026

No one attended the public hearings. No public comments were received. No changes from the Notice have been made.

Adoption of Rulemaking

This rulemaking was adopted by the Department on September 23, 2026.

Fiscal Impact

This rulemaking has no fiscal impact to the State of Iowa.

Jobs Impact

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

Waivers

Any person who believes that the application of the discretionary provisions of this rulemaking would result in hardship or injustice to that person may petition the Department for a waiver of the discretionary provisions, if any, pursuant to 441—Chapter 2504.

Review by Administrative Rules Review Committee

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

Effective Date

This rulemaking will become effective on December 1, 2026.

The following rulemaking action is adopted:

ITEM 1. Rescind 441—Chapter 158 and adopt the following **new** chapter in lieu thereof:

CHAPTER 158
FOSTER HOME INSURANCE FUND

441—158.1(237) Definitions.

“Foster family home” means the same as defined in Iowa Code section 237.1.

“Personal property” means any movable thing of value that is owned, rented, or leased by a person and not recognized as real property.

“Real property” means anything owned, leased, or rented that is permanently affixed to, or built upon, a piece of land. Real property is best characterized as property that does not move or that is attached to the land.

“Third-party property” means property belonging to any person or entity other than the foster family or foster child.

441—158.2(237) Payments from the foster home insurance fund.

158.2(1) Eligible foster family claims. The foster home insurance fund shall pay the following within the limits defined in Iowa Code section 237.13(1):

a. Valid and approved claims of a licensed foster family home.

b. Compensation to licensed foster families for personal or real property damage and auto physical damage as a result of the activities of the family foster care child. Coverage also extends to third-party property damages caused by actions of the family foster care child.

158.2(2) Non-property-based liability, bodily injury, sexual abuse or molestation, auto liability, and professional liability are not covered.

441—158.3(237) Payment limits. The fund is not liable for the first \$150 per claim deductible per family. Each claim is limited to one incident/occurrence. The fund is not liable for damages in excess of \$5,000 for all claims arising out of one or more occurrences during a fiscal year related to a single home. Claims for losses related to bedbugs or other insect infestations will have an annual sublimit set by the department.

441—158.4(237) Claim procedures. Claims against the fund are filed with the department's approved contractor. Claims shall be filed on the Foster Home Property Fund Notice of Loss form. The decision to approve or deny the claim will be made by the department. The claimant will be notified of the decision within 180 days of the date the claim is received.

158.4(1) Time frame for filing claims. Claims shall be submitted within six months of the date of the occurrence.

158.4(2) Appeals. Claimants dissatisfied with the decision may request a fair hearing under the provisions of 441—Chapter 2506.

These rules are intended to implement Iowa Code section 237.13.

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ARC 0672D

HUMAN SERVICES DEPARTMENT[441]

Adopted and Filed

Rulemaking related to family-centered services

The Department of Health and Human Services hereby rescinds Chapter 172, "Family-Centered Services," Iowa Administrative Code, and adopts a new Chapter 172 with the same title.

Legal Authority for Rulemaking

This rulemaking is adopted under the authority provided in Iowa Code section 234.6.

State or Federal Law Implemented

This rulemaking implements, in whole or in part, Iowa Code section 234.6.

Purpose and Summary

Chapter 172 underwent a Red Tape Review pursuant to Executive Order 10. As part of that review, restrictive terms were removed, duplicative information was streamlined, and language was changed to be in line with modern procedures and practices.

This chapter defines and describes procedures for delivery of family-centered services. Family-centered services are services designed to prevent a child from entering foster care and to assist families when the needs of a child, parent, or kinship foster caregiver are directly related to the safety, permanency, or well-being of the child. The rulemaking describes the service definitions, eligibility criteria, and procedures for client appeals.

Public Comment and Changes to Rulemaking

Notice of Intended Action for this rulemaking was published in the Iowa Administrative Bulletin on July 22, 2026, as **ARC 0444D**. Public hearings were held on the following date:

- August 11, 2026

No one attended the public hearings. No public comments were received.

The following changes from the Notice have been made:

First, the Department updated the cross-reference for the definition of “child” or “children.” The existing cross-reference was found to be incorrect.

Second, the Department updated the definition of “contractor” to reflect that services are provided under the authority of Iowa Code section 232.102A(2)“b,” not under this chapter.

Third, the Department updated an erroneous cross-reference in the definition of “family-centered services.”

Fourth, the Department added a definition of “family risk assessment” since that term is used in the chapter but not currently defined.

Finally, the Department removed paragraph 172.2(2)“d” since it is redundant.

Adoption of Rulemaking

This rulemaking was adopted by the Department on September 10, 2026.

Fiscal Impact

This rulemaking has no fiscal impact to the State of Iowa.

Jobs Impact

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

Waivers

Any person who believes that the application of the discretionary provisions of this rulemaking would result in hardship or injustice to that person may petition the Department for a waiver of the discretionary provisions, if any, pursuant to 441—Chapter 2504.

Review by Administrative Rules Review Committee

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

Effective Date

This rulemaking will become effective on December 1, 2026.

The following rulemaking action is adopted:

ITEM 1. Rescind 441—Chapter 172 and adopt the following **new** chapter in lieu thereof:

CHAPTER 172 FAMILY-CENTERED SERVICES

441—172.1(234) Definitions.

“Case” means at least one child in a household is involved in department services with a department social work case manager.

“Child” or “children” means a person or persons who meet the definition of a child in Iowa Code section 232.68(1).

“Child abuse” means one or more of the categories of child abuse defined in Iowa Code section 232.68(2).

“Child abuse assessment” means an assessment process by which the department responds to all accepted reports that allege child abuse as defined in Iowa Code section 232.68(2), or that allege child abuse as defined in Iowa Code section 232.68(2) that also allege imminent danger, death, or injury to a

child. A child abuse assessment results in a disposition and a determination of whether a case meets the definition of child abuse and a determination of whether criteria for placement on the registry are met.

“Child in need of assistance” means the same as set forth in Iowa Code section 232.2(8).

“Contractor” means a private organization authorized to do business in Iowa that has entered into a contract with the department to provide one or more of the services defined in Iowa Code section 232.102A(2) “b.”

“Family-centered services” means the services provided by contract pursuant to Iowa Code section 232.102A(2) “b.”

“Family risk assessment” means the assessment of probability or likelihood a child will suffer maltreatment in the future.

“Household” means the place where a child resides.

“Kinship foster caregiver” means the same as set forth in 441—Chapter 125.

“Permanency” means a child has a safe, stable, custodial environment in which to grow up and a lifelong relationship with a nurturing caregiver.

“Protective capacities” means the family strengths or resources that reduce, control, or prevent risks from arising or from having an unsafe impact on a child.

“Risk” means the probability or likelihood that a child will experience maltreatment.

“Safe” or *“safety”* means that no signs of present or impending danger to a child are identified or that one or more signs of present or impending danger are identified but the child’s degree of vulnerability or the caregiver’s protective capacities offset the current threat. The child is not likely to be in imminent danger of maltreatment.

441—172.2(234) Family-centered services. Family-centered services are services designed to prevent the child from entering foster care and to assist the family when the needs of the child, parent, or kinship foster caregiver are directly related to the safety, permanency, or well-being of the child. The outcome of the services may be to maintain the child with a parent or in the home of the kinship foster caregiver, to reunify the child safely with a parent or kinship foster caregiver, or to achieve permanent family connections for the child.

172.2(1) Family-centered services provide interventions and supports based on identified needs of children and families that have come to the department’s attention because of:

- a. Evaluation of a child abuse assessment or child in need of assistance assessment and the family’s risk assessment score; or
- b. The child’s adjudication as a child in need of assistance pursuant to Iowa Code section 232.2; or
- c. The child’s placement out of home under the department’s care and supervision.

172.2(2) Family-centered services are designed to:

- a. Identify and build on the family’s strengths and enhance the family’s protective capacities;
- b. Address the risk factors that affect the child’s safety, permanency, and well-being; and
- c. Strengthen family connections to community resources and informal support systems in order to promote greater self-reliance.

172.2(3) Family-centered services will utilize evidence-based interventions to the greatest possible extent.

172.2(4) Family-centered services may be offered to the following persons:

- a. A child eligible for services under the provisions laid out in this rule;
- b. Any sibling of that child who resides in the same household at the time of service referral or moves into the household during the service delivery period; and
- c. A parent, stepparent, or kinship foster caregiver of the child.

172.2(5) During the time that a child and the child’s family are approved to receive family-centered services on an open case, the department will be responsible for maintaining case management, including contact with the child and family to ensure that:

- a. The factors that present risks of harm to the safety and well-being of all children in the family are being adequately addressed; and
- b. Services and supports are in place to achieve the child’s permanency goal.

441—172.3(234) Authorization. When the department has approved provision of family-centered services for a child and family, the department will notify the contractor by issuing the referral and authorization for child welfare services form. This authorization form will indicate:

172.3(1) The specific service category authorized; and

172.3(2) The duration of the authorization.

441—172.4(234) Client appeals. Clients may appeal the department's decision pursuant to 441—Chapter 2506 when:

1. The client's application for services as described in this chapter is denied, or
2. The services are terminated.

These rules are intended to implement Iowa Code section 234.6.

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