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.

JACK EWING, Administrative Code Editor Telephone: 515.281.6048 Email: Jack.Ewing@legis.iowa.gov
Publications Editing Office (Administrative Code) Telephone: 515.281.3355 Email: AdminCode@legis.iowa.gov

CITATION of Administrative Rules

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

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

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

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

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

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

Schedule for Rulemaking—2026

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****

The following list will be updated as changes occur.

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

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

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

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RA 26-383

EDUCATION DEPARTMENT[281]

Regulatory Analysis

Notice of Intended Action to be published: 281—Chapter 12
"General Accreditation Standards"

Iowa Code section(s) or chapter(s) authorizing rulemaking: 256.11
State or federal law(s) implemented by the rulemaking: Iowa Code section 256.11

Public Hearing

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

December 1, 2026 9 to 10 a.m.	Room B50 Grimes State Office Building Des Moines, Iowa Via videoconference: meet.google.com/gow-qvqp-iuy Dial: 1.240.428.8860 PIN: 708 227 584#

Public Comment

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

Thomas A. Mayes
Department of Education
Grimes State Office Building, Second Floor
400 East 14th Street
Des Moines, Iowa 50319-0146
Phone: 515.281.8661
Email: thomas.mayes@iowa.gov

Purpose and Summary

This proposed rulemaking amends the Department's general accreditation standards enacted by 2026 Iowa Acts, House Files 2610, 2670, and 2754 and Senate File 2428. It also adjusts the dates for submission of applications under rule 281—12.9(256) to better allow the Department to evaluate those applications.

Analysis of Impact

1. **Persons affected by the proposed rulemaking:**

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

The Department will bear the costs of this rulemaking, as required by House File 2754.

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

Iowans will benefit from the increased clarity that these amendments provide.

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 fiscal impact beyond that caused by the underlying legislation.

- **Qualitative description of impact:**

There is no known or anticipated qualitative impact of this rulemaking.

3. **Costs to the State:**

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

Costs will be borne by the Department.

- **Anticipated effect on State revenues:**

There is no known effect on State revenues.

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

Iowa Code section 256.11 requires rulemaking, so inaction is not an alternative.

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

Iowa Code section 256.11 requires rulemaking, which is, as a matter of law, the least costly and intrusive method.

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

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

Iowa Code section 256.11 requires rulemaking, so no alternatives were considered.

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

Iowa Code section 256.11 requires rulemaking, so no alternatives were considered.

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.

Text of Proposed Rulemaking

ITEM 1. Amend rule **281—12.2(256)**, definition of "School counseling program," as follows:

"School counseling program" means an articulated sequential kindergarten through grade 12 program that is comprehensive in scope, preventive in design, developmental in nature, driven by data, and integral to the school district's curricula and instructional program. The program is implemented by at least one school counselor, appropriately licensed by the board of educational examiners, who works collaboratively with the district's administration and instructional staff as well

as parents or guardians and students. The program standards are described in subrule 12.3(11). The program's delivery system components will include the following:

1. School guidance curriculum;
2. Support of the overall school curriculum;
3. Individual student planning;
4. Responsive services; and
5. System support.

ITEM 2. Amend subrule 12.3(6) as follows:

12.3(6) *Student responsibility and discipline.* The board will adopt student responsibility and discipline policies as required by the Iowa Code, including Iowa Code section 279.8. The board will involve parents, students, instructional and noninstructional professional staff, and community members in the development and revision of those policies where practicable or unless specific policy is mandated by legislation. The policies will relate to the educational purposes of the school or school district. The policies will include the following: attendance; use of tobacco; the use or possession of alcoholic beverages or any controlled substance; harassment of or by students and staff as detailed in subrule 12.3(13); violent, destructive, and seriously disruptive behavior; suspension, expulsion, emergency removal, weapons, and physical restraint; out-of-school behavior; participation in extracurricular activities; academic progress; and citizenship.

The policies will ensure due process rights for students and parents, including consideration for students who have been identified as requiring special education programs and services.

The board will also consider the potential, disparate impact of the policies on students because of race, color, national origin, gender, sexual orientation as defined in Iowa Code section 216.2, disability, religion, creed, or socioeconomic status.

The board will publicize its support of these policies, its support of the staff in enforcing them, and the staff's accountability for implementing them.

ITEM 3. Amend paragraph **12.5(3)"e"** as follows:

e. Health; human growth and development. Health instruction and human growth and development instruction are as referenced in Iowa Code sections 256.7(26)*"a"*(3), 256.11(3)*"a"*(5), and 279.50. During fifth and sixth grade, human growth and development instruction will include the content described in Iowa Code section 279.50(2).

ITEM 4. Amend paragraph **12.5(4)"e"** as follows:

e. Health; human growth and development. Health instruction and human growth and development instruction are as referenced in Iowa Code sections 256.7(26)*"a"*(3), 256.11(4)*"a"*(5), and 279.50. During seventh and eighth grade, human growth and development instruction will include the content described in Iowa Code section 279.50(3).

ITEM 5. Amend paragraph **12.5(5)"c"** as follows:

c. Mathematics (six units). Mathematics instruction is as referenced in Iowa Code sections 256.7(28) and 256.11(5)*"d"* through *"e,"* including:

(1) Four sequential units that are preparatory to postsecondary educational programs.

(2) Two additional units~~.~~ as described in Iowa Code section 256.11(5)*"e."*

ITEM 6. Amend paragraph **12.5(5)"i"** as follows:

i. Career and technical education ~~service~~ content areas—school districts (three units each in at least four of the six ~~service~~ content areas). A minimum of three sequential units, of which only one may be a core unit, will be taught in four of the six ~~service~~ content areas as referenced by Iowa Code section 256.11(5)*"h"*; Iowa Code chapter 256, subchapter VII, part 2; and 281—Chapter 46.

ITEM 7. Amend subrule 12.5(8) as follows:

12.5(8) *Age-appropriate~~, multicultural and gender-fair~~ approaches to the educational program.* Iowa Code section 256.11's provisions for an age-appropriate~~, multicultural, and gender-fair~~ program are incorporated by this reference.

ITEM 8. Rescind and reserve subrule **12.5(10)**.

ITEM 9. Amend subrule 12.7(2) as follows:

12.7(2) To meet the professional needs of all staff, professional development activities will align with district goals; will be based on student and staff information; will prepare all employees to work effectively with diverse learners and to implement age-appropriate~~, multicultural, gender-fair~~ approaches to the educational program; and will adhere to the professional development standards in 281—paragraph 83.6(2)*"b"* to realize increased student achievement, learning, and performance.

ITEM 10. Amend paragraph **12.8(1)"h"** as follows:

h. Statewide summative assessment.

(1) For purposes of this chapter, the statewide summative assessment of student progress administered by school districts for purposes of the core academic indicators is the summative assessment developed by the Iowa testing program within the University of Iowa college of education and administered by the Iowa testing program's designee. The department may require the Iowa testing program to enter into agreements with such designee to ensure the department is able to comply with Iowa Code chapter 256; this chapter; the provisions of the federal Every Student Succeeds Act, ~~Pub. L. No.~~ Public Law 114-95; the provisions of the Family Educational Rights and Privacy Act, 20 U.S.C. 1232g; and any other applicable state or federal law.

(2) The statewide summative assessment referred in this paragraph is to meet all of the following provisions:

1. All students enrolled in school districts in grades 3 through 11 will be administered an assessment in mathematics and English language arts, including reading and writing, during the last quarter of the school year~~, and;~~ all students enrolled in school districts in grades 5, 8, and ~~10~~ 11 will be administered an assessment in science during the last quarter of the school year; and all students enrolled in school districts in grades 8 and 11 will be administered an assessment in social studies during the last quarter of the school year.

2. The assessment, at a minimum, will assess the core academic indicators identified in Iowa Code section 256.7(21)*"b"*; be aligned with the Iowa ~~common core~~ standards in both content and rigor; accurately describe student achievement and growth for purposes of the school, the school district, and state accountability systems; provide valid, reliable, and fair measures of student progress toward college or career readiness; and meet the summative assessment provisions of the federal Every Student Succeeds Act, ~~Pub. L. No.~~ Public Law 114-95, if applicable.

3. The assessment will be available for administration in both paper-and-pencil and computer-based formats and include assessments in mathematics, science, social studies, and English language arts, including reading and writing. For students receiving instruction primarily over the internet from a school district, accredited nonpublic school, or charter school, a school or school district may administer any state-required assessment remotely pursuant to the terms of Iowa Code section 256.7(21)*"b"*(2)(e) ~~as enacted by 2025 Iowa Acts, House File 190~~.

4. The assessment will be peer-reviewed by an independent third-party evaluator to determine that the assessment is aligned with the Iowa core academic standards, provides a measurement of student growth and student proficiency, and meets the summative assessment provisions of the federal Every Student Succeeds Act, ~~Pub. L. No.~~ Public Law 114-95, if applicable. The assessment developed by the Iowa testing service within the University of Iowa college of education will make any necessary adjustments as determined by the peer review to meet the provisions of this paragraph.

5. The costs of complying with this paragraph will be borne by the Iowa testing program within the University of Iowa college of education.

ITEM 11. Amend rule 281—12.9(256) as follows:

281—12.9(256) Flexible student and school support program.

12.9(1) *General.* The flexible student and school support program is as referenced by Iowa Code section 256.11(8). Applications are due to the department on ~~May 31~~ February 1 prior to the

school year the application will be implemented. Each school district or nonpublic school approved to participate in the flexible student and school support program will file an annual report with the department on the status of the program in a format prescribed by the department by ~~May 31~~ February 1. Participation in the flexible student and school support program may be renewed for additional periods of years, each not to exceed three years. The director may revoke approval of all or part of any application or approved education program if the annual report or any other information available to the department indicates that conditions no longer warrant use of an exemption or funding from the school district's flexibility account under Iowa Code section 298A.2(2). Notice of revocation must be provided by the director to the school district or nonpublic school prior to the beginning of the school year for which participation is revoked.

12.9(2) *Annual report to the department.* Each school district or nonpublic school approved to participate in the flexible student and school support program will file an annual report with the department on the status of the program in a format prescribed by the department by ~~May 31~~ February 1.

ITEM 12. Amend rule 281—12.10(256) as follows:

281—12.10(256) Independent accrediting agencies. Notwithstanding Iowa Code section 256.11(1) through 256.11(12) and this chapter, a nonpublic school may be accredited by an independent accrediting agency that appears on a list maintained by the state board of education instead of being accredited by the state board. Iowa Code section 256.11(16) is incorporated by this reference.

12.10(1) *Compliance required by a nonpublic school.* ~~Iowa Code section 256.11(16) is incorporated by this reference.~~ New accrediting agencies must apply by November 1. New schools shall notify the department by April 1 if they wish to be included in the independently accredited list for the following school year. Each year the department will contact the approved accrediting agencies requesting an updated list of the schools that are accredited or in the accrediting process for the upcoming school year. This list is due to the department by April 1. A nonpublic school that participates in the accreditation process offered by an independent accrediting agency on the approved list published pursuant to this rule is deemed to meet the education standards of Iowa Code section 256.11 and this chapter. However, such a school shall comply with statutory health and safety requirements for school facilities. A nonpublic school accredited under this chapter shall abide by all state and federal laws and regulations. Notwithstanding Iowa Code section 256.11, the department is not precluded from enforcing compliance with all state and federal laws and regulations.

12.10(2) to **12.10(6)** No change.

RA 26-384

EDUCATION DEPARTMENT[281]

Regulatory Analysis

Notice of Intended Action to be published: 281—Chapters 16 and 98
"Statewide Voluntary Preschool Program; Financial Management of Categorical Funding"

Iowa Code section(s) or chapter(s) authorizing rulemaking: 256C
State or federal law(s) implemented by the rulemaking: Iowa Code section 256C.2

Public Hearing

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

December 1, 2026 9 to 10 a.m.	Room B50 Grimes State Office Building Des Moines, Iowa Via videoconference: meet.google.com/gow-qvqp-iuy Dial: 1.240.428.8860 PIN: 708 227 584#

Public Comment

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

Thomas A. Mayes
Department of Education
Grimes State Office Building, Second Floor
400 East 14th Street
Des Moines, Iowa 50319-0146
Phone: 515.281.8661
Email: thomas.mayes@iowa.gov

Purpose and Summary

This proposed rulemaking implements changes to Iowa Code chapter 256C contained in division X of 2026 Iowa Acts, House File 2754, and includes a corresponding amendment to Chapter 98, which is related to financial management of funds generated under Iowa Code chapter 256C.

Analysis of Impact

1. **Persons affected by the proposed rulemaking:**

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

The Department will bear the costs of this rulemaking as required by House File 2754.

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

Iowans will benefit from increased options for preschool participation that this rulemaking implements.

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:**

Fiscal impacts, if any, are described in the Fiscal Note accompanying House File 2754: www.legis.iowa.gov/docs/publications/FN/1605428.pdf. There are no anticipated quantitative impacts beyond those identified in the Fiscal Note.

- **Qualitative description of impact:**

There is no known or anticipated qualitative impact of this rulemaking.

3. **Costs to the State:**

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

Costs will be borne by the Department, as described in the Fiscal Note.

- **Anticipated effect on State revenues:**

There is no known effect on State revenues, as described in the Fiscal Note.

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

Iowa Code section 256C.2 requires rulemaking, so inaction is not an alternative.

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

Iowa Code section 256C.2 requires rulemaking, which is, as a matter of law, the least costly and intrusive method.

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

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

Iowa Code section 256C.2 requires rulemaking, so no alternatives were considered.

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

Iowa Code section 256C.2 requires rulemaking, so no alternatives were considered.

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.

Text of Proposed Rulemaking

ITEM 1. Amend rule **281—16.1(256C)**, definitions of "Applicant," "Program standards" and "Teacher," as follows:

"Applicant" means a school district or independent community-based preschool provider applying to become an approved local program. ~~Only public school districts in Iowa may apply for state funds under this chapter.~~

"Program standards" means the expectations for the characteristics or quality of early childhood settings, centers, and schools approved by the department, on or before ~~January 31, 2024~~ June 18, 2026. Approved program standards include National Association for the Education of Young Children (NAEYC) Program Standards and Accreditation Criteria, Head Start Program Performance Standards, the Iowa Quality Preschool Program Standards (QPPS) and Criteria, or other approved program standards as determined by the department.

"Teacher" means an individual who holds a valid practitioner's license issued by the board of educational examiners under Iowa Code chapter ~~272~~ 256 and holds an endorsement from the board of educational examiners that includes prekindergarten or kindergarten. ~~There is no obligation that the teacher be an employee of the applicant district; the~~ The teacher may be employed by a school district, private provider or other ~~public~~ agency with which the district has entered into an agreement or contract under Iowa Code chapter 28E.

ITEM 2. Adopt the following **new** definitions of "Community-based provider" and "Community partner provider," in rule **281—16.1(256C)**:

"Community-based provider" means a provider approved to directly participate in the preschool program, independently from an approved local school district program.

"Community partner provider" means a provider approved to participate in the preschool program under the authority of an approved local school district program.

ITEM 3. Amend rule 281—16.2(256C) as follows:

281—16.2(256C) Preschool program standards. Approved program standards include Head Start Program Performance Standards, Iowa Quality Preschool Program Standards and Criteria, or the NAEYC Program Standards and Accreditation Criteria. All approved local ~~preschool~~ programs adopt preschool program standards and meet the following criteria:

16.2(1) to **16.2(4)** No change.

16.2(5) *Child learning standards.* The preschool program demonstrates how the curriculum, assessment, staff development, and instructional strategies are aligned to the Iowa Early Learning Standards, adopted on ~~or before January 31, 2024~~ June 18, 2026. The teacher provides instruction on the skills and knowledge included in the Iowa Early Learning Standards.

16.2(6) and **16.2(7)** No change.

16.2(8) *Staff development.* The ~~school district~~ approved local program complies with Iowa Code section 256C.3(4)*"d."* ~~The district makes available to any teacher of a statewide voluntary preschool program who is not employed by the district staff development that the district offers to the district's personnel to maintain the skills appropriate to the teacher's role.~~ The ~~school district~~ approved local program ensures that staff members for the program are provided appropriate staff development in early childhood education. In district programs, the district makes available to any teacher who is not employed by the district staff development offered to the district's personnel to maintain the skills appropriate to the teacher's role.

16.2(9) to **16.2(14)** No change.

ITEM 4. Amend subrule 16.3(3) as follows:

16.3(3) *Districts.* The ~~school district~~ approved local program complies with Iowa Code section 256C.3(4)*"a"* and *"b.,"* as applicable.

ITEM 5. Adopt the following **new** subrule 16.3(4):

16.3(4) *Community-based provider.* The community-based provider complies with Iowa Code section 256C.3(4A) as enacted by 2026 Iowa Acts, Senate File 2754, section 84.

ITEM 6. Amend rule 281—16.8(256C) as follows:

281—16.8(256C) Finance.

16.8(1) No change.

16.8(2) *Aid payments.* Preschool foundation aid is paid as part of the state aid payments made to ~~school districts~~ approved local programs in accordance with Iowa Code section 257.16, except that it is not necessary that an eligible child be a resident of the district in which the child is enrolled voluntarily in the approved local program.

16.8(3) *Separate accounting.* All state funding received under this program is accounted for by the ~~applicant district~~ approved local program separately from other state aid payments.

16.8(4) *Restriction on supplanting.* State funding received under this program is used to supplement, not supplant, other public funding received by the applicant ~~district~~ as the result of the participation of any eligible children in other state or federal funded preschool programs. This restriction is applicable only for costs related to instructional time as described in subrule 16.2(4).

16.8(5) No change.

16.8(6) *Open enrollment not applicable.* Iowa's open enrollment statute (Iowa Code section 282.18) is not applicable for the parent or guardian of an eligible child who desires to access an approved program in a school district not of the child's residence, with possible exceptions related to special education services. Approved programs are open to all eligible Iowa children, regardless of a child's district of residence. ~~Accordingly, it is neither necessary for a parent or guardian to file an open enrollment application, nor will open enrollment applications for approved preschool programs be allowed.~~ Participation in an approved program in a school district not of the child's residence does not create an entitlement to continuous open enrollment under Iowa Code section 282.18.

ITEM 7. Amend subrule 16.9(3) as follows:

16.9(3) *Noncompliance with program specifications.* If the department determines that a participating ~~district~~ approved local program does not meet one or more of the accountability specifications provided in rule 281—16.2(256C), the department informs the ~~school district~~ entity of appropriate actions to be taken ~~by the school district~~ for remediation or correction by the entity. The ~~school district~~ entity submits an action plan that is approved by the department and contains reasonable timelines for coming into compliance. The department will facilitate technical assistance when requested. If the department determines that the ~~school district~~ entity is not taking the necessary actions in a timely manner, the director removes approval and terminates the ~~school district's~~ local program entity's contract as provided in subrule 16.6(2). Until such time as the ~~school district's~~ entity's contract is terminated, the ~~school district~~ entity may continue to participate in the statewide voluntary preschool program.

ITEM 8. Amend subrules 98.13(1) and 98.13(2) as follows:

98.13(1) *Appropriate uses of categorical funding.* Foundation aid funding provided for the program may be used by approved local programs ~~and community providers~~ for any purpose designated by the board of directors of the ~~school district~~ approved local program to meet standards for high-quality preschool instruction and for purposes that directly or indirectly benefit students enrolled in the approved local program. Unexpended and unobligated funding remaining at the conclusion of the program year will be maintained by the approved local program for uses described in this subrule. These purposes include the following:

a. to *c.* No change.

d. Up to 5 percent of the allocation can be used for actual documented costs of program administration, outreach activities, and rent for facilities not owned by ~~the~~ a local school district.

e. to *g.* No change.

h. Costs of transportation involving children participating in the approved program. The costs of transporting other children associated with the preschool program or transporting as provided in Iowa Code section 256C.3(3)*"h"* may be prorated by the ~~school district~~ approved local program.

i. No change.

j. Costs of attendance for a child who is younger or older than four years old and is enrolled in the program may be paid from these funds, or from another ~~school district~~ approved local program account or fund from which preschool program expenditures are authorized by law, if space and funding are available; however, the child will not be counted for statewide voluntary preschool program funding purposes.

98.13(2) *Pass-through funding to community~~-based~~ partner providers.* The school district will pass through to a community~~-based~~ partner provider for each eligible pupil enrolled in the district's approved local program not less than 95 percent of the per-pupil amount.

a. The community~~-based~~ partner provider may use up to 10 percent of the 95 percent portion for documented allowable administrative and operational costs of providing the district's approved local program. The costs of outreach activities, rent for facilities not owned by the school district, and transportation for children participating in the preschool program are also permissive costs allowed as part of the 10 percent under this paragraph.

b. and *c.* No change.

RA 26-385

EDUCATION DEPARTMENT[281]

Regulatory Analysis

Notice of Intended Action to be published: 281—Chapter 46
"Career and Technical Education"

Iowa Code section(s) or chapter(s) authorizing rulemaking: 256.129
State or federal law(s) implemented by the rulemaking: 2026 Iowa Acts, House File 2610

Public Hearing

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

December 1, 2026 9 to 10 a.m.	Room B50 Grimes State Office Building Des Moines, Iowa Via videoconference: meet.google.com/gow-qvqp-iuy Dial: 1.240.428.8860 PIN: 708 227 584#

Public Comment

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

Thomas A. Mayes
Department of Education
Grimes State Office Building, Second Floor
400 East 14th Street
Des Moines, Iowa 50319-0146
Phone: 515.281.8661
Email: thomas.mayes@iowa.gov

Purpose and Summary

This proposed rulemaking implements several provisions of 2026 Iowa Acts, House File 2610, as further described in the analysis of impact below.

Analysis of Impact

1. **Persons affected by the proposed rulemaking:**

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

Regional planning partnerships (RPPs), school districts, community colleges, and other career and technical education (CTE) stakeholders may incur minimal administrative costs associated with reviewing and implementing the amended rules.

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

Students enrolled in CTE programs will benefit from increased consistency in the implementation of work-based learning opportunities, career exploration activities, and career academy programming.

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 proposed amendments are not anticipated to create significant new costs for RPPs, school districts, community colleges, or employers.

- **Qualitative description of impact:**

The proposed amendments are expected to improve consistency, transparency, and statewide implementation of CTE programming.

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 benefits of improved clarity, consistency, statutory compliance, and enhanced accountability outweigh the minimal implementation costs associated with the proposed amendments.

Failure to adopt the proposed amendments would result in administrative rules that are inconsistent with recently enacted legislation and current CTE practices.

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

The Department determined that rulemaking is the least costly and least intrusive method available to implement statutory requirements and provide statewide consistency.

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 Department since the method proposed is the most cost-efficient and seamless for all entities involved.

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

Alternative methods were rejected because they would lead to additional burdens on educational entities and the Department.

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.

Text of Proposed Rulemaking

ITEM 1. Amend rule 281—46.2(256) as follows:

281—46.2(256) Definitions. As used in this chapter, the definitions in Iowa Code ~~section~~ sections 256.125 and 84D.2 apply. ~~Additionally, "shared program" means a program or portion of a program offered through an agreement pursuant to Iowa Code section 256.13.~~

"Internship" means a structured work-based learning experience that requires interns to complete real work with an employer to reach specific learning goals. The experience may be paid or unpaid. The experience must be connected to a course, and credit must be given based on the number of contact hours. Upon completion of an experience that occurs in the summer months, students must reflect on their experience with a teacher or counselor.

"Pre-apprenticeship" and definitions related to apprenticeships are defined in Iowa Code chapter 84D.

"Shared program" means a program or portion of a program offered through an agreement pursuant to Iowa Code section 256.13.

"Simulated work experiences aligned with industry-recognized credentials" means a work-based learning experience where students immerse themselves in realistic worksite activities throughout the course that are aligned with or have embedded industry-recognized credentials. These experiences include but are not limited to school-based enterprises, supervised agricultural experiences, health science programs with patient simulations, early childhood education programs, and ProStart culinary arts and restaurant management programs. During the school year, the experience must be connected to a course and credit must be given based on the number of contact hours. Upon completion of an experience that occurs in the summer months, students must reflect on their experience with a teacher or counselor.

"Student learner program" means work-based learning that is aligned directly with a state-approved CTE program or career pathway. The experience must be connected to a course, and credit must be given based on the number of contact hours. Upon completion of an experience that occurs in the summer months, students must reflect on their experience with a teacher or counselor.

"Sustained project-based learning in partnership with an employer" means a work-based learning experience where students complete a major project or multiple related projects involving significant engagement with an employer throughout the course. During the school year, the experience must be connected to a course and credit must be given based on the number of contact hours. Upon completion of an experience that occurs in the summer months, students must reflect on their experience with a teacher or counselor.

"Work-based learning program" means an experience that students complete in high school or community college, which only includes sustained project-based learning in partnership with an employer, simulated work experiences aligned with industry-recognized credentials, high-quality pre-apprenticeships aligned to an apprenticeship, student learner programs, internships, and apprenticeships.

ITEM 2. Amend rule 281—46.4(256) as follows:

281—46.4(256) Career and technical education ~~service~~ content areas. Districts shall comply with rule 281—46.5(256) in offering programming pursuant to this rule. Instructors teaching courses pursuant to this rule are to hold and maintain appropriate licensure pursuant to Iowa Code chapter 256, subchapter VII, part 3.

46.4(1) *Grades ~~7~~ 5-8.* Pursuant to ~~281—Chapter 12~~ Iowa Code section 256.11(3) and 256.11(4), districts will offer career exploration and development in grades ~~7 and~~ 5 through 8. Career exploration and development is designed so that students are appropriately prepared to create an individual career and academic plan pursuant to 281—Chapter 49, incorporate foundational career and technical

education concepts aligned with the six career and technical education ~~service~~ content areas as defined in subrule 46.4(2), and incorporate relevant twenty-first century skills.

46.4(2) *Grades 9-12.*

a. Pursuant to ~~281—Chapter 12~~ Iowa Code section 256.11(5), districts will offer career and technical education programming in the following ~~service~~ content areas, which are aligned to a national framework representative of all career pathways:

(1) Agriculture, including the career clusters of agriculture and energy and natural resources.

(2) Information systems, including the cross-cutting career cluster of digital technology.

(3) Applied sciences, including the career clusters of advanced manufacturing, construction, and supply chain and transportation.

(4) Health sciences, including the career clusters of healthcare and community services and public service and safety.

(5) Human services, including the career clusters of arts, entertainment, and design; hospitality, events, and tourism; and education.

(6) Business, including the career clusters of financial services, and the cross-cutting career clusters of management and entrepreneurship, and marketing and sales.

~~*a.* Agriculture, food, and natural resources, including the career cluster of agriculture, food, and natural resources.~~

~~*b.* Information solutions, including the career clusters of arts, audio and video technology, and communications; and information technology.~~

~~*c.* Applied sciences, technology, engineering, and manufacturing, including the career clusters of architecture and construction; manufacturing; science, technology, engineering, and mathematics; and transportation, distribution, and logistics.~~

~~*d.* Health sciences, including the career cluster of health science.~~

~~*e.* Human services, including the career clusters of education and training; human services; hospitality and tourism; government and public administration; and law, public safety, corrections, and security.~~

~~*f.* Business, finance, marketing, and management, including the career clusters of business, management, and administration; finance; and marketing.~~

b. Pursuant to Iowa Code section 256.11(5) and 281—subrule 12.5(5), each career and technical education program must include a minimum of three sequential units. One of these units may be a core unit. Core units are limited to coursework in the cross-cutting career clusters of digital technology, management and entrepreneurship, or marketing and sales or career-connected learning coursework. Non-career and technical education coursework may be used in a career and technical education program of study if it aligns with a community college career and technical education program through concurrent enrollment or an articulation agreement.

ITEM 3. Amend rule 281—46.5(256) as follows:

281—46.5(256) Standards for career and technical education. The board will adopt content standards for the career and technical education ~~service~~ content areas. Districts will include, at a minimum, the content standards for career and technical education ~~service~~ content areas adopted pursuant to this rule in career and technical education programs as the standards are adopted by the board.

ITEM 4. Amend rule 281—46.6(256) as follows:

281—46.6(256) Career and technical education program approval and review.

46.6(1) *Secondary program approval.* All career and technical education programs offered by a district are to be approved by the department. As a condition for approval, a district will comply with the following paragraphs:

a. No change.

b. Program report and self-study. A district will create a program report and self-study for each offered program. The program report and self-study includes the following minimum criteria:

(1) Program overview. This section includes an overview of the program's purpose, a summary of data and information as described under paragraph 46.6(1)*"a"* and any conclusions drawn from this data and information, and an analysis of future trends in occupations associated with the program.

(2) Statement of program goals, objectives, and outcomes. This section includes clear statements of the program's goals, objectives, and outcomes, including a justification of the program's goal(s), objective(s), and outcome(s) based on the review conducted under subparagraph 46.6(1)*"b"*(1), and describes methods that will be used to measure the program's stated outcomes.

(3) Competencies. This section describes the established program competencies aligned with state standards pursuant to rule 281—46.5(256) and the program's goals, objectives, and outcomes; includes evidence of advisory committee approval of competencies, technical skill assessment tool(s), and proficiency benchmarks; includes evidence of postsecondary approval of competencies and technical skill assessment tool(s); outlines and describe the coherent sequence of coursework that constitutes the program, including any related foundational and concurrent enrollment coursework, depicted in a plan of study template; describes processes utilized to employ contextualized and effective work-based~~, project-based, and problem-based~~ learning approaches pursuant to rule 281—46.2(256); describes efforts to integrate career and technical education student organization(s) into the program, if applicable; and describes processes utilized to review and update the curriculum, ensuring continued relevancy to the occupational field.

(4) Student assessment. This section describes how the program will assess student outcomes established under subparagraph 46.6(1)*"b"*(2) and program competencies established under subparagraph 46.6(1)*"b"*(3) and the established technical skill assessment tool(s) to measure competencies, utilizing industry-approved technical skill assessments, where available and appropriate.

~~(5) Educational resources. This section describes key equipment and materials currently used in instruction; processes to determine whether the equipment is relevant and up to date; processes to maintain the equipment; and new equipment needs, with a description of how the proposed new equipment would improve the program.~~

~~(6)~~ (5) Advisory council. This section describes how the program engages with the business community to recruit members for the advisory council pursuant to rule 281—46.8(~~258~~ 256) and includes a current member list with titles and company; describes advisory committee meeting logistics including~~,~~ but not limited to~~,~~ meeting frequency, agendas, and minutes; details and describes the advice the advisory council has suggested for the program and any actions or results taken by the program that stem from this advice as well as any advice not acted upon by the program; and includes, as an appendix to the narrative, advisory council minutes from the prior year.

~~(7)~~ (6) Partnerships. This section describes how the program's curriculum is integrated with other curricular offerings required of all students; describes the articulation, contractual agreements for shared courses with community colleges, and other agreements with community colleges and other postsecondary institutions; and describes how the program partners with counselors at various levels to assist all students and stakeholders in the exploration of pathway opportunities within the ~~service~~ content area.

(7) Safety. This section describes how teachers model, demonstrate, observe, and correct proper safety practices in the career and technical education learning environment, including workplace safety at industry sites for work-based learning experiences as defined in rule 281—46.2(256).

(8) Removing barriers. This section describes how the program removes barriers for all students to access education opportunities both while in and beyond high school.

c. and *d.* No change.

46.6(2) No change.

46.6(3) *Secondary program review.* The program review process will ensure that 20 percent of secondary career and technical education programs are reviewed on an annual basis and that career

and technical education programs meet standards adopted by the board. The review will include an assessment of the extent to which the competencies in the program are being mastered by the students enrolled, the costs are proportionate to educational benefits received, the career and technical education curriculum is articulated and integrated with other curricular offerings required of all students, the programs would permit students with career and technical education backgrounds to pursue other educational interests in a postsecondary institutional setting, and the programs remove barriers for all students to access educational and employment opportunities.

a. Secondary program review. As a condition of continuing approval, districts will comply with the following provisions for career and technical education program review. Units of instruction necessary under rule 281—46.4(~~258~~ 256) are to have students from each participating high school enrolled. Each district that sends students to a shared program with another district that is used by the sending district to fulfill rule 281—46.4(~~258~~ 256) is to have students from the sending district enrolled in the shared program.

(1) and (2) No change.

b. and *c.* No change.

46.6(4) *Postsecondary program review.*

a. General. The postsecondary program review process is to ensure career and technical education programs meet standards adopted by the board. The program review will include an assessment of the extent to which:

(1) to (8) No change.

(9) Student outcomes, including, at a minimum, program enrollment rates, retention rates, completion rates, and employment rates and wages, are disaggregated~~, at a minimum,~~ and addressed by the program. A good faith effort should be made to address these student outcomes disaggregated by gender, race and ethnicity, and other special populations defined by the Carl D. Perkins Career and Technical Education Improvement Act of 2006, 20 U.S.C. §2301 et seq.~~, and addressed by the program~~;

(10) and (11) No change.

b. No change.

c. Additional components. The following minimum components will also be addressed through the program review process outlined in paragraph 46.6(4)*"a."*

(1) Industry or professional standards. Community colleges will utilize program standards established and recognized by industry or professional organizations when available and appropriate. In lieu of these standards, community colleges will develop program standards through a structured group interview process, which involves committees of incumbent workers within an occupational cluster analyzing standards that include new and emerging technologies, and job-seeking, leadership, entrepreneurial, and occupational competencies. This analysis includes identifying standards that ensure program participants have access to instruction that leads to employment and further training. All standards will be analyzed for the reinforcement of academic skills.

(2) Advisory council. The community college will document how the program engages with the business community to recruit members for the advisory council under rule 281—46.8(~~258~~ 256). Program review documentation will include a current member list with titles and employer; advisory committee meeting logistics, including but not limited to meeting frequency, agendas, and minutes; advice the advisory council has suggested for the program; and any actions or results taken by the program that stem from this advice.

(3) Pathways with secondary institutions. Teachers and administrators from both secondary and postsecondary instructional levels (when applicable) meet to identify competencies required at each level and to jointly develop pathways between secondary and postsecondary levels for specific occupational areas. Such collaborative efforts will facilitate the secondary-postsecondary transition and help reduce duplication between the two levels.

46.6(5) No change.

ITEM 5. Amend rule 281—46.7(258) as follows:

281—46.7(~~258~~ 256) Accreditation standards not met.

46.7(1) No change.

46.7(2) Any findings under subrule 46.7(1) will be documented and reviewed as part of the comprehensive desk audit established under Iowa Code section 256.11(10)*"a"*(1).

a. A program identified under paragraph 46.7(1)*"a"* will not be used by a district to satisfy the minimum education program for career and technical education specified under 281—paragraph 12.5(5)*"i."* Such a program is ineligible to receive funds distributed under rule 281—46.9(~~258~~ 256).

b. A program identified under paragraph 46.7(1)*"b"* will not be used by a district to satisfy the minimum education program for career and technical education specified under 281—paragraph 12.5(5)*"i."*

ITEM 6. Amend rule 281—46.8(258) as follows:

281—46.8(~~258~~ 256) Advisory council.

46.8(1) and **46.8(2)** No change.

46.8(3) *Regional advisory council.* A regional advisory council established by a regional career and technical education planning partnership approved by the department pursuant to rule 281—46.10(~~258~~ 256) may serve in place of an advisory council under subrule 46.8(1).

46.8(4) No change.

ITEM 7. Amend rule 281—46.9(258) as follows:

281—46.9(~~258~~ 256) Distribution of career and technical education funds.

46.9(1) An approved regional career and technical education planning partnership is eligible to receive state funds for school districts and community colleges participating in the regional career and technical education planning partnership for purposes allowed under subrule 46.10(6).

a. No change.

b. Each partnership will be assigned a portion of the total career and technical education funds based on the following formula:

(1) ~~Half~~ No more than 40 percent of the total career and technical education funds to be disbursed equally between the approved partnerships.

(2) ~~Half~~ No more than 40 percent of the total career and technical education funds to be disbursed based on the number of students enrolled in approved career and technical education programs.

(3) At least 20 percent to be disbursed based on department-determined performance indicators within the Carl D. Perkins Career and Technical Education Improvement Act of 2006, codified at 20 U.S.C. §2301 et seq., 2025-2029 state plan.

46.9(2) No change.

46.9(3) An approved regional career and technical education planning partnership receiving funds under this rule will comply with financial monitoring processes established by the department.

a. No change.

b. Instances of transactions involving state ~~and federal~~ funds issued to an approved regional career and technical education planning partnership that are found to be noncompliant with state ~~and federal~~ regulations governing the use of such funds, including subrule 46.10(6), will be documented by the department.

(1) The fiscal agent of the approved regional career and technical education planning partnership will be notified of any instances of noncompliance, and prepare, in consultation with the regional career and technical education planning partnership and department, a corrective action plan. The plan will, at a minimum, detail the policies and procedures to be implemented by the fiscal agent to ensure that subsequent transactions involving state ~~and federal~~ funds issued to the regional career and technical education planning partnership are compliant with applicable state and federal regulations.

(2) No change.

ITEM 8. Amend rule 281—46.10(258) as follows:

281—46.10(~~258~~ 256) Regional career and technical education planning partnerships. Regional career and technical education planning partnerships are established to assist school districts in providing an effective, efficient, and economical means of delivering high-quality secondary career and technical education programs.

46.10(1) to **46.10(3)** No change.

46.10(4) *Duties.* The partnership will perform the following duties on a continuing basis:

a. No change.

b. Collect and review all relevant plans pursuant to the federal Carl D. Perkins Career and Technical Education Improvement Act of 2006, codified at 20 U.S.C. §2301 et seq., as amended~~;~~, and career and academic plans under 281—Chapter 49~~; and regional labor market, socioeconomic, and demographic information for purposes of facilitating the program review process specified under paragraph 46.10(4)*"f"* and regional activities specified in the state plan developed under the aforementioned federal Act~~.

c. No change.

d. Appropriately expend career and technical education funds in accordance with subrule 46.10(6) assigned to the partnership pursuant to rule 281—46.9(~~258~~ 256).

e. to *h.* No change.

46.10(5) *Multiyear plan.* The multiyear plan developed by the partnership will outline the partnership's goals, objectives, and outcomes; how the partnership will execute the authority and duties assigned to the partnership; how the partnership will secure collaboration with secondary schools, postsecondary educational institutions, and employers to ensure students have access to high-quality career and technical education programming, including career academies, that aligns career guidance, twenty-first century career and technical education and academic curricula, and work-based learning opportunities as described in rule 281—46.2(256) that empower students to be successful learners and practitioners; and how the partnership will ensure compliance with standards established under this rule. In addition, the multiyear state plan will include the following components:

a. Goals, objectives, and outcomes. The plan will detail the partnership's goals, objectives, and outcomes, which will include the following goals:

(1) and (2) No change.

(3) Afford students the opportunity to access a spectrum of high-quality work-based learning experiences ~~through collaboration with a work-based learning intermediary network~~ as described in rule 281—46.2(256).

(4) No change.

b. and *c.* No change.

d. Advisory councils. The plan will outline the process that the partnership will utilize in coordinating and facilitating local advisory councils for career and technical education programs under rule 281—46.8(~~258~~ 256) and establishing regional advisory councils to serve in the same capacity as local advisory councils, as necessary.

e. Use of funds. The plan will detail the partnership's budget including intended use of funds designated to the partnership pursuant to rule 281—46.9(~~258~~ 256). The intended use of funds will comply with subrule 46.10(6) and be clearly connected to the goals, objectives, and outcomes of the partnership established under paragraph 46.10(5)*"a"* and the needs of career and technical education programs and teachers as identified through the program approval and review process under rule 281—46.6(256).

f. Planning for regional centers. The plan will outline the process that the partnership will utilize in planning for regional centers, consistent with rule 281—46.12(~~258~~ 256), with the purpose of achieving equitable access to high-quality career and technical education programming and concurrent enrollment opportunities for all students.

g. to *i.* No change.

46.10(6) *Secondary career and technical education funds.* An approved regional career and technical education partnership may use funds received from state sources on behalf of school districts and community colleges participating in the regional career and technical education planning partnership for the following:

a. No change.

b. To offer regional career and technical education professional development opportunities; coordinate, maintain, and support a career guidance system pursuant to 281—Chapter 49 and related work-based learning opportunities as described in rule 281—46.2(256) for students; and purchase career and technical education equipment and curricular resources to include standard classroom consumable supplies directly related to and necessary for the course curriculum, other than basic consumable supplies that will be made into products to be sold or used personally by students, teachers, and other persons.

c. Pursuant to Iowa Code section 256.136(6), the regional career and technical education partnership shall demonstrate that all expenditures are aligned with high-skill, high-wage, and high-demand occupations as defined in Iowa Code section 256.125.

ITEM 9. Amend rule 281—46.11(258) as follows:

281—46.11(~~258~~ 256) Career academies.

46.11(1) *Establishment and responsibilities.* A career academy may be established under an agreement between a single school district and a community college, or by multiple school districts and a community college organized into a regional career and technical education planning partnership pursuant to rule 281—46.10(~~258~~ 256). A career academy established under this rule will be a career-oriented or occupation-oriented program of study that includes a minimum of two years of secondary education, and a minimum of three units of coursework, which may fulfill the sequential unit accreditation requirement in one of the four ~~service~~ content areas pursuant to 281—subrule 12.5(5)~~,~~; includes at least one unit of secondary career and technical education coursework plus at least one unit of postsecondary career and technical education concurrent enrollment programming aligned with a postsecondary education program that meets the requirements of 281—Chapter 22~~,~~; and is approved by the director. One unit of career and technical education coursework can include the cross-cutting career clusters of digital technology, management and entrepreneurship or marketing and sales or the career-connected learning coursework. A career academy will do all of the following:

a. Utilize regional career and technical education planning partnerships outlined in rule 281—46.10(~~258~~ 256) in an advisory capacity to inform the selection and design of the career academy and establishment of industry standards.

b. Establish a program of study that meets all of the following criteria:

(1) Is designed to meet industry standards and prepare students for success in postsecondary education and the workforce.

(2) Integrates academic coursework; includes both secondary and postsecondary foundational and transitory career and technical education coursework; includes either work-based learning as defined in rule 281—46.2(256) or the potential to earn an industry-recognized credential or a community college credential as defined in 281—subrule 21.2(9); and utilizes the individual career and academic planning process established under 281—Chapter 49.

(3) Integrates as a portion of the career academy a hands-on, contextualized learning component.

(4) Allows students enrolled in the academy an opportunity to continue on to an associate degree and, if applicable, a postsecondary baccalaureate degree program.

Only institutions that comply with the provisions of this rule may use the term "career academy."

46.11(2) to **46.11(5)** No change.

ITEM 10. Amend rule 281—46.12(258) as follows:

281—46.12(~~258~~ 256) Regional centers. The state board will adopt standards pertaining to regional centers. The standards include those which provide for increased and equitable access to high-quality career and technical education programs and require that regional centers incorporate appropriate educational programs, meet appropriate state and federal regulations for safety and access, maintain adequate participation, and are located within an appropriate distance of participating high schools, and that transportation is provided to all students.

46.12(1) and **46.12(2)** No change.

ITEM 11. Amend rule 281—46.13(423F) as follows:

281—46.13(423F) Career academy incentive fund. A career academy incentive fund is a competitive grant program established by the department to expand opportunities for students to access high-quality career and technical education programming through innovative partnerships between school districts and community colleges.

46.13(1) *Allowable expenses.* Funding issued under this rule will be used by the recipient for purposes outlined in the proposal approved by the department to support the development of career academy infrastructure, including regional centers as defined under rule 281—46.12(~~258~~ 256). For purposes of this rule, allowable expenses include the following:

a. to *f.* No change.

46.13(2) No change.

46.13(3) *Application proposals.* Institutions seeking funds under this rule shall submit an application proposal to the department in a format prescribed by the department. An application for funding that includes more than one institution will designate a single institution to receive funds on behalf of all participating institutions. At a minimum, all applications will include one school district and one community college, though applications consisting of multiple school districts and a community college are encouraged.

a. ~~*Service*~~ *Content area and aligned occupation.* Program information will be collected to identify the aligned ~~service~~ content area and in-demand occupation as identified by the state workforce development board pursuant to Iowa Code section 84A.1B(14).

b. Offerings and enrollments. Information will be provided on all career academy offerings made available by the participating institutions. All school districts will provide actual or estimated enrollment by high school in each of the offered career academies over the proceeding five-year period.

c. Program structure. Each proposal will include a response to the following components:

(1) A sequence of coursework, inclusive of all aligned middle school, high school, and postsecondary offerings that constitute the career academy. The sequence of coursework is developed collaboratively between the school district or school districts and community college, and is to be depicted in a template provided by the department.

(2) A description and evidence of integrated ~~project-, problem-, and~~ work-based learning experiences as defined in rule 281—46.2(256).

(3) Identification of the third-party industry certifications either made available to the student through the program or which the program prepares the student to complete.

d. to *f.* No change.

46.13(4) *Criteria for evaluating proposals.*

a. Priority. Application proposals will be ~~ranked and sorted according to the following priorities:~~ given tiered competitive preference as determined by the department.

~~(1) First priority. Proposals for a minimum of four new career academies delivered collaboratively between multiple school districts and a community college through a regional center as defined under rule 281—46.12(258) will receive priority consideration.~~

~~(2) Second priority. Proposals for existing career academies or establishing a new career academy delivered collaboratively between multiple school districts and a community college through~~

~~an existing regional center as defined under rule 281—46.12(258) will receive second-priority consideration.~~

~~(3) Third priority. Proposals for new or existing career academies delivered through partnership arrangements other than a regional center, including but not limited to individual career academy offerings delivered by one school district, will receive third-priority consideration.~~

b. Occupational alignment. Proposals for career academies aligned with high-demand, high-skill, and high-wage occupations as identified by the state workforce development board pursuant to Iowa Code section ~~84A.1B(14)~~ 256.125 will be given preferential consideration.

c. and *d.* No change.

e. Additional criteria. Subject to paragraphs 46.13(4)*"a"* and *"b,"* proposals will be evaluated against additional criteria including the following:

(1) Actual or projected enrollment for each participating high school over a five-year period is of sufficient size to support robust and sustainable offerings and justify the request for funding.

(2) Cumulative offerings provide students with access to a diverse array of coursework in multiple career and technical education ~~service~~ content areas.

(3) If programming is delivered at an off-site location, the sending school district provides transportation to participating students.

f. and *g.* No change.

h. Length of time since last award. Priority will be given to proposals based on how much time has elapsed since the last time an award was received.

46.13(5) *Awarding grants.* The department may fully or partially award funds for proposals submitted pursuant to subrule 46.13(3).

a. The department will award funds for ~~first-priority~~ proposals that meet the criteria established in rank order. ~~The department may award funds for second- and third-priority proposals based on availability of funds.~~

b. A grant award issued under this rule is subject to the limits in Iowa Code section 257.51(3).

46.13(6) No change.

RA 26-386

EDUCATION DEPARTMENT[281]

Regulatory Analysis

Notice of Intended Action to be published: 281—Chapter 72
"Accreditation of Area Education Agencies"

Iowa Code section(s) or chapter(s) authorizing rulemaking: 256.7
State or federal law(s) implemented by the rulemaking: Iowa Code chapter 273

Public Hearing

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

December 1, 2026 9 to 10 a.m.	Room B50 Grimes State Office Building Des Moines, Iowa Via videoconference: meet.google.com/gow-qvqp-iuy Dial: 1.240.428.8860 PIN: 708 227 584#

Public Comment

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

Thomas A. Mayes
Department of Education
Grimes State Office Building, Second Floor
400 East 14th Street
Des Moines, Iowa 50319-0146
Phone: 515.281.8661
Email: thomas.mayes@iowa.gov

Purpose and Summary

This proposed rulemaking implements the reforms of Area Education Agencies (AEAs) enacted by 2024 Iowa Acts, House File 2612, and implements Executive Order 10 by eliminating unnecessary and obsolete regulatory text.

Analysis of Impact

1. **Persons affected by the proposed rulemaking:**

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

AEAs and the Department will bear the costs of this rulemaking, as required by House File 2612.

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

Individuals and organizations that rely on the services of AEAs will benefit from the clarity of this proposed chapter.

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:**

Fiscal impacts, if any, are described in the Fiscal Note accompanying House File 2612: www.legis.iowa.gov/docs/publications/FN/1448422.pdf.

- **Qualitative description of impact:**

The rulemaking will reduce unnecessary and ineffective monitoring and reporting by the AEAs.

3. **Costs to the State:**

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

Costs will be borne by the Department, as described in the Fiscal Note.

- **Anticipated effect on State revenues:**

There is no appreciable effect on State revenues, as described in the Fiscal Note.

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

Iowa Code section 273.10 requires rulemaking, so inaction is not an alternative.

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

Iowa Code section 273.10 requires rulemaking, which is the least costly and intrusive method.

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

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

Iowa Code section 273.10 requires rulemaking, so no alternatives were considered.

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

Iowa Code section 273.10 requires rulemaking, so no alternatives were considered.

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.

Text of Proposed Rulemaking

ITEM 1. Rescind 281—Chapter 72 and adopt the following **new** chapter in lieu thereof:

CHAPTER 72
ACCREDITATION OF AREA EDUCATION AGENCIES

281—72.1 Reserved.

281—72.2(273) Definitions.

"AEA" means area education agency.

"Baseline data" means information gathered at a selected point in time and used thereafter as a basis from which to monitor change.

"Board" means the state board of education.

"Department" means the state department of education.

"Director" means the state director of the department of education.

"Indicators of improvement" means internal data the agency uses to determine how well its continuous improvement processes are implemented.

"Indicators of quality" means external data sources that measure the effectiveness of services.

"School" means an accredited nonpublic school.

"School district" means a public school district.

281—72.3(273) Accreditation components. To be accredited by the board and maintain accreditation status, an AEA will provide services that meet the standards defined in rule 281—72.4(273), submit a board-approved annual budget as defined in subrule 72.10(1), and annually provide a progress report as defined in subrule 72.10(2).

281—72.4(273) Standards for services. An AEA will provide services that meet these standards as evidenced by but not limited to the descriptors following each standard. These services will be accessible to all schools and school districts within the agency's service region, including schools and school districts that elect to receive services from a contiguous AEA under Iowa Code section 273.2(5)*"a."*

72.4(1) *Services directly required of each AEA.* Each AEA will meet the following standards:

a. The AEA will provide special education support for eligible individuals.

b. The AEA will offer support for early childhood service coordination for families and children, age birth through three years, to meet health, safety, and learning needs, including service coordination under 281—Chapter 120.

c. The AEA will offer support for addressing the diverse learning needs of all children and youths, including children and youths who are eligible for special education through services that include direct services to students with disabilities.

d. The AEA will ensure the timely submission of required reports and documents to the board, the department, and the division of special education of the department.

e. The AEA will offer a program and services evaluation and reporting system that includes information related to special education.

f. The AEA will offer support for schools and school districts to ensure compliance with rules adopted by the board related to special education.

72.4(2) *Services required of each AEA.* Each AEA will offer the following services, either directly or by agreement with another AEA or AEAs. These services are assessed based on the following descriptors and to the extent actually delivered to schools and school districts:

a. The AEA offers services for school-community planning. The AEA assists schools and school districts in assessing needs of all students, developing collaborative relationships among community agencies, establishing shared direction, implementing actions to meet goals, and reporting progress towards goals.

b. The AEA offers evidence-based professional development services for schools; school districts; and AEA instructional, administrative, and support personnel. The AEA anticipates and responds to schools' and school districts' needs; supports proven and emerging educational practices; aligns with school and school district comprehensive long-range and annual improvement goals; uses adult learning theory; supports improved teaching; uses theory, demonstration, practice, feedback, and coaching; and addresses professional development activities as required by the Iowa Code or

administrative rules. Any professional development offered under this paragraph is subject to the requirement of Iowa Code section 273.2(3)*"b."*

c. The AEA may offer support for staff development and adult learners utilizing evidence-based professional development in a manner that meets the professional needs of staff and adult learners consistent with standards adopted by the board.

d. The AEA offers curriculum, instruction, and assessment services that address the areas of reading, language arts, mathematics, and science but may also be applied to other curriculum areas. These services support the development, implementation, and assessment of rigorous content standards in but not limited to reading, mathematics, and science.

e. The AEA may assist schools and school districts in gathering and analyzing student achievement data as well as data about the learning environment and use that information to guide school and school district goal setting and implementation of actions to improve the learning of all students, including students with disabilities.

f. The AEA offers instructional media services that support local district media centers and services.

g. The AEA offers support for school technology planning and staff development for implementing instructional technologies. These services provide technology planning, technical assistance, and professional development, and support the incorporation of instructional technologies to improve student achievement. These services support the implementation of content standards in but not limited to reading, mathematics, and science. These services support and integrate emerging technology.

h. The AEA offers support for addressing the diverse learning needs of all children and youths, including children and youths who are eligible for special education through services that include direct services to students with disabilities.

i. The AEA offers support for school district libraries in accordance with Iowa Code section 273.2(4).

j. The AEA offers support necessary to implement effective instruction for all students, including students with disabilities, through school technology services.

k. The AEA offers support for school technology planning and staff development for implementing instructional technologies. These services provide technology planning, technical assistance, and professional development, and support the incorporation of instructional technologies to improve student achievement. These services support the implementation of content standards in but not limited to reading, mathematics, and science. These services support and integrate emerging technology.

l. The AEA offers support necessary to implement effective instruction for all students, including students with disabilities, through school technology services.

72.4(3) *Optional services.* If an AEA offers the following services to the schools and school districts, those services are assessed based on the following descriptors and to the extent actually delivered to schools and school districts.

a. The AEA may offer management services if requested and funded by school districts. If the AEA provides management services to school districts, the services will conform to the provisions of Iowa Code section 273.7A.

b. The AEA may offer services that develop leadership based upon the Iowa school leadership standards for administrators in rule 281—83.9(284A). Leadership services assist with recruitment, induction, retention, and professional development of educational leaders. AEAs develop and deliver leadership programs based on local and state educational needs and best practices.

72.4(4) *Research and innovation.*

a. Each AEA, alone or in conjunction with other AEAs or agencies, the department, or some combination thereof, will implement activities designed to evaluate and improve its services, with a priority on improving special education.

b. Each AEA will conduct or cooperate in research activities designed to evaluate and improve instruction, with a priority on special education, when approved by the department or under conditions established by the department. The department's approval is not required only if the research is deemed necessary for a free appropriate public education under 281—Chapter 41 or 120 for a specific individual by a team required for that individual under either of those chapters.

72.4(5) *Other matters.* The department, in taking action under rule 281—72.11(273), may consider additional provisions of Iowa Code chapter 273.

281—72.5 to **72.9** Reserved.

281—72.10(273) Annual budget and annual progress report. Each AEA shall submit to the board an annual budget as required by Iowa Code section 273.3 and shall provide an annual progress report on the indicators of quality and the agencywide goals.

72.10(1) *Annual budget.* An annual budget will be submitted by an AEA accredited by the board or an AEA that has been given conditional accreditation by the board as described in Iowa Code section 273.3(12) and subrule 72.11(4) to the board for approval, on forms provided by the department, no later than March 15 preceding the next fiscal year. The board will review the proposed budget and shall, before April 1, either grant approval or return the budget without approval with comments of the board included. An unapproved budget shall be resubmitted to the board for final approval no later than April 15. In reviewing the budget, the board will give due weight to the public policy behind 2024 Iowa Acts, House File 2612, section 17, concerning administrative expenditures by AEAs.

72.10(2) *Annual progress report.* An AEA will annually submit a written progress report to its schools and school districts and the department and make the report available to the public. The report shall include the following information.

a. Agencywide goals. Progress toward the jointly developed three-year statewide strategic plan that supports goals adopted by the board pursuant to Iowa Code section 273.2(10).

b. Indicators of quality. Aggregated agencywide information, including baseline data and trends over time for the following indicators:

(1) Progress toward AEA statewide system strategic plan goals, including progress on the agency's action plan associated with each goal. Action plans shall include:

1. Progress on goals disaggregated for students with disabilities.
2. Internal professional development plans.
3. District needs assessments.

(2) Measures of special education compliance.

(3) Support for schools designated under the department's exercise of general supervision under 281—Chapter 41 and schools designated for targeted school improvement under the federal Elementary and Secondary Education Act, 20 U.S.C. Section 6311(d)(2).

(4) Breakdown of supports provided to school districts.

(5) Customer satisfaction with services based on levels of participation and customer satisfaction with the quality of AEA services.

281—72.11(273) Comprehensive site visit.

72.11(1) *On-site review.* An accreditation team will conduct at least one on-site review of the AEA's progress toward agencywide goals and determine whether services meet the standards in this chapter. Prior to an on-site review of an AEA, the accreditation team will have access to the AEA's annual progress report, annual budget, and any other information collected by the department relating to the AEA.

72.11(2) *Accreditation team.* The membership of the accreditation team will be determined by the director. Each team member will have appropriate competencies, background, and experiences to

enable the member to contribute to the evaluation visit. The team will include at least four members, including:

a. Department staff.

b. Representatives from various sizes of schools and school districts served by the AEA being evaluated.

c. AEA staff from other AEAs.

d. Others with expertise as deemed appropriate by the director.

72.11(3) *Accreditation team action.* After an on-site review of an AEA, the accreditation team will determine whether the requirements of this chapter have been met and make a report to the director identifying which standards and other accreditation requirements in this chapter an AEA has or has not met. The accreditation team will report strengths and weaknesses, if any, for each standard or requirement and advise the AEA of available resources and technical assistance to further enhance the strengths and improve areas of weakness. An AEA may respond to the accreditation team's report by providing to the board factual information concerning its services.

72.11(4) *Accreditation.* All AEAs are deemed accredited upon the date of implementation of these rules. Accreditation of an AEA by the board shall be based on the recommendation of the director after study of the factual and evaluative evidence on record about the standards and other requirements as described in this chapter and based upon the timely submission of information required by the department. If, at any time, the board determines that an AEA has not met all standards and other requirements, the board shall require the AEA to address the deficiencies.

a. Accreditation status. After completion of the comprehensive site visit under this rule, the board will grant continuation of accreditation if all standards and other requirements are met. If the board determines that an AEA has not met all standards and other requirements, the board will grant conditional accreditation to the agency.

b. Conditional accreditation. If the board grants conditional accreditation, the department shall notify in writing the administrator of the AEA and each member of the board of directors of the AEA within 15 days. The notice will contain a description of the accreditation deficiencies.

c. Remediation plan. Upon granting of conditional accreditation by the board, the director, in cooperation with the board of directors of the AEA, will establish a remediation plan. The remediation plan describes how the AEA will correct deficiencies to meet accreditation standards and establishes a timeline and deadline date for correction of the deficiencies. The remediation plan is subject to the approval of the board. The AEA remains conditionally accredited during the implementation of the remediation plan.

d. Implementation of remediation plan. At intervals prescribed in the remediation plan or at the request of the director, the accreditation team shall revisit the AEA, determine whether the deficiencies in the accreditation standards are being or have been corrected, and make a report and recommendation to the director and the board. The board shall review this report and recommendations and determine whether the deficiencies have been corrected.

e. Failure to correct deficiencies. If the deficiencies have not been corrected within the time stipulated in the remediation plan, the board shall remove accreditation of the agency. At the hearing before the board, the AEA may be represented by counsel and may present evidence. The board may provide for the hearing to be recorded or reported. If requested by the AEA at least ten days before the hearing, the board will provide for the hearing to be recorded or reported at the expense of the AEA. Within 30 days after the hearing, the board shall make a written decision approving or removing the accreditation. Action by the board at this time is final agency action for the purposes of Iowa Code chapter 17A. The department shall notify the administrator of the AEA, each member of the board of directors of the AEA, and the schools and school districts served by the AEA of the decision of the board.

f. Required response to removal of accreditation. After removal of accreditation of the agency, the AEA board of directors shall make provisions for the continuation of services to schools and school districts subject to approval by the board.

These rules are intended to implement Iowa Code chapter 273.

RA 26-387

FAIR BOARD[371]

Regulatory Analysis

Notice of Intended Action to be published: 371—Chapter 1
"General Rules"

Iowa Code section(s) or chapter(s) authorizing rulemaking: 173.14, 173.14A(7), and 173.17
State or federal law(s) implemented by the rulemaking: Iowa Code chapter 173

Public Hearing

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

December 1, 2026 11 to 11:30 a.m.	teams.microsoft.com/meet/284948346636326?p=3dtap1LeQ4hdthk7kH Meeting ID: 284 948 346 636 326 Passcode: so2iy3TJ

Public Comment

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

Jeremy Parsons
Iowa State Fair
P.O. Box 57130
Des Moines, Iowa 50317
Email: jparsons@iowastatefair.org

Purpose and Summary

This proposed chapter describes the organization and processes of the Fair Board for the public, including organization, operations, and records. The proposed chapter was reviewed as part of the Red Tape Review process laid out in Executive Order 10. As a result of this review, restrictive terms were removed, areas that were duplicative were combined or eliminated, and updates were made to processes and procedures to ensure they reflect current policies and procedures.

Analysis of Impact

1. **Persons affected by the proposed rulemaking:**

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

Contractors who are contracting with the Fair Board will be required to have liability insurance.

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

Iowans who participate in or attend the Fair will benefit from having clear, concise, and accurate rules. The Fair and the State of Iowa will have additional liability protections by having contractors maintain insurance.

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:**

This rulemaking will have little impact and little cost since contractors typically maintain liability insurance policies.

- **Qualitative description of impact:**

This rulemaking will have little impact and little cost since the changes are minimal.

3. **Costs to the State:**

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

No costs are expected.

- **Anticipated effect on State revenues:**

There is 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 will be an updated chapter revised in compliance with Executive Order 10 that will provide additional liability protections to the Fair and the State of Iowa.

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:**

There are no alternatives because this rulemaking is required by Executive Order 10.

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 expected impact on small business.

Text of Proposed Rulemaking

ITEM 1. Rescind 371—Chapter 1 and adopt the following **new** chapter in lieu thereof:

CHAPTER 1
GENERAL RULES

371—1.1(173) Functions. The directors and members of the Iowa state fair board shall be responsible for establishing the policies governing the annual state fair, the premium lists, the control of the state fairgrounds including its buildings and equipment, the concessions operated at the state fair, and all other aspects related to the state fair and the state fairgrounds.

371—1.2(173) Organization and operations.

1.2(1) *Location.* The board's office is located on the Iowa State Fairgrounds, 3000 East Grand Avenue, Des Moines, Iowa; telephone 515.262.3111; mailing address: Iowa State Fair Board, P.O. Box 57130, Des Moines, Iowa 50317-0003.

1.2(2) *The board.* The Iowa state fair board consists of 15 members. All officers are elected by the regular board membership. The 15 members consist of 12 members elected by authorized delegates as specified in Iowa Code section 173.1, the governor, the state agriculture secretary and the president of Iowa State University, or their designees.

1.2(3) *Secretary and treasurer.* A secretary and treasurer are appointed to implement and carry out policies of the board. The secretary, who also serves as CEO and fair manager, conducts the operations of the board as the board's policies may prescribe and as set forth by law.

1.2(4) *Meetings.* Board meetings will generally be held once a month; however, establishment and public notice of meeting dates and locations are the responsibility of the secretary, unless the majority of the members of the fair board eligible to vote request a meeting.

a. Agenda. The tentative agenda is prepared by the secretary in advance of the board meeting and will be communicated to board members in advance of the meeting date. A copy of the agenda will be mailed to those members of the public who request it and prominently posted at the fair office 24 hours before the meeting. Members of the public wishing to be scheduled on the board's agenda should notify the secretary ten days in advance of the meeting and provide written materials explaining their reasons for wishing to address the board. Final decisions on the content and length of agenda items shall be the secretary's.

b. General conduct of meetings.

(1) The president, or vice president in the absence of the president, presides at all board meetings. Only individuals recognized by the presiding officer may address the board; in general, Robert's Rules of Order will govern the meeting unless otherwise stated in this chapter or by special action of the board.

(2) In all discussions before the board, members of the public shall address any questions for the board to the president. Individual questioning of board members will not be allowed without the explicit consent of the president and the board member in question.

c. Voting. The board consists of 12 elected members and 3 members consisting of the governor, the state agriculture secretary and the president of Iowa State University who vote on issues. Seven members eligible to vote shall constitute a quorum. A majority of the board members is sufficient to carry an action.

d. Public participation. All meetings are open to the public in accordance with the open meetings law, except that portions of a meeting may be closed in accordance with the open meetings law. A 15-minute public forum will be scheduled on each agenda of regular monthly meetings to allow the public an opportunity to address the board on any issue that may have arisen after the agenda was posted.

1.2(5) *Minutes.* The minutes of all board meetings are recorded and kept by the secretary in the board's offices.

371—1.3(173) Rules.

1.3(1) *Explanation of rules.* The administrative rules of the Iowa state fair board are those of general applicability to the public and do not contain specific rules governing competitions, competitors, exhibitors, entertainers or others involved in the programming of the Iowa state fair. Other than general rules for competition, all specific rules for competition and other forms of fair programming will be adopted yearly by the Iowa state fair board and published and made available in the Iowa state fair premium lists by June 1.

a. Comment on specific rules. Any person wishing to comment on the specific rules of competition and fair programming may do so in writing by submitting comments to the offices of the board for review.

b. *Conflict of rules.* In the event of conflict between general and specific rules, the latter will take precedence.

1.3(2) *Rule application.* The administrative rules of the fair board will apply only to the yearly fair-time operations except where year-round applicability is so stated.

1.3(3) *Appeal procedures.* All protests, challenges to disciplinary action or complaints shall be heard initially by the Iowa state fair board's competition committee according to procedures set out in the fair's annual premium book. An exhibitor may appeal the decision of the competition committee to the fair board. An exhibitor appealing a disqualification or recommended disciplinary action may request an evidentiary hearing conducted pursuant to Iowa Code chapter 17A. If the exhibitor requests that the appeal be heard as an evidentiary hearing, the fair board may retain an administrative law judge from the department of inspections, appeals, and licensing to conduct the evidentiary hearing and to render a proposed decision. The fair board may affirm, reverse or modify the proposed decision.

371—1.4(173) Admissions. All admissions to the annual fair and designated shows shall be determined by the fair board and advertised or posted, and anyone entering the fair or the shows being charged for must pay the admission fee or present the proper credentials.

1.4(1) *Return admissions.*

a. Persons wishing to leave the fair and return the same day may do so by having one of their hands stamped at the gate.

b. Campers will be required to pay the regular admission to the fair when entering the fairgrounds proper from the campgrounds.

c. Refunds for fair admissions. Requests for refunds for admissions to the fair shall be reviewed by the secretary of the fair to determine if a refund is justified per board policy.

1.4(2) *Show admission.* The Iowa state fair board will contract, produce and stage shows and events within the fair that are suitable to the tastes of the Iowa public, and the fair board shall determine which shows necessitate additional admission charges to the public.

a. *Fair board admissions.* Each fair board member will be allowed two admissions to each show where there is an admission charge to witness the quality of the show.

b. *Refund for shows.* If a show is not held, refunds will be made according to procedures established by the secretary of the fair.

371—1.5(173) Returned checks. In accordance with fair board policy, a fee of $20 will be charged to anyone whose issued document is not honored by the issuing institution, and the issuer could be liable for up to three times the amount of the document with a maximum charge of $500 in accordance with Iowa Code section 554.3513.

371—1.6(173) Records. The Iowa state fair board will retain its records in accordance with the standards of the records management manual of the Iowa state records commission.

371—1.7(173) Liability insurance. All concessionaires, commercial exhibitors and contract holders who utilize the fairgrounds during the interim shall carry liability insurance and shall name the state of Iowa; the Iowa state fair authority; and their officers, employees and agents as additional insured and shall furnish a certificate of such insurance to the authority.

371—1.8(173) Hiring. A person who has served as a member of the Iowa state fair board shall not, within a period of two years after termination of membership on the board, accept employment with the Iowa state fair.

These rules are intended to implement Iowa Code sections 173.14 and 173.15.

RA 26-388

FAIR BOARD[371]

Regulatory Analysis

Notice of Intended Action to be published: 371—Chapter 2
"Traffic, Parking and Public Safety"

Iowa Code section(s) or chapter(s) authorizing rulemaking: 173.14, 173.14A(7), and 173.17
State or federal law(s) implemented by the rulemaking: Iowa Code chapter 173

Public Hearing

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

December 1, 2026 11 to 11:30 a.m.	teams.microsoft.com/meet/284948346636326?p=3dtap1LeQ4hdthk7kH Meeting ID: 284 948 346 636 326 Passcode: so2iy3TJ

Public Comment

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

Jeremy Parsons
Iowa State Fair
P.O. Box 57130
Des Moines, Iowa 50317
Email: jparsons@iowastatefair.org

Purpose and Summary

This proposed chapter describes the rules established for the regulation and control of traffic, parking and safety on the Iowa State Fairgrounds. The proposed chapter was reviewed as part of the Red Tape Review process laid out in Executive Order 10. As a result of this review, restrictive terms were removed, areas that were duplicative were combined or eliminated, and updates were made to processes and procedures to ensure they reflect current policies and procedures.

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 this proposed rulemaking.

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

Persons who participate in or attend the Fair will benefit from having clear, concise, and accurate rules that comply with the Iowa Code.

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:**

This rulemaking will have little impact and no cost since the changes are minimal.

- **Qualitative description of impact:**

This rulemaking will have little impact and no cost since the changes are minimal.

3. **Costs to the State:**

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

No costs are expected.

- **Anticipated effect on State revenues:**

There is 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 will be an updated chapter revised in compliance with Executive Order 10 and the current Iowa Code.

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:**

There are no alternatives because this revision is required by Executive Order 10.

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 expected impact on small business.

Text of Proposed Rulemaking

ITEM 1. Rescind 371—Chapter 2 and adopt the following **new** chapter in lieu thereof:

CHAPTER 2
TRAFFIC, PARKING AND PUBLIC SAFETY

371—2.1(173) Purpose. The purpose of these rules is to provide for the regulation and control of traffic, parking and safety on the Iowa state fairgrounds.

371—2.2(173) Definitions. For the purpose of these rules, the following definitions shall apply:

"Board" as used in rules of the fair board means "Iowa state fair board."

"Fairgrounds" as used in rules of the fair board means "Iowa state fairgrounds."

"Secretary" as used in rules of the fair board means the secretary/manager of the Iowa state fair board or persons employed or designated by the board to perform any function or duty of the secretary.

371—2.3(173) General traffic.

2.3(1) *Traffic violations.* These rules shall not apply to moving traffic violations on the fairgrounds. Such violations will be charged and prosecuted as violations of Iowa Code chapter 321.

2.3(2) *Speed limits.* The secretary shall authorize the erection of speed limit signs on the fairgrounds designating maximum speed limits as deemed necessary and appropriate. Unless otherwise posted, year-round speed limit will be 20 miles per hour.

2.3(3) *Traffic restrictions.* Vehicles may be restricted or prohibited year-round on any street or area of the fairgrounds when, in the opinion of the secretary, it will facilitate the handling of traffic.

2.3(4) *Traffic signs.* The secretary shall authorize the erection of traffic control signs, gates, barricades and devices deemed necessary and appropriate on the fairgrounds.

371—2.4(173) Parking control.

2.4(1) *Authorized parking.* The secretary shall authorize that certain areas be set aside and designated as parking facilities for vehicles on the fairgrounds.

2.4(2) *Reserved parking.* The secretary may reserve any part of established parking facilities for the use of visitors, employees, participants or contractors of the board.

2.4(3) *Restricted parking.* The secretary may restrict parking in areas as deemed necessary for loading zones, for service areas or to facilitate traffic. No parking will be permitted in these restricted areas, except as authorized.

2.4(4) *Parking signs.* The secretary shall authorize the erection of signs, gates and devices clearly marking reserved and restricted parking areas.

2.4(5) *Impoundment.* The secretary has the authority to order any vehicle parked on the fairgrounds in violation of these rules to be either impounded or removed, or both. A reasonable fee may be charged for the cost of impoundment and storage. This fee must be paid prior to the release of the vehicle.

371—2.5(173) Public safety—weapons. The carrying or possession by any person other than a person described in Iowa Code section 724.2 of any weapon, such as a dirk, dagger, hunting knife, buck knife, switch blade, or any knife with a blade of three inches in length or longer; pistol; revolver; rifle; shotgun; pellet or BB gun; blackjack; billy club; or any other weapon is prohibited on the fairgrounds unless authorized by the board. Failure to comply with this rule shall be cause for expulsion from the fairgrounds or being charged under Iowa Code chapter 724. Kitchen knives and others purchased at the fair must be wrapped and not concealed.

371—2.6(173) Alcoholic beverages. Alcoholic beverages may be consumed only in areas and during hours designated by or as authorized in writing by the board.

These rules are intended to implement Iowa Code sections 173.14 and 173.15.

RA 26-389

FAIR BOARD[371]

Regulatory Analysis

Notice of Intended Action to be published: 371—Chapter 3
"Campgrounds"

Iowa Code section(s) or chapter(s) authorizing rulemaking: 173.14, 173.14A(7), and 173.17
State or federal law(s) implemented by the rulemaking: Iowa Code chapter 173

Public Hearing

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

December 1, 2026 11 to 11:30 a.m.	teams.microsoft.com/meet/284948346636326?p=3dtap1LeQ4hdthk7kH Meeting ID: 284 948 346 636 326 Passcode: so2iy3TJ

Public Comment

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

Jeremy Parsons
Iowa State Fair
P.O. Box 57130
Des Moines, Iowa 50317
Email: jparsons@iowastatefair.org

Purpose and Summary

This proposed chapter describes the rules established for the regulation of the campgrounds at the Iowa State Fairgrounds. The proposed chapter was reviewed as part of the Red Tape Review process laid out in Executive Order 10. As a result of this review, restrictive terms were removed, areas that were duplicative were combined or eliminated, and updates were made to processes and procedures to ensure they reflect current policies and procedures.

Analysis of Impact

1. **Persons affected by the proposed rulemaking:**

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

Individuals who utilize the campgrounds will pay the fees necessary for the Fair Board to provide a safe and functioning facility.

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

Iowans who camp at the Iowa State Fairgrounds will benefit from having clear, concise, and accurate rules. Individuals using the Fairgrounds will also experience a cleaner, safer, and better-functioning environment.

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:**

A small fee will have to be paid by any person using the campgrounds.

- **Qualitative description of impact:**

This rulemaking will have a minor effect on people's access to the campgrounds because there will be a cost associated with camping.

3. **Costs to the State:**

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

No costs are expected.

- **Anticipated effect on State revenues:**

There is 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 will be an updated chapter revised in compliance with Executive Order 10 and clearer guidelines for Iowans who enjoy the campgrounds at the Fair. The fee will also ensure that the Fair's campgrounds are safe and fully functioning.

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:**

There are no alternatives because this revision is required by Executive Order 10.

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 expected impact on small business.

Text of Proposed Rulemaking

ITEM 1. Rescind 371—Chapter 3 and adopt the following **new** chapter in lieu thereof:

CHAPTER 3
CAMPGROUNDS

371—3.1(173) Camping facilities available. Camping facilities will be available to the public in the campgrounds area of the fairgrounds or as designated.

3.1(1) Camping overnight is permitted only in designated areas.

3.1(2) The campgrounds are available for camping during the annual fair and for interim camping; exact dates will be determined by the fair board.

371—3.2(173) Registration. Camping fees will be set and published annually by the Iowa state fair board.

3.2(1) There will be no refunds of money paid for campsites.

3.2(2) The reselling or subletting of a campsite is prohibited.

371—3.3(173) Parking and traffic. The secretary shall employ those persons necessary to direct all traffic and parking in the campground.

3.3(1) All parking must be in designated campsite areas or in a designated area.

3.3(2) Drainage water or sewage shall not be disposed of on the surface of the grounds.

3.3(3) Excessive noise that disturbs other campers shall not be allowed in the campground.

371—3.4(173) Violation of rules. Violation of any rules may be grounds for revocation of all campground permits and immediate expulsion from the grounds for the remainder of the fair or indefinitely without refunds.

These rules are intended to implement Iowa Code section 173.14.

RA 26-390

FAIR BOARD[371]

Regulatory Analysis

Notice of Intended Action to be published: 371—Chapter 4
"Space Sales"

Iowa Code section(s) or chapter(s) authorizing rulemaking: 173.14, 173.14A(7), and 173.17
State or federal law(s) implemented by the rulemaking: Iowa Code chapter 173

Public Hearing

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

December 1, 2026 11 to 11:30 a.m.	teams.microsoft.com/meet/284948346636326?p=3dtap1LeQ4hdthk7kH Meeting ID: 284 948 346 636 326 Passcode: so2iy3TJ

Public Comment

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

Jeremy Parsons
Iowa State Fair
P.O. Box 57130
Des Moines, Iowa 50317
Email: jparsons@iowastatefair.org

Purpose and Summary

This proposed chapter outlines the rules and regulations governing space sales at the Iowa State Fair. The proposed chapter was reviewed as part of the Red Tape Review process laid out in 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.

Analysis of Impact

1. **Persons affected by the proposed rulemaking:**

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

Concessionaires, vendors, or both who are contracting with the Fair Board will be required to have liability insurance and pay rental fees.

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

Concessionaires, vendors, or both who participate in the Fair will benefit from having clear, concise, and accurate rules. Iowans who attend the Fair will benefit from a well-organized and safe program of exhibits and concessions.

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:**

While this rulemaking contemplates rental fees and insurance, those fees are necessary for the Board to ensure that safety and reputable standards for vendors/concessionaires are maintained.

- **Qualitative description of impact:**

While this rulemaking contemplates rental fees and insurance, those fees are necessary for the Board to ensure that safety and reputable standards for vendors/concessionaires are maintained.

3. **Costs to the State:**

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

No costs are expected.

- **Anticipated effect on State revenues:**

There is 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 will be an updated chapter revised in compliance with Executive Order 10. Additionally, the required insurance will protect the Fair and the State of Iowa from liability exposure, while the fees ensure the safety and reputable standards of the vendors/concessionaires and improve the fairgoer's experience.

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:**

There are no alternatives because this revision is required by Executive Order 10.

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 expected impact on small business.

Text of Proposed Rulemaking

ITEM 1. Rescind 371—Chapter 4 and adopt the following **new** chapter in lieu thereof:

CHAPTER 4
SPACE SALES

371—4.1(173) Right to sell privileges. The fair board reserves the right to grant all privileges to sell and advertise commodities on the fairgrounds.

4.1(1) *Unauthorized sales and advertising.* No one may sell or advertise merchandise, food or services or post advertising bills, signs or cards or distribute similar materials or in any way solicit on the Iowa state fairgrounds at any time without the express written permission of the Iowa state fair board or its authorized agent.

4.1(2) *Privilege license agreements.* The Iowa state fair board shall issue license agreements for the purpose of granting sales and advertising privileges as it deems warranted and proper.

4.1(3) *Application for privilege.* Any person interested may apply for sales or advertising privileges by contacting the fair board offices and completing the forms provided.

371—4.2(173) Limited to license agreement privileges. The licensee will conduct the privileges granted by the license agreement according to the laws and rules of the state of Iowa, and without infringement upon the rights or privileges of others, and will not handle, advertise or sell any commodity or transact any business whatsoever, except that which has been expressly stipulated and licensed for, and will confine transactions to the space and privilege provided in that license agreement.

371—4.3(173) License agreement renewal. Space license agreements are for the period specified, and the fair board reserves the right to refuse renewal.

371—4.4(173) Reassignment of license agreements. No license agreement or privilege granted by the fair board may be assigned or otherwise disposed of without the written consent of the fair board.

371—4.5(173) Extortion. A violation of Iowa Code section 711.4 will cause the forfeiture of license agreements, money paid and expulsion from the grounds, as the board may elect.

371—4.6(173) Board approval of space used. The licensee will not conduct or permit to be conducted on the space that the licensee has leased any stand, show, amusement or exhibition of any character that does not meet with the approval of the fair board.

371—4.7(173) Rental fee. The licensee will pay a rental fee in the amount determined by the fair board and stipulated in the license agreement with the board when the license agreement is executed. Any payment made as a deposit or full payment for space shall be refundable until June 1 of the given year. After that time, no refunds shall be made.

371—4.8(173) Liens. The Iowa state fair shall have a lien upon all property being kept, used or situated upon the fairgrounds whether the property be exempt or not, for the rent or privilege money to be paid under a space license agreement and for any damages sustained for any breach thereof. The Iowa state fair board shall have the right to attach the same without process of law, and appropriate such property to the use of the Iowa state fair to satisfy its claims against the licensee as per licensee agreement.

371—4.9(173) Insurance. Licensees must have a general liability insurance policy in the minimum amount of $1 million. “The state of Iowa, Iowa state fair authority, their officers, employees and agents” must be included on the certificate of insurance as additional insured that shall be provided to the fair board before the licensee can set up for operation on the fairgrounds.

371—4.10(173) Building on space. Licensees will be permitted to build on space assigned to them. Any part of an exhibit or concession showing to public must be finished.

371—4.11(173) Approval of board. All buildings, tents or enclosures put up by the licensee must be approved by the fair board.

371—4.12(173) Painting and alterations removed. Painting, alterations or attachment to any structure owned by the fair will be prohibited unless authorized in writing by the fair board.

371—4.13(173) Removal of structures. All structures, footings or foundations above or below ground level must be removed at the expense of the licensee, unless other arrangements have been made through the Iowa state fair board.

371—4.14(173) Access. Any representative of the fair board shall have access to concessions or exhibits at all times.

371—4.15(173) Dismantling. Exhibits or concessions will be dismantled or removed from the space at the time stated in the license agreement. If a commercial exhibitor dismantles any or all of its exhibit prior to the time designated in its license agreement and wishes to exhibit the following year, the fair board shall require that the commercial exhibitor pay an amount that is double the amount paid for the previous year for the same space or an equal amount of space.

371—4.16(173) Quitting premises. At the expiration of license agreements, licensees shall surrender possession of the premises to the Iowa state fair board without further notice to quit. Premises shall be in good repair as when possession was given, with the exception of unavoidable wear or damage.

371—4.17(173) Removal of structures. Any structure erected on the fairgrounds must be removed from the grounds immediately after the fair unless authorized in writing by the Iowa state fair board as per the license agreement.

371—4.18(173) Permanent or semipermanent structures. Any permanent structure or semipermanent structure erected on the fairgrounds must have written consent of the fair board, and a charge will be made to keep the area neat and clean between fairs.

371—4.19(173) Electric light and power. All wiring must be safe and not create a safety, fire, tripping or mobility obstructive hazard. The chief electrician must approve all wiring in accordance with the National Electrical Code (2026). Electrical service charges will be set by the Iowa state fair board and stated in the license agreement.

371—4.20(173) Use of sound. No band, orchestra, musicians, loudspeaker, amplifier, radio or other sound device can be used unless the sound or amplification is confined to the area occupied by the licensee or otherwise approved by the fair board.

371—4.21(173) Decorating material. All material used in decorating canvas tops and sidewalls must comply with the rules of the state building code or fire marshal.

371—4.22(173) Deliveries. All concessions and industrial exhibit deliveries must be made during the time set and utilizing credentials authorized by the Iowa state fair board.

371—4.23(173) Discrimination. Licensees shall not discriminate because of race, creed, color, national origin, religion, age, mental or physical disability, sexual orientation, or gender identity and must further agree that their license agreement shall be terminated by the state fair board if a violation is found.

371—4.24(173) Violation of license agreement. Any violation of any of the fair board's administrative rules or the terms and agreements of a space sales license agreement shall, at the election of the fair board, cause the whole amount of the license agreement to become due and be cause for revocation and forfeiture of all rights and privileges granted to the licensee, and in the event of a breach or rule violation by the licensee, any and all sums paid or due to be paid under the licensee

agreement to the fair board shall be and become the property of the fair as liquidated damages for the breach or rule violation.

SPECIFIC RULES FOR CONCESSIONS

371—4.25(173) Needs of the people. The board shall authorize only the letting of concessions as are required to meet the necessary wants of those attending the grounds.

4.25(1) *Clean stands.* The concessionaire shall conduct business in a quiet and orderly manner; keep the area neat and clean; deposit all rubbish, garbage, tin cans, and paper in the receptacles placed or constructed adjacent to the concession plot for this purpose; and keep the ground in front and in the rear of the concession free from all rubbish.

4.25(2) *Quality standards and products.* All dining halls, lunch booths and refreshment stands must be substantial in structure and neat in appearance. All structures and food must meet standards of the city, county and state health boards, as provided in Iowa Code chapter 137.

4.25(3) *Posted prices.* The concessionaire shall post in a conspicuous manner at the front or entrance of the place of business a sign showing the price of meals, lunches, drinks and all other articles of food and drinks to be sold. The size of the sign or bill of fare and place of posting must be approved by the fair board. The concessionaire shall not increase or reduce the established and posted price of any item of merchandise or meal sold without the consent of the fair board.

4.25(4) *No bottles or cans.* Drinks must be sold or served in soft containers.

4.25(5) *Fire extinguishers.* All concessions having cooking or heating devices must have a fire extinguisher in their kitchen.

4.25(6) *Restriction on employees.* No officer or employee in any department of the fair shall have any interest in or connection with any concession operated at the fair.

4.25(7) *Space rate.* The concessionaire shall pay a space rate in the amount and manner determined by the fair board.

These rules are intended to implement Iowa Code section 173.14.

RA 26-391

FAIR BOARD[371]

Regulatory Analysis

Notice of Intended Action to be published: 371—Chapter 5
"Youth Housing and Dining Hall"

Iowa Code section(s) or chapter(s) authorizing rulemaking: 173.14, 173.14A(7), and 173.17
State or federal law(s) implemented by the rulemaking: Iowa Code chapter 173

Public Hearing

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

December 1, 2026 11 to 11:30 a.m.	teams.microsoft.com/meet/284948346636326?p=3dtap1LeQ4hdthk7kH Meeting ID: 284 948 346 636 326 Passcode: so2iy3TJ

Public Comment

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

Jeremy Parsons
Iowa State Fair
P.O. Box 57130
Des Moines, Iowa 50317
Email: jparsons@iowastatefair.org

Purpose and Summary

This proposed chapter outlines the rules and regulations governing the Youth Inn at the Iowa State Fair. The proposed chapter was reviewed as part of the Red Tape Review process laid out in Executive Order 10. As a result of this review, restrictive terms were removed, areas that were duplicative were combined or eliminated, and updates were made to processes and procedures to ensure that they reflect current policies and procedures.

Analysis of Impact

1. **Persons affected by the proposed rulemaking:**

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

4-H and FFA exhibitors staying overnight in Youth Inn will be responsible for paying a nominal fee to ensure a safe and functioning lodging arrangement.

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

4-H and FFA exhibitors staying overnight in Youth Inn will benefit from having clear, concise, and accurate rules. The exhibitors will also experience a safer and better-functioning lodging arrangement.

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:**

This rulemaking will assess a nominal cost to individuals staying at the Youth Inn.

- **Qualitative description of impact:**

This rulemaking may slightly reduce the number of individuals seeking to stay at the Youth Inn because of the nominal fee.

3. **Costs to the State:**

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

No costs are expected.

- **Anticipated effect on State revenues:**

There is 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 benefits will be an updated chapter revised in compliance with Executive Order 10 and helping keep the Youth Inn a safe and functioning lodging arrangement.

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:**

There are no alternatives because this revision is required by Executive Order 10.

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 expected impact on small business.

Text of Proposed Rulemaking

ITEM 1. Rescind 371—Chapter 5 and adopt the following **new** chapter in lieu thereof:

CHAPTER 5
YOUTH HOUSING AND DINING HALL

371—5.1(173) Housing.

5.1(1) Youth inn privileges will be available to those 4-H and FFA members and other youth participants, leaders, staff and other fair personnel who will abide by the rules and will cooperate with the state fair management and youth inn supervisors.

5.1(2) 4-H and FFA exhibitors staying overnight on the fairgrounds are to sleep in the youth inns unless the exhibitors are staying with parents. Chaperones accompanying youth staying at youth inns must sleep in the dorm area assigned to this group. Exhibitors violating this rule will forfeit all rights to show and any premium money previously won. A fee on a per-night basis will be charged for each person.

This rule is intended to implement Iowa Code sections 173.14 and 173.15.

RA 26-392

FAIR BOARD[371]

Regulatory Analysis

Notice of Intended Action to be published: 371—Chapter 6
"Competitive Exhibits and Competitions General Rules"

Iowa Code section(s) or chapter(s) authorizing rulemaking: 173.14, 173.14A(7), and 173.17
State or federal law(s) implemented by the rulemaking: Iowa Code chapter 173

Public Hearing

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

December 1, 2026 11 to 11:30 a.m.	Microsoft Teams meeting teams.microsoft.com/meet/284948346636326?p=3dtap1LeQ4hdthk7kH Meeting ID: 284 948 346 636 326 Passcode: so2iy3TJ

Public Comment

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

Jeremy Parsons
Iowa State Fair
P.O. Box 57130
Des Moines, Iowa 50317
Email: jparsons@iowastatefair.org

Purpose and Summary

This proposed chapter outlines the rules and regulations governing competitive exhibits and competitions at the Iowa State Fair. This proposed chapter was reviewed as part of the Red Tape Review process laid out in 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.

Analysis of Impact

1. **Persons affected by the proposed rulemaking:**

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

Competitive exhibitors who participate in the Iowa State Fair will be required to pay nominal entry fees and pen and stall rental fees.

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

Competitive exhibitors who participate in the Iowa State Fair will benefit from having clear, concise, and accurate rules. Iowans who attend the Iowa State Fair will benefit from a well-organized and safe program of exhibits.

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:**

While this proposed rulemaking contemplates nominal entry fees and other costs for the exhibitor, those fees are necessary for the Board to ensure a safe, competitive, and collegial environment for exhibition.

- **Qualitative description of impact:**

While this proposed rulemaking contemplates nominal entry fees and other costs for the exhibitor, those fees are necessary for the Board to ensure a safe, competitive, and collegial environment for exhibition.

3. **Costs to the State:**

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

No costs are expected.

- **Anticipated effect on State revenues:**

There is 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 will be an updated chapter revised in compliance with Executive Order 10 and clear, concise rules to assist exhibitors in making their entries to the Iowa State Fair. The entry fees will help ensure the exhibits are thoughtfully submitted and improve the environment for the exhibition.

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:**

There are no alternatives because this revision is required by Executive Order 10.

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 expected impact on small business.

Text of Proposed Rulemaking

ITEM 1. Rescind 371—Chapter 6 and adopt the following **new** chapter in lieu thereof:

CHAPTER 6
COMPETITIVE EXHIBITS AND COMPETITIONS
GENERAL RULES

371—6.1(173) Composition of exhibits.

6.1(1) The fair board shall sponsor, organize, produce and stage competitive exhibits and competitions that it deems are educational, enjoyable or possess social redeeming value for the participants and spectators. The composition of all competitive exhibits and competitions shall be determined by the fair board annually.

6.1(2) All competitive exhibits and competitions shall be coordinated by a superintendent appointed by the fair board. The superintendent's duties shall consist of assisting with the preparation and execution of rules and regulations of the competition with the approval of the secretary of the fair.

371—6.2(173) Filing date. All entries must be filed with the secretary on the date determined by the fair board and printed in the premium book.

371—6.3(173) Fees. All entry fees and stall and pen rent shall be as determined by the fair board and printed in the premium book. The management shall return any entries received beyond the capacity of the facilities offered.

371—6.4(173) Placement and release of exhibits. Time of placement and release of exhibits will be as determined by the fair board and printed in the premium book.

371—6.5(173) Time of judging. The time of judging in all departments shall be as determined by the fair board and printed in the premium book.

371—6.6(173) Entries. Entries into competitive exhibits or competitions may be made online at www.iowastatefair.org or on printed forms, which may be obtained free at www.iowastatefair.org or by writing the Entry Department, Iowa State Fair, P.O. Box 57130, Des Moines, Iowa 50317.

371—6.7(173) Fraud and misrepresentation. Should any individual enter an animal or article in a name other than that of a bona fide owner or attempt to perpetrate a fraud by misrepresenting any fact, the entry shall not be allowed to compete for or receive any premium.

371—6.8(173) Erroneous entries. An exhibit that has been erroneously entered may, at the discretion of the secretary, superintendent or authorized person of the department, be transferred to the exhibit's proper class previous to the judging. If that class has been judged, it shall not be rejudged.

371—6.9(173) Transportation charges. The fair board will not assume or pay the transportation charges on articles sent for exhibition or assume or pay any expense in their delivery to the grounds.

371—6.10(173) Exhibit safety. The fair board will use diligence in caring for the safety of livestock or articles after their arrival but will not be responsible for any loss or damage that may occur.

371—6.11(173) Early removal of exhibits. Gatekeepers and police are instructed to restrict any person from leaving the grounds with stock or other articles that have been on exhibition, before the hour of release, without written permission of the superintendent of the department.

371—6.12(173) Protests. All protests must be made in writing and accompanied by a deposit as set by the fair board and published in the premium book of the current year, which will be forfeited if the protest is not sustained. No protest based upon the statement that a judge is incompetent will be considered.

371—6.13(173) Judges. Competitors may not, in any way, whether in person or by agent, interfere with the judges while judging. Any disrespect shown judges will be cause for an apology and will expel the exhibitor from further competition, and no premiums will be paid to the exhibitor.

371—6.14(173) Premiums. Premiums paid will be as determined by the fair board and printed in the premium book.

371—6.15(173) Entries by creator. Articles that are the result of mechanical or artistic skill must be entered by the artist, inventor, manufacturer or authorized agent.

371—6.16(173) Substitution of animals. Substitution of animals entered for reasons satisfactory to the management of the fair will be permitted prior to the time set out in the premium book, provided that the animal meets all the applicable regulations.

371—6.17(173) Health requirements. All animals presented for exhibition shall be subjected to examination before exhibition and to daily inspection during the Iowa state fair. The office of the veterinary department, at which place official health certifications must be presented and approved for all livestock exhibited, is located south of the cattle barn. Please read official health requirements under each livestock department. All buildings, stalls, and pens at the Iowa state fairgrounds will be disinfected prior to opening of the Iowa state fair.

371—6.18(173) Health rules. Rules governing the health of all animals shown at the Iowa state fair will be as determined by the Iowa department of agriculture, division of animal industry, and published in the premium book.

371—6.19(173) Clean stalls. Livestock exhibitors must keep the space in the rear of their stalls and pens and all alleyways clear and clean. All litter must be deposited in areas designated by the superintendent and assistants.

371—6.20(173) Rent refund. No refunds of any kind will be made unless cancellation is made before July 20.

These rules are intended to implement Iowa Code section 173.14.

RA 26-393

FAIR BOARD[371]

Regulatory Analysis

Notice of Intended Action to be published: 371—Chapter 7
"Interim Events"

Iowa Code section(s) or chapter(s) authorizing rulemaking: 173.14, 173.14A(7), and 173.17
State or federal law(s) implemented by the rulemaking: Iowa Code chapter 173

Public Hearing

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

December 1, 2026 11 to 11:30 a.m.	Microsoft Teams meeting teams.microsoft.com/meet/284948346636326?p=3dtap1LeQ4hdthk7kH Meeting ID: 284 948 346 636 326 Passcode: so2iy3TJ

Public Comment

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

Jeremy Parsons
Iowa State Fair
P.O. Box 57130
Des Moines, Iowa 50317
Email: jparsons@iowastatefair.org

Purpose and Summary

This proposed chapter outlines the rules and regulations governing interim events held on the Iowa State Fairgrounds. This proposed chapter was reviewed as part of the Red Tape Review process laid out in 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.

Analysis of Impact

1. **Persons affected by the proposed rulemaking:**

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

Individuals or groups who are contracting with the Board to host events on the Iowa State Fairgrounds during the non-Iowa State Fair (or interim period) will be required to have liability insurance and pay rental fees.

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

Those contracting with the Board to host events on the Iowa State Fairgrounds during the non-Iowa State Fair (or interim period) will benefit from having clear, concise, and accurate rules. Iowans who attend these interim events will benefit from a well-organized and safe experience.

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:**

While this proposed rulemaking contemplates rental fees and insurance, those fees are necessary for the Board to ensure a safe and functioning facility.

- **Qualitative description of impact:**

While this proposed rulemaking contemplates rental fees and insurance, those fees are necessary for the Board to ensure a safe and functioning facility.

3. **Costs to the State:**

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

No costs are expected.

- **Anticipated effect on State revenues:**

There is 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 will be an updated chapter revised in compliance with Executive Order 10 and will provide additional liability protections to the Iowa State Fair and the State.

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:**

There are no alternatives because this review is required by Executive Order 10.

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 expected impact on small business.

Text of Proposed Rulemaking

ITEM 1. Rescind 371—Chapter 7 and adopt the following **new** chapter in lieu thereof:

CHAPTER 7
INTERIM EVENTS

371—7.1(173) Interim events. Interim events are events held on the Iowa state fairgrounds at times other than the Iowa state fair.

371—7.2(173) Policy, insurance, concessions and security.

7.2(1) *Policy.* According to Iowa Code section 173.14(7), the fair board has the authority to grant written permission to individuals and organizations to use the Iowa state fairgrounds and its facilities when the Iowa state fair is not in progress.

a. Preference in scheduling shall be given to promoters who have previously sponsored the same interim events.

b. All license agreements shall be based on scheduled rates and published lists of buildings, equipment, and services available. Scheduled rates will be approved by the fair board. If any rate change needs to be made during the year because of emergency, the change will be made at an open regular meeting with this item on a published agenda.

c. Secretary may grant variances from listed policies and charges subject to fair board review.

d. A 1.5 percent per month penalty charge on unpaid bills will commence 30 days after original billing. (This amounts to an annual percentage rate of 18 percent.)

e. Terms of license agreements regarding the use of facilities shall be negotiated based upon event requirements, services rendered, and availability.

f. A building deposit is required to secure an event date.

g. No event shall run past midnight without written consent of the fair board.

h. Decorating guidelines are available with the license agreement or upon request.

i. The Iowa state fair reserves the right to cancel the license agreement when the facility is required pursuant to declaration of public necessity, emergency use, an act of God or a legislative action resulting in dissolution of the Iowa state fair. A refund will be made for the deposit.

j. Licensee is responsible for all damages.

k. Licensee will not sell or assign the license agreement or sublet premises outlined in the agreement without written consent of the fair board.

7.2(2) *Insurance requirements.*

a. All persons as defined by Iowa Code section 4.1(20) must provide liability insurance jointly protecting the licensee; the state of Iowa; the Iowa state fair authority; and the Iowa state fair authority's officers, employees and agents.

b. The coverage shall provide liability insurance in the minimum of $1 million bodily injury for any person and $1 million for each occurrence, including spectator protection.

c. Evidence of this insurance must be presented to the Iowa state fair staff in time for review and approval 14 days prior to use of any Iowa state fairgrounds facility by the licensee.

7.2(3) *Concessions.*

a. The Iowa state fair reserves all concession rights.

b. Concessions shall be subject to the rules contained in 371—Chapter 4.

7.2(4) *Security.*

a. Security and other services are available at a rate set by the Iowa state fair.

b. It is the responsibility of the Iowa state fair board to determine when these services are needed and will be used.

These rules are intended to implement Iowa Code section 173.15.

RA 26-394

FAIR BOARD[371]

Regulatory Analysis

Notice of Intended Action to be published: 371—Chapter 8
"Admittance and Use of Fairgrounds"

Iowa Code section(s) or chapter(s) authorizing rulemaking: 173.14, 173.14A(7), and 173.17
State or federal law(s) implemented by the rulemaking: Iowa Code chapter 173

Public Hearing

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

December 1, 2026 11 to 11:30 a.m.	Microsoft Teams meeting teams.microsoft.com/meet/284948346636326?p=3dtap1LeQ4hdthk7kH Meeting ID: 284 948 346 636 326 Passcode: so2iy3TJ

Public Comment

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

Jeremy Parsons
Iowa State Fair
P.O. Box 57130
Des Moines, Iowa 50317
Email: jparsons@iowastatefair.org

Purpose and Summary

This proposed chapter describes the rules established for admittance and use of the Iowa State Fairgrounds. This proposed chapter was reviewed as part of the Red Tape Review process laid out in 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.

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 this proposed rulemaking.

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

Iowans who attend the Iowa State Fair will benefit from having clear, concise, and accurate rules that comply with the Iowa Code.

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:**

This proposed rulemaking will help ensure a safe environment for all who attend events at the Iowa State Fairgrounds.

- **Qualitative description of impact:**

This proposed rulemaking will help ensure a safe environment for all who attend events at the Iowa State Fairgrounds.

3. **Costs to the State:**

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

No costs are expected.

- **Anticipated effect on State revenues:**

There is 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 will be an updated chapter reviewed in compliance with Executive Order 10 and the current Iowa Code.

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:**

There are no alternatives because this review is required by Executive Order 10.

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 expected impact on small business.

Text of Proposed Rulemaking

ITEM 1. Rescind 371—Chapter 8 and adopt the following **new** chapter in lieu thereof:

CHAPTER 8
ADMITTANCE AND USE OF FAIRGROUNDS

371—8.1(173) Curfew. During the Iowa state fair, a curfew will be in force from 1 a.m. to 5 a.m. daily; only those persons with business may remain on the Iowa state fairgrounds, including owners and caretakers of exhibits, guards, persons registered at dormitories, fair officials and employees.

371—8.2(173) Admittance to grounds. Year-round admittance to the Iowa state fairgrounds may be made for justified and lawful purposes. The fair board reserves the right to restrict admittance during the fair, special events, and during the hours of darkness. Failure to comply with this rule shall be cause for expulsion from the Iowa state fairgrounds or being charged under Iowa Code chapter 716.

371—8.3(173) Metal detectors. The use of metal detectors on the Iowa state fairgrounds is prohibited at all times unless approved in writing by the fair board.

371—8.4(173) Drones. The use of drones on the Iowa state fairgrounds is prohibited at all times unless approved in writing by the fair board.

371—8.5(173) Bag searches. The Iowa state fair reserves the right to search all bags, backpacks, coolers, purses, containers, etc., upon entry to the Iowa state fair and upon request while on the Iowa state fairgrounds. Refusal to comply will result in denied entry. There will be additional bag searches upon entering the main gates and the grandstand.

371—8.6(173) Pets.

8.6(1) No privately owned animals or pets shall be allowed to run at large on the Iowa state fairgrounds or upon lands under the jurisdiction of the fair board except by permission of the fair board.

a. Such animals shall be on a leash or chain not to exceed six feet in length and shall either be led or carried by the owner or confined in a vehicle.

b. Any animal found running at large will be subject to confinement and will be turned over to the animal shelter.

c. No animals, except service animals providing guide or assistive service to a person who requires accommodation for a disability, may be taken into any building on the Iowa state fairgrounds.

8.6(2) During the Iowa state fair, no pets shall be brought onto the Iowa state fairgrounds or upon lands under the jurisdiction of the fair board except as follows:

a. Pets may be brought onto land designated as Iowa state fair campgrounds by the fair board. Pets brought onto Iowa state fair campgrounds are subject to Iowa state fair campground rules and shall not be allowed to run at large.

b. Pets or other privately owned animals shall be permitted access to those portions of the Iowa state fairgrounds as is necessary for those animals to participate in competitions, exhibitions, shows, or to provide entertainment services sanctioned or approved by the fair board, provided such animals are not allowed to run at large or be left unattended on Iowa state fair lands.

8.6(3) Regardless of the preceding provisions, animals that are providing guide or assistive services to a person who requires accommodation for a disability to the Iowa state fairgrounds or other lands under the jurisdiction of the fair board will be allowed admittance.

8.6(4) Persons bringing pets onto the Iowa state fairgrounds or upon lands under the jurisdiction of the fair board shall clean up and dispose of all animal waste attributable to the persons' pets.

8.6(5) Persons failing to comply with the fair board's pet policies may be denied admission to the Iowa state fairgrounds or may be barred from bringing the persons' pets onto Iowa state fair lands.

These rules are intended to implement Iowa Code section 173.14.

RA 26-395

FAIR BOARD[371]

Regulatory Analysis

Notice of Intended Action to be published: 371—Chapter 9
"Public Records and Fair Information Practices"

Iowa Code section(s) or chapter(s) authorizing rulemaking: 173.14, 173.14A(7), and 173.17
State or federal law(s) implemented by the rulemaking: Iowa Code chapter 173

Public Hearing

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

December 1, 2026 11 to 11:30 a.m.	Microsoft Teams meeting teams.microsoft.com/meet/284948346636326?p=3dtap1LeQ4hdthk7kH Meeting ID: 284 948 346 636 326 Passcode: so2iy3TJ

Public Comment

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

Jeremy Parsons
Iowa State Fair
P.O. Box 57130
Des Moines, Iowa 50317
Email: jparsons@iowastatefair.org

Purpose and Summary

This proposed chapter describes the rules related to public records and fair information practices. This proposed chapter was reviewed as part of the Red Tape Review process laid out in Executive Order 10. As a result of this review, editorial updates were made to ensure these proposed rules reflect current policies and procedures.

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 this proposed rulemaking.

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

Iowans will benefit from having clear, concise, and accurate rules that comply with the Iowa Code.

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:**

This proposed rulemaking will have little impact and no cost since the changes are minimal.

- **Qualitative description of impact:**

This proposed rulemaking will have little impact and no cost since the changes are minimal.

3. **Costs to the State:**

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

No costs are expected.

- **Anticipated effect on State revenues:**

There is 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 will be an updated chapter revised in compliance with Executive Order 10 and the current Iowa Code.

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:**

There are no alternatives because this revision is required by Executive Order 10.

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 expected impact on small business.

Text of Proposed Rulemaking

ITEM 1. Rescind 371—Chapter 9 and adopt the following **new** chapter in lieu thereof:

CHAPTER 9
PUBLIC RECORDS AND FAIR INFORMATION PRACTICES

371—9.1(17A,22) Definitions. As used in this chapter:

"Agency" means the fair board.

"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.

371—9.2(17A,22) Personally identifiable information—personnel files. The fair board maintains files containing information about employees and applicants for positions with the agency. The files include payroll records, performance reviews and evaluations, disciplinary information, information required for tax withholding, information concerning employee benefits, affirmative action reports, and other information concerning the employer-employee relationship. Some of this information is confidential under Iowa Code section 22.7(11).

371—9.3(17A,22) Other groups of records.

9.3(1) This rule describes groups of records maintained by the agency other than record systems as defined in rule 371—9.1(17A,22). These records are routinely available to the public. However, the agency's files of these records may contain confidential records as defined in rule 7—2505.1(17A,22). The records listed may contain information about individuals.

9.3(2) Council and commission records. Agendas, minutes, and materials presented to the fair board are available from the office of the fair board, except those records concerning closed sessions that are exempt from disclosure under Iowa Code section 21.5 or that are otherwise confidential by law. Fair board records contain information about people who participate in meetings. This information is collected pursuant to Iowa Code section 21.3. This information is not stored on an automated data processing system.

a. Administrative records. This includes documents concerning budget, property inventory, purchasing, yearly reports, office policies for employees, time sheets, printing and supply requisitions.

b. Publications. The office receives a number of books, periodicals, newsletters, government documents, etc. These materials would generally be open to the public but may be protected by copyright law. Most publications of general interest are available in the state law library.

c. Office publications. This office issues a variety of materials, including premium books and newsletters, brochures and pamphlets, press releases, and statistical reports.

d. Rulemaking records. Public documents generated during the promulgation of agency rules, including notices and public comments, are available for public inspection.

e. Office manuals. Information in office manuals, such as the Superintendents Manual, may be confidential under Iowa Code section 17A.2(11)*"f"* or other applicable provision of law.

f. Other records. All other records that are not exempted from disclosure by law.

371—9.4(17A,22) Data processing systems. None of the data processing systems used by the agency permit the comparison of personally identifiable information in one record system with personally identifiable information in another record system.

These rules are intended to implement Iowa Code section 22.11.

RA 26-396

HUMAN SERVICES DEPARTMENT[441]

Regulatory Analysis

Notice of Intended Action to be published: 441—Chapter 104
"Juvenile Shelter Care Homes"

Iowa Code section(s) or chapter(s) authorizing rulemaking: 232.142
State or federal law(s) implemented by the rulemaking: Iowa Code sections 232.69 and 232.142

Public Hearing

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

December 1, 2026 10 a.m.	Microsoft Teams Meeting ID: 225 217 179 078 528 Passcode: Rw3KT9yE

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

The content of this proposed chapter was originally published within 441—Chapter 105, formerly entitled "Juvenile Detention and Shelter Care Homes." Chapter 105 was reviewed under Executive Order 10. The Department decided to bifurcate Chapter 105 into the following two distinct chapters: Chapter 104, "Juvenile Shelter Care Homes," and Chapter 105, "Juvenile Detention Homes." This proposed new Chapter 104 outlines the requirements and standards for an approved juvenile shelter care home. Chapter 105 is proposed in **RA 26-397**, IAB 11/11/26.

The reference to Iowa Code chapter 148C is to that chapter as amended by 2026 Iowa Acts, Senate File 2190.

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 this proposed rulemaking.

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

Facility directors of juvenile shelter care homes, as well as the children who are placed in those facilities, will benefit from clear and updated 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:**

This proposed chapter will not result in any quantitative impact because the rules were already in place and were moved from Chapter 105 to the new proposed Chapter 104.

- **Qualitative description of impact:**

This proposed chapter will benefit the facility directors, staff, children, and children's families by making the rules clearly defined and not mixed within a rule chapter that also covers juvenile detention homes.

3. **Costs to the State:**

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

The Department incurs personnel and other administrative costs associated with enforcement of this proposed chapter.

- **Anticipated effect on State revenues:**

This proposed rulemaking is not expected to have any impact on State revenues.

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

Not applicable.

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:**

Rulemaking is required by Iowa Code section 232.142(4).

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 will not have an impact on small business.

Text of Proposed Rulemaking

ITEM 1. Adopt the following **new** 441—Chapter 104:

TITLE XII
LICENSING AND APPROVED STANDARDS

CHAPTER 104
JUVENILE SHELTER CARE HOMES

441—104.1(232) Definitions.

"Authorized prescriber" means those persons identified in Iowa Code section 147.107 and chapter 154.

"Coed facility" means a facility that has both sexes in residence.

"Corporal punishment" means the same as defined in 441—Chapter 125.

"County or multicounty" means that the governing body is a county board of supervisors or a combination of representatives from county boards of supervisors.

"Facility" means a juvenile shelter care home as defined in Iowa Code section 232.2 that meets the requirements of being county or multicounty or a private shelter care home that does not meet the requirements of being county or multicounty.

"Family or kin," for the purposes of this chapter, means the social unit consisting of the child and relations of the child, including but not limited to biological or adoptive parent(s), stepparent(s), brother(s), sister(s), stepbrother(s), stepsister(s) and grandparent(s).

"Medication" means prescription or nonprescription drugs.

"Medication management and administration" means to properly tend to prescription and nonprescription medications, including but not limited to:

1. Properly obtaining and storing medication;
2. Removing medication from its storage place;
3. Ensuring to the extent possible that the child ingests, applies, or uses the appropriate dosage at the appropriate time of day; and
4. Documenting the dosage and the time and date that the child ingested, applied, or used the medication.

"Nonprescription medication" means any drug or device that is not a prescription medication as defined in this chapter.

"Physical restraint" means direct physical contact required on the part of a staff person to prevent a child from hurting self, others, or property.

"Prescription medication" means the same as "prescription drug" as defined in Iowa Code section 155A.3(41).

"Prone restraint" means a physical restraint in which a child is held face down on the floor.

"Protective locked environment" means the same as defined in Iowa Code section 237.1(17).

"Schedule II medications" means those controlled substances identified in Iowa Code chapter 124.

"Shelter care worker" means an individual employed by a facility whose primary responsibility is the direct care of the children in the facility.

"Staff" means any person providing care or services to or on behalf of the children, whether the person is an employee of the facility, an independent contractor or an employee of an independent contractor, any other person who contracts with the facility, or a volunteer.

"Time-out" means the temporary and short-term restriction of a child for a period of time to a designated area from which the child is not physically prevented from leaving for the purpose of providing the child an opportunity to regain self-control. Staff physically preventing the child from leaving the time-out area would be considered seclusion in control room conditions.

441—104.2(232) Buildings and grounds.

104.2(1) *Grounds.*

a. An outdoor recreational area shall be provided.

b. The recreational area shall be identified and kept free from hazards that could cause injury to a child.

c. Rubbish and trash shall be kept separated from the recreational area.

d. The grounds shall be adequately drained.

104.2(2) *Buildings.*

a. All living areas shall:

(1) Have screens on windows used for ventilation.

(2) Be maintained in clean and sanitary conditions.

(3) Be in safe repair.

(4) Provide for adequate lighting when natural sunlight is inadequate.

(5) Have heating and storage areas separated from sleeping or play areas.

(6) Have walls and ceilings surfaced with materials that are asbestos-free.

b. All sleeping rooms shall be of finished construction and provide a minimum of 60 square feet per child for multiple occupancy and 80 square feet per child for single occupancy.

(1) There cannot be more than four children per sleeping room.

(2) Sleeping areas shall be assigned on the basis of the individual child's needs for privacy and independence of group support.

c. All rooms aboveground shall:

(1) Have a ceiling height of at least 7 feet, 6 inches.

(2) Have a window area of at least 8 percent of the floor area unless mechanical ventilation is provided that is capable of removing dampness and odors.

d. All rooms belowground shall:

(1) Have a ceiling height of at least 6 feet, 8 inches.

(2) Have a window area of at least 2 percent of the floor area unless mechanical ventilation is provided that is capable of removing dampness and odors.

(3) Have a floor and walls constructed of concrete or other materials and free from groundwater leakage.

104.2(3) *Bedrooms.*

a. Each child in care shall have a solidly constructed bed.

b. Sheets, pillowcases and blankets shall be provided for each child and shall be kept clean and in good repair.

c. Each child in care shall have storage space for private belongings.

d. No child over the age of five years shall occupy a bedroom with a member of the opposite sex unless the children are siblings placed in the same shelter care home.

104.2(4) *Heating, ventilation, and air conditioning (HVAC).*

a. The heating unit shall be so located and operated as to maintain the temperature in the living quarters at a minimum of 65 degrees Fahrenheit and a maximum of 80 degrees Fahrenheit. Variances may be made in case of health problems. Temperature is measured 24 inches above the floor in the middle of the room.

b. All space heaters involving the combustion of fuel, such as gas, oil or similar fuel, shall be properly vented to the outside. Space heaters are allowed only in common areas and with staff present.

c. All gas and oil lines for heating systems, water heaters, and stoves/ovens shall meet existing building and health code requirements.

d. The heating and cooling system shall be checked yearly by a qualified HVAC professional and maintained in a safe working condition at all times.

104.2(5) *Bathroom facilities.*

a. Bathrooms shall have an adequate supply of hot and cold running water.

b. Each bathroom shall be properly equipped with toilet tissue and hand-washing supplies.

c. Toilets and baths or showers shall provide for individual privacy.

d. There shall be a shower or tub for each ten children.

e. Tubs and showers shall have slip-proof surfaces.

f. At least one toilet and one lavatory shall be provided for each six children.

g. Toilet facilities shall be provided with natural or artificial ventilation capable of removing odors and moisture.

h. Toilet facilities adjacent to a food preparation area shall be separated completely by a windowless wall.

i. All toilet facilities shall be kept clean.

j. When more than one stall is used in one bathroom, partitions providing privacy shall be used.

k. All bathroom facilities shall be maintained in good operating condition.

104.2(6) *Food preparation and storage.*

a. Cracked dishes and utensils shall not be used.

b. Storage areas for perishable foods shall be kept at 45 degrees Fahrenheit or below.

c. Storage areas for frozen food shall be kept at zero degrees Fahrenheit or below.

d. Food that is to be served hot shall be maintained at 140 degrees Fahrenheit or above.

e. Food that is to be served cold shall be maintained at 45 degrees Fahrenheit or less.

f. The kitchen and food storage areas shall be kept clean and neat. Food shall not be stored on the floor.

g. The floor and walls shall be of smooth construction and in good repair.

104.2(7) *Staff preparing or handling food.* While preparing or handling food, a staff person shall:

a. Be free of infection.

b. Be clean and neatly groomed.

c. Wear clean clothes.

d. Not use tobacco in any form.

104.2(8) *Dishwashing facilities.*

a. Manual dishwashing will be allowed in facilities that normally serve 15 or fewer people at one meal.

b. Automatic or commercial dishwashers shall be used in facilities normally serving more than 15 people at one meal, as long as the following conditions are met:

(1) When chemicals are added for sanitation purposes, the chemicals shall be automatically dispensed.

(2) Machines using hot water for sanitizing must maintain the wash water at least 150 degrees Fahrenheit and rinse water at a temperature of at least 180 degrees Fahrenheit or a single temperature machine at 165 degrees Fahrenheit for both wash and rinse.

(3) All machines shall be thoroughly cleaned and sanitized at least once each day or more often if necessary to maintain satisfactory operating condition.

c. Soiled and clean dish table areas shall be of adequate size to accommodate the dishes for one meal.

d. All hand-held food preparation and serving equipment shall be cleaned and sanitized following each meal. Dispensers, urns and similar equipment shall be cleaned and sanitized daily.

104.2(9) *Foods not prepared at site of serving.*

a. The place where food is prepared for off-site serving shall conform with all requirements for on-site food preparation.

b. Food shall be transported in covered containers or completely wrapped or packaged so as to be protected from contamination.

c. During transportation, and until served, hot foods shall be maintained at 140 degrees Fahrenheit or above and cold food maintained at 45 degrees Fahrenheit or below.

104.2(10) *Milk supply.* Milk shall be pasteurized Grade A.

104.2(11) *Public water supply.* The water supply is approved when the water is obtained from a public water supply system.

104.2(12) *Private water supplies.* Each privately operated water supply shall be maintained and operated in a manner that ensures safe drinking water.

a. Maintenance and operation. Each water supply used as part of a facility shall be annually inspected and evaluated for deficiencies that may allow contaminants access to the well interior. Items such as open or loose well caps, missing or defective well vents, poor drainage around the wells, and

the nearby storage of potential contaminants shall be evaluated. All deficiencies shall be corrected by a well contractor certified by the state within 30 days of discovery.

b. Evaluation and water testing. As part of the inspection and evaluation, water samples shall be collected and submitted by the local health sanitarian or a well contractor certified by the state to the state hygienic laboratory or other laboratory certified for drinking water analysis by the department of natural resources. The minimum yearly water analysis shall include coliform bacteria and nitrate (NO3-) content. Total arsenic testing shall be performed once every three years. The water shall be deemed safe when there are no detectable coliform bacteria, when nitrate levels are less than 10 mg/L as nitrogen, and when total arsenic levels are 10 µg/L or less. A copy of the laboratory analysis report shall be provided to the department within 72 hours of receipt by the water supply.

c. Multiple wells supplying water. When the water supply obtains water from more than one well, each well connected to the water distribution system shall meet all of the requirements of these rules.

d. Deficiencies. When no apparent deficiencies exist with the well or its operations and the water supply is proven safe by meeting the minimum sampling and analysis requirements, water safety requirements have been met. Wells with deficiencies that result in unsafe water analysis require corrective actions through the use of a well contractor certified by the state.

e. When water is proven unsafe. When the water supply is proven unsafe by sampling and analysis, the facility shall immediately provide a known source of safe drinking water for all water users and hang notification at each point of water use disclosing the water is unsafe for drinking water uses. In addition, the facility shall provide a written statement to the department disclosing the unsafe result and detail a plan on how the water supply deficiencies will be corrected and the supply brought back into a safe and maintained condition. The statement shall be submitted to the department within ten days of the laboratory notice. All corrective work shall be performed and the water supply sampled and analyzed again within 45 days after any water test analysis report that indicates the water supply is unsafe for drinking water uses.

f. Other sources. Water obtained from another source through hauling and storage must meet the requirements of the department of natural resources.

104.2(13) *Heating or storage of hot water.* Each tank used for the heating or storage of hot water shall be provided with a pressure and temperature relief valve.

104.2(14) *Sewage treatment.*

a. Facilities shall be connected to public sewer systems where available.

b. Private disposal systems shall be designed, constructed, and maintained so that no unsanitary or nuisance conditions exist, such as surface discharge of raw or partially treated sewage or failure of the sewer lines to convey sewage properly.

104.2(15) *Garbage storage and disposal.*

a. A sufficient number of garbage and rubbish containers shall be provided to properly store all material between collections.

b. Containers shall be closed, leakproof, rodent-proof and shall be maintained in a sanitary condition.

104.2(16) *General.*

a. Facilities shall take sufficient measures to ensure the safety of the children in care.

b. Stairways, halls and aisles shall be of substantial nonslip material, maintained in a good state of repair, adequately lighted and kept free from obstructions at all times. All stairways shall have handrails.

c. Radiators, registers and steam and hot water pipes shall have protective covering or insulation.

d. Electrical outlets and switches shall have wall plates.

e. Electrical panels shall be inaccessible to children.

f. Facilities shall have written procedures for the handling and storage of hazardous materials. Storage shall be inaccessible to children.

g. Firearms are prohibited in shelter care facilities.

h. Adult supervision shall be provided at all times when children are using a pool.

i. The facility shall have policies regarding bodies of water located on or near the shelter grounds and accessible to the children.

104.2(17) *Emergency evacuation and safety procedures.* Upon admission, all children shall receive instruction regarding evacuation and safety procedures. All living units utilized by children shall have a posted plan for evacuation and safety procedures regarding severe weather events, fire or other natural or man-made disasters. Documentation of practiced monthly fire drills and severe weather drills done twice annually shall be kept on file.

104.2(18) *Fire inspection.* Each facility shall procure an annual fire inspection approved by the state fire marshal and shall meet the recommendations thereof.

104.2(19) *Local codes.* Each facility shall meet local building, zoning, sanitation and fire safety ordinances. Where no local standards exist, state standards shall be met.

441—104.3(232) Personnel policies.

104.3(1) *Policies in writing.* The following personnel policies and practices of the agency relating to a specific facility shall be described in writing and accessible to staff upon request:

a. Affirmative action and equal employment opportunity policies and procedures covering the hiring, assignment and promotion of employees.

b. Job descriptions for all positions.

c. Provisions for vacations, holidays and sick leave.

d. Effective, time-limited grievance procedures allowing the aggrieved party to bring the grievance to at least one level above that party's supervisor.

e. Authorized procedures, consistent with due process for the suspension and dismissal of an employee for just cause.

f. Written procedures for annual employee evaluation shall be in place for each facility and available to all staff upon request.

104.3(2) *Health of employees.* Each staff person who has direct client contact or is involved in food preparation shall be tested for tuberculosis and have had a physical examination within six months prior to hiring unless the staff person can produce valid documentation of the physical and tuberculosis test from within the previous three years. Physical examinations shall be completed at least every three years from the date of a current physical on file. Evidence of these examinations or tests shall be included in each personnel file. The examinations or tests shall be completed by one of the following:

a. A physician as defined in Iowa Code section 135.1(4);

b. An advanced registered nurse practitioner who is registered with and certified by the Iowa board of nursing to practice nursing in an advanced role; or

c. A physician associate licensed under Iowa Code chapter 148C.

104.3(3) *Personnel records.* A record shall be maintained by the facility as applicable for each volunteer who has direct responsibility for a child or access to a child when the child is alone and for each employee. The record shall contain at least the following:

a. Name, address, and social security number of the volunteer or employee.

b. A job application containing sufficient information to justify the initial and current employment.

c. Verification of education and experience. Applicants for positions having educational requirements shall be permanently employed only after the facility has obtained a copy of the transcript, diploma, or verification from the school or supervising agency. Applicants for positions having experience requirements shall be permanently employed only after the facility has obtained verification from the agency supervising the experience.

d. Verification of license. Applicants for positions requiring licenses shall be permanently employed only after the facility has obtained written verification of their licenses. Evidence of renewal of licenses as required by the licensing agency shall be maintained in the personnel record.

e. References. At least two written references or documentation of oral references shall be contained in the volunteer's or employee's personnel record. In case of unfavorable references, there shall be documentation of further checking to ensure that the person will be a reliable volunteer or employee.

f. A written, signed and dated statement that discloses any substantiated instances of child abuse, neglect or sexual abuse committed by the volunteer or job applicant.

g. Documentation of the submission of the Request for Child Abuse Information form to the central abuse registry, the registry response, the department's evaluation of any abuse record discovered, and a copy of the Record Check Evaluation form, if the volunteer or staff person has completed and submitted it.

h. A written, signed and dated statement furnished by the new volunteer or applicant for employment that discloses any convictions of crimes involving the mistreatment or exploitation of a child.

i. Documentation of a check with the Iowa department of public safety on all new volunteers and applicants for employment using the HHS Criminal History Record Check form; a copy of the department's evaluation of any criminal record discovered; and a copy of the Record Check Evaluation form, if the volunteer or applicant has completed and submitted it.

j. Current information relative to work performance evaluation.

k. Records of pre-employment health examinations or a record of a health report as well as a written record of subsequent health services rendered to an employee as necessary to ensure that all facility employees are physically able to perform their duties.

l. Information on written current reprimands or commendations.

m. Position in the agency and date of employment.

441—104.4(232) Staff.

104.4(1) *Number of staff.*

a. Generally. A sufficient number of shelter care staff shall be on duty at all times so as to provide adequate coverage. The number of staff persons required will vary depending on the size and complexity of the program. All facilities shall have at least one staff person on duty at all times. A minimum staff-to-child ratio of one shelter care worker to five children shall be maintained at all times children are awake and present in the facility and during supervised outings. All shelter care staff shall be at least 18 years of age.

b. On-call system. There shall be an on-call system to provide supervisory consultation. There shall be a written plan documenting this system.

c. Night hours. At night, there shall be a staff person awake in each living unit and making regular visual checks throughout the night.

(1) The visual checks shall be made at least every half hour in shelter care.

(2) A log shall be kept of all checks, including the time of the check and any significant observations.

(3) The minimum staff-to-child ratio must be maintained at 1 shelter care worker to 16 children during the overnight shift.

104.4(2) *Staff composition.* The composition of the program staff shall be determined by the facility, based on an assessment of the needs of the children being served, the facility's goals, the programs provided, and all applicable federal, state and local laws and regulations.

104.4(3) *Staff development.* Staff development shall be appropriate to the size and nature of the facility. There shall be a written plan for staff training that includes:

a. Orientation for all new employees, to acquaint them with the philosophy, organization, program practices, and goals of the facility.

b. Training of new employees in areas related to their job assignments.

c. Provisions in writing for all staff persons to improve their competency through such means as:

(1) Attending staff meetings;

(2) Attending seminars, conferences, workshops, and institutes;

(3) Visiting other facilities;

(4) Access to consultants;

(5) Access to current literature, including books, monographs, and journals relevant to the facility's services.

d. There shall be an individual designated responsible for staff development and training who will complete a written staff development plan that shall be updated annually.

104.4(4) *Organization and administration.* Whenever there is a change in the name of the facility, the address of the facility, the facility director, or the capacity of the facility, the information shall be reported to the department. A table of organization, including the identification of lines of responsibility and authority, shall be available to the licensing staff. A facility director shall have full administrative responsibility for carrying out the policies, procedures and programs of the facility.

104.4(5) *Record checks.* Record checks are required for an entity being considered for a certificate of approval or a certificate of license or employment on a facility campus where children reside to determine whether any founded child abuse reports, convictions for crimes for the mistreatment or exploitation of children, or criminal convictions exist related to the person having been placed on a sex offender registry. The facility shall not employ or use any staff person if that person has been convicted of a crime involving the mistreatment or exploitation of a child. The facility shall not employ or use any staff person if that person has a record of a criminal conviction or founded child abuse report unless the department has evaluated the crime or abuse and determined that the crime or abuse does not merit prohibition of a certificate of approval or a certificate of license, volunteering or employment. For each person working in a shelter care home on a facility campus where children reside, fingerprints shall be provided to the department of public safety for submission through the state criminal history repository to the United States Department of Justice, Federal Bureau of Investigation, for a national criminal history check. Fingerprinting, for the purpose of a national criminal history check, is required for any entity being considered for a certificate of approval or a certificate of license or employment by an approved entity on a facility campus where children reside.

a. If a record of criminal conviction or founded child abuse exists, the person shall be offered the opportunity to complete and submit the Record Check Evaluation form.

b. In its evaluation, the department shall consider:

(1) The nature and seriousness of the crime or founded child or dependent abuse in relation to the employment or volunteer position sought;

(2) The time elapsed since the commission of the crime or founded abuse;

(3) The circumstances under which the crime or founded abuse was committed;

(4) The degree of rehabilitation;

(5) The number of crimes or founded abuses committed by the person involved; and

(6) The likelihood that the person will commit a crime or founded abuse again.

104.4(6) *Record check procedure.* Each entity being considered for a certificate of approval or a certificate of license or employment by an approved entity on a facility campus where children reside shall be checked for all of the following:

a. Records with the Iowa central abuse registry;

b. Records with the Iowa division of criminal investigation;

c. Records with the Iowa sex offender registry;

d. Records with the child abuse registry of any state where the person has lived during the past five years; and

e. Fingerprints provided to the department of public safety for submission through the state criminal history repository to the United States Department of Justice, Federal Bureau of Investigation, for a national criminal history check.

104.4(7) *Evaluation of record.* If the entity for whom background checks are required has a record of founded child or dependent adult abuse, a criminal conviction, or placement on a sex offender registry, the department shall complete an evaluation to determine that the abuse, criminal conviction, or placement on a sex offender registry does not warrant prohibition of a certificate of approval or a certificate of license or employment by an approved entity on a facility campus where children reside.

104.4(8) *Evaluation form.* The entity with the founded child or dependent adult abuse or criminal conviction report shall complete and return record check evaluation forms required by the department within ten calendar days of the date of receipt to be used to assist in the evaluation.

104.4(9) *Evaluation decision.* The department shall conduct the evaluation and issue a notice of decision in writing to the requesting entity.

104.4(10) *Appeal rights.* Any person or the person's attorney may file a written statement with the department requesting an appeal of the record check evaluation decision within 30 days of the date of the notice of the results of the record check evaluation in accordance with 441—Chapter 2506.

441—104.5(232) Intake procedures.

104.5(1) *Admissions.* Admission to juvenile shelter care shall be in accordance with Iowa Code sections 232.20 and 232.21. In no case shall a child be admitted to shelter care when the resulting admission would exceed the facility's approved client capacity. The facility and referring agency shall agree upon service responsibilities at the time of admission.

104.5(2) *Agency or court order placement.* Each agency or court placing a child in a facility shall make available to the facility the following:

a. A placement agreement should accompany the child. When this is not possible, a copy of the placement agreement shall be provided to the facility within 24 hours.

b. For court-ordered placements, a copy of the court order authorizing placement shall be provided to the facility within 48 hours.

c. When the child is in the facility more than four days, the following information shall be requested by the facility if not yet received.

(1) All available psychological and psychiatric tests and reports concerning the child.

(2) Any available family social history.

(3) Any available school information.

104.5(3) *Self-referrals.* Any child admitting the child's self to a facility shall be provided appropriate services. The facility shall notify the child's parent(s) or guardian(s) or the juvenile court as soon as possible concerning the child's admission to the facility, but in any event, the notification shall take place within 48 hours after the child's admission.

104.5(4) *Person responsible.* Each agency shall designate who has the authority to do intake. This may include anyone trained in intake procedures and who is designated to do intake.

104.5(5) *Intake sheet.* An intake sheet shall be completed on each child containing at least the following information:

a. Full name, current address, and date of birth of the child.

b. Full name(s) of the child's parent(s).

c. Address(es) and telephone number(s) of the child's parent(s).

d. Religious preference of the child and parent(s), if available.

e. Statement of who has legal custody and guardianship.

f. Name of referring worker and agency making the referral.

g. Telephone number and address of referring agency or court.

h. Name, address, and telephone number of the child's attorney.

441—104.6(232) Assessments.

104.6(1) *Personal.* At the time of intake and throughout a child's stay, individual needs will be identified by staff. The initial and ongoing determination of each child's needs will be based on written and verbal information from referral sources, observable behavior at intake, initial interview with the child or family, school contacts, physical examination, and other relevant materials. The individual assessment shall provide the basis for development of a care plan for each child.

104.6(2) *Educational.* An educational assessment shall be developed by the staff and referring worker for each child. When appropriate, other agencies such as the public schools and the area education agency shall be involved.

441—104.7(232) Program services.

104.7(1) *Service plan.* There shall be a written service plan developed for each child remaining in the facility over four days and completed according to the time frames identified for the contracted service. The service plan will be based on individual needs determined through the assessment of each child. The service plan shall be developed in consultation with child care services, probation services, social services and educational, medical, psychiatric and psychological personnel, as appropriate. The plan shall include:

a. Identification of specific needs;

b. Description of planned service;

c. Which staff person(s) will be responsible for each element of the plan;

d. Where services are to occur;

e. Frequency of activities or services.

104.7(2) *Educational programs.* All children currently enrolled in a school shall continue in that school when possible or in an appropriate alternative. Where educational assessments indicate an educational need for a child not currently enrolled in public schools, an alternative shall be developed in cooperation with public schools, the area education agency, and the referring worker. When an educational program is established within the facility, it shall meet the educational and teaching standards established by the department of education. A child should be compelled to participate in an educational program only in compliance with Iowa Code chapter 299.

104.7(3) *Daily program.*

a. The daily program shall be planned to provide a consistent, well structured, yet flexible framework for daily living, and shall be periodically reviewed and revised as the needs of the individual child or the living group change.

b. Attention shall be given to the special nature of the facility population and its resulting stresses, for example, rapid turnover in population and minimal screening at intake.

104.7(4) *Optional services.* When a facility provides services in addition to those required by these rules, they shall be clearly defined in writing.

104.7(5) *Recreation program.* The facility shall provide adequately designed and maintained indoor and outdoor activity areas, equipment, and equipment storage facilities appropriate for the age group it serves. There shall be a variety of activity areas and equipment so that all children can be active participants in different types of individual and group sports and other motor activity.

a. Games, toys, equipment, and arts and crafts materials shall be selected according to age and number of children and with consideration of the needs of children to engage in both active and quiet play. All materials shall be of a quality to ensure safety and shall be of a type that allows imaginative play and creativity.

b. Facilities shall plan and carry out efforts to establish and maintain workable relationships with the community recreational resources. The facility staff shall enlist the support of these resources to provide opportunities for children to participate in community recreational activities.

104.7(6) *Health care.*

a. Health assessment at intake. Facility staff shall review each child's health status at intake. The purpose of this preliminary review is to identify medication needs and problems that need

immediate medical attention. Within seven days of intake, all reasonable efforts shall be made to perform a more comprehensive health assessment on each child who has not had a comprehensive health assessment within the past year. If the assessment cannot be performed within seven days, it shall be arranged for the earliest possible time, and the reasons for the delay shall be documented. A registered nurse, an advanced registered nurse practitioner, a physician associate, or a physician shall perform the comprehensive health assessment.

b. Existing health needs. Facilities shall provide or secure medical treatment for a child's illnesses and injuries that come to the facility's attention during the child's stay.

c. Monitoring side effects of medications. Facilities shall monitor each child's use of medications and shall inform the authorized prescriber if adverse reactions are noted.

d. Sharing medical information. Facilities shall share information about significant changes in medical status with the child's referring worker and parent(s) or guardian(s). Discharge information shall include information about significant medical changes that occurred while the child was at the facility.

104.7(7) *Counseling program.* Counseling services shall be related to the immediate problem, daily living skills, peer relationships, educational opportunities, vocational opportunities, future planning and preparation for placement, family counseling, and any other factors identified in the individual care plan. Counseling shall be done by appropriate staff persons.

104.7(8) *Dietary program.* The facility shall provide properly planned, nutritious and inviting food and take into consideration the dietary and health needs of children. The facility shall follow all dietary recommendations prescribed by medical personnel or a dietitian licensed in the state of Iowa.

104.7(9) *Liability.* Juvenile shelter care homes that apply the reasonable and prudent parent standard reasonably and in good faith in regard to a child in foster care shall have immunity from civil or criminal liability that might otherwise be incurred or imposed. This subrule shall not remove or limit any existing liability protection afforded under any other law.

104.7(10) *Safety, protection, and well-being of children in care.* Facilities shall develop and follow written policies that ensure the safety, protection, and well-being of children in care. Policies shall address but not be limited to the following:

a. Supportive leadership of the facility that promotes protecting each child from abuse or bullying from other children and staff.

b. Defining the facility's culture to reduce the use of unnecessary restraint.

c. Clear definitions of unsafe behavior and the emergency situations when it is appropriate to use physical interventions.

d. Staff training and development that give staff confidence that they are supported by leadership with proper supervision and ongoing access to information about best practices and evidence-based approaches to care.

e. Adequate supervision of children while the children are using any hazardous or dangerous objects or equipment and when children are using the internet or social media.

f. The social and developmental needs of children in care.

g. Defining a protective locked environment and how it is utilized to provide safety and security for children.

104.7(11) *Staff duties.* The staff duties shall include at a minimum:

a. Providing a supportive atmosphere for each child.

b. Providing for coordination of internal and external activities of each child as needed.

c. Providing leadership and guidance to each child as needed.

d. Being responsible for overseeing and maintaining the general health and well-being of each child.

e. Supervising all living activities.

f. At all times, knowing where the children are and where they are supposed to be to ensure ongoing safety.

g. Providing for a liaison with the referring agency.

h. Monitoring and recording behavior on a daily basis.

104.7(12) *Volunteers.* A facility that utilizes volunteers to work directly with a particular child or group of children shall have a written plan for using volunteers. This plan shall be given to all volunteers. The plan shall indicate that all volunteers shall:

a. Be directly supervised by a paid staff person.

b. Be oriented and trained in the philosophy of the facility and the needs of children in care and methods of meeting those needs.

c. Be subject to character, reference, and record check requirements as described in this chapter.

441—104.8(232) Medication management and administration. The facility shall have and follow written policies and procedures governing the methods of handling prescription drugs and over-the-counter drugs within the facility. No prescription or narcotic drugs are allowed in the facility without the authorization of a licensed physician or other prescriber authorized by law. Only drugs that have been approved by the federal Food and Drug Administration for use in the United States may be used. No experimental drugs may be used.

104.8(1) *Obtaining prescription medications.* Facilities shall permit prescription medications to be brought into the facility for a child.

a. Prescription medication in its original container, clearly labeled and prescribed for the child, may be accepted as legitimate prescription medication for the child. The label serves as verification that the medication was ordered by an authorized prescriber. Medication shall be prescribed by a provider authorized to prescribe the medication. Medication provided to children shall be dispensed only from a licensed pharmacy in the state of Iowa in accordance with the pharmacy laws in the Iowa Code, from a licensed pharmacy in another state according to the laws of that state, or by a licensed physician.

b. Facilities shall review size, shape, color, and dosages and contact the identified pharmacy or authorized prescriber to confirm legitimacy if contraband is suspected.

104.8(2) *Obtaining nonprescription medications.* Shelter facilities shall maintain a supply of standard nonprescription medications for use for children residing at the facility. Examples of standard nonprescription medications include cough drops and cough syrups, aspirin substitutes and other pain control medication, poison antidote, and diarrhea control medication.

a. All nonprescription medications kept on the premises for use by children shall be preapproved annually by a licensed pharmacist or an authorized prescriber.

b. Facilities shall maintain a list of all preapproved nonprescription medications. The list shall indicate standard uses, standard dosages, contraindications, side effects, and common drug interaction warnings. The facility director or the facility director's designee shall be responsible for determining the scope of the list and brands and types of medications included.

c. Only nonprescription medications on the preapproved list shall be available for use. However, the facility director or the facility director's designee, in consultation with an authorized prescriber or licensed pharmacist, may approve use of a nonprescription medication that is not on the preapproved list for a specific child.

104.8(3) *Storing medications.* Prescription and nonprescription medications shall be stored in a locked cabinet, a locked refrigerator, or a locked box within an unlocked refrigerator.

a. Schedule II medications shall be stored in a locked box within a locked cabinet. Nothing other than Schedule II medications shall be stored in the locked box. Schedule II medications requiring refrigeration also shall be maintained within a double-locked container separate from food and other items.

b. The facility director shall determine distribution and maintenance of keys or other access to the medication storage cabinets and boxes.

c. A shelter facility may preapprove shelter staff to carry prescription or nonprescription medications with them temporarily for use at sites away from the facility.

104.8(4) *Labeling medications.* Schedule II medications and prescription medications shall be maintained in their original containers, clearly labeled by an authorized prescriber and prescribed for the child. Sample prescription medications shall be accompanied by a written prescription. Nonprescription medications shall be maintained as purchased in their original containers.

104.8(5) *Administering Schedule II medications.* Only staff who have completed a medication management course shall be allowed to administer Schedule II medications.

104.8(6) *Administering prescription and nonprescription medications.* The facility director shall determine and provide written authority as to which of the staff may administer prescription and nonprescription medications.

a. Prescription medications shall be administered only in accordance with the orders of the authorized prescriber. Nonprescription medications shall be administered by following the directions on the label.

b. The facility director or the facility director's designee may allow a child to self-administer prescription medication with written authorization by the authorized prescriber. The facility shall have written policies relating to self-administration of prescription and nonprescription medication. The facility shall require documentation if the child self-administers a medication.

104.8(7) *Documenting errors in administering medications.* All errors in administering prescription and nonprescription medications shall be documented. Facilities shall review and take appropriate action to ensure that similar errors do not recur.

104.8(8) *Medication for discharged children.* When a child is discharged or leaves the facility, the facility shall turn over to a responsible agent Schedule II medications and prescription medications currently being administered. The facility may send nonprescription medications with the child as needed. The facility shall document in the child's file:

a. The name, strength, dosage form, and quantity of each medication.

b. The signature of the facility staff person turning over the medications to the responsible agent.

c. The signature of the responsible agent receiving the medications.

104.8(9) *Destroying outdated and unused medications.* Unused Schedule II medications and prescription medications may not be kept at the facility for more than 15 days after the child has left the facility and the Schedule II medications and prescription medications shall be destroyed by the facility director or the facility director's designee in the presence of at least one witness. Outdated, discontinued, or unusable nonprescription medications shall also be destroyed in a similar manner. The person destroying the medication shall document:

a. The child's name.

b. The name, strength, dosage form, and quantity of each medication.

c. The date the medication was destroyed.

d. The names and signatures of the witness and staff person who destroyed the medication.

441—104.9(232) Clothing. All children shall have clothing that is suited to existing climate and seasonal conditions and is clean, dry and in good repair.

441—104.10(232) Staffings. The staff shall be available to participate in staffings or upon request to provide a written summary of the child's progress and behavior while in the facility program. Written recommendations regarding future planning and placement shall be provided to the referring agency or court upon request. Staff shall be available to discuss recommendations with the child's parent(s) or guardian(s).

441—104.11(232) Child abuse. Written policies shall prohibit mistreatment, neglect or abuse of children and specify reporting and enforcement procedures for the facility. Alleged violations shall be reported immediately to the facility director and appropriate department personnel. Any employee for

whom there is a substantiated instance of child abuse or failure to report child abuse shall be subject to the agency's policies concerning corrective action.

441—104.12(232) Daily log. The facility shall maintain a daily log to generally record noteworthy occurrences regarding the children in care. Problem areas or unusual behavior for specific children shall be recorded in individual children's records.

441—104.13(232) Children's rights.

104.13(1) *Policies in writing.* All policies and procedures covered in this rule shall be in writing and provided to the child upon admission and made available to the child's parent(s) or guardian(s) upon request. If the child remains in care over four days, the policies and procedures shall be provided to the parent(s) or guardian(s). The rationale and circumstances of any deviation from these policies shall be discussed with the child's parent(s) or guardian(s) and the referring worker, documented, and placed in the child's case record.

104.13(2) *Confidentiality.* Information regarding children and their families shall be kept confidential and released only with proper written authorization.

104.13(3) *Communication.*

a. Unless specifically regulated by the court, visitation shall be allowed with members of the child's immediate family.

b. Family visits shall be monitored only to the extent necessary to ensure the child's safety and facility security. Rationale for monitoring shall be documented in the child's record.

c. The child shall be permitted to communicate privately with legal counsel and the referring worker.

d. The child shall be allowed to conduct telephone conversations with family members. Telephone calls shall be monitored only to the extent necessary to ensure the child's well-being and facility security. Rationale for monitoring a child's conversation shall be documented in the child's record. Incoming calls may be screened by staff to verify the identity of the caller before approval is given.

e. The staff shall not open or read a child's mail. The child shall be allowed to send and receive mail. The facility may require the child to open incoming mail in the presence of a staff person when the mail is suspected to contain contraband articles or to contain money that should be receipted and deposited.

f. When limitations on visitation or other communications are indicated, the limitations shall be determined with the participation or knowledge of the child, family or guardian(s) and the referring worker. All restrictions shall have specific bases that shall be made explicit to the child and family or guardian(s) and documented in the child's case record.

104.13(4) *Privacy.* Reasonable provisions shall be made for the privacy of children.

441—104.14(232) Discipline.

104.14(1) *Generally.* A facility shall have written policies regarding methods used for control and discipline of children that shall be available to all staff and to the child's family. Discipline shall not include withholding of basic necessities, such as food, clothing, or sleep. Discipline shall not be used for anyone other than a child whose actions resulted in consequences. Group discipline shall not be used because of actions of an individual child or other children. Agency staff shall be in control of and responsible for discipline at all times.

104.14(2) *Corporal punishment prohibited.* The facility shall have a policy that clearly prohibits staff or the children from utilizing corporal punishment as a method of disciplining or correcting children. This policy shall be communicated in writing to all staff of the facility.

104.14(3) *Physical restraint.* The use of physical restraint shall be employed only to prevent the child from injury to self, to others, or to property. Physical restraint must be conducted with the child in a standing position whenever possible.

a. No staff person shall use any restraint that obstructs the airway of a child.

b. Prone restraint is prohibited. Staff persons who find themselves involved in the use of a prone restraint when responding to an emergency must take immediate steps to end the prone restraint.

c. If a staff person physically restrains a child who uses sign language or an augmentative mode of communication as the child's primary mode of communication, the child shall be permitted to have the child's hands free of restraint for brief periods unless the staff person determines that such freedom appears likely to result in harm to the child, others, or property.

d. The rationale and authorization for the use of physical restraint and staff action and procedures carried out to protect the child's rights and to ensure safety shall be clearly set forth in the child's record by the responsible staff persons.

e. A child known to be pregnant may not be restrained during labor, delivery, and postpartum recovery unless credible, reasonable grounds exist to believe the child presents an immediate and serious threat of hurting herself, staff, or others.

f. A facility may not use abdominal restraints, leg and ankle restraints, wrist restraints behind the back, and four-point restraints on a known pregnant child unless credible, reasonable grounds exist to believe the child presents an immediate and serious threat of hurting the child's self, staff, or others or reasonable grounds exist to believe the child presents an immediate and credible risk of escape that cannot be reasonably minimized through any other method.

104.14(4) *Time-out.*

a. A child in time-out must never be physically prevented from leaving the time out area.

b. Time-out may take place away from the area of activity or from other children, such as in the child's room or in the area of activity of other children.

c. Staff must monitor the child while the child is in time-out.

104.14(5) *Written policies.* The facility shall provide to the child written policies specifying inappropriate behaviors, reasonable consequences for misconduct, and due process procedures available to the child. Upon request, the above information shall be provided to the child's parent(s) or guardian(s) and referring worker.

441—104.15(232) Case files.

104.15(1) *Generally.* For the purpose of promoting a uniformity of program for all facilities and as an aid to the department in determining its approval of a facility, all facilities shall establish and maintain for inspection case files on each child.

104.15(2) *Face sheet.* For all children, a face sheet containing the following information shall be completed.

a. Full name, current address, and date of birth of the child.

b. Full name(s) of the child's parent(s).

c. Address(es) and telephone number(s) of the child's parent(s).

d. Religious preference of the child and parent(s), if available.

e. Statement of who has legal custody and guardianship.

f. Name of referring worker and agency making the referral.

g. Telephone number and address of referring agency or court.

h. Name, address, and telephone number of the child's attorney.

104.15(3) *Written summary.* When a written summary has been requested, a copy shall be placed in the child's record.

104.15(4) *Documentation.* The following information shall be documented in each child's record:

a. Appropriate notes on all significant contacts by staff with parent(s), referral person and other collateral contacts.

b. A summary related to discharge from the facility, including:

(1) The name, address, and relationship of the person or agency to whom the child was discharged.

(2) The discharge summary (as included in the service plan).

(3) Final disposition of a child's medications as applicable.

(4) Identification of who transported the child, if different than in subparagraph 104.15(4)*"b"*(1), and the name of the facility or address of the destination after discharge.

104.15(5) *Other information.* The following information shall be requested when the child remains in the facility more than four days and, when available, shall be placed in the child's record.

a. Current family history or social history.

b. Case plans submitted by the referring agency or orders of the court.

c. Psychological and psychiatric records; copies of all available testing performed plus notes and records of contact with the child.

d. Medical.

(1) A record of all illnesses, immunizations, communicable diseases and follow-up treatment.

(2) Medical and surgical releases or authorizations signed by the parent(s), guardian(s), custodian or court, including releases or authorizations for anesthesia and emergency medical and surgical treatment.

(3) A record of all medical and dental examinations, including findings.

(4) Date of last physical examination prior to placement.

e. School.

(1) Name and address of school attended.

(2) Grade placement.

(3) Current school in which child is enrolled.

(4) Specific educational problems.

(5) Remedial action.

f. Placement agreement, court order, and other releases and authorizations.

(1) An agreement authorizing the facility to accept the child.

(2) An agreement setting forth the terms of payment for care.

(3) Other releases and authorizations applicable to the placement.

(4) All court orders affecting the custody or guardianship of the child.

441—104.16(232) Discharge. Children in shelter care should be discharged to, preferably, a permanent placement or, alternatively, a lower level of care in a family-like setting, at the earliest possible time, preferably within 14 days. The facility shall collaborate with referral workers to assess each child's need for ongoing placement, and the reasons for longer stays shall be documented in the child's case file.

441—104.17(232) Approval. The department will issue a certificate of approval or a certificate of license annually without cost to any juvenile shelter care home that meets the standards. The department may offer consultation to assist juvenile shelter care homes in meeting the standards.

104.17(1) *Applications.* An application for license or certificate of approval shall be submitted. The application shall be signed by the operator of the juvenile shelter care home, chairman of the county board of supervisors, or chairman of the multicounty board of directors and shall indicate the type of juvenile shelter care home for which the application is made.

a. The withdrawal of an application shall be reported promptly to the department.

b. Each application will be evaluated by the department to ensure that all standards are met.

c. Reports and information shall be furnished to the department as requested.

104.17(2) *Rejection.*

a. Applications will be rejected when the minimum standards set forth in the rules in this chapter are not met.

b. Fraudulent applications will be rejected. A fraudulent application is one that contains false statements knowingly made by the applicant or one in which the applicant knowingly conceals information.

c. Applications will be rejected when the facility director has been convicted of a crime indicating an inability to operate a children's facility or care for children.

d. Applications can be rejected for just cause.

e. Appeal rights. Notice of adverse action will be given in accordance with rule 441—16.2(17A). The right to appeal will be given in accordance with 441—Chapter 2506.

104.17(3) *Approval.* Approvals will be given for one year.

104.17(4) *Notification.* Applicants should be notified of approval or rejection within 120 days of application unless the applicant requests and is granted an extension by the department. The Notice of Action form will be used to inform applicants of approval and a restricted certified letter will be used to inform applicants of rejection.

104.17(5) *Renewals.*

a. Applications for renewal shall be made on forms provided by the department and shall be made at least 30 days, but no more than 90 days, prior to expiration of the approval.

b. Each application for renewal will be evaluated by the department to ensure that standards continue to be met.

c. The application for renewal will be rejected or approved in the same manner as an application.

d. Decisions on renewals should be made within 60 days from the application for renewal. Notification of renewal decisions will be the same as for new applications.

104.17(6) *Revocations.*

a. Approval will be revoked by the department for the following reasons:

(1) When the facility violates laws governing the provision of services or rules contained in this chapter.

(2) When the facility is misusing funds furnished by the department.

(3) When the facility is operating without due regard to the health, sanitation, hygiene, comfort, or well-being of the children in the facility.

(4) When the facility director has been convicted of a crime indicating an inability to operate a children's facility or care for children.

b. The following may be causes for revocation:

(1) Substantiated child abuse.

(2) When the facility staff has been convicted of a crime indicating an inability to operate a children's facility or care for children.

c. Appeal rights. Notice of adverse action will be given in accordance with rule 441—16.2(17A). The right to appeal will be given in accordance with 441—Chapter 2506.

104.17(7) *Certificate of approval or certificate of license.* Upon approval, county or multicounty shelter care homes will be issued a certificate of approval and shelter care homes will be issued a certificate of license containing the name of the home, address, capacity, and the date of expiration. Renewals will be shown by a seal bearing the new date of expiration unless a change requires a new certificate to be issued.

441—104.18(232) Provisional approval.

104.18(1) *Required conditions.* The department may issue a provisional license for not more than one year when a facility does not meet the requirements of this chapter and the facility submits a written corrective action plan that is approved by the department to bring the facility into compliance with the applicable requirements.

104.18(2) *Written report.* The department will provide a report identifying the reasons for the provisional license and the standards that have not been met.

104.18(3) *Corrective action.* The facility director, chairperson of the county board of supervisors, or chairperson of the multicounty board of directors shall provide the department with a written plan of action that is approved by the department for correcting the deficiencies to bring the

facility into compliance with the applicable requirements. The plan shall give specific dates by which the corrective action will be completed.

104.18(4) *Completed corrective action.* When the corrective action is completed on or before the date specified, a full approval shall be issued.

104.18(5) *Uncompleted corrective action.* When the corrective action is not completed by the date specified on a provisional approval, the department will not grant a full approval and has the option of rejecting or extending the provisional approval. An extension of a provisional approval will not cause the effective period of a provisional approval to exceed 18 months. If the corrective action plan is not completed within 18 months, the approval will be rejected.

441—104.19(232) Mandatory reporting of child abuse and training.

104.19(1) *Mandatory reporters.* All providers as described in Iowa Code section 232.69 who, in the scope of professional practice or in their employment responsibilities, examine, attend, counsel, or treat a child and reasonably believe a child has suffered abuse shall make a report in accordance with Iowa Code section 232.69 whenever the provider reasonably believes a child for whom the provider is providing foster care has suffered abuse.

104.19(2) *Required training.* Mandatory reporters shall receive training relating to the identification and reporting of child abuse as required by Iowa Code section 232.69.

104.19(3) *Training documentation.* Each licensee shall develop and maintain a written record for each mandatory reporter in order to document the content and amount of training.

These rules are intended to implement Iowa Code sections 232.69 and 232.142.

RA 26-397

HUMAN SERVICES DEPARTMENT[441]

Regulatory Analysis

Notice of Intended Action to be published: 441—Chapter 105
"Juvenile Detention Homes"

Iowa Code section(s) or chapter(s) authorizing rulemaking: 232.142
State or federal law(s) implemented by the rulemaking: Iowa Code section 232.142

Public Hearing

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

December 1, 2026 10 a.m.	Microsoft Teams Meeting ID: 225 217 179 078 528 Passcode: Rw3KT9yE

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 under Executive Order 10. As part of this review, restrictive terms were reduced and outdated information was eliminated. In addition, the rules were updated to reflect only juvenile detention homes because juvenile shelter care homes provide a different type of care. The shelter care language was separated out to become new 441—Chapter 104 (**RA 26-396**, IAB 11/11/26).

This proposed rulemaking outlines the requirements for establishing, maintaining, and regulating juvenile detention homes. To update the proposed rules, the Department obtained input from interested parties, including the facility directors of all nine juvenile detention homes, survey staff from the Department of Inspections, Appeals, and Licensing (DIAL), subject matter experts from the Department, the Iowa Juvenile Justice Advisory Council, and the Youth Justice Council. Numerous factors were considered, including but not limited to public safety, safety and well-being of youth in custody, safety of staff working in juvenile detention homes, operational factors, and the services that juvenile detention homes provide to their communities.

Notable updates include:

- Basic standards for facilities to maintain, including standards for lighting, bedding, and heating and cooling.
- Best practice language and standards based upon the Prison Rape Elimination Act (PREA).

- A requirement that all children in a detention home receive educational programming due to reports of facilities not providing education to youth waived to adult court for prosecution.
- Requirements for children to go outside for fresh air when the weather permits.
- Updated standards for children's basic needs, including clothing and hygiene.
- Language permitting other individuals who are significant to children, but who are not necessarily family members, to visit.
- Staff participation in physical restraints limited to those who have received the necessary training.
- Time period for decisions on facility license renewals increased from 60 days to 90 days to allow ample time for the DIAL to complete DIAL's onsite renewal surveys prior to the expiration of the current certificate of approval.
- Reporting duties for staff required to ensure they understand the policies and processes within a facility when child abuse is suspected.

References to Iowa Code chapter 148C are to that chapter as amended by 2026 Iowa Acts, Senate File 2190.

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 this proposed rulemaking.

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

Facilities that contract with the Department, as well as the children residing in the facilities, will benefit from updated 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:**

Iowa currently has 13 licensed juvenile detention homes throughout the State.

- **Qualitative description of impact:**

Facilities that contract with the Department, as well as the children who utilize the facilities, 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 rules set forth in this proposed chapter are appropriate under Iowa Code section 232.142.

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?

Not applicable.

Text of Proposed Rulemaking

ITEM 1. Rescind 441—Chapter 105 and adopt the following **new** chapter in lieu thereof:

CHAPTER 105
JUVENILE DETENTION HOMES

441—105.1(232) Definitions.

"Authorized prescriber" means those persons identified in Iowa Code section 147.107 and chapter 154.

"Chemical restraint" means the use of chemical agents including psychotropic drugs as a form of restraint. The therapeutic use of psychotropic medications as a component of a service plan for a particular child is not considered chemical restraint.

"Child," for purposes of this chapter, means anyone under the age of 18, including but not limited to those under the jurisdiction of the juvenile court, those being prosecuted criminally as an adult in district court, those from out-of-state jurisdictions, and those under the jurisdiction of a federal agency.

"Child care worker" means an individual employed by a facility whose primary responsibility is the direct care of the children in the facility.

"Coed facility" means a facility that has both sexes in the residence.

"Control room" means a locked room in a juvenile detention home, used for the purpose of the management of a child's behavior as detailed in the discipline section. A control room may additionally be used for the purpose of isolating a child with a contagious disease or for the purpose of allowing a child to become sober when the child is brought to the facility while under the influence of alcohol or an illicit substance as detailed in the discipline section.

"Corporal punishment" means the intentional physical punishment of a child. It includes the use of unreasonable or unnecessary physical force, or physical contact made with the intent to harm or cause pain.

"County or multicounty" means that the governing body is a county board of supervisors or a combination of representatives from county boards of supervisors.

"Facility" means a juvenile detention home as defined in Iowa Code section 232.2 that meets the requirements of being county or multicounty or a private juvenile detention home as defined in Iowa Code section 232.2 that does not meet the requirements of being county or multicounty.

"Immediate family," for the purposes of this chapter, means persons who have a blood relationship with the child, including but not limited to parents, grandparents, siblings, and the detained child's own children, or who have a legal relationship with the child, including but not limited to the parents or legal guardians of the detained child's siblings, the detained child's own children, or both.

"Mechanical restraint" means restriction by the use of a mechanical device of a child's mobility or ability to use the hands, arms or legs.

"Medical staff" means physicians and surgeons as described in Iowa Code chapter 148, physician associates as defined in Iowa Code chapter 148C, and advanced registered nurse practitioners as defined in Iowa Code chapter 152.

"Medication management and administration" means to properly tend to prescription and nonprescription medications, including but not limited to:

1. Properly obtaining and storing medication;
2. Removing medication from its storage place;
3. Ensuring to the extent possible that the child ingests, applies, or uses the appropriate dosage at the appropriate time of day; and
4. Documenting the dosage and the time and date that the child ingested, applied, or used the medication.

"Night hours" means those continuous hours of the day dedicated toward the needs of sleep. Night hours shall not exceed 10 hours in length within a 24-hour period during the week and shall not exceed 12 hours in length within a 24-hour period during the weekend and holidays.

"Nonprescription medication" means any drug or device that is not a prescription medication as defined in this chapter.

"Pat-down search" means a running of the hands over the clothed body of a child by a staff person to determine whether the child possesses contraband.

"Personal search" means a search that requires a child to remove or arrange some or all clothing so as to permit a visual inspection of the person's breasts, buttocks, or genitalia.

"Physical restraint" means direct physical contact required on the part of a staff person to prevent a child from hurting self, others, or property.

"Prescription medication" means a prescription drug as defined in Iowa Code section 155A.3(30).

"Prone restraint" means a physical restraint in which a child is held face down on the floor.

"Room restriction" means the temporary and short-term restriction of a child to a bedroom or control room. Children may be restricted to a bedroom either through the use of a locked door or child care worker physically preventing the child from leaving the bedroom.

"Schedule II medications" means those controlled substances identified in Iowa Code chapter 124.

"Staff" means any person providing care or services to or on behalf of the children, whether the person is an employee of the facility; an independent contractor or an employee of an independent contractor; any other person who contracts with the facility; or a volunteer.

"Time-out" means the temporary and short-term restriction of a child for a period of time to a designated area, unlocked bedroom or bedroom with the door open, for the purpose of providing the child an opportunity to regain self-control.

441—105.2(232) Buildings and grounds.

105.2(1) *General.*

a. Facilities shall take sufficient measures to ensure the safety of the children in care.

b. Stairways, hallways and aisles shall be of substantial nonslippery material, maintained in a good state of repair, adequately lighted, and kept free from obstructions at all times. All stairways shall have handrails.

c. Radiators, registers, and steam and hot water pipes shall have protective covering or insulation.

d. Electrical outlets and switches shall have wall plates.

e. Electrical panels shall be inaccessible to children.

f. All electrical switches and outlets shall be maintained in an operational condition.

g. Facilities shall have written procedures for the handling and storage of hazardous materials. Storage shall be inaccessible to children.

h. Firearms are prohibited inside of juvenile detention homes during nonemergency situations, with the exception of an entryway or a sally port used by law enforcement. A secure firearm locker located in a place inaccessible to children shall be provided where law enforcement officers entering the facility can store firearms.

105.2(2) *Grounds.*

a. An outdoor play area of a minimum of 75 square feet per child shall be provided.

b. The play area shall be identified and kept free from hazards that could cause injury to a child.

c. Rubbish and trash shall be kept separated from the play area.

d. The grounds shall be adequately drained.

105.2(3) *Buildings.*

a. All living areas shall:

(1) Have screens on windows used for ventilation.

(2) Be maintained in clean, sanitary conditions, free from vermin, rodents, dampness, noxious gases, and objectionable odors.

(3) Be in safe repair.

(4) Provide for adequate lighting when natural sunlight is inadequate and shall:

1. Have lighting that shall be a minimum of 400 lumens at the tabletop for purposes of reading and writing.

2. Ensure living areas are devoid of dark areas.

3. Ensure hallways, entrances and exits are sufficiently lighted to identify a person entering or exiting.

4. Ensure light controls are kept out of the control of children.

5. Ensure that housing areas may be variably illuminated to allow sleep or for specific activities, such as watching a movie, but continuous observation of children must be maintained.

6. Ensure that all exits are equipped with independent lighting sources.

(5) Have heating and storage areas separated from sleeping or play areas.

(6) Have walls and ceilings surfaced with materials that are asbestos-free.

b. Reserved.

105.2(4) *Bedrooms.*

a. All sleeping rooms shall be of finished construction and provide a minimum of 60 square feet per child for multiple occupancy, 80 square feet per child for single occupancy, and not sleep more than two children per room.

b. All rooms aboveground shall:

(1) Have a ceiling height of at least 7 feet, 6 inches.

(2) Have a window area of at least 8 percent of the floor area unless mechanical ventilation is provided that is capable of removing dampness and odors.

c. All rooms belowground shall:

(1) Have a ceiling height of at least 6 feet, 8 inches.

(2) Have a window area of at least 2 percent of the floor area unless mechanical ventilation is provided that is capable of removing dampness and odors.

(3) Have floor and walls constructed of concrete or other materials with an impervious finish and free from groundwater leakage.

d. Each child in care shall have a solidly constructed bed.

e. Each child in care shall have sufficient bedding.

(1) Sheets, pillowcases and blankets shall be provided for each child and shall be kept clean and in good repair.

(2) Bedding shall be provided that allows the child to sleep comfortably based upon the temperature of the living quarters, like a blanket and sheet in a living quarter maintained at 75 degrees

Fahrenheit or higher, and a quilt and sheet in a living quarter maintained at 74 degrees Fahrenheit or lower.

(3) Deprivation of bedding shall not be used as discipline, punishment, a consequence, or as an incentive or motivator for positive behavior.

(4) These items shall not be withheld from any child and only withheld when the staff reasonably believes and documents that the child would destroy such items or use them as weapons, for self-injury or to aid in escape.

(5) If a child is deprived of sheets, pillowcases, blankets, or quilts or all of these items for more than two nights in a row, or three nights within a seven-day period, a special plan will be developed and approved by the facility director and maintained in the child's case file to ensure that the child has the opportunity to be provided with these essential needs.

f. Children shall only occupy a bedroom with a member of the same sex.

g. Bedroom assignments shall be made on the basis of the individual child's needs for privacy, independence of group support, and safety.

h. Bedrooms shall be cleaned, sanitized and disinfected by staff between the occupancy of different children.

105.2(5) *Heating, ventilation, and air conditioning (HVAC).*

a. The heating unit shall be so located and operated as to maintain the temperature in the living quarters at a minimum of 65 degrees Fahrenheit and a maximum of 85 degrees Fahrenheit. Variances may be made in case of health problems. Temperature is measured 24 inches above the floor in the middle of the room.

b. All living areas, kitchens, bedrooms, and bathrooms shall be reasonably ventilated, with air flow sufficient to admit fresh air and remove disagreeable odors, to ensure healthy and comfortable living and working conditions for children and staff.

c. All gas and oil lines for heating systems, water heaters, and stoves/ovens shall meet existing building and health code requirements.

d. The heating and cooling system shall be checked yearly by a qualified HVAC professional and maintained in a safe working condition at all times.

105.2(6) *Bathroom facilities.*

a. Bathrooms shall have an adequate supply of hot and cold running water.

b. Each bathroom shall be properly equipped with toilet tissue, towels or air dryers, and soap. Paper towels, when used, and toilet tissue shall be in dispensers. Children shall be provided items required for personal hygiene but shall not be required to keep items in the bathrooms.

c. Toilets and baths or showers shall provide for individual privacy.

d. There shall be a shower or tub for each ten children or portion thereof.

e. Tubs and showers shall have slip-proof surfaces.

f. At least one toilet and one lavatory shall be provided for each six children or portion thereof.

g. Toilet facilities shall be provided with natural or artificial ventilation capable of removing odors and moisture.

h. Toilet facilities adjacent to a food preparation area shall be separated completely by a windowless door that completely fills the doorframe or by a windowless wall.

i. All toilet facilities shall be kept clean.

j. When more than one toilet is used in one bathroom, partitions providing privacy shall be used.

k. Toilets, wash basins, and other plumbing or sanitary facilities shall be maintained in good operating condition and free of stains and hard water buildup.

105.2(7) *Public water supply.* The water supply is approved when the water is obtained from a public water supply system.

105.2(8) *Private water supplies.*

a. Maintenance and operation. Each privately operated water supply shall be maintained and operated in a manner that ensures safe drinking water. Each water supply used as part of a facility

shall be annually inspected and evaluated for deficiencies that may allow contaminants access to the well interior. Items such as open or loose well caps, missing or defective well vents, poor drainage around the wells, and the nearby storage of potential contaminants shall be evaluated. All deficiencies shall be corrected by a well contractor certified by the state within 30 days of discovery.

b. Evaluation and water testing. As part of the inspection and evaluation, water samples shall be collected and submitted by the local health sanitarian or a well contractor certified by the state to the state hygienic laboratory or other laboratory certified for drinking water analysis by the department of natural resources. The minimum yearly water analysis shall include coliform bacteria and nitrate (NO3-) content. Total arsenic testing shall be performed once every three years. The water shall be deemed safe when there are no detectable coliform bacteria, when nitrate levels are less than 10 mg/L as nitrogen, and when total arsenic levels are 10 µg/L or less. A copy of the laboratory analysis report shall be provided to the department within 72 hours of receipt by the water supply.

c. Multiple wells supplying water. When the water supply obtains water from more than one well, each well connected to the water distribution system shall meet all of the requirements of these rules.

d. Deficiencies. When no apparent deficiencies exist with the well or its operations and the water supply is proven safe by meeting the minimum sampling and analysis requirements, water safety requirements have been met. Wells with deficiencies that result in unsafe water analysis require corrective actions through the use of a well contractor certified by the state.

e. When water is proven unsafe. When the water supply is proven unsafe by sampling and analysis, the facility shall immediately provide a known source of safe drinking water for all water users and hang notification at each point of water use disclosing the water is unsafe for drinking water uses. In addition, the facility shall provide a written statement to the department disclosing the unsafe result and detail a plan on how the water supply deficiencies will be corrected and the supply brought back into a safe and maintained condition. The statement shall be submitted to the department within ten days of the laboratory notice. All corrective work shall be performed and the water supply sampled and analyzed again within 45 days after any water test analysis report that indicates the water supply is unsafe for drinking water uses.

f. Other sources. Water obtained from another source through hauling and storage must meet the requirements of the department of natural resources.

105.2(9) *Heating or storage of hot water.* Each tank used for the heating or storage of hot water shall be provided with a pressure and temperature relief valve.

105.2(10) *Sewage treatment.*

a. Facilities shall be connected to public sewer systems where available.

b. Private disposal systems shall be designed, constructed, and maintained so that no unsanitary or nuisance conditions exist, such as surface discharge of raw or partially treated sewage or failure of the sewer lines to convey sewage properly.

105.2(11) *Garbage storage and disposal.*

a. A sufficient number of garbage and rubbish containers shall be provided to properly store all material between collections.

b. Containers shall be fly-tight, leakproof, and rodent proof and shall be maintained in a sanitary condition.

105.2(12) *Emergency evacuation and safety procedures.* Upon admission, all children shall receive instruction regarding evacuation and safety procedures. All living units utilized by children shall have a posted plan for evacuation and safety procedures regarding severe weather events, fire or other natural or man-made disasters. Practice fire drills shall be held monthly, and severe weather drills shall be held twice annually.

105.2(13) *Fire inspection.* Each facility shall procure an annual fire inspection approved by the state fire marshal or designee and shall meet the recommendations thereof. A current fire inspection report will be submitted to the department and shall be required as part of the application for a certificate of approval.

105.2(14) *Local codes.* Each facility shall meet local building, zoning, sanitation and fire safety ordinances. Where no local standards exist, state standards shall be met.

441—105.3(232) Food preparation, storage and disposal.

105.3(1) *Food preparation and storage.*

a. Cracked dishes and utensils shall not be used in the preparation, serving, or storage of food.

b. Storage areas for perishable foods shall be kept at 39 degrees Fahrenheit or below.

c. Storage areas for frozen food shall be kept at zero degrees Fahrenheit or below.

d. Food that is to be served hot shall be maintained at 140 degrees Fahrenheit or above.

e. Food that is to be served cold shall be maintained at 40 degrees Fahrenheit or less.

f. The kitchen and food storage areas shall be kept clean and neat. Food shall not be stored on the floor.

g. The floor and walls shall be of smooth construction and in good repair.

h. There shall be at least one staff responsible for the preparation or distribution of food that has been trained in or is in the process of being trained in a safe food handling practice.

105.3(2) *Staff preparing or handling food.* While preparing or handling food, a staff person shall:

a. Be free of infection.

b. Be clean and neatly groomed.

c. Wear clean clothes.

d. Not use tobacco in any form.

105.3(3) *Dishwashing facilities.*

a. Manual dishwashing will be allowed in facilities that normally serve 15 or fewer people at one meal.

b. Automatic or commercial dishwashers shall be used in facilities normally serving more than 15 people at one meal, as long as the following conditions are met:

(1) When chemicals are added for sanitation purposes, they shall be automatically dispensed.

(2) Machines using hot water for sanitizing must maintain the wash water at least 150 degrees Fahrenheit and rinse water at a temperature of at least 180 degrees Fahrenheit or a single temperature machine at 165 degrees Fahrenheit for both wash and rinse.

(3) All machines shall be thoroughly cleaned and sanitized at least once each day or more often if necessary to maintain satisfactory operating condition.

c. Soiled and clean dish table areas shall be of adequate size to accommodate the dishes for one meal.

d. All hand-held food preparation and serving equipment shall be cleaned and sanitized following each meal. Dispensers, urns and similar equipment shall be cleaned and sanitized daily.

105.3(4) *Foods not prepared at site of serving.*

a. The place where food is prepared for off-site serving shall conform with all requirements for on-site food preparation.

b. Food shall be transported in covered containers or completely wrapped or packaged so as to be protected from contamination.

c. During transportation, and until served, hot foods shall be maintained at 140 degrees Fahrenheit or above and cold food maintained at 40 degrees Fahrenheit or below.

105.3(5) *Milk supply.* When fluid milk is used, it shall be pasteurized Grade A.

441—105.4(232) Personnel policies.

105.4(1) *Policies in writing.* The following personnel policies and practices relating to a specific facility shall be described in writing and accessible to staff upon request:

a. Affirmative action and equal employment opportunity policies and procedures covering the hiring, assignment and promotion of employees.

b. Job descriptions for all positions.

c. Provisions for vacations, holidays and sick leave.

d. Effective, time-limited grievance procedures allowing the aggrieved party to bring the grievance to at least one level above that party's supervisor.

e. Authorized procedures, consistent with due process for the suspension and dismissal of an employee for just cause.

f. Written procedures for annual employee evaluation shall be in place for each facility and available to all staff upon request.

105.4(2) *Health of employees.* Each staff person who has direct client contact or is involved in food preparation shall be tested for tuberculosis and have had a physical examination within six months prior to hiring, unless the staff can produce valid documentation of the physical and tuberculosis test from within the previous three years. Physical examinations shall be completed at least every three years thereafter, or whenever circumstances require them more frequently. Evidence of these examinations or tests shall be included in each personnel file. The examinations or tests shall be completed by one of the following:

a. A physician as defined in Iowa Code section 135.1(4);

b. An advanced registered nurse practitioner who is registered with and certified by the Iowa board of nursing to practice nursing in an advanced role; or

c. A physician associate licensed under Iowa Code chapter 148C.

105.4(3) *Personnel records.* A record shall be maintained by the facility as applicable for each employee, intern and volunteer who has direct responsibility for a child or access to a child when the child is alone with the employee, intern or volunteer. The record shall contain at least the following:

a. Name, address, and social security number of the volunteer or employee.

b. A job application containing sufficient information to justify the initial and current employment or approved volunteer status.

c. Verification of education and experience. Applicants for positions having educational requirements shall be permanently employed only after the facility has obtained a certified copy of the transcript, diploma, or verification from the school or supervising agency. Applicants for positions having experience requirements shall be permanently employed only after the facility has obtained verification from the agency supervising the experience.

d. Verification of license. Applicants for positions requiring licenses shall be permanently employed only after the facility has obtained written verification of their licenses. Evidence of renewal of licenses as required by the licensing agency shall be maintained in the personnel record.

e. References. At least two written references or documentation of oral references shall be contained in the volunteer's or employee's personnel record.

f. A written, signed and dated statement that discloses any substantiated instances of child abuse, neglect or sexual abuse committed by the volunteer or job applicant.

g. Documentation of the submission of the Request for Child Abuse Information form to the central abuse registry, the registry response, the department's evaluation of any abuse record discovered, and a copy of the Record Check Evaluation form, if the volunteer or staff person has completed and submitted it.

h. Documentation of a background check with the department of public safety on all new volunteers and applicants for employment using the Criminal History Record Check; a copy of the department's evaluation of any criminal record discovered; and a copy of the Record Check Evaluation form, if the volunteer or applicant has completed and submitted it.

i. Current information relative to work performance evaluation.

j. Records of preemployment health examination or a record of a health report as required in subrule 105.4(2) as well as a written record of subsequent health services rendered to an employee as necessary to ensure that all facility employees are physically able to perform their duties.

k. Information on written current reprimands or commendations.

l. Position in the agency, and date of employment.

441—105.5(232) Staff.

105.5(1) *Number of staff.*

a. Generally. A sufficient number of child care workers shall be on duty at all times so as to provide adequate coverage. The number of staff required will vary depending on the size and complexity of the program. All facilities shall have at least one staff person on duty. A minimum staff-to-child ratio of one child care worker to five children shall be maintained at all times children are awake and present in the facility. All child care workers shall be at least 18 years of age. Only child care workers in the building and providing direct supervision to children can be used for this ratio.

b. On-call system. There shall be an on-call system to provide supervisory consultation that is available 24 hours a day, seven days a week. There shall be a written plan documenting this system.

c. Night hours. At night, there shall be a staff person awake in each living unit who maintains regular visual checks throughout the night. The visual checks shall be made at least every half hour in detention. A log shall be kept of all checks, including the time of the check and any significant observations. The minimum child care worker-to-child ratio of one child care worker to 16 children shall be maintained, with a minimum of two child care workers present at all times. Only child care workers in the building and supervising children can be used for this ratio.

d. Direct supervision. Child care workers shall provide direct supervision by being in the immediate visual and auditory vicinity of children. Only child care workers in the immediate visual and auditory vicinity of children shall be considered when determining the minimum staff-to-child ratio requirements. The requirement for direct supervision does not supersede subrule 105.11(4), where children shall be allowed to shower, perform bodily functions and change clothes without nonmedical staff of the opposite sex viewing their breasts, buttocks, or genitalia, except in exigent circumstances. The requirement for direct supervision does not supersede paragraph 105.5(1)*"c,"* where child care workers are required to provide visual checks at least every half hour during night hours.

105.5(2) *Staff composition.* The composition of the program staff shall be determined by the facility, based on an assessment of the needs of the children being served, the facility's goals, the programs provided, and all applicable federal, state and local laws and regulations.

105.5(3) *Staff development.* Staff development shall be appropriate to the size and nature of the facility. There shall be an individual designated responsible for staff development and training who will complete a written staff development plan that is updated annually. At a minimum, this staff development and training shall require every child care worker to receive a minimum of six hours of training per year. The written staff development plan shall include:

a. Orientation for all new employees, to acquaint them with the philosophy, organization, program practices, and goals of the facility.

b. Training of new employees in areas related to their job assignments. For new child care workers this may include but is not limited to specialized training in de-escalation, behavior management, trauma-informed care, and physical restraint requirements within six months of employment.

c. Provisions in writing for all staff members to improve their competency through such means as:

(1) Attending staff meetings;

(2) Attending seminars, conferences, workshops, and institutes;

(3) Visiting other facilities;

(4) Access to consultants;

(5) Access to current literature, including books, monographs, and journals relevant to the facility's services.

d. Topics of mandatory child abuse reporting in accordance with Iowa Code section 232.69 for those child care workers responsible for distribution of medication, completion of a medication management training, and for child care workers certification in a nationally recognized de-escalation

and physical management program. Other topics may include sexual safety as detailed by the federal Prison Rape Elimination Act of 2003, Juvenile Standards (Public Law 108-79) as amended to August 1, 2026, identifying human trafficking, suicide prevention, first aid and CPR, trauma-informed care and healing-centered engagement, youth and family engagement, positive youth development, adolescent brain development, sex-specific training and responsiveness, cultural awareness, and appropriate staff-child relationships and boundaries.

105.5(4) *Organization and administration.* Whenever there is a change in the name of the facility, the address of the facility, the facility director, or the capacity, the information shall be reported to the department within ten calendar days. A table of organization, including the identification of lines of responsibility and authority from policymaking to service to clients, shall be available to the licensing staff. A facility director shall have full administrative responsibility for carrying out the policies, procedures and programs of the facility.

105.5(5) *Record checks.* Record checks are required for any person being considered for employment, internship, contract services, or a volunteer position. Record checks will be used to determine whether any founded child abuse reports, convictions for crimes for the mistreatment or exploitation of children, or criminal convictions exist related to the person having been placed on a sex offender registry. The facility shall not employ, provide an internship, contract with or use the volunteer services of any person if that person has been convicted of a crime involving the mistreatment or exploitation of a child. The facility shall not employ, provide an internship, contract with or use the volunteer services of any person if that person has a record of a criminal conviction or founded child abuse report unless the department has evaluated the crime or abuse and determined that the crime or abuse does not merit prohibition of employment, internship, contract services or volunteering.

a. If a record of criminal conviction or founded child abuse exists, the person shall be offered the opportunity to complete and submit the Record Check Evaluation form.

b. In its evaluation, the department shall consider:

(1) The nature and seriousness of the crime or founded abuse in relation to the employment, internship, contract services or volunteer position sought;

(2) The time elapsed since the commission of the crime or founded abuse;

(3) The circumstances under which the crime or founded abuse was committed;

(4) The degree of rehabilitation; and

(5) The number of crimes or founded abuses committed by the person involved.

105.5(6) *Record check procedure.* Each person being considered for employment, internship, contract services, or volunteering shall be checked for all of the following:

a. Records with the Iowa central abuse registry;

b. Records with the Iowa division of criminal investigation;

c. Records with the Iowa sex offender registry; and

d. Records with the child abuse registry of any state where the person has lived during the past five years.

105.5(7) *Evaluation of record.* If the person for whom background checks are required has a record of founded child or dependent adult abuse, a criminal conviction, or placement on a sex offender registry, the department shall complete an evaluation to determine that the abuse, criminal conviction, or placement on a sex offender registry does not warrant prohibition of employment, contract services, or volunteering.

105.5(8) *Evaluation form.* The entity with the founded child or dependent adult abuse or criminal conviction report shall complete and return Record Check Evaluation forms required by the department within ten calendar days of the date of receipt to be used to assist in the evaluation.

105.5(9) *Evaluation decision.* The department shall conduct the evaluation and issue a notice of decision to the requesting entity.

441—105.6(232) Intake procedures.

105.6(1) *Admissions.* Admission to detention homes shall be in accordance with Iowa Code sections 232.20 and 232.22. In no case shall a youth be admitted to detention when the resulting admission would exceed the facility's approved client capacity. The facility and referring agency shall agree upon service responsibilities at the time of admission.

105.6(2) *Agency or court order placement.* Each agency or court placing a child in a facility shall make available to the facility the following:

a. For court-ordered placements, a copy of the court order authorizing placement shall be requested within one business day.

b. When the child is in the facility more than seven days, the following information shall be requested by the facility if not yet received:

(1) Any available mental and physical health history.

(2) Any available family social history.

105.6(3) *Self-referrals.* Self-referrals shall not be accepted for placement in detention.

105.6(4) *Person responsible.* Each agency shall document which staff members have the authority to do intake.

105.6(5) *Intake sheet.* An intake sheet shall be completed for each child containing, at a minimum, the information specified in subrule 105.16(2).

441—105.7(232) Searches.

105.7(1) *Pat-down searches.* Any staff involved in pat-down searches will be trained in how to perform pat-down searches in a professional and respectful manner, and in the least intrusive manner possible, consistent with security needs.

105.7(2) *Restrictions to pat-down searches.* Mixed sex pat-down searches shall not be conducted, except in exigent circumstances. Any mixed sex pat-down search shall be documented and maintained in the child's file, including justifying the exigent circumstances that required a mixed sex pat-down search.

105.7(3) *Personal searches.* Any staff involved in personal searches will be trained in how to perform personal searches in a professional and respectful manner, and in the least intrusive manner possible, consistent with security needs.

105.7(4) *Restrictions to personal searches.* Mixed-sex personal searches shall not be conducted, except in exigent circumstances or when performed by a medical staff. Any mixed-sex personal search shall be documented and maintained in the child's file, including justifying the exigent circumstances that required a mixed-sex personal search.

441—105.8(232) Assessments.

105.8(1) *Personal needs.* At the time of intake and throughout a child's stay, individual needs will be identified by staff. The initial and ongoing determination of each child's needs will be based on written and verbal information from referral sources, observable behavior at intake, initial interview with the youth or family, school contacts, physical examination, and other relevant materials. The individual assessment shall provide the basis for development of a service plan as detailed in subrule 105.9(1).

105.8(2) *Educational.* Any educational assessment shall be completed by the Iowa area education agency that provides educational services at the facility.

441—105.9(232) Program services.

105.9(1) *Service plan.* There shall be a written service plan developed for each child remaining in the facility over 30 days and completed by the thirty-fifth day of detention. The service plan will be based on individual needs determined through the assessment of each youth. The service plan shall be developed in consultation with child care services, probation services, social services and educational, medical, psychiatric and psychological personnel as appropriate. The service plan shall be reviewed

and updated as necessary, at a minimum of every 180 days, if the child has been continuously detained at any facility. The service plan shall include:

a. Identification of specific needs;

b. Description of planned service;

c. Which staff person(s) will be responsible for each element of the plan;

d. Where services are to occur;

e. Frequency of activities or services.

105.9(2) *Educational programs.* All children, including children being prosecuted criminally as an adult in district court, children being held under the authority of a federal agency, and children being held from a jurisdiction outside of Iowa, currently enrolled in a school shall continue to receive educational programming from that home school district when possible or in an appropriate alternative when the home school district is not able to provide educational programming. Where educational assessments indicate an educational need for a child not currently enrolled in public schools, an alternative shall be developed in cooperation with public schools, the area education agency, and the referring worker. When an educational program is established within the facility, it shall meet the educational and teaching standards established by the state department of education. A child should be compelled to participate in an educational program only in compliance with Iowa Code chapter 299.

105.9(3) *Daily program.* The daily program shall be planned to provide a consistent, well structured, yet flexible framework for daily living and shall be periodically reviewed and revised as the needs of the individual child or the living group change.

a. All children shall be involved in daily programming regardless of the public authority authorizing the placement at the detention facility, including those under the jurisdiction of the juvenile court, those who have been waived to the criminal district court as an adult, those from out-of-state jurisdictions, and those under the jurisdiction of a federal agency.

b. All children shall be involved in daily programming in the communal areas of the facility.

c. A standard daily programming agenda shall be developed for school days, weekends, and holidays. These agendas shall be provided to staff and children, upon request to parent(s) or guardian(s), and referring worker and attorney.

d. Children may be restricted to their locked bedroom as part of the standard daily program for the purposes of sleeping. If a toilet is not available inside of the bedroom, a child shall be permitted to leave the bedroom during the scheduled sleeping hours to perform bodily functions.

e. Children may be restricted to either a locked or unlocked bedroom as part of the standard daily program for the purpose of structured quiet time. Quiet time shall not exceed 90 minutes in duration at a time, with a maximum of three hours of quiet time in every standard daily program. Structured quiet time shall be for purposes such as during shift changes of child care workers, during staff meetings of child care workers, when child care workers are preparing for or cleaning up after a meal, and free time for children.

f. Children may voluntarily request to spend time in their bedroom with the door unlocked. A detention worker shall document when a child requests to voluntarily spend time in the child's room and the duration during which the child was in the bedroom.

g. Children may be isolated in their bedroom during standard daily programming due to illness or disease. The bedroom door shall be kept unlocked when a child is in the bedroom for illness or disease. A child care worker shall complete and document safety checks on the child every half hour when a child is isolated for an illness or disease. A child shall be returned to daily standard programming when the child is no longer affected by the illness or disease.

h. Children may be restricted to a locked bedroom due to a major disruption of the standard daily programming. Major disruptions would include events such as the extremely unsafe behavior of another child or children, facility mechanical failures (e.g., failed water heater or broken water pipe), or other unpredictable major disruptions. Children shall be released from bedrooms and returned to standard daily programming as soon as it is safe. A detention worker shall document the major disruption and the reasons for restricting children during such an event.

105.9(4) *Optional services.* When a facility provides services in addition to those required by these rules, the services shall be clearly defined in writing. As detailed in subrule 105.6(1), these services will be agreed upon at intake.

105.9(5) *Recreation program.* The facility shall provide adequately designed and maintained indoor and outdoor activity areas, equipment, and equipment storage facilities appropriate for the age group that the facility serves. There shall be a variety of activity areas and equipment so that all children can be active participants in different types of individual and group sports and other large motor activities.

a. Games, toys, equipment, and arts and crafts materials shall be selected according to age, number of children, and with consideration of the needs of children to engage in both active and quiet play. All materials shall be of a quality to ensure safety and shall be of a type that allows imaginative play and creativeness.

b. Outdoor activities shall be provided except when the temperatures are below 15 degrees Fahrenheit, including the wind chill factor; are above 100 degrees Fahrenheit, including the heat index; or inclement weather prohibits these outdoor activities. A minimum of 30 minutes a day of large muscle, physical activity shall be offered unless documented security issues or medical issues prohibit a child from participating, in which case accommodations should be made that promote physical activity and exercise as much as reasonably possible.

105.9(6) *Health care.*

a. Health assessment at intake. Facility staff shall review each child's health status at intake to identify medication needs and problems that need immediate medical attention. Within seven days of intake, all reasonable efforts shall be made to perform a more comprehensive health assessment on each child who has not had a comprehensive health assessment within the past year. If the assessment cannot be performed within seven days, it shall be arranged for the earliest possible time, and the reasons for the delay shall be documented. A registered nurse, an advanced registered nurse practitioner, a physician associate, or a physician shall perform the comprehensive health assessment.

b. Existing health needs. Facilities shall provide or secure medical treatment for a child's illnesses and injuries that come to the facility's attention during the child's stay.

c. Monitoring side effects of medications. Facilities shall monitor each child's use of medications and shall inform the authorized prescriber if adverse reactions are noted.

d. Sharing medical information. Facilities shall share information about significant changes in medical status with the child's referring agency and parent(s) or guardian(s). Discharge information shall include information about significant medical changes that occurred while the child was at the facility.

105.9(7) *Mental health counseling program.* Mental health counseling services shall be related to the immediate problem, daily living skills, peer relationships, educational opportunities, vocational opportunities, future planning and preparation for placement, family counseling, and any other factors identified in the individual service plan. Mental health counseling shall be done by appropriate and qualified mental health professionals as defined in Iowa Code section 228.1(7)*"b."*

105.9(8) *Dietary program.* The facility shall provide properly planned, nutritious and inviting food and take into consideration the dietary and health needs of children, ensuring children with diabetes, other medically necessary food requirements, and food allergies receive proper dietary needs. The facility shall follow all dietary recommendations prescribed by medical staff or a dietitian licensed in the state of Iowa. An acceptable alternative option will be provided to a child when there is a religious practice that prohibits the child from consuming the offered meal or snack.

105.9(9) *Safety, protection, and well-being of children in care.* Facilities shall develop and follow written policies that ensure the safety, protection, and well-being of children in care. Policies shall address but may not be limited to the following:

a. Supportive leadership of the facility that promotes protecting each child from abuse or bullying from other children and staff.

b. Defining the facility's culture to reduce the use of unnecessary restraint.

c. Clear definitions of unsafe behavior and the emergency situations when it is appropriate to use physical interventions.

d. Staff training and development that give staff confidence that they are supported by leadership with proper supervision and ongoing access to information about best practices and evidence-based approaches to care.

e. Adequate supervision of children while the children are using any hazardous or dangerous objects or equipment and when children are using the internet or other social media.

f. The social, cultural, and developmental needs of children in care.

105.9(10) *Staff duties.* The staff duties include but are not limited to the following:

a. Providing a supportive atmosphere for each child.

b. Providing for coordination of activities of each child as needed.

c. Providing leadership and guidance to each child as needed.

d. Being responsible for overseeing and maintaining the general health and well-being of each child.

e. Supervising all living activities.

f. At all times, knowing where the children are and where they are supposed to be to ensure ongoing safety.

g. Providing for a liaison with the referring agency.

h. Monitoring and recording behavior on a daily basis.

105.9(11) *Volunteers.* A facility that utilizes volunteers to work directly with a particular child or group of children shall have a documented plan for using volunteers within the detention home. This plan shall be given to all volunteers. The plan shall indicate that all volunteers shall:

a. Be directly supervised by a paid staff member.

b. Be oriented and trained in the philosophy of the facility and the needs of children in care and methods of meeting those needs.

c. Be subject to character, reference, and record check requirements as described in this chapter.

441—105.10(232) Medication management and administration. The facility shall have and follow written policies and procedures governing the methods of handling prescription drugs and over-the-counter drugs within the facility. No prescription or narcotic drugs are allowed in the facility without the authorization of a licensed physician or other prescriber authorized by law. Only drugs that have been approved by the federal Food and Drug Administration for use in the United States may be used. No experimental drugs may be used.

105.10(1) *Obtaining prescription medications.* Facilities shall permit prescription medications to be brought into the facility for a child.

a. Prescription medication in its original container, clearly labeled and prescribed for the child, may be accepted as legitimate prescription medication for the child. The label serves as verification that the medication was ordered by an authorized prescriber. Medication shall be prescribed by a provider authorized to prescribe the medication. Medication provided to children shall be dispensed only from a licensed pharmacy in the state of Iowa in accordance with the pharmacy laws in the Iowa Code, from a licensed pharmacy in another state according to the laws of that state, or by a licensed physician.

b. Facilities shall review size, shape, color, and dosages and contact the identified pharmacy or authorized prescriber to confirm legitimacy if contraband is suspected.

105.10(2) *Obtaining nonprescription medications.* Detention facilities shall maintain a supply of standard nonprescription medications for use by children residing at the facility. Examples of standard nonprescription medications include cough drops and cough syrups, aspirin substitutes and other pain control medication, poison antidote, and diarrhea control medication; nonprescription medications shall not include nonprescription body lotions, lip balm, nonprescription shampoo, nonprescription soap or other typical hygiene products.

a. All nonprescription medications kept on the premises for use by children shall be approved annually by a licensed pharmacist or an authorized prescriber.

b. Facilities shall maintain a list of all approved nonprescription medications. The list shall indicate standard uses, standard dosages, contraindications, side effects, and common drug interaction warnings. The facility director or the facility director's designee shall be responsible for determining the scope of the list and brands and types of medications included.

c. Only nonprescription medications on the approved list shall be available for use. However, the facility director or the facility director's designee, in consultation with an authorized prescriber or licensed pharmacist, may approve use of a nonprescription medication that is not on the approved list for a specific child.

d. Nonprescription medication shall be examined annually to determine if any of the medication has expired. Expired nonprescription medication shall be destroyed as detailed in subrule 105.10(9).

105.10(3) *Storing medications.* Prescription and nonprescription medications shall be stored in a locked cabinet, a locked refrigerator, or a locked box within an unlocked refrigerator.

a. Schedule II medications shall be stored in a locked box within a locked cabinet. Nothing other than Schedule II medications shall be stored in the locked box. Schedule II medications requiring refrigeration also shall be maintained within a double-locked container separate from food and other items.

b. The facility director shall determine distribution and maintenance of keys or other access to the medication storage cabinets and boxes.

105.10(4) *Labeling medications.* Schedule II medications and prescription medications shall be maintained in their original containers, clearly labeled by an authorized prescriber and prescribed for the child. Sample prescription medications shall be accompanied by a written prescription. Nonprescription medications shall be maintained as purchased in their original containers.

105.10(5) *Administering Schedule II medications.* Only staff who have completed a medication management course shall be allowed to administer Schedule II medications.

105.10(6) *Administering prescription and nonprescription medications.* The facility director shall determine and provide written authority as to which staff may administer prescription and nonprescription medications.

a. Prescription medications shall be administered only in accordance with the orders of the authorized prescriber. Nonprescription medications shall be administered by following the directions on the label.

b. The facility director or the facility director's designee may allow a child to self-administer prescription medication with written authorization by the authorized prescriber. The facility shall have written policies relating to self-administration of prescription and nonprescription medications. The facility shall require documentation if the child self-administers a medication.

105.10(7) *Documenting errors in administering medications.* All errors in administering prescription and nonprescription medications shall be documented. Facilities shall review and take appropriate action to ensure that similar errors do not recur.

105.10(8) *Medication for discharged children.* When a child is discharged or leaves the facility, the facility shall turn over to a responsible agent Schedule II medications and prescription medications currently being administered. The facility may send nonprescription medications with the child as needed. The facility shall document in the child's file:

a. The name, strength, dosage form, and quantity of each medication.

b. The signature of the facility staff person turning over the medications to the responsible agent.

c. The signature of the responsible agent receiving the medications.

105.10(9) *Destroying outdated and unused medications.* Unused Schedule II medications and prescription medications may not be kept at the facility for more than 15 days after the child has left the facility and the Schedule II medications, and prescription medications shall be destroyed in the presence of at least one witness in a manner approved by the U.S. Food and Drug Administration.

Outdated, discontinued, or unusable nonprescription medications shall also be destroyed in a similar manner. The person destroying the medication shall document:

a. The child's name.

b. The name, strength, dosage form, and quantity of each medication.

c. The date the medication was destroyed.

d. The names and signatures of the witness and staff person who destroyed the medication.

441—105.11(232) Basic needs.

105.11(1) *Clothing.* All children shall be provided clothing, including socks and undergarments, that are suited to existing climate and seasonal conditions and that are clean, dry and in good repair. All children shall be provided with new, unused socks and undergarments when they arrive at the facility. All children shall be provided a mess bag or laundry loop to keep together their clothing, socks, and undergarments during the laundry process to ensure that they will be able to wear their own socks and undergarments.

105.11(2) *Personal hygiene.* All children shall immediately and continuously be provided with hygiene products that reflect the individual religious, race and ethnic needs of the child. Hygiene items include but are not limited to shampoo, conditioner, soap, lotion, deodorant, toothpaste, toothbrush, dental floss, feminine hygiene products, hairbrush, comb, protective coverings, and shaving cream and balm. Shaving razors will be provided in a manner that ensures the safety of the child, other children, and staff. Those items of a personal nature, including toothbrush, dental floss, and deodorant, shall not be shared between children.

105.11(3) *Showers.* All children shall be offered a shower or bath on a daily basis. A minimum of ten minutes of time shall be allotted to each child to shower or bathe, with additional time provided for children with disabilities.

105.11(4) *Limits to the opposite sex viewing.* In compliance with the federal Prison Rape Elimination Act of 2003, Juvenile Standards (Public Law 108-79), section 115.315(d) as amended to August 1, 2026, there shall be policies and procedures that enable children to shower, perform bodily functions, and change clothing without nonmedical staff of the opposite sex viewing their breasts, buttocks, or genitalia, except in exigent circumstances. Staff of the opposite sex shall be required to announce their presence when entering an area where children are likely to be showering, performing bodily functions, or changing clothing. Any incidences of the opposite sex viewing the breast, buttocks, or genitalia of a child shall be documented in the child's record, with an explanation of why the opposite sex viewing occurred.

441—105.12(232) External staffings. The staff shall be available to participate in staffings of the referring agency or court or upon request to provide a written summary of the child's progress and behavior while in the facility program.

441—105.13(232) Child abuse. Pursuant to Iowa Code sections 232.69 and 232.70, written policies consistent with mandatory reporting laws shall prohibit mistreatment, neglect, abuse, or sexual abuse of children and specify reporting and enforcement procedures for the facility. Alleged violations shall be reported immediately to the director or assistant director or appointed designee of the facility and the department's abuse hotline. Any employee for whom there is a substantiated instance of child abuse or failure to report child abuse shall be subject to the agency's policies concerning dismissal.

441—105.14(232) Program reports.

105.14(1) *Daily log.* The facility shall maintain a daily log to generally record noteworthy occurrences regarding the children in care.

105.14(2) *Incident reports.* Problem areas or unusual behavior for specific children shall be documented as an incident report and noted on the daily log. A copy of the incident report shall be maintained in the child's case file.

105.14(3) *Record retention.* Records, files and reports shall be retained for a period of at least ten years or until the child turns 18, whichever comes first.

441—105.15(232) Children's rights.

105.15(1) *Policies in writing.* All policies and procedures of the facility shall be in writing and provided to the child upon admission and made available to the child's parent(s) or guardian(s) upon request. All policies and procedures provided to children shall be written at a fifth-grade reading level to enable comprehension by children. If the child's reading comprehension does not enable the child to understand the policies and procedures, the child care workers shall provide verbal explanation. If the child remains in care over four days, the policies and procedures shall be made available either by electronic means or by traditional mail, if requested by the child's parent(s) or guardian(s). The rationale and circumstances of any deviation from these policies shall be discussed with the child's parent(s) or guardian(s) and the referring worker, documented, and placed in the child's case record.

105.15(2) *Confidentiality.* Information regarding children and their families shall be kept confidential and released only with proper written authorization, in accordance with Iowa Code section 232.147, or for purposes of certification during reviews by the department of inspections, appeals, and licensing. Policies and procedures shall be developed to maintain the confidentiality of children and shall have a process that documents staff are aware of these confidentiality requirements.

105.15(3) *Communication.*

a. Unless specifically regulated by the court, visitation shall be allowed with members of the child's immediate family or legal guardian(s), and efforts shall be made to allow visitation for persons with a significant committed positive relationship (e.g., mentor, pastor or priest, therapist, educator, or coach).

b. At minimum, children will be allowed one phone call per day with the child's immediate family or legal guardian(s) and, at minimum, one visit with the child's immediate family or legal guardian(s) every other day.

c. Family or legal guardian visits shall be monitored only to the extent necessary to ensure the child's safety and facility security. Rationale for monitoring shall be explained to the child and family or legal guardian(s) and documented in the child's record.

d. Direct-contact family or legal guardian visits shall be permitted unless there are restrictions ordered by the court or there are safety concerns for the child or the facility. Rationale for prohibiting direct-contact family or legal guardian visits shall be explained to the child and family or legal guardian(s) and documented in the child's record.

e. The facility shall make efforts to accommodate family-friendly visit hours, including evening hours during the standard work week (Monday through Friday) and mornings, afternoons, and evenings during the weekend (Saturday and Sunday) and state holidays.

f. Conversations with family members or legal guardian(s) shall be permitted in the preferred language of the child and family or legal guardian(s).

g. The child shall be permitted to communicate privately with legal counsel and the referring worker, and the child shall be permitted to initiate the contact with legal counsel, presiding judge and referring worker.

h. The child shall be allowed to conduct telephone or virtual conversations with family members or legal guardian(s). Telephone or virtual calls shall be monitored only to the extent necessary to ensure the child's well-being and facility security. Rationale for monitoring a child's conversation shall be explained to the child and family member or legal guardian and documented in the child's record. Incoming calls may be screened by staff to verify the identity of the caller before approval is given.

i. In accordance with U.S. Code Title 18, Part I, Chapter 83, as amended to August 1, 2026, the staff shall not open or read children's mail. The child shall be allowed to send and receive mail. The facility may require the child to open incoming mail in the presence of a staff member when the mail is suspected to contain contraband articles or to contain money that should be receipted and

deposited. Mail shall immediately be provided to a child and cannot be withheld from the child until the child's discharge from the facility.

j. When limitations on visitation or other communications are indicated, the limitations shall be determined with the participation or knowledge of the child, family or legal guardian(s), and the referring worker or agency. All restrictions shall have a specific basis that shall be made explicit to the child and family or legal guardian(s) and documented in the child's case record.

k. Communication with the child's immediate family or legal guardian(s), attorney, judge, or referring worker shall never be prevented based upon contingency of behavior or the specific privileges of a level system. Communications with these particular parties are a right, not a privilege. Staff will not serve as the deciding factor as to whether a child is permitted communication with the child's immediate family or legal guardian(s), attorney, judge, or referring worker.

105.15(4) *Privacy.* Reasonable provisions shall be made for the privacy of children.

441—105.16(232) Discipline.

105.16(1) *Generally.* A facility shall have written policies regarding methods used for control and discipline of children that shall be available to all staff, children, the child's family or legal guardian(s), and the child's legal representation. Discipline shall not include withholding of basic necessities, such as food, water, clothing, medications, hygiene products, sleep, bedding for sleeping, access to a toilet, or the opportunity to shower or bathe on a daily basis. Discipline shall not be used for anyone other than a child whose actions resulted in consequences. Group discipline shall not be used because of actions of an individual child or other children. Agency staff shall be in control of and responsible for discipline at all times; no child may discipline another child for any reason.

105.16(2) *Written policies.* The facility shall provide to the children written policies specifying inappropriate behaviors, reasonable consequences for misconduct, and the grievance process available to the child. Upon request, the above information shall be provided to the child's parent(s) or legal guardian(s) and referring worker. Prohibited behaviors shall be those that are disruptive to the detention environment or dangerous to the child, other children, staff, volunteers, or the property of the facility.

105.16(3) *Corporal punishment prohibited.* The facility shall have a policy that clearly prohibits staff or the children from utilizing corporal punishment as a method of disciplining or correcting children. This policy shall be communicated in writing to all staff of the facility.

105.16(4) *Withholding of communication prohibited.* The facility shall have a policy that clearly prohibits the withholding of communication with the child's immediate family, legal guardian(s), legal counsel, case worker, judge, or referring worker as a form of punishment, consequence, or discipline.

105.16(5) *Physical restraint.* The use of physical restraint shall be employed only to prevent a child from injury to self, others, or property. Physical restraint must be conducted with the child in a standing position whenever possible.

a. Only child care workers that have successfully completed a bonded or licensed program that teaches proper physical restraint procedures and techniques may perform or help perform a physical restraint.

b. No other children in the facility shall be permitted to participate or help in a physical restraint in any manner. Participation in a physical restraint should not be grounds for discipline but should otherwise be discouraged.

c. No staff person shall use any restraint that obstructs the airway of a child.

d. Prone restraint is prohibited. Staff persons who find themselves involved in the use of a prone restraint when responding to an emergency must take immediate steps to end the prone restraint.

e. If a staff person physically restrains a child who uses sign language or an augmentative mode of communication as the child's primary mode of communication, the child shall be permitted to have the child's hands free of restraint for brief periods unless the staff person determines that such freedom appears likely to result in harm to the child, others, or property.

f. The rationale and authorization for the use of physical restraint and staff action and procedures carried out to protect the child's rights and to ensure safety shall be clearly documented in the child's record by the responsible staff persons.

105.16(6) *Physical restraint of a pregnant child.* A child known to be pregnant may not be restrained during labor, delivery, and postpartum recovery unless credible, reasonable grounds exist to believe the child presents an immediate and serious threat of hurting the child, staff, or others. Any restraint of a pregnant child during labor, delivery, or postpartum recovery must be documented and maintained in the child's file.

a. A facility may not use abdominal restraints, leg and ankle restraints, wrist restraints behind the back, and four-point restraints on a known pregnant child unless credible, reasonable grounds exist to believe the child presents an immediate and serious threat of hurting the child, staff, or others or reasonable grounds exist to believe the child presents an immediate and credible risk of escape that cannot be reasonably minimized through any other method. Any use of an abdominal restraint, leg or ankle restraints, wrist restraints behind the back, or a four-point restraint of a known pregnant child shall be documented and maintained in the child's file. Documentation shall include why other methods would not be effective in minimizing the immediate and serious threat of hurting the child, staff, or others, or reducing the immediate and credible risk of escape.

b. Abdominal, waist, or behind-the-back restraints shall never be used on a known pregnant child who is 22 weeks or more into the pregnancy.

105.16(7) *Room confinement.* A juvenile detention home may confine a child to the child's room during normal sleeping hours or for disciplinary reasons if the facility has written policies and procedures that include, at a minimum, the reasons for room confinement, time limitations of the confinement, and staff responsibilities to help the child de-escalate or otherwise reduce the need for confinement.

105.16(8) *Time-out.*

a. A child in time-out must never be physically prevented from leaving the time-out area.

b. Time-out may take place away from the area of activity or from other children, such as in the child's room, or in the area of activity of other children.

c. Staff must monitor the child while the child is in time-out.

105.16(9) *Control room policy.* When a juvenile detention home uses a control room as part of its service, the juvenile detention home shall have written policies regarding its use and the facility director shall complete the Evaluation and Recommendation to Operate a Control Room form. The policy shall:

a. Specify the behaviors resulting in control room placement that are limited to:

(1) When the child displays unsafe behaviors that include significant and prolonged disruption to the standard daily programming.

(2) Credible and immediate threats toward other children, staff, or volunteers.

(3) Physical aggression toward other children or staff.

(4) Credible and immediate threats of suicide or nonsuicidal self-injurious behavior.

(5) Out-of-control behavior that results in damage to property.

(6) An escape attempt.

b. Delineate the staff members who may authorize its use as well as procedures for notification of supervisory personnel.

c. Document in writing behaviors leading to control room placement and the nature of the agreement reached with the child that will allow the child to return to the living unit.

105.16(10) *Control room physical requirements.* The control room shall be designed to ensure a physically safe environment that:

a. Has all switches controlling lights and ventilation outside of the room.

b. Allows for total observation of the child at all times.

c. Has protected ceiling lighting.

d. Has no electrical outlets in the room.

e. Is properly heated, cooled and ventilated.

f. Has all doors, ceilings and walls constructed of strength and materials as to prevent damage to the extent that no harm could come to the child.

g. When a window is present, it is secured and protected in such a manner as to prevent harm to the child.

h. Is a minimum of 54 square feet in size with at least one wall measuring a minimum of 6 feet and with a minimum 7½-foot ceiling.

105.16(11) *Use.* A control room shall be used only when a less restrictive alternative to quiet or allow the child to gain control has failed. Utilization of the control room shall be in accordance with the following policies:

a. No more than one child shall be in the control room at any time.

b. There shall be a means for visual observation of the child at all times, regardless of the child's position in the room.

c. The control room should be checked thoroughly for safety and the absence of contraband prior to placing a child in the room.

d. The child shall be thoroughly checked before placement in the control room and all potentially injurious objects removed from such child including shoes, belts, pocket items, and similar items. The staff member placing the child in the control room shall document such check.

e. In no case shall all clothing or underwear, unless documented safety concerns regarding self-harm, be removed, and the child shall be provided sufficient clothing to meet seasonal needs.

f. A child care worker, facility director, or assistant facility director shall always be positioned outside of the control room. Visual and auditory observations of the child's behavior and condition shall be recorded at five-minute intervals, and a complete written report shall be documented in the child's file by the end of the work shift for the child care worker, facility director or assistant facility director.

g. The child shall not remain in the control room longer than one hour except in consultation with and approval from a supervisory child care worker, facility director or assistant facility director, or a qualified designee as specified in facility policy. Documentation in the child's case record shall include the time in the control room, the reasons for the control, and the reasons for the extension of time. Use of the control room for a total of more than 12 hours in any 24-hour period shall occur only in consultation with the facility director or assistant facility director. In a case where a child may be in a control room for a period longer than 12 hours, a licensed mental health professional, as defined in Iowa Code section 228.1(7)*"b,"* shall be consulted prior to the end of the initial 12-hour time period.

h. The child's parent(s) or legal guardian(s), referring worker, and attorney shall be notified when the control room is used for more than a total of 1 hour in any 24-hour period.

i. If the control room is also monitored through close circuit television (CCTV), and the control room is equipped with a toilet, the area of the toilet shall either be blocked from view, blurred, or pixelated to ensure the privacy of children when using the toilet.

105.16(12) *Alternative uses of a control room.* A control room may also be used for the purposes of isolating a child from the rest of the children in the facility when the child requires isolation to prevent the spreading of an infectious disease or for the purpose of allowing a child to become sober while under the influence of alcohol or a controlled substance.

a. No more than one child shall be in the control room at any time.

b. There shall be a means for visual observation of the child at all times, regardless of the child's position in the room.

c. The control room should be checked thoroughly for safety and the absence of contraband prior to placing a child in the room.

d. The child shall be thoroughly checked before placement in the control room and all potentially injurious objects removed from the child, including shoes, belts, pocket items, and similar items. The staff member placing the child in the control room shall document such check.

e. In no case shall all clothing or underwear be removed, and the child shall be provided sufficient clothing to meet seasonal needs.

f. Visual and auditory observations of the child's behavior and condition shall be recorded at 15-minute intervals.

g. The child shall remain in the control room only long enough to become sober or no longer be a threat to the safety of the child or others or until the child no longer is a threat of infecting other children with an infection.

h. If the control room is also monitored through CCTV, and the control room is equipped with a toilet, the area of the toilet shall either be blocked from view, blurred, or pixelated to ensure the privacy of children when using the toilet.

105.16(13) *Written policies.* The facility shall provide to the child written policies specifying inappropriate behaviors, reasonable consequences for misconduct, and due process procedures available to the child. Upon request, the above information shall be provided to the child's parent or guardian and referring worker.

441—105.17(232) Case files.

105.17(1) *Generally.*

a. For the purpose of promoting a uniformity of program for all facilities and as an aid to the department in determining its approval of a facility, all facilities shall establish and maintain for inspection case files on each child.

b. Files shall be available to staff from the state-designated agency as defined by the federal Juvenile Justice and Delinquency Prevention Act as amended to August 1, 2026, and the department of inspections, appeals, and licensing for determining compliance with licensing standards and compliance.

c. All facilities shall regularly submit required case file information to the state-designated agency through an internet-based application approved by the state-designated agency for purposes of determining compliance with the requirements of the federal Juvenile Justice and Delinquency Prevention Act as amended to August 1, 2026, and Iowa Code section 232.22.

105.17(2) *Face sheet.* For all children, a face sheet containing the following information shall be completed.

a. Full name, sex, race or ethnicity, current home address, and date of birth of the child.

b. Full names of the child's parent(s) or legal guardian(s).

c. Address(es) and telephone number(s) of the child's parent(s) or legal guardian(s).

d. Religious preference of the child and also parent, if available.

e. Statement of who has legal custody and guardianship.

f. Name of referring worker and agency making the referral.

g. Telephone number and address of referring agency or court.

h. Name, address, and telephone number of the child's attorney.

i. Current delinquent or criminal charges for which the child is being detained at the facility.

105.17(3) *Written summary.* When a written summary has been requested, a copy shall be placed in the child's record.

105.17(4) *Documentation.* The following information shall be documented in each child's record:

a. Appropriate notes on all significant contacts by staff with parents, referral person and other collateral contacts.

b. A summary related to discharge from the facility, including:

(1) Discharge placement.

(2) Discharge summary.

(3) Final disposition of a child's medications, as applicable.

(4) Identification of who transported the child and destination post-discharge.

105.17(5) *Other information.* When available, the following information shall be documented and shall be placed in the child's record:

a. Current family history or social history.

b. Case plans submitted by the referring agency or orders of the court.

c. Psychological and psychiatric records; copies of all available testing performed plus notes and records of contact with the child.

d. Medical history.

(1) A record of all illnesses, immunizations, communicable diseases and follow-up treatment.

(2) Medical and surgical releases or authorizations signed by the parent, guardian, custodian or court, including releases or authorizations for anesthesia and emergency medical and surgical treatment.

(3) A record of all medical and dental examinations, including findings.

(4) Date of last physical examination prior to placement.

e. School enrollment.

(1) Name and address of school attended.

(2) Grade placement.

(3) Current school in which the child is enrolled.

(4) Specific educational problems.

(5) Remedial action.

f. Court order and other releases and authorizations.

(1) When applicable, the court order authorizing placement in a juvenile detention home.

(2) Court order authorizing release from the juvenile detention home.

(3) All court orders affecting the custody or guardianship of the child.

441—105.18(232) Discharge. Children in detention shall be discharged as determined by the court, an officer of the court when prior to initial court-ordered placement, or a federal agency placing a child when discharged to an authority outside of Iowa.

441—105.19(232) Certificate of approval. The department will issue a certificate of approval annually without cost to any juvenile detention home that meets the standards of these rules and when the certificate would not exceed the state maximum number of juvenile detention beds detailed in Iowa Code section 232.142(5). The department may offer consultation to assist homes in meeting the standards of these rules.

105.19(1) *Applications.* An application shall be submitted on the Application for Juvenile Detention Home Certificate of Approval. The application shall be signed by the facility director of the juvenile detention home, chairman of the county board of supervisors, or chairman of the multicounty board of directors.

a. The withdrawal of an application shall be reported promptly to the department.

b. Each application will be evaluated by the department to ensure that all standards and compliance with applicable state codes are met.

c. Reports and information shall be furnished to the department as requested.

105.19(2) *Rejection.*

a. Applications will be rejected when the minimum standards are not met or when a detention home has a documented practice of detaining youth in ways that are not compliant with Iowa Code section 232.22.

b. Fraudulent applications will be rejected. A fraudulent application is one that contains false statements knowingly made by the applicant or one in which the applicant knowingly conceals information.

c. Applications will be rejected when the facility director has been convicted of a crime indicating an inability to operate a children's facility or care for children.

d. Applications may be rejected for just cause.

105.19(3) *Approval.* Approvals will be given for one year.

105.19(4) *Notification.* Juvenile detention homes should be notified of approval or rejection within 120 days of application unless the applicant requests and is granted an extension by the department. The Notice of Action form will be used to inform applicants of approval or rejection.

105.19(5) *Renewals.*

a. Applications for renewal shall be made on forms provided by the department and shall be made at least 30 days but no more than 100 days prior to expiration of the approval.

b. Each application for renewal will be evaluated by the department to ensure that standards continue to be met.

c. The application for renewal will be rejected or approved in the same manner as an application.

d. Decisions on renewals should be made within 90 days from the application for renewal. Notification of renewal decisions shall be communicated to applicants in the same manner as new applications.

105.19(6) *Revocations.*

a. Approval shall be revoked by the state director for the following reasons:

(1) When the facility violates laws governing the provision of services or rules contained in this chapter.

(2) When the facility is misusing funds furnished by the department.

(3) When the facility is operating without due regard to the health, sanitation, hygiene, comfort, or well-being of the children in the facility.

(4) When the facility director has been convicted of a crime indicating an inability to operate a children's facility or care for children.

b. The following may be causes for revocation:

(1) Substantiated child abuse.

(2) When the facility staff has been convicted of a crime indicating an inability to operate a children's facility or care for children.

105.19(7) *Certificate of approval.* Upon approval, county or multicounty juvenile detention homes will be issued a certificate of approval and private juvenile detention homes will be issued a certificate of license containing the name of the home, address, capacity, and the date of expiration. Renewals will be shown by a seal bearing the new date of expiration unless a change requires a new certificate to be issued.

441—105.20(232) Provisional approval.

105.20(1) *Required conditions.* The department may issue a provisional license for not more than one year when a facility does not meet the requirements of this chapter and the facility submits a written corrective action plan that is approved by the department to bring the facility into compliance with the applicable requirements.

105.20(2) *Written report.* The department or the department's designee will provide a report identifying the reasons for the provisional license and the standards that have not been met.

105.20(3) *Corrective action.* The facility director, chairperson of the county board of supervisors, or chairperson of the multicounty board of directors shall provide the department with a written plan of action that is approved by the department for correcting the deficiencies to bring the facility into compliance with the applicable requirements. The plan shall give specific dates by which the corrective action will be completed.

105.20(4) *Completed corrective action.* When the corrective action is completed on or before the date specified, a full approval will be issued.

105.20(5) *Uncompleted corrective action.* When the corrective action is not completed by the date specified on a provisional approval, the department will not grant a full approval and may reject or extend the provisional approval. An extension of a provisional approval will not cause the effective

period of a provisional approval to exceed 18 months. If the corrective action plan is not completed within 18 months, the approval will be rejected.

441—105.21(232) Mechanical restraint. When a juvenile detention home uses mechanical restraints as part of its program, the juvenile detention home shall have written policies regarding the use of mechanical restraints. These policies shall be approved by the department before use of mechanical restraints. The policies shall be available to children, clients, parent(s) or guardian(s), and referral sources at the time of admission. Policies shall also be available to staff. The facility director of the juvenile detention home or the facility director's designee shall sign the commitment contained in the Evaluation and Recommendation for Approval to Use Mechanical Restraint form before the facility shall be approved to use a mechanical restraint.

105.21(1) *Restrictions on mechanical restraints.*

a. Mechanical restraints shall not be used in any way that may inflict physical injury.

b. Each use of mechanical restraints shall be authorized by the facility director or other staff designated by the facility director if those staff meet one of the following requirements:

(1) Have a bachelor's degree in social work, psychology or a related behavioral science and one year of supervised experience in a juvenile shelter care, detention or foster group care facility.

(2) Have five years of supervised experience in a juvenile shelter care, detention or foster group care facility.

(3) Have some combination of advanced education in related behavioral sciences and supervised experience in a juvenile shelter care, detention or foster group care facility equal to five years. The facility shall have a written listing of all staff designated and qualified to authorize the use of mechanical restraint.

c. When immediate restraint is necessary to protect the safety of the child, other children of the facility, staff or others, mechanical restraints may be utilized without prior authorization, but in each case, a person designated to provide authorization shall be contacted as soon as the child is restrained. The designated person shall visit the child before determining if continued use of the mechanical restraint is necessary. If not viewed as necessary, the child shall be immediately released from restraint.

d. Except for mechanical restraint of a child by the staff of a juvenile detention home for the amount of time needed while that child is being transported to a point outside the facility and as necessary when there is a serious risk of the child exiting a vehicle while the vehicle is in motion or otherwise absconding, each authorization of mechanical restraints shall not exceed one hour in duration without a visit by and written authorization from a licensed mental health professional as defined in Iowa Code section 228.1(7)*"b,"* a physician or surgeon as described in Iowa Code chapter 148, a physician associate as defined in Iowa Code chapter 148C, an advanced registered nurse practitioner as defined in Iowa Code chapter 152, or an advanced practice registered nurse as defined in Iowa Code chapter 152E.

e. No child shall be kept in mechanical restraint for more than 1 hour in a 12-hour period without a visit by and written authorization from a licensed mental health professional as defined in Iowa Code section 228.1(7)*"b,"* a physician or surgeon as defined in Iowa Code chapter 148, a physician associate as defined in Iowa Code chapter 148C, an advanced registered nurse practitioner as defined in Iowa Code chapter 152, or an advanced practice registered nurse as defined in Iowa Code chapter 152E.

f. Any time that a child is placed in mechanical restraint, a staff person shall be assigned to monitor the child with no duties other than to ensure that the child's physical needs are properly met. The staff person shall remain in continuous auditory and visual contact with the child.

g. Each child shall be released from mechanical restraint as soon as the restraints are no longer needed.

h. Restrictions on the use of restraints on known pregnant children are as detailed in subrule 105.16(6).

105.21(2) *Documentation.*

a. Each use of mechanical restraints shall be documented in the client's record and shall include at least the following:

(1) The date and time the child was placed in mechanical restraint.

(2) The type of mechanical restraint utilized.

(3) The reason for the restraint.

(4) The signature of the person authorizing the restraint and the time of authorization.

(5) The signature of the person placing the child in restraint.

(6) The signature of the person providing the continuous auditory and visual contact with the child.

(7) The signature of the person releasing the child and the time of release.

b. Each use of mechanical restraints shall be documented in a separate file that is used only for the recording of uses of mechanical restraints and shall contain the name of the child restrained and the information discussed in paragraph 105.21(2)*"a."*

c. Each facility authorized to use mechanical restraints shall submit a quarterly report that includes all the information required in paragraph 105.21(2)*"a"* to the facility's licensing manager from the department of inspections, appeals, and licensing and to the licensing manager from the department.

105.21(3) *Continued use of mechanical restraints.* When a child requires mechanical restraints on more than four occasions during any 30-day period, the facility shall hold an immediate emergency meeting within three days of the fifth incident and shall have a licensed mental health professional, as defined in Iowa Code section 228.1(7)*"b,"* present at the meeting to discuss how to meet the child's needs, including the appropriateness of the child's continued placement at the facility.

105.21(4) *Transporting children.* Seat belts are not considered mechanical restraints. Facility policies shall require the use of seat belts and comply with Iowa Code sections 321.445 and 321.446 while transporting children.

441—105.22(232) Chemical restraint. Chemical restraint shall not be utilized in juvenile detention homes. Each juvenile detention home shall have written policies that clearly prohibit the use of chemical restraints.

441—105.23(232) Mandatory reporting of child abuse and training.

105.23(1) *Mandatory reporters.* All professionals who, in the scope of professional practice or in their employment responsibilities, examine, attend, counsel, or treat a child and reasonably believe a child has suffered abuse shall make a report in accordance with Iowa Code section 232.69 whenever the provider reasonably believes a child has suffered abuse.

105.23(2) *Required training.* Mandatory reporters shall receive training relating to the identification and reporting of child abuse as required by Iowa Code section 232.69.

105.23(3) *Training documentation.* Each licensee shall develop and maintain a written record for each mandatory reporter in order to document the content and amount of training.

This subrule is intended to implement Iowa Code section 232.69.

105.23(4) *Required reporting duties.* Documentation shall be maintained that staff acknowledge that the staff understands the facility's reporting policies and processes and staff requirements as mandatory reporters to report any knowledge, suspicion, or information staff possesses regarding an allegation of child abuse. Facility policies shall include reporting for child abuse, staff neglect or violation of responsibilities that may have contributed to an incident or for retaliation against children who reported such an incident.

441—105.24(232) Child abuse allegations and investigations.

105.24(1) *Abuse allegation documentation.* All allegations of abuse shall be documented and reviewed by administrative staff within 24 hours of the allegation. Copies of the allegation shall be maintained in a secure manner by the facility director or the facility director's designee.

105.24(2) *Referrals for allegations of child abuse.* An administrative staff shall be assigned the responsibility for determining if there is reasonable belief that an allegation of child abuse will be referred for investigation to an agency with the legal authority to investigate, either to local law enforcement or to the department, or both. Documentation of the determination of reasonable belief, whether it results in a referral for an investigation or not, shall be maintained with the allegation documentation.

105.24(3) *Child abuse investigations.* Cooperation shall be provided to agencies with legal authority to conduct a child abuse investigation. Cooperation may include providing access to requested documentation; access to video and audio recordings; access to staff for interviews; access to volunteers for interviews; providing contact information for the child's parent(s) or legal guardian(s), juvenile court officer, and attorney; access to the child for interviews; and access to the facility.

105.24(4) *Preservation of evidence.* Evidence relevant to a child abuse investigation shall be preserved for a minimum of seven years. This includes but is not limited to maintaining written documentation, records and logs and preserving video and audio files and physical evidence.

These rules are intended to implement Iowa Code section 232.142.

RA 26-398

PUBLIC SAFETY DEPARTMENT[661]

Regulatory Analysis

Notice of Intended Action to be published: rule 661—22.1(321)
"Regulations Applicable to Carriers"

Iowa Code section(s) or chapter(s) authorizing rulemaking: 321.208A, 321.449, 321.450, and 325A.10

State or federal law(s) implemented by the rulemaking: Iowa Code sections 321.1, 321.123, 321.208A, 321.449, and 321.450

Public Hearing

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

December 1, 2026 10 to 10:30 a.m.	125 Public Conference Room Oran Pape State Office Building Des Moines, Iowa

Public Comment

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

Josie Wagler
215 East 7th Street
Des Moines, Iowa 50319
Email: wagler@dps.state.ia.us

Purpose and Summary

This is an annual update in which the Department proposes to adopt the most recent updates to federal regulations. A summary of changes to the Code of Federal Regulations (CFR) is as follows.

49 CFR Part 383 (FR Vol. 91, No. 6, Pages 918-928, 1-9-26)

Transportation of Fuel for Agricultural Aircraft Operations

Action: Final rule.

Summary: The Federal Motor Carrier Safety Administration (FMCSA) amends the Federal Motor Carrier Safety Regulations to allow states to waive the hazardous materials endorsement requirement for holders of Class A commercial driver's licenses (CDLs) who transport no more than 1,000 gallons of aviation-grade jet fuel in support of seasonal agricultural aircraft operations.

Dates: Effective March 10, 2026.

49 CFR Parts 107, 171, 172, 173, 178, and 180 (FR Vol. 91, No. 9, Rules and Regulations, Pages 1433-1447, 1-14-26)

Hazardous Materials: Eliminating Unnecessary Regulatory Burdens on Fuel Transportation

Agency: Pipeline and Hazardous Materials Safety Administration (PHMSA), federal Department of Transportation (DOT).

Action: Final rule.

Summary: PHMSA is adopting several amendments to the Hazardous Materials Regulations (HMR) to reduce unnecessary regulatory burdens associated with the safe transportation of hazardous

materials, including energy products. These amendments will reduce costs for hazardous materials transporters and eliminate unnecessary regulatory burdens on fuel transportation while maintaining or increasing the level of safety provided in the HMR.

Dates:

Effective date: This rule is effective February 13, 2026.

Voluntary compliance date: January 14, 2026.

Incorporation by reference date: The incorporation by reference of certain publications listed in this rule was approved by the Director of the Federal Register on February 13, 2026.

49 CFR Parts 383 and 384 (FR Vol. 91, No. 30, Rules and Regulations, Pages 7044-7103, 2-13-26)

Restoring Integrity to the Issuance of Non-Domiciled CDLs

Agency: FMCSA, DOT.

Action: Final rule.

Summary: FMCSA amends the federal regulations for state driver's licensing agencies (SDLAs) issuing commercial driving credentials to non-domiciled individuals. This final rule reaffirms, with minor changes, the provisions of the interim final rule (IFR) published on September 29, 2025. Specifically, this final rule limits eligibility for non-domiciled Commercial Learner's Permits (CLPs) and CDLs for foreign-domiciled individuals to those who hold specific, verifiable employment-based nonimmigrant status. This rule reaffirms the IFR requirements, aligning the issuance of non-domiciled CDLs with FMCSA's statutory mandate to ensure the fitness of all drivers who operate a commercial motor vehicle (CMV). By limiting eligibility to statuses subject to enhanced consular vetting of driver history and interagency screening, FMCSA restores the integrity of the CDL system, closes a significant safety gap, and enhances the safety of the traveling public.

Dates: Effective March 16, 2026.

49 CFR Parts 365, 370, 379, 386, and 390 (FR Vol. 91, No. 33, Rules and Regulations, Pages 7856-7860, 2-19-26)

Removal of Obsolete References to "Water Carriers"

Agency: FMCSA, DOT.

Action: Final rule.

Summary: FMCSA amends its regulations to remove obsolete references to "water carriers" in the FMCSA regulations (Federal Motor Carrier Safety Regulations or FMCSR). FMCSA does not specifically regulate water carriers except to the extent that such carriers also engage in motor carrier operations. In such cases, the existing FMCSR provide appropriate coverage of the carrier's motor carrier operations.

Dates: Effective March 23, 2026.

49 CFR Part 391 (FR Vol. 91, No. 33, Rules and Regulations, Pages 7864-7867, 2-19-26)

Qualifications of Drivers; Vision Standards Grandfathering Provision

Agency: FMCSA, DOT.

Action: Final rule.

Summary: FMCSA amends the FMCSR to remove the grandfathering provision under the physical qualifications standards for interstate drivers operating under the vision waiver study program administered from 1992 through 1994, and the vision exemption program operated from 1998 through 2022, since the grandfathering provision is now obsolete. FMCSA's current rules permit individuals who do not satisfy, with the worse eye, either the existing distant visual acuity standard with corrective lenses or the field of vision standard, or both, to be physically qualified to operate a CMV in interstate commerce under specified conditions.

Dates: Effective March 23, 2026.

49 CFR Part 396 (FR Vol. 91, No. 33, Rules and Regulations, Pages 7893-7896, 2-19-26)

Electronic Driver Vehicle Inspection Reports

Agency: FMCSA, DOT.

Action: Final rule.

Summary: FMCSA clarifies the requirement to complete a Driver Vehicle Inspection Report (DVIR) based upon a public comment filed by the National Tank Truck Carriers (NTTC). The DVIR may already be completed electronically; however, the explicit language in this rule will make this clear. This will encourage motor carriers and drivers to utilize electronic, cost-saving methods when completing DVIRs.

Dates: Effective March 23, 2026.

49 CFR Part 383 (FR Vol. 91, No. 33, Rules and Regulations, Pages 7860-7864, 2-19-26)

Commercial Driver's License Standards; Requirements and Penalties: Applicability to the Exception for Certain Military Personnel

Agency: FMCSA, DOT.

Action: Final rule.

Summary: FMCSA amends the FMCSR to allow dual-status military technicians to qualify for the exception for certain military personnel from CDL standards. Dual-status military technicians are civilian technicians employed by military units to provide day-to-day support such as training, maintenance, and other activities required to support the unit. They are required by statute to maintain membership in one of the Army or Air Force Reserve Components as a condition of their civilian employment.

Dates: Effective March 23, 2026.

49 CFR Parts 392 and 393 (FR Vol. 91, No. 33, Rules and Regulations, Pages 7867-7871, 2-19-26)

Parts and Accessories Necessary for Safe Operation; Liquid-Burning Flares

Agency: FMCSA, DOT.

Action: Final rule.

Summary: FMCSA amends the rules for emergency equipment on CMVs to remove references to liquid-burning flares from the warning device requirements in the FMCSR. This action eliminates outdated language referring to warning devices that FMCSA believes are no longer used.

Dates: Effective March 23, 2026.

49 CFR Part 393 (FR Vol. 91, No. 33, Rules and Regulations, Pages 7871-7874, 2-19-26)

Parts and Accessories Necessary for Safe Operation; License Plate Lamps

Agency: FMCSA, DOT.

Action: Final rule.

Summary: FMCSA amends the FMCSR to add an exception from the lamp and reflective device requirements for license plate lamps on the rear of truck tractors while towing a trailer. This amendment removes an unnecessary regulatory requirement without impacting safety.

Dates: Effective March 23, 2026.

49 CFR Part 393 (FR Vol. 91, No. 33, Rules and Regulations, Pages 7874-7877, 2-19-26)

Parts and Accessories Necessary for Safe Operation; Certification and Labeling Requirements for Rear Impact Protection Guards

Agency: FMCSA, DOT.

Action: Final rule.

Summary: FMCSA amends the FMCSR to rescind the requirement that the rear impact guard be permanently marked or labeled with a certification from the impact guard manufacturer as required by the applicable Federal Motor Vehicle Safety Standard (FMVSS) promulgated by the National Highway Traffic Safety Administration (NHTSA). The certification label or marking provides motor carriers purchasing new trailers or new impact guards to replace damaged devices with a means to determine whether the equipment is certified as meeting the FMVSS. However, the labeling or marking requirement has proven problematic for motor carriers when the label or marking becomes illegible or wears off during the service life of the trailer or guard. This final rule eliminates an unintended regulatory burden on motor carriers without compromising safety, since it does not affect the applicable FMVSS. The final rule also rescinds a guidance document pertaining to illegible, incomplete, or missing rear impact guard certification labels.

Dates: Effective March 23, 2026.

49 CFR Part 393 (FR Vol. 91, No. 33, Rules and Regulations, Pages 7877-7880, 2-19-26)

Parts and Accessories Necessary for Safe Operation; Spare Fuses

Agency: FMCSA, DOT.

Action: Final rule.

Summary: FMCSA amends the emergency equipment rules to remove the requirement for CMVs to be equipped with at least one spare fuse for each type and size of fuse needed for the operation of the CMV. This change will remove an unnecessary requirement from the FMCSR.

Dates: Effective April 20, 2026.

49 CFR Part 393 (FR Vol. 91, No. 33, Rules and Regulations, Pages 7880-7884, 2-19-26)

Parts and Accessories Necessary for Safe Operation; Fuel Tank Overfill Restriction

Agency: FMCSA, DOT.

Action: Final rule.

Summary: FMCSA removes the requirement in the FMCSR that a liquid fuel tank manufactured on or after January 1, 1973, be designed and constructed so that it cannot be filled, in a normal filling operation, with a quantity of fuel that exceeds 95 percent of the tank's liquid capacity. This final rule responds to a petition for rulemaking from the Commercial Vehicle Safety Alliance (CVSA). The revision removes an unnecessary and outdated requirement from the FMCSR.

Dates: Effective March 23, 2026.

49 CFR Part 393 (FR Vol. 91, No. 33, Rules and Regulations, Pages 7884-7887, 2-19-26)

Parts and Accessories Necessary for Safe Operation; Tire Load Markings

Agency: FMCSA, DOT.

Action: Final rule.

Summary: FMCSA amends the requirements for CMV tires to clarify that the FMCSR do not require tire load restriction markings on the sidewalls of the tires. This change eliminates confusion and clarifies the scope of FMCSA's authority regarding requirements for CMV tires.

Dates: Effective March 23, 2026.

49 CFR Part 393 (FR Vol. 91, No. 33, Rules and Regulations, Pages 7887-7890, 2-19-26)

Parts and Accessories Necessary for Safe Operation; Brakes on Portable Conveyors

Agency: FMCSA, DOT.

Action: Final rule.

Summary: FMCSA adds an exception for portable conveyors used in aggregate industry operations and manufactured before 2010 from the requirement that each CMV be equipped with brakes acting on all wheels, provided certain conditions are satisfied. This final rule responds to a petition for rulemaking from the Michigan Aggregates Association. The exception will provide relief from a regulatory requirement for certain portable conveyors without impacting safety.

Dates: Effective March 23, 2026.

49 CFR Part 393 (FR Vol. 91, No. 33, Rules and Regulations, Pages 7890-7893, 2-19-26)

Parts and Accessories Necessary for Safe Operation; Auxiliary Fuel Tanks

Agency: FMCSA, DOT.

Action: Final rule.

Summary: FMCSA amends its fuel tank requirements to add an exception to the prohibition on gravity and syphon feeds for auxiliary pumps with a nominal fuel tank capacity of not more than five gallons mounted on the trailer chassis frame or trailer bed, for purposes other than operation of the motor vehicle, that are operated only when the motor vehicle is not in motion. This revision responds to a petition for rulemaking from the Truck Trailer Manufacturers Association (TTMA). The revision provides relief from a regulatory requirement without impacting safety.

Dates: Effective March 23, 2026.

49 CFR Parts 107, 171, and 173 (FR Vol. 91, No. 105, Rules and Regulations, Pages 32889-32906, 6-2-26)

Hazardous Materials: Streamlining Requirements for the Approval of Certain Energetic Materials

Agency: PHMSA, DOT.

Action: Final rule.

Summary: PHMSA is amending the HMR by streamlining the classification and approval process for transporting certain low-hazard fireworks, revising the criteria for small arms cartridges to include tracer ammunition as eligible for self-classification, designating the PHMSA portal as the sole method to submit applications for all explosives approvals, and authorizing voluntary termination of an explosive approval by the approval holder.

Dates: Effective July 2, 2026.

49 CFR Parts 383 and 384 (FR Vol. 91, No. 118, Rules and Regulations, Pages 37047-37050, 6-22-26)

Removal of Self-Reporting Requirement

Agency: FMCSA, DOT.

Action: Final rule.

Summary: FMCSA amends the regulations requiring CDL holders to self-report motor vehicle violations to their state of domicile. With the implementation of the exclusive electronic exchange (EEE) of violations between SDLAs in 2024, self-reporting is no longer necessary. This action supports the FMCSA's deregulatory efforts.

Dates: Effective July 22, 2026.

49 CFR Part 396 (FR Vol. 91, No. 118, Rules and Regulations, Pages 37053-37056, 6-22-26)

Completed Inspection Report Disposition

Agency: FMCSA, DOT.

Action: Final rule.

Summary: FMCSA amends the regulations to revise the requirement that motor carriers and intermodal equipment providers sign and return a completed roadside inspection form to the issuing state agency. FMCSA is aware that not all issuing state agencies require the return of these reports and that requiring motor carriers and intermodal equipment providers to submit these reports to a state that does not require, or even request, the return of the form creates an unnecessary burden. Through this change, completed forms will only be returned to those states that request them. This action is in response to a petition for rulemaking from the CVSA.

Dates: Effective July 22, 2026.

49 CFR Part 395 (FR Vol. 91, No. 118, Rules and Regulations, Pages 37050-37053, 6-22-26)

Rescinding the Requirement for Electronic Logging Device Operator's Manual Located in Commercial Motor Vehicles

Agency: FMCSA, DOT.

Action: Final rule.

Summary: FMCSA amends the FMCSR to rescind the requirement for a copy of the electronic logging device (ELD) operator's manual to be kept in a CMV. Drivers are required to understand the operation of the ELD on the vehicle to ensure the accuracy of their electronic records of duty status and to present this information during inspections by enforcement officials. There is no readily apparent benefit to continuing to require that the user's manual be in the CMV given the use of ELDs since December 2019. This final rule eliminates a regulatory burden on motor carriers without compromising safety.

Dates: Effective July 22, 2026.

49 CFR Part 107 (FR Vol. 91, No. 148, Rules and Regulations, Pages 49298-49301, 8-4-26)

Hazardous Materials: Reducing Recordkeeping Requirements for Domestic Carriers

Summary: This final rule amends the hazardous materials program procedures to allow motor and vessel carriers to carry PHMSA registration documents in electronic form.

Dates: Effective September 3, 2026.

49 CFR Parts 171 and 173 (FR Vol. 91, No. 148, Rules and Regulations, Pages 49310-49315, 8-4-26)

Hazardous Materials: Adoption of Department of Transportation Special Permit 21287

Summary: This final rule removes undue regulatory burdens by adopting the provisions of DOT special permit (SP) 21287 to streamline the transportation of refrigerating machines, including common household appliances like refrigerators, window-mounted air-conditioning units, and dehumidifiers, that contain small quantities of certain low-flammability refrigerant gases.

Dates: Effective August 19, 2026.

49 CFR Part 172 (FR Vol. 91, No. 148, Rules and Regulations, Pages 49325-49329, 8-4-26)

Hazardous Materials: Reducing Undue Paperwork Burdens to Domestic Carriers

Summary: This final rule removes undue regulatory burdens by providing domestic carriers and facility operators with the option to maintain electronic copies of emergency response information rather than requiring a hard copy printed on paper.

Dates: Effective September 3, 2026.

49 CFR Part 172 (FR Vol. 91, No. 148, Rules and Regulations, Pages 49329-49332, 8-4-26)

Hazardous Materials: Reduce Training Burdens for America's Farmers

Summary: This final rule makes an inflationary adjustment to the monetary threshold for farmers to be eligible for an exception from security plan and in-depth security training requirements. Specifically, farmers with less than $825,000 in 2025 dollars annually in gross receipts will be excepted from security plan requirements in 49 CFR Part 172.

Dates: Effective September 3, 2026.

49 CFR Parts 172 and 173 (FR Vol. 91, No. 148, Rules and Regulations, Pages 49332-49335, 8-4-26)

Hazardous Materials: Reducing Costs to Domestic Shippers and Carriers of Limited Quantities

Summary: This final rule removes undue regulatory burdens by allowing regulated entities to use a reduced-sized marking for limited quantity shipments of hazardous materials by highway, rail, or vessel.

Dates: Effective September 3, 2026.

49 CFR Part 173 (FR Vol. 91, No. 148, Rules and Regulations, Pages 49340-49345, 8-4-26)

Hazardous Materials: Reducing Burdens by Allowing Continued Use of Department of Transportation Special Permit Packagings

Summary: This final rule removes undue regulatory burdens by allowing for the continued use of packagings authorized under a manufacturing SP for the useful life of the package. Manufacturing SPs typically authorize the manufacture, mark, sale, and use of the packaging authorized by the SP.

Dates: Effective September 3, 2026.

49 CFR Part 173 (FR Vol. 91, No. 148, Rules and Regulations, Pages 49345-49349, 8-4-26)

Hazardous Materials: Reducing Burdens on Domestic Companies Using Battery-Powered Equipment in Trades

Summary: This final rule modernizes the Materials of Trade (MOT) exception in the HMR by increasing the maximum allowable quantities of lithium batteries that can be transported as MOTs. This increase removes an undue regulatory burden that constrains the ability of construction, landscaping, mowing, tree service, food service, and entertainment companies to perform their trade.

Dates: Effective September 3, 2026.

49 CFR Part 171 (FR Vol. 91, No. 148, Rules and Regulations, Pages 49301-49305, 8-4-26)

Hazardous Materials: Reducing Burdens on Domestic Aerosol Shippers

Summary: PHMSA is amending the HMR by updating the definition of an aerosol to eliminate unnecessary regulatory burdens and maintain consistency with current international transportation standards.

Dates: Effective September 3, 2026.

49 CFR Parts 172 and 173 (FR Vol. 91, No. 148, Rules and Regulations, Pages 49335-49340, 8-4-26)

Hazardous Materials: Adoption of Department of Transportation Special Permit 21478

Summary: This final rule removes undue regulatory burdens by adopting the provisions of DOT SP 21478 to allow empty intermediate bulk containers (IBCs) that only contain the residue of a

hazardous material to be transported without shipping papers, placards, and United Nations (UN) identification (ID) numbers.

Dates: Effective September 3, 2026.

49 CFR Parts 107, 171, 173, 178, 179, and 180 (FR Vol. 91, No. 186, Rules and Regulations, Pages 61144-61159, 9-28-26)

Hazardous Materials: Incorporation of American Society of Mechanical Engineers (ASME) Code Section XII and the National Board Inspection Code

Summary: PHMSA is amending the HMR to incorporate by reference and authorize the use of the 2015 edition of the ASME Boiler and Pressure Vessel Code, Section XII, Rules for Construction and Continued Service of Transport Tanks, for the construction and continued service of certain specification cargo tank motor vehicles (CTMVs), cryogenic portable tanks, and multi-unit tank car tanks. PHMSA is also amending the HMR to incorporate by reference and authorize the use of the 2015 edition of the National Board of Boiler and Pressure Vessel Inspectors National Board Inspection Code, Parts 2 and 3 (including Supplement 6), as it applies to the continued service of transport packagings constructed to ASME Section XII standards, as well as for existing CTMVs constructed in accordance with ASME requirements and the HMR. PHMSA finds these updates will result in cost savings and increased regulatory flexibility without compromising safety.

Analysis of Impact

1. **Persons affected by the proposed rulemaking:**

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

CMV owners and operators transporting loads in Iowa will bear the costs of the proposed rulemaking.

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

CMV operators and the motoring public traveling on Iowa's roadways will benefit from the proposed 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 federal regulations subject to be adopted by this proposed rulemaking were subject to fiscal impact review by either the FMCSA or the PHMSA when the regulations were enacted and were determined not to be cost-prohibitive.

- **Qualitative description of impact:**

See previous answer.

3. **Costs to the State:**

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

There is no cost to the agency or any other agency to implement or enforce this rulemaking.

- **Anticipated effect on State revenues:**

There is no anticipated effect on State revenues.

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

Failure to adhere to federal regulations could have a negative impact on obtaining future grant funding for which the Iowa State Patrol is eligible.

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

The Department has determined this to be the least costly and least intrusive method for achieving the purpose of the proposed rulemaking.

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

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

None were identified.

- **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 will not have a substantial impact on small business.

Text of Proposed Rulemaking

ITEM 1. Amend subrule 22.1(1) as follows:

22.1(1) *Regulations.*

a. Motor carrier safety regulations. The department of public safety adopts the Federal Motor Carrier Safety Regulations, 49 CFR Parts 385, 386 and 390-399 (October 1, ~~2025~~ 2026).

b. Hazardous materials regulations. The department of public safety adopts the Federal Hazardous Materials Regulations, 49 CFR Parts 107, 171-173, 177, 178, and 180 (October 1, ~~2025~~ 2026).

c. No change.

RA 26-399

REVENUE DEPARTMENT[701]

Regulatory Analysis

Notice of Intended Action to be published: 701—Chapter 501
"Filing Returns, Payment of Tax, Penalty and Interest, and Tax Credits"

Iowa Code section(s) or chapter(s) authorizing rulemaking: 422.21, 422.33, and 422.36

State or federal law(s) implemented by the rulemaking: Iowa Code sections 422.21, 422.24, 422.33, and 422.36

Public Hearing

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

December 1, 2026 9 to 10 a.m.	Via videoconference call: meet.google.com/xyw-vthq-qti

Public Comment

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

Benjamin Clough
Department of Revenue
Hoover State Office Building
P.O. Box 10457
Des Moines, Iowa 50306-3457
Phone: 515.587.0662
Email: ben.clough@iowa.gov

Purpose and Summary

The purpose of this proposed rulemaking is to rescind and readopt Chapter 501. Chapter 501 provides the rules pertaining to the administration of corporation income tax. The rules are intended to help the public understand how to comply with all types of income tax obligations, including when businesses are required to file returns (have nexus). Rules 701—501.4(422) and 701—501.11(422) have been determined by the Department to be either unnecessary, obsolete, or duplicative of statutory language and are therefore omitted from the new version of the chapter. The Department determined that other rules under this chapter may be repromulgated with clear, accurate, and concise language in accordance with Iowa law. Rule 701—501.1(422) has been updated to reflect the treatment of more modern methods of doing business, which are not contemplated in the current rule, and how they should be treated for nexus and Public Law 86-272 purposes.

The Department has determined that the rules in the current version of this chapter that aid the public in understanding the qualifications and process to claim tax credits against income tax are useful and are therefore proposed under 700—Chapter 800 in **RA 26-366** (IAB 10/28/26). Additionally, a rule on the method for determination of corporate income tax rate adjustments that is proposed to be removed from 700—Chapter 500 in **RA 26-363** (IAB 10/28/26) has been moved to this chapter under rule 701—501.3(422), where it is better suited.

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 proposed rulemaking beyond those that are imposed by the underlying statutes.

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

The public will benefit from the proposed rulemaking because revising rules implementing the administration of corporate income tax provides enhanced accessibility to those rules and reduces confusion related to income tax.

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 significant quantitative impacts known to be associated with this rulemaking.

- **Qualitative description of impact:**

The proposed rulemaking will enhance clarity of the administrative rules applicable to the filing of corporation income tax.

3. **Costs to the State:**

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

There are no costs to the Department to implement the proposed rulemaking beyond what would otherwise be required to administer the underlying statutes.

- **Anticipated effect on State revenues:**

There is no anticipated effect on State revenues, and the amendments of repromulgated rules and elimination of rules that are no longer necessary or are obsolete will provide clarity to the public.

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

There is no benefit to retaining the subrules mentioned above. The cost of inaction of updating the rules in the proposed rulemaking would lead to confusion and frustration. The benefits of the proposed rulemaking are to eliminate unnecessary and obsolete language and rules and to make it easier for the public and tax preparers to find guidance by ensuring the rules only include language that is both clear and necessary to implement Iowa tax law.

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

No less costly or less intrusive methods have been identified.

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

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

The Department considered rescinding any and all of the rules in this chapter but determined that the proposed rulemaking was necessary to provide guidance and clarification to the public beyond what is provided in the underlying statutes.

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

The Department determined that retention of rules with the proposed revisions in this rulemaking will reduce confusion about the subjects of those rules. Proceeding without these rules could negatively impact the public by complicating good-faith taxpayers' ability to comply with Iowa tax law in a proper and timely manner.

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 does not have a substantial impact on small business and does not impose any additional requirements on business other than what is imposed by the underlying statutes.

Text of Proposed Rulemaking

ITEM 1. Rescind 701—Chapter 501 and adopt the following **new** chapter in lieu thereof:

CHAPTER 501
FILING RETURNS

701—501.1(422) Who must file. Every corporation doing business within Iowa, or deriving income from sources consisting of real, tangible, or intangible property located or having a situs within Iowa, shall file a true and accurate return of its income or loss for the taxable period. The return shall be signed by the president or other duly authorized officer of the corporation.

501.1(1) *Definitions.*

"Doing business" is used in a comprehensive sense and includes all activities or any transactions for the purpose of financial or pecuniary gain or profit. Irrespective of the nature of its activities, every corporation organized for profit and carrying out any of the purposes of its organization shall be deemed to be "doing business." In determining whether a corporation is doing business, it is immaterial whether its activities actually result in a profit or loss.

"Intangible property" includes but is not limited to the following: copyrights, patents, processes, trademarks, trade names, franchises, contracts, bank deposits including certificates of deposit, repurchase agreements, mortgage loans, consumer loans, business loans, shares of stocks, bonds, licenses, partnership interests including limited partnership interests, leaseholds, money, evidences of an interest in property, evidences of debts such as credit card debt, leases, an undivided interest in a loan, rights-of-way, and interests in trusts.

"Intangible property located or having a situs within Iowa" means intangible property that belongs to a corporation with its commercial domicile in Iowa or, regardless of where the corporation that owns the intangible property has its commercial domicile, that has become an integral part of some business activity occurring regularly in Iowa. The term also includes the intangible property of every foreign corporation that has acquired a commercial domicile in Iowa and whose property has not acquired a constitutional tax situs outside of Iowa.

"Public Law 86-272" means 15 U.S.C.A. Sections 381 through 385.

"Representative" includes independent contractors, agents, brokers, and other individuals or entities who act on behalf of or at the direction of the corporation. A person may be considered a

representative even though that person may not be considered an employee for other purposes such as withholding of income tax from commissions.

"Tangible property having a situs within Iowa" means that tangible property owned or used by corporation is habitually present in Iowa or it maintains a fixed and regular route through Iowa sufficient so that Iowa could impose an apportioned ad valorem tax on the property under the United States Constitution.

"Tangible property having a situs without Iowa" means tangible property that is habitually present in a state other than Iowa or maintains a fixed and regular route through another state sufficient that the other state could impose an apportioned ad valorem tax on the property under the United States Constitution.

"Within Iowa" includes all activities within the meaning of "doing business" carried on in Iowa or directed at customers in Iowa. Physical presence in the traditional sense within Iowa is not necessarily required for a business to be considered carrying on activity within Iowa. "Within Iowa" includes activities conducted online through websites or applications that are directed at Iowa customers.

501.1(2) *Corporate activities that establish nexus.* The following nonexclusive list of activities carried on in the state on a non-de minimis basis would constitute the minimum activities that would meet the constitutional standards for doing business in that state.

a. Installation or assembly of the corporate product.

b. Ownership or lease of real estate by the corporation that is used for a business purpose.

c. Solicitation of orders for, or sale of, services or real estate.

d. Solicitation of sales or sale of tangible personal property (as opposed to solicitation of orders).

e. Maintenance of a stock of inventory.

f. Existence of an office or other business location.

g. Managerial activities.

h. Collections on regular or delinquent accounts.

i. Technical assistance and training given to purchaser and user of corporate products.

j. The repair or replacement of faulty or damaged goods.

k. The pickup of damaged, obsolete, or returned merchandise from purchaser or user.

l. Rectification of or assistance in rectifying any product complaints or shipping complaints, for example.

m. Delivery of corporate merchandise inventory to corporation's distributors or dealers on consignment.

n. Maintenance of personal property.

o. Participation in recruitment, training, monitoring, or approval of servicing distributors, dealers, or others where purchasers of corporation's products can have such products serviced or repaired.

p. Inspection or verification of faulty or damaged goods.

q. Inspection of the customer's installation of the corporate product.

r. Research.

s. Employees' or officers' use of part of their homes or other places as an office if the corporation pays for such use.

t. The use of samples for replacement or sale and storage of such samples at home or in rented space.

u. Removal of old or defective products.

v. Verification of the destruction of damaged merchandise.

w. Repair or warranty work on company goods or products after sale.

x. Any other activities carried on in advancement, promotion, or fulfillment of the business of the corporation.

501.1(3) *Corporate activities not creating taxability.* Under certain circumstances, businesses that would otherwise be subject to Iowa income taxes are shielded by law from liability.

a. State law protections. A foreign corporation will not be considered doing business in Iowa or deriving income from sources within Iowa if its only activities within Iowa are one or more of the activities listed in Iowa Code section 422.34A.

b. Federal preemption. Public Law 86-272, in general, prohibits any state from imposing an income tax on businesses whose only activities in the state are those described as protected in subrule 501.1(4).

c. De minimis activities. De minimis activities are those activities that, when taken together, establish only a trivial connection with the taxing state. An activity conducted within a taxing state on a regular or systematic basis or pursuant to a company policy (regardless of whether the policy is in writing) normally will not be considered trivial. Whether or not an activity consists of a trivial or nontrivial connection with a state is measured on both a qualitative and quantitative basis. If an activity either qualitatively or quantitatively creates a nontrivial connection with the taxing state, and is otherwise not protected, then the activity is not de minimis. Establishing that unprotected activities only account for a relatively small part of the business conducted within the taxing state is not determinative of whether the activities are de minimis.

501.1(4) *Public Law 86-272.* In general, Public Law 86-272 prohibits any state from imposing an income tax on businesses with income derived within the state from interstate commerce if the business's only business activity within the state consists of the solicitation of orders of tangible personal property by or on behalf of the person by its employees or representatives. Such orders must be sent outside the state for approval or rejection and, if approved, must be filled by shipment or delivery from a point outside the state to be within the purview of Public Law 86-272. Public Law 86-272 does not extend to those corporations that sell services, real estate, or intangibles in more than one state or to domestic corporations.

a. Solicitation of orders. "Solicitation of orders," within Public Law 86-272, is limited to those activities that explicitly or implicitly propose a sale or that are entirely ancillary to requests for purchases. Activities that are entirely ancillary to requests for purchases are ones that serve no independent business function apart from their connection to the solicitation of orders.

b. Activities protected under Public Law 86-272. If the only activities in Iowa of a foreign corporation selling tangible personal property are those of the type described in the nonexclusive list below, the corporation is protected from the Iowa corporation income tax law by Public Law 86-272.

(1) Soliciting orders for sales of tangible personal property by any type of advertising.

(2) The lease or ownership of motor vehicles for use by salespersons in conducting protected activities.

(3) Salespersons' negotiation of a price for a product, subject to approval or rejection outside the taxing state of such negotiated price and solicited order.

(4) Demonstration by salesperson, prior to the sale, of how the corporation's product works.

(5) Delivery of goods to customers by foreign corporation in its own or leased vehicles from a point outside the taxing state. Delivery does not include nonimmune activities, such as picking up damaged goods.

(6) Collection of state or local-option sales taxes or state use taxes from customers.

(7) Audit of inventory levels by salespersons to determine if corporation's customer needs more inventory.

(8) Recruitment, training, evaluation, and management of salespersons pertaining to solicitation of orders.

(9) Salespersons' intervention/mediation in credit disputes between customers and non-Iowa located corporate departments.

(10) Use of hotel rooms and homes for sales-related meetings pertaining to solicitation of orders.

(11) Furnishing and setting up display racks and advising customers on the display of the business's products without charge or other consideration.

(12) Carrying samples and promotional materials only for display or distribution without charge or other consideration.

(13) Short-term display of products at an instate location.

(14) Mere forwarding of customer questions, concerns, or problems by salespersons to non-Iowa locations.

(15) Providing post-sale assistance to in-state customers by posting a list of static FAQ with answers on the business's website.

(16) Placing internet cookies onto the computers or other devices of in-state customers that only gather customer information for purposes entirely ancillary to the solicitation of orders for tangible personal property, such as to remember items that customers have placed in their shopping cart during a current web session, to store personal information customers have provided to avoid the need for the customers to re-input the information when they return to the seller's website, and to remind customers what products they have considered during previous sessions. The cookies perform no other function, and these are the only types of cookies delivered by the business to its customers' computers or other devices.

(17) Offering for sale only items of tangible personal property on its website. The website enables customers to search for items, read product descriptions, select items for purchase, choose among delivery options, and pay for the items.

c. Activities not protected under Public Law 86-272. Nonsolicitation activities, including those listed in this paragraph, are not protected by Public Law 86-272. Activities that take place after a sale ordinarily will not be entirely ancillary to a request for purchases and, therefore, ordinarily will not be considered solicitation of orders.

(1) Installation or assembly of the business's product.

(2) Ownership or lease of real estate by corporation.

(3) Solicitation of orders for, or sale of, services or real estate.

(4) Sale of tangible personal property (as opposed to solicitation of orders).

(5) Performance of services within Iowa.

(6) Maintenance of a stock of inventory.

(7) Existence of an office or other business location.

(8) Managerial activities pertaining to nonsolicitation activities.

(9) Collections on regular or delinquent accounts.

(10) Technical assistance and training given after the sale to purchaser and user of the business's products.

(11) The repair or replacement of faulty or damaged goods.

(12) The pickup of damaged, obsolete, or returned merchandise from purchaser or user.

(13) Rectification of or assistance in rectifying any product complaints, shipping complaints, etc., if more is involved than relaying complaints to a non-Iowa location.

(14) Delivery of corporate merchandise inventory to corporation's distributors or dealers on consignment.

(15) Maintenance of personal property that is not related to solicitation of orders.

(16) Participation in recruitment, training, monitoring, or approval of servicing distributors, dealers, or others where purchasers of the business's products can have such products serviced or repaired.

(17) Inspection or verification of faulty or damaged goods.

(18) Inspection of the customer's installation of the business's product.

(19) Research.

(20) Salespersons' use of part of their homes or other places as an office if the corporation pays for such use.

(21) The use of samples for replacement or sale and storage of such samples at home or in rented space.

(22) Removal of old or defective products.

(23) Verification of the destruction of damaged merchandise.

(24) Independent contractors, agents, brokers, representatives and other individuals or entities who act on behalf of or at the direction of the corporation and who do non-de minimis amounts of nonsolicitation activities in Iowa. However, the maintenance of an office in Iowa or the making of sales in Iowa by independent contractors does not remove the corporation from the protection of Public Law 86-272. "Independent contractors" means commission agents, brokers, or other independent contractors who are engaged in selling or soliciting orders for the sale of tangible personal property or perform other services for more than one principal and who hold themselves out as such in the regular course of their business activities. If a person is subject to the direct control of the foreign corporation, that person may not qualify as an independent contractor.

(25) Entering into franchising or licensing agreements, selling or otherwise disposing of franchises and licenses, or selling or otherwise transferring tangible personal property pursuant to such franchise or license by the franchisor or licensor to its franchisee or licensee within the state.

(26) Activities performed by an employee who telecommutes on a regular basis from within Iowa unless the activities constitute the solicitation of orders for sales of tangible personal property or are entirely ancillary to such solicitation.

(27) Conducting an activity not listed in this subrule that is not entirely ancillary to requests for orders, even if the activity helps to increase purchases.

(28) Other activities not entirely ancillary to solicitation, including any activity that a corporation has a reason to do independent of soliciting customers to purchase products (such as repair, installation, service-type activities, or collection on accounts) regardless of whether that activity is performed by its sales force operating in Iowa.

(29) Non-de minimis activities. Any nonsolicitation activities conducted only on a de minimis basis within the state are also protected under Public Law 86-272. The relative economic importance of unprotected in-state activities, as compared to protected activities, does not determine whether the conduct of the unprotected activities within the taxing state is inconsistent with the limited protection afforded by Public Law 86-272. If a foreign corporation has greater than a de minimis amount of Iowa nonsolicitation activity that includes activity of the types described in this list, whether done by the salesperson, other employee, or other representative, it is not protected from the Iowa corporation income tax by Public Law 86-272.

(30) Provide post-sale assistance to in-state customers via either electronic chat or email that customers initiate by clicking on an icon on the business's website. For example, the business regularly advises customers on how to use products after they have been delivered.

(31) Solicit and receive online applications for its branded credit card via the business's website. The issued cards will generate interest income and fees for the business.

(32) Place internet cookies onto the computers or other electronic devices of in-state customers that gather customer search information that will be used to adjust production schedules and inventory amounts, develop new products, or identify new items to offer for sale.

(33) Remotely fix or upgrade products previously purchased by its in-state customers by transmitting code or other electronic instructions to those products via the internet.

(34) Offer and sell extended warranty plans via its website to in-state customers who purchase the business's products.

(35) Contract with a marketplace facilitator that facilitates the sale of the business's products on the facilitator's online marketplace and that maintains inventory, including some of the business's products, at fulfillment centers in Iowa.

(36) Contract with in-state customers to stream videos and music to electronic devices for a charge.

501.1(5) *Taxation of corporations having only intangible property located or having a situs in Iowa.* Corporations whose only connection with Iowa is their ownership of intangible property located or having a situs in Iowa are subject to Iowa income tax and must file an Iowa income tax return. In the event that the intangible property interest is a general or limited partnership interest, the location or

situs of that partnership interest is the place(s) where the partnership conducts business. The following nonexclusive examples illustrate how this subrule applies.

EXAMPLE 1: A, a corporation with a commercial domicile in State X, has a limited partnership interest in a partnership that does a regular business in Iowa. A has no physical presence in Iowa and has no other contact with Iowa. A's interest in the limited partnership is intangible personal property. A is required to file an Iowa income tax return because A's intangible personal property limited partnership interest has a business situs in Iowa and generates income for A from its business in Iowa.

EXAMPLE 2: C, a corporation with a commercial domicile in State X, owns trademarks and trade names that it, by license agreements, allows other corporations to use. Some of those other corporations do business in Iowa. The trademarks and trade names are used by these other corporations at their Iowa stores in connection with their business activities at those stores. C has no physical presence in Iowa and has no other contact with Iowa. C is paid royalties of 1 percent of net sales of the licensed products or services. C is required to file an Iowa income tax return because C's intangible property interests in the trademarks and trade names have situses in Iowa.

EXAMPLE 3: D, a corporation with a commercial domicile in Iowa, is a holding company that does not sell any tangible personal property or sell any business service but that owns the stock of five subsidiaries, all of which do business outside of Iowa. D has no physical presence outside of Iowa and has no other contact outside of Iowa. D has a unitary relationship with each subsidiary. Under these circumstances, the stock is not an integral part of each subsidiary's business, so the stock does not have a location or situs outside of Iowa. The location or situs of the stock is in Iowa because D's commercial domicile is in Iowa. Accordingly, all of the dividends from the stock paid to D and any capital gains incurred as a result of D's sale of the stock are wholly taxed by Iowa.

EXAMPLE 4: E, a corporation with a commercial domicile in Iowa, owns trademarks and trade names that it, by license agreements, allows other corporations located outside of Iowa to use. The trademarks and trade names are used by these other corporations at their non-Iowa stores in connection with their business activities at those stores. E has no physical presence outside of Iowa and has no other contact outside of Iowa. E has business activities in Iowa. The fees and royalties paid to E are part of E's unitary business income. Under these circumstances, E is entitled to apportion its net income within and without Iowa because E's intangible property interests in the trademarks and trade names have situses outside of Iowa and E has business activities in Iowa.

EXAMPLE 5: G, a corporation with a commercial domicile in State X, earns fees from the licensing of custom computer software. G has no physical presence in Iowa and no other contact with Iowa. G licenses the software to other corporations that do business in Iowa and that use the software in that business in Iowa. Under these circumstances, regardless of whether the fees constitute royalties or something else, the license fees are earned from intangible personal property with a location or situs in Iowa. Accordingly, G is required to file an Iowa income tax return.

EXAMPLE 6: H, a corporation with a commercial domicile in State X, has no physical presence in Iowa. H has entered into a contract with an independent contractor to solicit sales of H's magazines in Iowa. The independent contractor does business in Iowa and receives payment for the magazines and deposits the funds in an Iowa bank for H's account. H earns interest on this account. Under these circumstances, which are H's only contact with Iowa, H's interest-bearing account is an integral part of business activity in Iowa. Accordingly, H is required to file an Iowa income tax return and include the interest income in the numerator of the business activity formula.

EXAMPLE 7: J, a corporation with a commercial domicile in State X, earns income from mortgages that the corporation has purchased. J has no physical presence in Iowa and no other contact with Iowa. J earns interest income from the mortgages on property located in Iowa. Under these circumstances, the interest income is an integral part of business activity in Iowa. Accordingly, J is required to file an Iowa income tax return and include the interest income from the mortgages related to Iowa property in the numerator of the apportionment factor.

501.1(6) *Taxation of S corporations, domestic international sales corporations and real estate investment trusts.* 701—Chapter 402 has more information about S corporations, domestic international sales corporations and real estate investment trusts.

501.1(7) *Exempted corporations and organizations filing requirements.*

a. Exempt status. An organization that is exempt from federal income tax under Section 501 of the Internal Revenue Code, unless the exemption is denied under IRC Section 501, 502, 503 or 504, is exempt from Iowa corporation income tax, except as set forth in Iowa Code section 422.34(2)*"b."* The department may, if a question arises regarding the exempt status of an organization, request a copy of the federal determination letter.

b. Annual return. An organization or association that is exempt from Iowa corporation income tax because it is exempt from federal income tax is not required to file an annual income tax return unless it is subject to the tax on unrelated business income. The organization shall inform the director in writing of any revocation of or change of exempt status by the Internal Revenue Service within 30 days after the federal determination.

c. Tax on unrelated business income. A tax is imposed on the unrelated business income of corporations, associations, and organizations exempt from the general business tax on corporations by Iowa Code section 422.34(2) to the extent this income is subject to tax under the Internal Revenue Code.

(1) The exempt corporation, association, or organization must file Form IA 1120, Iowa Corporation Income Tax Return, to report its income. The exempt organization must make estimated tax payments if its expected income tax liability for the year is $1,000 or more.

(2) The tax return is due on the fifteenth day of the fifth month following close of the tax year and may be extended six months if 90 percent of the tax is paid prior to the due date.

(3) The starting point for computing Iowa taxable income is federal taxable income. Federal taxable income shall be adjusted as required in Iowa Code section 422.35.

(4) If the activities that generate the unrelated business income are carried on partly within and partly without the state, then the taxpayer should determine the portion of unrelated business income attributable to Iowa by the apportionment and allocation provisions of Iowa Code section 422.33.

(5) The provisions of 701—Chapters 500, 501, 502, 503, 504 and 505 apply to the unrelated business income of organizations exempt from the general business tax on corporations.

d. Out-of-state business performing work in Iowa due to state-declared disaster. 701—Chapter 276 contains filing requirements for an out-of-state business that enters Iowa to perform disaster and emergency-related work during a disaster response period as those terms are defined in Iowa Code section 29C.24.

501.1(8) *Income tax of corporations in liquidation.* When a corporation is in the process of liquidation, or in the hands of a receiver, the income tax returns must be made under oath or affirmation of the persons responsible for the conduct of the affairs of such corporations and must be filed at the same time and in the same manner as required of other corporations.

501.1(9) *Income tax returns for corporations dissolved.*

a. Corporations that have been dissolved during the income year must file income tax returns for the period prior to dissolution that has not already been covered by previous returns. Officers and directors are responsible for the filing of the returns and for the payment of taxes, if any, for the audit period provided by law.

b. Where a corporation dissolves and disposes of its assets without making provision for the payment of its accrued Iowa income tax, liability for the tax follows the assets so distributed and upon failure to secure the unpaid amount, suit to collect the tax may be instituted against the stockholders and other persons receiving the property, to the extent of the property received, except bona fide purchasers or others as provided by law.

501.1(10) *Income tax returns for corporations storing goods in an Iowa warehouse.* Foreign corporations are not required to file income tax returns if their only activities in Iowa are the storage of goods for a period of 60 consecutive days or less in a warehouse for hire located in

Iowa, provided that the foreign corporation transports or causes a carrier to transport such goods to that warehouse and that none of these goods are delivered or shipped to a purchaser in Iowa. The following nonexclusive examples illustrate how this subrule applies.

EXAMPLE 1: A, a foreign corporation, stores goods in a warehouse for hire in Iowa for a period of 45 consecutive days. The goods are then delivered to a purchaser outside Iowa. If this is A's only activity in Iowa, A is not required to file an Iowa income tax return.

EXAMPLE 2: B, a foreign corporation, stores goods in a warehouse for hire in Iowa for a period of 75 consecutive days. The goods are then delivered to a purchaser outside Iowa. B is required to file an Iowa income tax return because the goods were stored in Iowa for more than 60 consecutive days.

EXAMPLE 3: C, a foreign corporation, stores goods in a warehouse for hire in Iowa for a period of 30 consecutive days. One percent of these goods are shipped to a purchaser in Iowa, and the other 99 percent are shipped to a purchaser outside Iowa. C is required to file an Iowa income tax return because a portion of the goods were shipped to a purchaser in Iowa.

EXAMPLE 4: D, a foreign corporation, has retail stores in Iowa. D also stores goods in a warehouse for hire in Iowa for a period of 30 consecutive days. The goods are then delivered to a purchaser outside Iowa. D is required to file an Iowa income tax return because its Iowa activities are not limited to the storage of goods in a warehouse for hire in Iowa.

EXAMPLE 5: E, a foreign corporation, has goods delivered by a common carrier, F, into a warehouse for hire in Iowa. The goods are stored in the warehouse for a period of 40 consecutive days and are then delivered to a purchaser outside Iowa. If this is E's only activity in Iowa, E is not required to file an Iowa income tax return. However, F is required to file an Iowa income tax return because F derives income from transportation operations in Iowa.

501.1(11) *Political organizations.* Political organizations described in IRC Section 527 that are domiciled in Iowa and are required to file federal Form 1120-POL and pay federal corporation income tax are subject to Iowa corporation income tax to the same extent as they are subject to federal corporation income tax.

501.1(12) *Homeowners associations.* Homeowners associations described in IRC Section 528 that are domiciled in Iowa and are required to file federal Form 1120-H and pay federal corporation income tax are subject to Iowa corporation income tax to the same extent as they are subject to federal corporation income tax.

This rule is intended to implement Iowa Code chapter 422.

701—501.2(422) Time and place for filing return.

501.2(1) *Returns of corporations.* The due date for all corporations, except for nonprofits subject to the unrelated business income tax (UBIT), and cooperative associations as defined in IRC Section 6072(d), is the last day of the fourth month following the close of the taxpayer's taxable year, whether the return is made on the basis of the calendar year or the fiscal year, or the last day of the period covered by an extension of time granted by the director. Iowa Code section 421.9A contains information on due dates that fall on a Saturday, Sunday, or holiday. If a return is placed in the mail, properly addressed and postage paid on or before the due date for filing, no penalty will attach should the return not be received until after that date. Mailed returns should be addressed as provided in the form instructions.

501.2(2) *Returns of cooperatives.* A return of income for cooperatives, defined in IRC Section 6072(d), must be filed on or before the fifteenth day of the ninth month following the close of the taxpayer's taxable year.

501.2(3) *Nonprofits subject to UBIT.* A return of income for nonprofits subject to UBIT must be filed on or before the fifteenth day of the fifth month following the close of the taxpayer's taxable year.

501.2(4) *Short period returns.* Where under a provision of the Internal Revenue Code, a corporation is required to file a tax return for a period of less than 12 months, a short period Iowa

return must be filed for the same period. The short period Iowa return is due 45 days after the federal due date, not considering any federal extension of time to file.

This rule is intended to implement Iowa Code sections 422.21 and 422.24.

701—501.3(422) Method for determination of the tax rates. When the net corporate income tax receipts in the preceding fiscal year are sufficient to trigger a rate reduction under Iowa Code section 422.33(1)*"b,"* the department will adjust the corporate income tax rates according to the following method.

501.3(1) The department will use data from corporate tax returns for the most recent tax years for which the department has sufficient data available to calculate corporate income tax receipts for the applicable fiscal year as described in subrules 501.3(2) and 501.3(3).

501.3(2) The department will first estimate what the corporate tax revenue would be for the current tax year and the two preceding tax years corresponding to the fiscal year in question using the applicable corporate income tax rates.

501.3(3) The department will then apply lower marginal tax rates for those tax years to determine what marginal tax rates would have generated $700 million in net corporate income tax receipts in the preceding fiscal year.

501.3(4) In reducing the marginal tax rates, the department will first reduce the highest marginal rate until it is equal to the next highest rate, then reduce the two highest rates by equal amounts until there is a single rate of 5.5 percent.

501.3(5) The tax rates will be rounded down to the nearest one-tenth of 1 percent.

501.3(6) This rule will cease to be applicable by operation of law January 1 of the first year in which the corporate income tax rate is reduced to a single rate of 5.5 percent.

This rule is intended to implement Iowa Code section 422.33.

701—501.4(422) Form for filing.

501.4(1) *Use and completeness of prescribed forms.*

a. Returns shall be made by corporations on forms supplied by the department. Each question shall be answered and each direction complied with in the same manner as if the forms and instructions were embodied in these rules.

b. Returns received that are not completed but merely state "see schedule attached" are not valid. This may result in the imposition of penalties and interest due to the return being filed after the due date.

501.4(2) *Form for filing—corporations.*

a. Corporations are required to file a complete Iowa return if they are doing business in Iowa or deriving income from sources within Iowa. Corporations must also include a complete copy of their federal corporation income tax return as filed with the Internal Revenue Service with the filing of their Iowa return.

b. When a corporation is included in the filing of a consolidated federal income tax return, the corporation income tax return shall include a schedule of the consolidating income statements as properly computed for federal income tax purposes showing the income and expenses of each member of the consolidated group and include a schedule of capital gains on a separate basis. In those instances where the corporation is involved in the filing of a consolidated federal income tax return, the credit computations shall be reported on a separate entity basis. Rule 701—502.2(422) provides more information about filing Iowa consolidated returns.

501.4(3) *Amended returns.* If the amount of income reported to be federal net income, Iowa taxable income, or any other item was erroneously stated on the Iowa return, or changed by Internal Revenue Service audit, or otherwise, the taxpayer shall file an amended Iowa return along with supporting schedules, to include the amended federal return and a copy of the federal revenue agent's report if applicable.

This rule is intended to implement Iowa Code sections 422.21 and 422.36.

RA 26-400

SECRETARY OF STATE[721]

Regulatory Analysis

Notice of Intended Action to be published: 721—Chapter 12
"Disaster Recovery for Out-of-State Entities"

Iowa Code section(s) or chapter(s) authorizing rulemaking: 17A and 29C.24(7)

State or federal law(s) implemented by the rulemaking: Iowa Code chapter 17A and sections 29C.3 and 29C.24

Public Hearing

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

December 1, 2026 9 to 10 a.m.	Via videoconference call: meet.google.com/bgd-sijt-agq

Public Comment

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

Carl Dietz
Office of the Secretary of the State
Lucas State Office Building
321 East 12th Street
Des Moines, Iowa 50319
Email: carl.dietz@sos.iowa.gov

Purpose and Summary

This rulemaking proposes a new Chapter 12 in order to remove rule 721—12.1(29C) since it is unnecessary and renumber rules 721—12.2(29C) and 721—12.3(29C) accordingly.

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 anticipated from this proposed rulemaking.

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

This rulemaking does not create or alter benefits.

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 economic impact of the proposed rulemaking.

- **Qualitative description of impact:**

There is no qualitative impact of the proposed rulemaking.

3. **Costs to the State:**

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

No costs to the Secretary of State or any other agency are anticipated.

- **Anticipated effect on State revenues:**

No effect on State revenues is anticipated.

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

There is no cost difference between adoption of the proposed rulemaking and inaction.

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

No less costly methods or less intrusive methods exist.

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

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

No alternative methods were considered.

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

No alternative methods were considered.

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 does not have a substantial impact on small business.

Text of Proposed Rulemaking

ITEM 1. Rescind 721—Chapter 12 and adopt the following **new** chapter in lieu thereof:

CHAPTER 12
DISASTER RECOVERY FOR OUT-OF-STATE ENTITIES

721—12.1(29C) Notification and insurance verification. Within 15 days of entering the state in response to a disaster in accordance with Iowa Code section 29C.24, an entity shall file with the secretary of state the following information, from the secretary of state's prescribed form for out-of-state corporations for disaster recovery.

1. Name.
2. State of domicile.
3. Principal business address.
4. Federal employer identification number.
5. The date the entity entered the state.
6. Contact information.
7. Certificate of worker compensation insurance.

8. Certificate of liability insurance.

9. A signed statement that the out-of-state business is in the state for the purpose of responding to a declared state disaster or emergency.

721—12.2(29C) Transmittal of notification. Once the form from rule 721—12.1(29C) is processed, the secretary of state shall transmit the information to the department of revenue and the homeland security and emergency management department. The secretary of state shall provide the information to other state and local government agencies at their request.

These rules are intended to implement Iowa Code sections 29C.3 and 29C.24.

RA 26-401

SECRETARY OF STATE[721]

Regulatory Analysis

Notice of Intended Action to be published: 721—Chapter 30
"Uniform Commercial Code"

Iowa Code section(s) or chapter(s) authorizing rulemaking: 17A and 554.9526
State or federal law(s) implemented by the rulemaking: Iowa Code chapters 17A and 554

Public Hearing

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

December 1, 2026 10 to 11 a.m.	Via videoconference call: meet.google.com/bgd-sijt-agq

Public Comment

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

Carl Dietz
Office of the Secretary of State
Lucas State Office Building
321 East 12th Street
Des Moines, Iowa 50319
Email: carl.dietz@sos.iowa.gov

Purpose and Summary

This proposed rulemaking is intended to do the following:

1. Correct an Iowa Code reference in subrule 30.1(2);
2. Remove references to an online-filing character limitation in subrules 30.3(2) and 30.3(4);
3. Replace duplicate catchwords in subrule 30.4(9);
4. Make explicit that an SOS affidavit of wrongful filing (AWF) form must be used and clarify the AWF procedure in subrule 30.4(14); and
5. Remove an inapplicable description in subrule 30.4(15).

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 anticipated as a result of this proposed rulemaking.

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

This rulemaking does not create or alter benefits.

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 economic impact of the proposed rulemaking.

- **Qualitative description of impact:**

There is no qualitative impact of the proposed rulemaking.

3. **Costs to the State:**

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

No costs to the Secretary of State or any other agency are anticipated.

- **Anticipated effect on State revenues:**

No effect on State revenues is anticipated.

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

There is no cost difference between adoption of the proposed rulemaking and inaction.

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

No less costly methods or less intrusive methods exist.

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

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

No alternative methods were considered.

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

No alternative methods were considered.

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 does not have a substantial impact on small business.

Text of Proposed Rulemaking

ITEM 1. Rescind 721—Chapter 30 and adopt the following **new** chapter in lieu thereof:

DIVISION III
UNIFORM COMMERCIAL CODE

CHAPTER 30
UNIFORM COMMERCIAL CODE

721—30.1(554) General provisions.

30.1(1) *Policy statement.* The duties and responsibilities of the filing officer with respect to the administration of the UCC are ministerial. In accepting for filing or refusing to file a UCC document pursuant to these rules, the filing officer does none of the following:

a. Determine the legal sufficiency or insufficiency of a document.

b. Determine that a security interest in collateral exists or does not exist.

c. Determine that information in the document is correct or incorrect, in whole or in part.

d. Create a presumption that information in the document is correct or incorrect, in whole or in part.

30.1(2) *Definitions.* The following terms shall have the respective meanings provided in this rule. Terms not defined in this rule which are defined in the UCC shall have the respective meanings accorded such terms in the UCC.

"Active" means a UCC record has not reached the one-year anniversary of its lapse date.

"Amendment" means a UCC document that purports to amend the information contained in a financing statement. Amendments include assignments, continuations and terminations.

"Assignment" means an amendment that purports to reflect an assignment of all or a part of a secured party's power to authorize an amendment to a financing statement.

"Continuation" means an amendment that purports to continue the effectiveness of a financing statement.

"Correction statement" means a UCC document that purports to indicate that a financing statement is inaccurate or wrongfully filed.

"File number" means the unique identification number assigned to an initial financing statement by the filing officer for the purpose of identifying the financing statement and UCC documents relating to the financing statement in the filing officer's information management system. The filing number bears no relation to the time of filing and is not an indicator of priority.

"Filing office" and *"filing officer"* mean the office of the secretary of state. The address of the office is Lucas State Office Building, First Floor, 321 East 12th Street, Des Moines, Iowa 50319.

"Financing statement" means a record or records composed of an initial financing statement and any filed record(s) relating to the initial financing statement.

"Inactive" means a UCC record has reached the first anniversary of its lapse date.

"Individual" means a human being, or a decedent in the case of a debtor that is such decedent's estate.

"Initial financing statement" means a UCC document that does not identify itself as an amendment or identify an initial financing statement to which it relates, as required by Iowa Code sections 554.9512, 554.9514, and 554.9518.

"Organization" means a legal person who is not an individual as defined above.

"Remitter" means a person who tenders a UCC document to the filing officer for filing, whether the person is a filer or an agent of a filer responsible for tendering the document for filing. "Remitter" does not include a person responsible merely for the delivery of the document to the filing office, such as the postal service or a courier service, but does include a service provider who acts as a filer's representative in the filing process.

"Secured party of record" means, with respect to a financing statement, a person whose name is provided as the name of a secured party or a representative of the secured party in an initial financing statement that has been filed. If an initial financing statement is filed under Iowa Code section 554.9514(1), the assignee named in the initial financing statement is the secured party of record with respect to the financing statement. If an amendment of a financing statement which provides the name of a person as a secured party or a representative of a secured party is filed, the person named in the amendment is a secured party of record. If an amendment is filed under Iowa Code section 554.9514(2), the assignee named in the amendment is a secured party of record. A person remains a secured party of record until the filing of an amendment of the financing statement which deletes the person.

"Termination" means an amendment intended to indicate that the related financing statement has ceased to be effective with respect to the secured party authorizing the termination.

"UCC" means the Uniform Commercial Code as adopted in this state and in effect from time to time.

"UCC document" means an initial financing statement, an amendment, an assignment, a continuation, a termination or a correction statement. The word "document" in the term "UCC document" shall not be deemed to refer exclusively to paper or paper-based writings; it being understood that UCC documents may be expressed or transmitted electronically or through media other than such writings. (NOTE: This definition is used for the purpose of these rules only. The use of the term "UCC document" in these rules has no relation to the definition of the term "document" in Iowa Code section 554.9102(1)*"ah."*)

30.1(3) *Singular and plural forms.* Singular nouns shall include the plural form, and plural nouns shall include the singular form, unless the context otherwise requires.

30.1(4) *Place to file.* The filing office is the office for filing UCC documents relating to all types of collateral except for timber to be cut, as-extracted collateral (Iowa Code section 554.9102(1)*"f"*) and, when the relevant financing statement is filed as a fixture filing, goods which are or are to become fixtures. Regardless of the nature of the collateral, the filing office is the office for filing all UCC documents where the debtor is a transmitting utility.

30.1(5) *Filing office identification.* In addition to the promulgation of these rules, the filing office will disseminate information of its location, mailing address, telephone and fax numbers, and its internet and other electronic "addresses" through usual and customary means.

a. Online information service. The filing officer offers online information services at sos.iowa.gov.

b. Electronic mail. Electronic mail cannot be used for filing UCC documents or for requesting searches of the records of financing statements.

30.1(6) *Office hours.* Although the filing office maintains regular office hours (8 a.m. to 4:30 p.m. Monday through Friday, except holidays), it receives transmissions electronically and by telefacsimile 24 hours per day, 365 days per year, except for scheduled maintenance and unscheduled interruptions of service. Electronic communications may be retrieved and processed periodically (but no less often than once each day the filing office is open for business) on a batch basis.

30.1(7) *UCC document delivery.* UCC documents may be tendered for filing at the filing office as follows:

a. Personal delivery at the filing office's street address. The file time for a UCC document delivered by this method is when delivery of the UCC document is accepted by the filing office (even though the UCC document may not yet have been accepted for filing and subsequently may be rejected).

b. Courier delivery at the filing office's street address. The file time for a UCC document delivered by this method is, notwithstanding the time of delivery, the next close of business following the time of delivery (even though the UCC document may not yet have been accepted for filing and may be subsequently rejected). A UCC document delivered after regular business hours or on a day the filing office is not open for business will have a filing time of the close of business on the next day the filing office is open for business.

c. Postal service delivery to the filing office's mailing address. The file time for a UCC document delivered by this method is the next close of business following the time of delivery (even though the UCC document may not yet have been accepted for filing and may be subsequently rejected). A UCC document delivered after regular business hours or on a day the filing office is not open for business will have a filing time of the close of business on the next day the filing office is open for business.

d. Telefacsimile delivery to the filing office's fax filing telephone number. The file time for a UCC document delivered by this method is, notwithstanding the time of delivery, the next close of business following the time of delivery (even though the UCC document may not yet have been accepted for filing and may be subsequently rejected). A UCC document delivered after regular business hours or on a day the filing office is not open for business will have a filing time of the close of business on the next day the filing office is open for business.

In order for delivery of UCC documents by telefacsimile to be accepted, remitter must have a preapproved charge account as provided in 30.1(11)*"d"* or an acceptable credit card as provided by 30.1(11)*"e."*

e. Electronic filing. UCC documents may be transmitted electronically using the XML standard approved by the International Association of Commercial Administrators as described in 30.3(3). UCC documents may also be transmitted electronically through online entry as described in 30.3(4). The file time for a UCC document delivered by this method is the time that the filing office's UCC information management system analyzes the relevant transmission and determines that all the required elements of the transmission have been received in a required format and are machine-readable.

30.1(8) *Search request delivery.* UCC search requests may be delivered to the filing office by any of the means by which UCC documents may be delivered to the filing office, except as provided in 30.1(7)*"e."* Requirements concerning search requests are set forth in 30.5(2). UCC search requests upon a debtor named on an initial financing statement may be made by an appropriate indication on the face of the initial financing statement form if the form is entitled to be filed with the standard form fee and the relevant search fee is also tendered with the initial financing statement.

30.1(9) *Approved forms.* Forms for UCC documents that conform to the requirements of this rule will be accepted by the filing office. Other forms will not be accepted by the filing office.

a. Approved forms. Only those forms approved for the relevant UCC document by the International Association of Commercial Administrators (the UCC National Forms) will be acceptable. Copies of these forms are available on the secretary of state's website at www.sos.iowa.gov or by request to the secretary of state's office.

NOTE: The debtor's taxpayer identification number (TAX ID #), social security number (SSN), and employer identification number (EIN) are not required, and will be readily available to the public if entered on UCC documents.

b. Form—UCC search. The information request form approved by the International Association of Commercial Administrators will be acceptable. Other request forms will also be acceptable, provided they contain the information required by 30.5(2).

c. Electronic filings. A UCC document transmitted electronically pursuant to the International Association of Commercial Administrators' XML standard and the procedures set forth in 30.3(3) or pursuant to online data entry procedures set forth in 30.3(4) will be acceptable.

30.1(10) *Filing fees.*

a. Filing fee. The fee for filing and indexing a UCC document of one or two pages communicated on paper or in a paper-based format (including faxes) is $10. If there are additional pages, the fee is $20. The fee for filing and indexing a UCC document communicated using a medium authorized by these rules that is other than on paper or in a paper-based format shall be $5.

b. UCC search fee. The fee for a UCC search request is $5.

c. UCC search—copies. The fee for paper copies of UCC documents is $1 per page.

30.1(11) *Methods of payment.* Filing fees and fees for public records services rendered by the secretary of state may be paid to the secretary of state by the following methods.

a. Cash. The filing officer discourages cash payment unless made in person to the cashier at the filing office.

b. Checks. Checks made payable to the filing office, including checks in an amount to be filled in by a filing officer but not to exceed a particular amount, will be accepted for payment if they are cashier's checks or certified checks drawn on a bank acceptable to the filing office or if the drawer is acceptable to the filing office.

c. Electronic funds transfer. The filing office may accept payment via electronic funds transfer under National Automated Clearing House Association (NACHA) rules from remitters who have entered into appropriate NACHA-approved arrangements for such transfers and who authorize the relevant transfer pursuant to such arrangements and rules.

d. Accounts receivable. Payment for services shall be in accordance with 721—2.3(17A).

e. Credit card. The filing office may accept payments using credit cards issued by approved credit card issuers.

30.1(12) *Overpayment and underpayment policies.*

a. Overpayment. The filing officer shall refund the amount of an overpayment exceeding $10 to the remitter. The filing officer shall refund an overpayment of $10 or less only upon the written request of the remitter.

b. Underpayment. Upon receipt of a document with an insufficient fee, the filing officer shall return the document to the remitter as provided in 30.2(5). A refund of a partial payment may be included with the document or delivered under separate cover.

30.1(13) *Public records services.* Public records services are provided on a nondiscriminatory basis to any member of the public on the terms described in these rules. The following methods are available for obtaining copies of UCC documents and copies of data from the UCC information management system.

a. Individually identified documents. Copies of individually identified UCC documents are available in the following forms.

(1) Paper.

(2) PDF files.

b. Bulk copies of documents. Bulk copies of UCC documents are available in PDF format via download from the office.

c. Data from the information management system. A list of available data elements from the UCC information management system and the file layout of the data elements are available from the filing officer upon request. Data from the information management system is available as follows.

(1) Full extract. A bulk data extract of information from the UCC information management system is available on a weekly basis.

(2) Format. Extracts from the UCC information management system are available via downloads from the filing office.

d. Direct online services. Online services make UCC data and images available.

30.1(14) *Fees for public records services.* Fees for public records services are established as follows.

a. Paper copies of individual documents.

(1) Regular delivery method—$1 per page.

(2) Fax delivery—$2 per page.

b. Bulk copies of documents.

(1) Subscription basis—4 cents per page plus $25 per week.

(2) Document image master file—4 cents per document.

c. Data from the information management system—full extract. Download—$300.

30.1(15) *New practices and technologies.* The filing officer is authorized to adopt practices and procedures to accomplish receipt, processing, maintenance, retrieval and transmission of, and remote access to, Article 9 filing data by means of electronic, voice, optical or other technologies and, without limiting the foregoing, to maintain and operate, in addition to or in lieu of a paper-based system, a non-paper-based Article 9 filing system utilizing any of such technologies.

721—30.2(554) Acceptance and refusal of documents.

30.2(1) *Duty to file.* Provided that there is no ground to refuse acceptance of the document under 30.2(2), a UCC document is filed upon its receipt by the filing officer with the filing fee, and the filing officer shall promptly assign a file number to the UCC document and index it in the information management system.

30.2(2) *Grounds for refusal of UCC document.* The following grounds are the sole grounds for the filing officer's refusal to accept a UCC document for filing. As used herein, the term "legible" is not limited to refer only to written expressions on paper: it requires a machine-readable transmission for electronic transmissions and an otherwise readily decipherable transmission in other cases.

a. Debtor name and address. An initial financing statement or an amendment that purports to add a debtor shall be refused if the document fails to include a legible debtor name and address for a debtor, in the case of an initial financing statement, or for the debtor purporting to be added in the case of such an amendment. If the document contains more than one debtor name or address and some names or addresses are missing or illegible, the filing officer shall index the legible name and address pairings, and provide a notice to the remitter containing the file number of the document, identification of the debtor name(s) that was (were) indexed, and a statement that debtors with illegible or missing names or addresses were not indexed.

b. Additional debtor identification. An initial financing statement or an amendment adding one or more debtors shall be refused if the document fails to identify whether each named debtor (or each added debtor in the case of such an amendment) is an individual or an organization, if the last name of each individual debtor is not identified, or if, for each debtor identified as an organization, the document does not include in legible form the organization's type, state of organization and organization number (if it has one) or a statement that it does not have one.

c. Secured party name and address. An initial financing statement, an amendment purporting to add a secured party of record, or an assignment shall be refused if the document fails to include a legible secured party (or assignee in the case of an assignment) name and address. If the document contains more than one secured party (or assignee) name or address, and some names or addresses are missing or illegible, the filing officer shall refuse the UCC document.

d. Lack of identification of initial financing statement. A UCC document other than an initial financing statement shall be refused if the document does not provide a file number of a financing statement in the UCC information management system that has not lapsed.

e. Identifying information. A UCC document that does not identify itself as an amendment or identify an initial financing statement to which it relates, as required by Iowa Code sections 554.9512, 554.9514, and 554.9518, is an initial financing statement.

f. Timeliness of continuation. A continuation shall be refused if it is not received during the six-month period concluding on the day upon which the related financing statement would lapse.

(1) First day permitted. The first day on which a continuation may be filed is the date of the month corresponding to the date upon which the financing statement would lapse, six months preceding the month in which the financing statement would lapse. If there is no such corresponding date during the sixth month preceding the month in which the financing statement would lapse, the first day on which a continuation may be filed is the last day of the sixth month preceding the month in which the financing statement would lapse, although filing by certain means may not be possible on such date if the filing office is not open on such date.

(2) Last day permitted. The last day on which a continuation may be filed is the date upon which the financing statement lapses.

g. Fee. A document shall be refused if the document is accompanied by less than the full filing fee tendered by a method described in 30.1(11).

h. Means of communication. UCC documents communicated to the filing office by a means of communication not authorized by the filing officer for the communication of UCC documents shall be refused.

i. XML refusal. UCC documents communicated by XML may be refused as provided in 30.3(3) for reasons not applicable to other communications methods.

30.2(3) *Grounds not warranting refusal.* The sole grounds for the filing officer's refusal to accept a UCC document for filing are enumerated in 30.2(2). The following are examples of defects that do not constitute grounds for refusal to accept a document. They are not a comprehensive enumeration of defects outside the scope of permitted grounds for refusal to accept a UCC document for filing.

a. Errors. The UCC document contains or appears to contain a misspelling or other apparently erroneous information.

b. Incorrect names.

(1) The UCC document appears to identify a debtor incorrectly.

(2) The UCC document appears to identify a secured party or a secured party of record incorrectly.

c. Extraneous information. The UCC document contains additional or extraneous information of any kind.

d. Insufficient information. The UCC document contains less than the information required by Article 9 of the UCC, provided that the document contains the information required in 30.2(2)*"a"* through 30.2(2)*"e."*

NOTE: The debtor's taxpayer identification number (TAX ID #), social security number (SSN), and employer identification number (EIN) are not required, and may be readily available to the public if entered on UCC documents.

e. Collateral description. The UCC document incorrectly identifies collateral, or contains an illegible or unintelligible description of collateral, or appears to contain no such description.

f. Excess fee. The document is accompanied by funds in excess of the full filing fee.

30.2(4) *Time limit.* The filing officer shall determine whether criteria exist to refuse acceptance of a UCC document for filing not later than the second business day after the date the document would have been filed had it been accepted for filing and shall index a UCC document not so refused within the same time period.

30.2(5) *Procedure upon refusal.* If the filing officer finds grounds under 30.2(2) to refuse acceptance of a UCC document, the filing officer shall return the document, if written, to the remitter and will refund the filing fee. The filing office shall send a notice that contains the date and time the document would have been filed had it been accepted for filing (unless such date and time are stamped on the document) and a brief description of the reason for refusal to accept the document under 30.2(2). The notice shall be sent to a secured party or the remitter as provided in 30.4(2)*"e"* no later than the second business day after the filing office receives the document. The refund may be delivered with the notice or under separate cover.

30.2(6) *Acknowledgment.*

a. At the request of a filer or remitter who submits a paper or paper-based UCC document, the filing officer shall either:

(1) Send to said filer or remitter an image of the record of the UCC document showing the file number assigned to it and the date and time of filing; or

(2) If such filer or remitter provides a copy of such UCC document, note the file number and the date and time of filing on the copy and deliver or send it to said filer or remitter.

b. For UCC documents not filed in paper or paper-based form, the filing officer shall communicate to the filer or remitter the information in the filed document, the file number and the date and time of filing.

30.2(7) *Other notices.* Nothing in these rules prevents a filing officer from communicating to a filer or a remitter that the filing officer noticed apparent potential defects in a UCC document, whether or not it was filed or refused for filing. However, the filing office is under no obligation to do so and may not, in fact, have the resources to do so or to identify such defects. THE RESPONSIBILITY FOR THE LEGAL EFFECTIVENESS OF FILING RESTS WITH FILERS AND REMITTERS AND THE FILING OFFICE BEARS NO RESPONSIBILITY FOR SUCH EFFECTIVENESS.

30.2(8) *Refusal errors.* If a secured party or a remitter demonstrates to the satisfaction of the filing officer that a UCC document that was refused for filing should not have been refused under 30.2(2), the filing officer will file the UCC document as provided in these rules with a filing date and time assigned when such filing would have occurred had it not been wrongfully rejected. The filing officer will also file a statement (and such demonstration of error shall constitute the secured party's authorization to do so) that states that the effective date and time of filing is the date and time the UCC document was originally tendered for filing, and that sets forth such date and time.

721—30.3(554) UCC information management system.

30.3(1) *Policy statement.* The filing officer uses an information management system to store, index, and retrieve information relating to financing statements. The information management system includes an index of the names of debtors named on financing statements which are active. This rule describes the UCC information management system.

30.3(2) *General provisions—UCC information management system.*

a. Primary data elements. The primary data elements used in the UCC information management system are the following.

(1) Identification numbers.

1. Each initial financing statement is identified by its file number as defined in 30.1(2). Identification of the initial financing statement is stamped on written UCC documents or otherwise permanently associated with the record maintained for UCC documents in the UCC information management system. A record is created in the information management system for each initial financing statement and all information comprising such record is maintained in such system. Such record is identified by the same information assigned to the initial financing statement.

2. A UCC document other than an initial financing statement is identified by a unique file number assigned by the filing officer. In the information management system, records of all UCC documents other than initial financing statements are linked to the record of their related initial financing statement.

(2) Type of document. The type of UCC document from which data is transferred is identified in the information management system from information supplied by the remitter.

(3) Filing date and filing time. The filing date and filing time of UCC documents are stored in the information management system. Calculation of the lapse date of an initial financing statement is based upon the filing date.

(4) Identification of parties. The names and addresses of debtors and secured parties are transferred from UCC documents to the UCC information management system using one or more data entry or transmittal techniques.

(5) Status of financing statement. In the information management system, each financing statement has a status of active or inactive.

(6) Page count. The total number of pages in a UCC document is maintained in the information management system.

(7) Lapse indicator. An indicator is maintained by which the information management system identifies whether a financing statement will lapse and, if it does, when it will lapse. The lapse date is determined as provided in 30.4(5).

b. Names of debtors who are individuals. For the purpose of this paragraph, "individual" means a human being, or a decedent in the case of a debtor that is such decedent's estate. This rule applies to the name of a debtor or a secured party on a UCC document who is an individual.

(1) Individual name fields. The names of individuals are stored in files that include only the names of individuals, and not the names of organizations. Separate data entry fields are established for first (given), middle (given), and last names (surnames or family names) of individuals. A filer should place the name of a debtor with a single name (e.g., Cher) in the last name field. The filing officer assumes no responsibility for the accurate designation of the components of a name but will accurately enter the data in accordance with the filer's designations.

(2) Titles and prefixes before names. Titles and prefixes, such as "doctor," "reverend," "Mr.," and "Ms.," should not be entered in the UCC information management system. However, as provided in 30.4(8), when a UCC document is submitted with designated name fields, the data will be entered in the UCC information management system exactly as it appears.

(3) Titles and suffixes after names. Titles or indications of status such as "M.D." and "esquire" are not part of an individual's name and should not be provided by filers in UCC documents. Suffixes that indicate which individual is being named, such as "senior," "junior," "I," "II," and "III," are

appropriate. In either case, as provided in 30.4(8), the suffixes will be entered into the information management system exactly as received.

(4) Truncation—individual names. Personal name fields in the UCC database are fixed in length. Although filers should continue to provide full names on their UCC documents, a name that exceeds the fixed length is entered as presented to the filing officer, up to the maximum length of the data entry field. The lengths of data entry name fields are as follows.

1. First name: 50 characters.
2. Middle name: 50 characters.
3. Last name: 50 characters.
4. Suffix: 15 characters.

c. Names of debtors that are organizations. This rule applies to the name of an organization that is a debtor or a secured party on a UCC document.

(1) Single field. The names of organizations are stored in files that include only the names of organizations and not the names of individuals. A single field is used to store an organization name.

(2) Truncation—organization names. The organization name field in the UCC database is fixed in length. The maximum length is 100 characters. Although filers should continue to provide full names on their UCC documents, a name that exceeds the fixed length is entered as presented to the filing officer, up to the maximum length of the data entry field.

d. Estates. Although they are not human beings, estates are treated as if the decedent were the debtor under 30.3(2)*"b."*

e. Trusts. If the trust is named in its organic document(s), its full legal name, as set forth in such document(s), is used. Such trusts are treated as organizations. If the trust is not so named, the name of the settlor is used. If a settlor is indicated to be an organization, the name is treated as an organization name. If the settlor is an individual, the name is treated as an individual name. A UCC document that uses a settlor's name should include other information provided by the filer to distinguish the debtor trust from other trusts having the same settlor, and all financing statements filed against trusts or trustees acting with respect to property held in trust should indicate the nature of the debtor. If other information is included in, or as part of, the name of the debtor, the information will be entered as if it were a part of the name under 30.4(8) and 30.4(9).

f. Initial financing statement. Upon the filing of an initial financing statement, the status of the parties and the status of the financing statement shall be as follows:

(1) Status of secured party. Each secured party named on an initial financing statement shall be a secured party of record, except that if the UCC document names an assignee, the secured party/assignor shall not be a secured party of record and the secured party/assignee shall be a secured party of record.

(2) Status of debtor. The status of a debtor named on the document shall be active and shall continue as active until one year after the financing statement lapses.

(3) Status of financing statement. The status of the financing statement shall be active. A lapse date shall be calculated five years from the file date, unless the initial financing statement indicates that it is filed with respect to a public-financing transaction or a manufactured-home transaction, in which case the lapse date shall be 30 years from the file date, or if the initial financing statement indicates that it is filed against a transmitting utility, in which case there shall be no lapse date. A financing statement remains active until one year after it lapses, or if it is indicated to be filed against a transmitting utility, until one year after it is terminated with respect to all secured parties of record.

g. Amendment. Upon the filing of an amendment, the status of the parties and the status of the financing statement shall be as follows:

(1) Status of secured party and debtor. An amendment shall affect the status of its debtor(s) and secured party(ies) as follows:

1. Collateral amendment or address change. An amendment that amends only the collateral description or one or more addresses has no effect upon the status of any debtor or secured party. If a statement of amendment is authorized by less than all of the secured parties (or, in the case of an

amendment that adds collateral, less than all of the debtors), the statement affects only the interests of each authorizing secured party (or debtor).

2. Debtor name change. An amendment that changes a debtor's name has no effect on the status of any debtor or secured party, except that the related initial financing statement and all UCC documents that include an identification of such initial financing statement shall be cross-indexed in the UCC information management system so that a search under either the debtor's old name or the debtor's new name will reveal such initial financing statement and such related UCC documents. Such a statement of amendment affects only the rights of its authorizing secured party(ies).

3. Secured party name change. An amendment that changes the name of a secured party has no effect on the status of any debtor or any secured party, but the new name is added to the index as if it were a new secured party of record.

4. Addition of a debtor. An amendment that adds a new debtor name has no effect upon the status of any party to the financing statement, except that the new debtor name shall be added as a new debtor on the financing statement. The addition shall affect only the rights of the secured party(ies) authorizing the statement of amendment.

5. Addition of a secured party. An amendment that adds a new secured party shall not affect the status of any party to the financing statement, except that the new secured party name shall be added as a new secured party on the financing statement.

6. Deletion of a debtor. An amendment that deletes a debtor has no effect on the status of any party to the financing statement, even if the amendment purports to delete all debtors.

7. Deletion of a secured party. An amendment that deletes a secured party of record has no effect on the status of any party to the financing statement, even if the amendment purports to delete all secured parties of record.

(2) Status of financing statement. An amendment shall have no effect upon the status of the financing statement, except that a continuation may extend the period of effectiveness of a financing statement.

h. Assignment of powers of secured party of record.

(1) Status of the parties. An assignment shall have no effect on the status of the parties to the financing statement, except that each assignee named in the assignment shall become a secured party of record.

(2) Status of financing statement. An assignment shall have no effect upon the status of the financing statement.

i. Continuation.

(1) Continuation of lapse date. Upon the timely filing of one or more continuations by any secured party(ies) of record, the lapse date of the financing statement shall be postponed for five years.

(2) Status of parties. The filing of a continuation shall have no effect upon the status of any party to the financing statement.

(3) Status of financing statement. Upon the filing of a continuation statement, the status of the financing statement remains active.

j. Termination.

(1) Status of parties. The filing of a termination shall have no effect upon the status of any party to the financing statement.

(2) Status of financing statement. A termination shall have no effect upon the status of the financing statement and the financing statement shall remain active in the information management system until one year after it lapses, unless the termination relates to a financing statement that indicates it is filed against a transmitting utility, in which case the financing statement will become inactive one year after it is terminated with respect to all secured parties of record.

k. Correction statement.

(1) Status of parties. The filing of a correction statement shall have no effect upon the status of any party to the financing statement.

(2) Status of financing statement. A correction statement shall have no effect upon the status of the financing statement.

l. Procedure upon lapse. If there is no timely filing of a continuation with respect to a financing statement, the financing statement lapses on its lapse date, but no action is then taken by the filing office. On the first anniversary of such lapse date, the information management system renders or is caused to render the financing statement inactive and the financing statement will no longer be made available to a searcher unless inactive statements are requested by the searcher and the financing statement is still retrievable by the information management system.

30.3(3) *XML documents.*

a. Definitions. For the purpose of rules relating to the electronic transmission of UCC documents, the following terms shall have the meaning provided in this rule.

"XML" means extensible markup language.

"XML document" means a UCC document transmitted from a remitter to the filing officer by XML techniques authorized under this rule.

b. XML authorized. A remitter may be authorized for XML transmission upon the written authorization of the filing officer. A request to be authorized to transmit XML documents shall be in writing and delivered to the filing officer. Upon receipt of a request for authorization, the filing officer shall provide the remitter with necessary information on the requirements for XML transmission, including format, address for transmission, and other necessary specifications.

(1) The filing officer shall authorize a remitter to engage in XML transmissions if:

1. The remitter holds an account for the billing of fees by the filing officer,

2. The remitter has entered into an agreement, in form and substance satisfactory to the filing officer, with the filing office, and

3. The filing officer determines, after appropriate testing of transmissions in accordance with the filing officer's specifications, that the remitter is capable of transmitting XML documents in a manner that permits the filing officer to receive, index, and retrieve the XML documents.

(2) The filing officer may suspend or revoke the authorization when, in the filing officer's sole discretion, it is determined that a remitter's transmissions are incompatible with the filing officer's XML system.

c. IACA standard adopted. The XML format for filing a UCC document, as adopted by the International Association of Commercial Administrators and in effect from time to time, is adopted in this state as a format for electronic transmission of UCC documents, although the filing officer shall, periodically and at the request of an authorized XML remitter, identify which versions and releases of the XML format are then in use by and acceptable to the filing office.

d. Implementation guide. The filing office publishes an implementation guide that prescribes in further detail the use of the XML format in the UCC filing system. The guide is available upon request made in writing to the filing office at its mailing address set forth in 30.1(2) above.

30.3(4) *Direct online filing and search procedures.*

a. Direct online filing and search services are available to any person with internet access to the secretary of state website: sos.iowa.gov.

b. Document filing procedures. Initial financing statements and amendments may be filed via the secretary of state website, which allows for entry of information required on the approved UCC forms specified in 30.1(9). A record which is created by the filer in this manner is subject to all of the provisions of the UCC, as if it were a paper document submitted to the filing office. However, attachments may not be submitted. Filing instructions are provided on the website.

c. Search request procedures. A certified search naming a particular debtor may be obtained via the secretary of state website: sos.iowa.gov. A request that is created by the filer in this manner is subject to all of the provisions of the UCC as if it were a paper search request submitted to the filing office. Images of individual financing statements may be obtained online. Instructions are provided on the website.

721—30.4(554) Filing and data entry procedures.

30.4(1) *Policy statement.* This rule describes the filing procedures of the filing officer upon and after receipt of a UCC document. Except as provided in these rules, data are transferred from a UCC document to the information management system exactly as the data are set forth in the document. Personnel who create reports in response to search requests type search criteria exactly as set forth on the search request. No effort is made to detect or correct errors of any kind.

30.4(2) *Document indexing and other procedures before archiving.*

a. Date and time stamp. The date and time of receipt are noted on the document or otherwise permanently associated with the record maintained for a UCC document in the UCC information management system.

b. Cash management. Transactions necessary to payment of the filing fee are performed.

c. Document review. The filing office determines whether a ground exists to refuse the document under 30.2(2).

d. File stamp. If there is no ground for refusal of the document, the document is stamped or deemed filed and a unique identification number and the filing date are stamped on the document or permanently associated with the record of the document maintained in the UCC information management system. The sequence of the identification number is not an indication of the order in which the document was received.

e. Correspondence.

(1) Acknowledgment of filing. If there is no ground for refusal of the document, an acknowledgment of filing is prepared as provided in 30.2(6) and communicated as follows:

1. UCC document tendered in person. Acknowledgment of filing is given to the remitter by personal delivery or sent by regular mail to the remitter or the secured party (or the first secured party if there is more than one) named on the UCC document.

2. UCC document tendered by courier or postal service delivery. Acknowledgment of filing is sent by regular mail to the remitter or to the secured party (or the first secured party if there is more than one).

3. UCC document tendered by telefacsimile delivery. Acknowledgment of filing is sent by regular mail (or, if requested, by telefacsimile) to the remitter or to the secured party (or the first secured party if there is more than one).

4. UCC document transmitted electronically using XML standard. Acknowledgment of filing is returned electronically.

5. UCC document transmitted by online entry. Acknowledgment of filing is returned electronically.

(2) Notice of refusal. If there is a ground for refusal of the document, notification of refusal to accept the document is prepared as provided in 30.2(5) and communicated as follows:

1. UCC document tendered in person. Notice of refusal is given to the remitter by personal delivery or sent by regular mail to the remitter or the secured party (or the first secured party if there is more than one) named on the UCC document.

2. UCC document tendered by courier or postal service delivery. Notice of refusal is sent by regular mail to the remitter or to the secured party (or the first secured party if there is more than one).

3. UCC document tendered by telefacsimile delivery. Notice of refusal is sent by regular mail (or, if requested, by telefacsimile) to the remitter or to the secured party (or the first secured party if there is more than one).

4. UCC document transmitted electronically using XML standard. Notice of refusal is returned electronically.

5. UCC document transmitted by online entry. Notice of refusal is returned electronically.

f. Data entry. Data entry and indexing functions are performed as described in this rule.

30.4(3) *Filing date.* The filing date of a UCC document is the date the UCC document is received with the proper filing fee if the filing office is open to the public on that date or, if the filing office is not open on that date, the filing date is the next date the filing office is open, except that,

in each case, UCC documents received after 4:30 p.m. shall be deemed received on the next date the filing office is open. The filing officer may perform any duty relating to the document on the filing date or on a date after the filing date.

30.4(4) *Filing time.* The filing time of a UCC document is determined as provided in 30.1(7).

30.4(5) *Lapse date and time.* A lapse date is calculated for each initial financing statement (unless the debtor is indicated to be a transmitting utility). The lapse date is the same date of the same month as the filing date in the fifth year after the filing date or relevant subsequent fifth anniversary thereof if a timely continuation statement is filed, but if the initial financing statement indicates that it is filed with respect to a public-finance transaction or a manufactured-home transaction, the lapse date is the same date of the same month as the filing date in the thirtieth year after the filing date. The lapse takes effect at midnight at the end of the lapse date. The relevant anniversary for a February 29 filing date shall be March 1 in the fifth year following the year of the filing date.

30.4(6) *Errors of the filing officer.* The filing office may correct the errors of filing officer personnel in the UCC information management system at any time. If the correction is made after the filing officer has issued a UCC search report with a certification date that includes the filing date of a corrected document, the filing officer shall place a record relating to the relevant initial financing statement in the UCC information management system stating the date of the correction and explaining the nature of the corrective action taken. The record shall be preserved for so long as the record of the initial financing statement is preserved in the UCC information management system.

30.4(7) *Errors other than filing office errors.* An error by a filer is the responsibility of such filer. It can be corrected by filing an amendment or it can be disclosed by a correction statement.

30.4(8) *Data entry of names—designated fields.* A filing should designate whether a name is that of an individual or an organization and, if an individual, also designate the first, middle and last names and any suffix. With regard to designated fields, the following shall apply.

a. Organization names. Organization names are entered into the UCC information management system exactly as set forth in the UCC document, even if it appears that multiple names are set forth in the document or if it appears that the name of an individual has been included in the field designated for an organization name.

b. Individual names. On the form that designates separate fields for first, middle, and last names and any suffix, the filing officer enters the names into the first, middle, and last name and suffix fields in the UCC information management system exactly as set forth on the form.

c. Designated fields required. The filing office specifies in 30.1(9) the use of forms that designate separate fields for individual and organization names and separate fields for first, middle, and last names and any suffix. Such forms diminish the possibility of filing office error and help ensure that filers' expectations are met. However, filers should be aware that the inclusion of names in an incorrect field or failures to transmit names accurately to the filing office may cause filings to be ineffective. All documents submitted through direct data entry or through XML will be required to use designated name fields.

30.4(9) *Refusal for failure to specify individual or organization.* A UCC document that is an initial financing statement or an amendment that adds a debtor to a financing statement and that fails to specify whether the debtor is an individual or an organization will be refused by the filing office.

30.4(10) *Verification of data entry.* The filing officer uses the following procedures to verify the accuracy of data entry tasks. Double key entry is employed for data entered in the following fields.

a. Time and date of filing.

b. Document identification number.

c. Document type.

d. Debtor name fields.

e. City address of debtor.

30.4(11) *Initial financing statement.* A new record bearing the file number of the financing statement and the date and time of filing is opened in the UCC information management system for each initial financing statement.

a. The name and address of each debtor that are legibly set forth in the financing statement are entered into the record of the financing statement. Each debtor name and city are included in the searchable index and not removed until one year after the financing statement lapses.

b. The name and address of each secured party that are legibly set forth in the financing statement are entered into the record of the financing statement.

c. The record is indexed according to the name of the debtor(s) and is maintained for public inspection.

d. A lapse date is established for the financing statement and the lapse date is maintained as part of the record, unless the initial financing statement indicates that it is filed against a transmitting utility.

30.4(12) *Amendment.* A record is created for the amendment that bears the file number for the amendment and the date and time of filing.

a. The record of the amendment is associated with the record of the related initial financing statement in a manner that causes the amendment to be retrievable each time a record of the financing statement is retrieved.

b. The name and address of each additional debtor and secured party are entered into the UCC information management system in the record of the financing statement. Each additional debtor name and city are added to the searchable index and not removed until one year after the financing statement lapses.

c. If the amendment is a continuation, a new lapse date is established for the financing statement and maintained as part of its record.

30.4(13) *Correction statement.* A record is created for the correction statement that bears the file number for the correction statement and the date and time of filing. The record of the correction statement is associated with the record of the related initial financing statement in a manner that causes the correction statement to be retrievable each time a record of the financing statement is retrieved.

30.4(14) *Affidavit of wrongful filing.* Only an affidavit of wrongful filing submitted on the form issued by the filing office will be acceptable. Assessment is made, notices are sent, and records determined to be wrongful are terminated and reinstated in accordance with Iowa Code section 554.9513A only by the filing office.

30.4(15) *Archives—general.*

a. Paper UCC documents.

(1) Storage. Paper UCC documents are scanned into the UCC information management system.

(2) Retention. Paper is not retained.

b. Databases. The UCC information management system is backed up every business day.

30.4(16) *Archives—data retention.* Data in the UCC information management system relating to financing statements that have lapsed is retained for at least five years from the date of lapse.

30.4(17) *Archival searches.* Archival searches may be available through arrangements with the filing office in its sole discretion.

30.4(18) *Notice of bankruptcy.* The filing officer takes no action upon receipt of a notification, formal or informal, of a bankruptcy proceeding involving a debtor named in the UCC information management system. Accordingly, financing statements will lapse as scheduled unless properly continued.

721—30.5(554) Search requests and reports.

30.5(1) *General requirements.* The filing officer maintains for public inspection a searchable index of all records of active UCC documents that provides for the retrieval of a record by the name of the debtor and by the file number of the initial financing statement to which the record relates and which associates with one another each initial financing statement and each filed UCC document relating to the initial financing statement.

30.5(2) *Search requests.* Search requests shall contain the following information.

a. Name searched. A search request should set forth the full correct name of a debtor or the name variant desired to be searched and must specify whether the debtor is an individual or an organization.

(1) Individual. The full name of an individual shall consist of a first name, a middle name or initial, and a last name, although a search request may be submitted with no middle name or initial and, if only a single name is presented (e.g., Cher), it will be treated as a last name, and a search will disclose only those UCC documents where only the last name was entered.

(2) Organization. The full name of an organization shall consist of the name of the organization as stated on the articles of incorporation or other organic documents in the state or country of organization or the name variant desired to be searched. A search request will be processed using the name in the exact form it is submitted.

b. Requesting party. The name and address of the person to whom the search report is to be sent, if applicable.

c. Fee. The appropriate fee shall be enclosed, if applicable, payable by a method described in 30.1(11).

d. Search request with filing. If a filer requests a search at the time a UCC document is filed, by checking the box on the form set forth in 30.1(9)*"a,"* the name to be searched will be the debtor name as set forth on the form, the requesting party will be the remitter of the UCC document, and the search request will be deemed to request a search that would be effective to retrieve all financing statements filed on or prior to the date the UCC document is filed.

30.5(3) *Optional information.* A UCC search request may contain any of the following information.

a. A request that copies of documents referred to in the report be included with the report. The request may limit the copies requested by limiting them by reference to the address of the debtor, the city of the debtor, the date of filing (or a range of filing dates) or the identity of the secured party(ies) of record on the financing statements located by the related search.

b. A request that the search of a debtor name be limited to debtors in a particular city. A report created by the filing officer in response to such a request shall contain the following statement:

"A search limited to a particular city may not reveal all filings against the debtor searched and the searcher bears the risk of relying on such a search."

c. Instructions on the mode of delivery requested, if other than by ordinary mail, which request will be honored if the requested mode is then made available by the filing office.

30.5(4) *Rules applied to search requests.* Search results are created by applying standardized search logic to the name presented to the filing officer by the person requesting the search. Human judgment does not play a role in determining the results of the search. Only the following rules are applied to conduct searches.

a. There is no limit to the number of matches that may be returned in response to the search criteria.

b. No distinction is made between uppercase and lowercase letters.

c. Punctuation marks and accents are disregarded.

d. Words and abbreviations at the end of a name that indicate the existence or nature of an organization as set forth in the "Ending Noise Words" list as promulgated by the International Association of Commercial Administrators, and adopted from time to time, are disregarded (e.g., company, limited, incorporated, corporation, limited partnership, limited liability company or abbreviations of the foregoing).

e. The word "the" at the beginning of the search criteria is disregarded.

f. All spaces are disregarded.

g. For first and middle names of individuals, initials are treated as the logical equivalent of all names that begin with such initials, and no middle name or initial is equated with all middle names and initials. For example, a search request for "John A. Smith" would cause the search to retrieve all filings against all individual debtors with "John" as the first name, "Smith" as the last name, and with

the initial "A" or any name beginning with "A" in the middle name field. If the search request were for "John Smith" (first and last names with no designation in the middle name field), the search would retrieve all filings against individual debtors with "John" as the first name, "Smith" as the last name and with any name or initial or no name or initial in the middle name field.

h. After taking the preceding rules into account to modify the name of the debtor requested to be searched and to modify the names of debtors contained in active financing statements in the UCC information management system, the search will reveal only names of debtors that are contained in active financing statements and, as modified, exactly match the name requested, as modified.

30.5(5) *Search responses.* Reports created in response to a search request shall include the following.

a. Filing officer. Identification of the filing officer and the certification of the filing officer required by the UCC.

b. Report date. The date the report was generated.

c. Name searched. Identification of the name searched.

d. Certification date. The certification date applicable to the report; i.e., the date and time through which the search is effective and reveals all relevant UCC documents filed on or prior to that date.

e. Identification of initial financing statements. Identification of each unlapsed (or active, if requested) initial financing statement filed on or prior to the certification date and time corresponding to the search criteria, by name of debtor, by identification number, and by file date and file time.

f. History of financing statement. For each initial financing statement on the report, a listing of all related UCC documents filed by the filing officer on or prior to the certification date.

g. Copies. Copies of all UCC documents revealed by the search and requested by the searcher.

721—30.6(554) Other notices of liens.

30.6(1) Policy statement. The purpose of this rule is to describe records of liens maintained by the filing office created pursuant to statutes other than the UCC that are treated by the filing officer in a manner substantially similar to UCC documents and that are included on request with the reports described in 30.5(4) and 30.5(5).

30.6(2) Records of liens maintained by the filing office which are created pursuant to statutes other than the UCC are maintained in the information management system and indexed and searched in the same manner under these rules.

These rules are intended to implement Iowa Code chapters 17A and 554.

RA 26-402

SECRETARY OF STATE[721]

Regulatory Analysis

Notice of Intended Action to be published: 721—Chapter 40
"Corporations"

Iowa Code section(s) or chapter(s) authorizing rulemaking: 9.4, 9.12, 17A, 486A.1201, 488.206, 504.111, 548.103, 548.110, and 548.117

State or federal law(s) implemented by the rulemaking: Iowa Code chapters 9, 17A, 486A, 488, 489, 490, 491, 496C, 499, 501, 501A, 504, and 548

Public Hearing

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

December 1, 2026 11 a.m. to 12 noon	Via videoconference call: meet.google.com/bgd-sijt-agq

Public Comment

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

Carl Dietz
Office of the Secretary of State
Lucas State Office Building
321 East 12th Street
Des Moines, Iowa 50319
Email: carl.dietz@sos.iowa.gov

Purpose and Summary

This proposed rulemaking is intended to do the following:

1. In rule 721—40.2(486A,488,489,490,496C,499,501,501A,504):

- Add new subrule 40.2(7), which states that the words "a", "an", and "the" are ignored for distinguishability;
- Renumber subrule 40.2(7) as 40.2(8);
- Revise paragraphs "a" and "c" in renumbered subrule 40.2(8) to qualify regarding LLCs and update language;

2. Remove subrule 40.5(8) because it is redundant;
3. Renumber rule 721—40.8(488,489,490,504) as 721—40.9(488,489,490,504); and
4. Add new rule 721—40.8(488,489,490,497,498,496C,497,499,501,501A,504), which specifies that if an entity already owes a biennial report, it cannot change form until it has filed that biennial report.

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 anticipated as a result of this proposed rulemaking.

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

This rulemaking does not create or alter benefits.

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 economic impact of the proposed rulemaking.

- **Qualitative description of impact:**

There is no qualitative impact of the proposed rulemaking.

3. **Costs to the State:**

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

No costs to the Secretary of State or any other agency are anticipated.

- **Anticipated effect on State revenues:**

No effect on State revenues is anticipated.

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

There is no cost difference between adoption of the proposed rulemaking and inaction.

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

No less costly methods or less intrusive methods exist.

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

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

No alternative methods were considered.

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

No alternative methods were considered.

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 does not have a substantial impact on small business.

Text of Proposed Rulemaking

ITEM 1. Rescind 721—Chapter 40 and adopt the following **new** chapter in lieu thereof:

DIVISION IV
CORPORATIONS

CHAPTER 40
CORPORATIONS

721—40.1(9,490,504) Filing of documents. Documents pertaining to profit corporations, nonprofit corporations, limited liability companies, limited partnerships, and cooperative associations shall be delivered for filing to the office of Secretary of State, Lucas State Office Building, Des Moines, Iowa 50319.

40.1(1) A copy of a signature, however made, is acceptable with regard to documents delivered to the secretary of state for filing pursuant to Iowa Code chapter 490.

40.1(2) A document pertaining to a profit corporation, a nonprofit corporation, a limited liability company, a limited partnership, or a cooperative association delivered to the secretary of state for filing must be captioned to describe the record's purpose and be in a medium permitted by the secretary of state.

40.1(3) A document submitted for same-day preclearance service as provided in Iowa Code chapter 9 may be delivered by fax or in person. Preclearance service speed is not guaranteed on a document delivered by any other method.

40.1(4) Where the secretary of state prescribes and furnishes a form for the filing of a document pertaining to a profit corporation, a nonprofit corporation, a limited liability company, a limited partnership, or a cooperative association, the secretary requires the use of that form as permitted by Iowa law.

40.1(5) A document pertaining to a profit corporation, a nonprofit corporation, a limited liability company, a limited partnership, or a cooperative association delivered to the secretary of state for filing may be delivered by fax to 515.242.5953.

40.1(6) A document delivered by fax may be delivered at any time of day. The date and time of receipt printed on the document by the fax machine constitutes the date and time endorsement required by Iowa Code section 490.125(2).

40.1(7) A document delivered by fax shall be printed on paper measuring 8½″ by 11″, unless a copy of a larger document, reduced to 8½″ by 11″ paper, is acceptable to the filing party. The document received by the secretary of state via fax shall constitute the copy that is filed and returned to the corporation pursuant to Iowa Code section 490.125(2).

40.1(8) A document delivered by fax shall be accompanied by a cover sheet that provides the name, address, and telephone number of the filing party, and instructions as to the manner by which the filing fee will be paid. The filing fee may be billed to an account maintained by the filing party pursuant to rule 721—2.3(9,631). The filing fee may be paid by any other means authorized by the secretary of state.

40.1(9) A document delivered by fax for filing may be rejected if the print quality of the document is deemed by agency personnel to be unacceptable for scanning purposes. The secretary of state will notify the filing party by telephone, email, or regular mail of the rejection of a document pursuant to this subrule. The secretary of state will accept for filing the original copy of the document, effective on the date of the transmission by fax, if the original document is received in the office of the secretary of state within ten days of date of the notification of the rejection.

This rule is intended to implement Iowa Code chapters 9 and 490.

721—40.2(486A,488,489,490,496C,499,501,501A,504) Names distinguishable upon corporate records.

40.2(1) Except as provided in these rules, a name is considered distinguishable upon the records of the secretary of state if it contains one or more different letters or numerals, or if it contains a different sequence of letters or numerals. A single space used to divide a sequence of letters or numerals into separate words is considered to be a letter for the purpose of this subrule. Differences between singular and plural forms of words are distinguishable. Differences between numerals, Roman numerals, and words representing numerals are distinguishable. The following characters are

considered as letters for the purpose of this subrule: $ (dollar sign); + (plus sign); % (percent sign); ¢ (cent sign).

40.2(2) The following words and abbreviations, when positioned as the last word or abbreviation in the business entity name, are not considered in determining whether a name is distinguishable upon the records of the secretary of state:

a. Corporation.
b. Company.
c. Incorporated.
d. Limited.
e. Benefit Corporation.
f. Cooperative.
g. Limited Partnership.
h. Limited Liability Partnership.
i. Registered Limited Liability Partnership.
j. Limited Liability Limited Partnership.
k. Professional Corporation.
l. Limited Company.
m. Limited Liability Company.
n. Professional Limited Liability Company.
o. Any abbreviation of any of the above.

40.2(3) The presence or absence of the words "protected series" or the abbreviation "PS" in the name of a protected series, when such words or abbreviation is meant to comply with Iowa Code section 489.14202(2)*"b,"* is not considered in determining whether the name of a protected series is distinguishable upon the records of the secretary of state.

40.2(4) Differences in punctuation and special characters are not considered in determining whether a name is distinguishable upon the records of the secretary of state. Punctuation and special characters include but are not limited to:

’ (apostrophe)	[(left bracket)
] (right bracket)	: (colon)
, (comma)	— (dash)
- (hyphen)	! (exclamation point)
((left parenthesis)	) (right parenthesis)
. (period)	? (question mark)
’ (single quote mark)	” (double quote mark)
; (semicolon)	/ (slash)
* (asterisk)	@ (at sign)
\ (back slash)	{ (left brace)
} (right brace)	^ (caret)
= (equal sign)	> (greater than sign)
< (less than sign)	# (number sign)
~ (tilde)	_ (underline)

40.2(5) Differences in capitalization are not considered in determining whether a name is distinguishable upon the records of the secretary of state.

40.2(6) Differences between an ampersand (&) and the word "and" are not considered in determining whether a name is distinguishable upon the records of the secretary of state.

40.2(7) The articles "a", "an", and "the", when positioned as the first word in the business entity name, are not considered in determining whether a name is distinguishable upon the records of the secretary of state.

40.2(8) In determining whether a name is distinguishable upon the records of the secretary of state, names found in the following records will not be considered:

a. Fictitious names, except as specified by Iowa Code section 489.112(2)*"f."*

b. Assumed names of nonprofit corporations.

c. Names of corporations (profit or nonprofit) when articles of dissolution delivered by those corporations have been filed.

d. Names of corporations (profit or nonprofit) whose certificates of authority or certificates of registration have been revoked.

e. Expired or terminated assumed names.

f. Expired name reservations.

g. Expired name registrations.

This rule is intended to implement Iowa Code sections 486A.1002, 488.108, 489.112, 490.401, 496C.5, 499.4, 501.104, 501A.301, and 504.401.

721—40.3(489,491,496C,499,501,501A,504) Payment and refund of fees.

40.3(1) The office of secretary of state requires payment of all fees in full at the time of filing of any corporate document or request for copies.

40.3(2) Filing under any of the business entity chapters may be effected only upon the receipt of the correct filing fee. Failure to include the filing fee or partial payment of the filing fee will result in the return of the filing to the sender with instructions to include the correct filing fee.

40.3(3) In the event that a filing fee overpayment is made, the amount in excess of the correct filing fee shall be returned to the filing party. No adjustment is required if the amount of overpayment is one dollar or less.

40.3(4) This subrule implements the pilot project authorized by 2000 Iowa Acts, House File 2545, section 32, for fees required by Iowa Code section 490.122(1)*"a"* and *"v."*

a. The secretary of state may refund payment of the corporate filing fees required pursuant to the provisions of Iowa Code section 490.122(1)*"a"* and *"v,"* if, within five business days from the time the corporate filing is received and date stamped, the entity has not been entered on the records of the secretary of state.

b. To receive a refund under this subrule, the business entity must make a written request with the business services division of the secretary of state's office. The written request must specify the reason(s) for the refund and provide evidence of entitlement to the refund.

c. The filing fee shall not be refunded if the corporate filing fails to satisfy all of the filing requirements of Iowa Code chapter 490.

d. The decision of the secretary of state not to issue a refund under this subrule is final and not subject to review pursuant to the provisions of the Iowa administrative procedure Act.

40.3(5) This subrule implements the pilot project authorized by 2000 Iowa Acts, House File 2545, section 32, for fees required by Iowa Code section 504.113(1)*"a"* and *"s."*

a. The secretary of state may refund payment of the corporate filing fees required pursuant to the provisions of Iowa Code section 504.113(1)*"a"* and *"s,"* if, within five business days from the time the corporate filing is received and date stamped, the entity has not been entered on the records of the secretary of state.

b. To receive a refund under this subrule, the corporate entity must make a written request with the business services division of the secretary of state's office. The written request must specify the reason(s) for the refund and provide evidence of entitlement to the refund.

c. The filing fee shall not be refunded if the corporate filing fails to satisfy all of the filing requirements of Iowa Code chapter 504.

d. The decision of the secretary of state not to issue a refund under this subrule is final and not subject to review pursuant to the provisions of the Iowa administrative procedure Act.

721—40.4(486A,488,489,490,499,501,501A,504) Document to county recorder. Any corporate document that is required by law to be filed in the office of the county recorder will be forwarded directly to the office of the county recorder in the county where the corporation's registered office is located.

721—40.5(548) Registration and protection of marks.

40.5(1) *Classification.* The following general classes of goods and services are established, but do not limit or extend the applicant's or registrant's rights, and a single application for registration of a mark may include any or all goods upon which, or services with which, the mark is actually being used comprised in a single class, but in no event shall a single application include goods or services upon which the mark is being used that fall within different classes of goods or services.

GOODS

Class	Title
1	Raw or partly prepared materials
2	Receptacles
3	Baggage, animal equipments, portfolio, and pocketbooks
4	Abrasives and polishing materials
5	Adhesives
6	Chemicals and chemical compositions
7	Cordage
8	Smokers' articles, not including tobacco products
9	Explosives, firearms, equipments, and projectiles
10	Fertilizers
11	Inks and inking materials
12	Construction materials
13	Hardware, plumbing, and steam-fitting supplies
14	Metals and metal castings and forgings
15	Oils and greases
16	Paints and painters' materials
17	Tobacco products
18	Medicines and pharmaceutical preparations
19	Vehicles
20	Linoleum and oiled cloth
21	Electrical apparatus, machines, and supplies
22	Games, toys, and sporting goods
23	Cutlery, machinery, and tools, and parts thereof
24	Laundry appliances and machines
25	Locks and safes
26	Measuring and scientific appliances
27	Clocks, watches, and other horological instruments
28	Jewelry and precious-metal ware
29	Brooms, brushes, and dusters
30	Crockery, earthenware, and porcelain
31	Filters and refrigerators
32	Furniture and upholstery
33	Glassware
34	Heating, lighting, and ventilating apparatus

35	Belting, hose, machinery packing, and nonmetallic tires
36	Musical instruments and supplies
37	Paper and stationery
38	Prints and publications
39	Clothing
40	Fancy goods, furnishings, and notions
41	Canes, parasols, and umbrellas
42	Knitted, netted, and textile fabrics, and substitutes thereof
43	Thread and yarn
44	Dental, medical, and surgical appliances
45	Soft drinks and carbonated waters
46	Foods and ingredients of foods
47	Wines
48	Malt beverages and liquors
49	Distilled alcoholic liquors
50	Cosmetics and toilet preparations
51	Detergents and soaps
52	Digital products and software applications
53	Goods not otherwise classified

SERVICES

Class	Title
100	Services not otherwise classified
101	Advertising and business
102	Insurance and financial
103	Construction, maintenance, and repair
104	Communication
105	Transportation and storage
106	Material treatment, recycling, and waste disposal
107	Education and entertainment
108	Software as a service
109	Medical
110	Hair and cosmetic
111	Restaurant and bar
112	Real estate sales and property management
113	Retail sales

40.5(2) *Assistance in applications.* The secretary of state cannot give legal advice as to the nature and extent of the protection afforded by law nor advise as to the registrability of a specific mark except as questions may arise in connection with pending applications.

40.5(3) *Incomplete or defective applications.* An application will not be filed unless the application and accompanying facsimiles or specimens are in proper form, comply with the statutory requirements and are accompanied by the fee established by rule. Specimens that are metal need not be submitted, a facsimile being preferable in order to avoid filing problems. Documents not filed will be returned with a statement of the reasons therefor.

40.5(4) *Registration dates.* The registration date is the date the registration application is stamped received by the office of the secretary of state, if, after the application has been examined, it is allowed for registration.

40.5(5) *Form of application.* The application shall be on a current form supplied by the secretary of state, be completed in the English language and plainly written or typed. If the mark or any part thereof is not in the English language, it must be accompanied by a sworn translation.

40.5(6) *Withdrawal of application.* Prior to actual registration of the mark, the applicant, by written request, may withdraw the application.

40.5(7) *Plurality of goods in single application.* A single application may recite a plurality of goods, or a plurality of services, comprised in a single class, provided the particular identification of each of the goods or services be stated and the mark is used or has been actually used on or in connection with all of the goods or in connection with all of the services specified.

40.5(8) *Conflicts.* Whenever application is made for registration of a mark that so resembles a mark registered in this state or a mark or trade name previously used in this state by another and not abandoned, so as to be likely, when applied to the goods or services of the applicant, to cause confusion or mistake or to deceive, a conflict shall be declared to exist and registration denied.

40.5(9) *Conflicts between applications.* Conflicts between pending applications will be resolved on the basis of the claimed date of first use. The secretary of state may require affidavits and other proof of first use.

40.5(10) *Record change on automatic transfer.* In the event of mergers or consolidations of corporations, a certified copy of such documents may be accepted to transfer ownership of marks.

If the name of the owner of record of a mark is changed, and request for a change of the records is made, then written proof of such change can be made by sworn affidavit showing the manner or mode by which the change of ownership was made.

40.5(11) *Change of address.* If the registered owner of a mark changes the address set forth on the registration, then written notice of such change of address must be given to the secretary of state. Such notice must clearly identify the mark or marks involved and must request that the change of address be noted on the records of the registration on file.

40.5(12) *Fees.* Fees for mark applications, assignments, and cancellations are established as follows:

Application for registration of mark:	$10
Application for renewal of registered mark:	$10
Assignment of registration of mark:	$5
Cancellation of registration of mark:	$5

721—40.6(504) Revised nonprofit corporation Act fees. The following are the fees for Iowa Code section 504.113.

40.6(1) The secretary shall collect the following fee when the documents described below are delivered to the secretary's office for filing.

Articles of incorporation	$20
Application for use of indistinguishable name	$5
Application for reserved name	$10
Notice of transfer of reserved name	$10
Application for registered name	$2 per month or part thereof
Application for renewal of registered name	$20
Corporation's statement of change of registered agent or registered office or both	No Fee
Agent's statement of change of registered office for each affected corporation	No Fee
Agent's statement of resignation	No Fee
Amendment of articles of incorporation	$10

Restatement of articles of incorporation with amendments	$20
Articles of merger	$20
Articles of dissolution	$5
Articles of revocation of dissolution	$5
Certificate of administrative dissolution	No Fee
Application for reinstatement following administrative dissolution	$5
Certificate of reinstatement	No Fee
Certificate of judicial dissolution	No Fee
Application for certificate of authority	$25
Application for amended certificate of authority	$25
Application for certificate of withdrawal	$5
Certificate of revocation of authority to transact business	No Fee
Biennial report	No Fee
Articles of correction	$5
Application for certificate of existence or authorization	$5
Any other document required or permitted by the Act	$5

40.6(2) The secretary of state shall collect a fee of $5 each time process is served on the secretary under Iowa Code chapter 504.

40.6(3) The secretary of state shall collect the following fees for copying and certifying the copy of any filed document relating to a domestic or foreign corporation:

a. $1 per page for copying.

b. $5 per page for the certificate.

721—40.7(488,489,490) Biennial report fees. The secretary of state shall collect the following fees at the time the documents described in this rule are delivered to the secretary for filing.

40.7(1) A limited partnership or foreign limited partnership authorized to transact business in this state shall deliver to the secretary of state for filing a biennial report that meets the requirements of Iowa Code section 488.210.

a. The fee for filing and indexing a biennial report filed on paper or in a paper-based format is $45. This fee may be provided in the form of credit card, cash, personal check, cashier's check, money order, or secretary of state charge account.

b. The fee for an electronic filing through the secretary of state website is $30. This fee must be paid by credit card or secretary of state charge account.

40.7(2) A limited liability company or a foreign limited liability company authorized to transact business in this state shall deliver to the secretary of state for filing a biennial report that meets the requirements of Iowa Code section 489.209.

a. The fee for filing and indexing a biennial report filed on paper or in a paper-based format is $45. This fee may be provided in the form of credit card, cash, personal check, cashier's check, money order, or secretary of state charge account.

b. The fee for an electronic filing through the secretary of state website is $30. This fee must be paid by credit card or secretary of state charge account.

721—40.8(488,489,490,497,498,496C,497,499,501,501A,504) Merger or conversion when biennial report due. If a business entity has a biennial report due to be delivered to the secretary of state, the secretary of state shall not file a merger or conversion document for that entity until the biennial report has been filed.

721—40.9(488,489,490,504) Online filing requirements. The following requirements apply to the electronic filing of documents and the certification of electronic documents. This rule applies to documents filed in conjunction with the filing requirements in Iowa Code chapters 488, 489, 490, and 504.

40.9(1) Registered agents who file documents electronically must provide an email address to the secretary of state.

a. If a registered agent does not have an email address, the agent shall provide the email address of another individual or entity designated to receive electronic correspondence on behalf of the registered agent.

b. The registered agent shall notify the secretary of state within 60 days that the email address provided in compliance with this rule has been changed or discontinued.

c. An email address disclosed in compliance with this rule shall not be viewed as a public record under Iowa Code chapter 22 and shall not be disclosed by the secretary of state.

d. The secretary of state may use email for official correspondence with an entity, except when law requires delivery by United States mail.

40.9(2) For filings requiring an online account, an applicant must follow the terms and conditions on the secretary of state's website for each electronic filing.

40.9(3) All correspondence related to an electronic filing shall be handled electronically in accordance with the requirements set forth in the uniform electronic transactions Act, Iowa Code chapter 554D.

40.9(4) Documents filed electronically shall be accompanied by the appropriate fee. This fee must be paid by credit card or secretary of state charge account.

These rules are intended to implement Iowa Code chapters 490, 491, 499, 504, and 548.

ARC 0715D

ECONOMIC DEVELOPMENT AUTHORITY[261]

Notice of Intended Action

Proposing rulemaking related to the business incentives for growth (BIG) program and providing an opportunity for public comment

The Economic Development Authority hereby proposes to amend Chapter 69, "Business Incentives for Growth (BIG) Program," Iowa Administrative Code.

Legal Authority for Rulemaking

This rulemaking is proposed under the authority provided in Iowa Code sections 15.106A, 15.503 and 15.505.

State or Federal Law Implemented

This rulemaking implements, in whole or in part, Iowa Code sections 15.502 through 15.512 and 15A.1 and 2026 Iowa Acts, House File 2799.

Purpose and Summary

The Authority proposes to amend Chapter 69. The chapter describes the policies and procedures applicable to the Business Incentives for Growth (BIG) Program. The program helps qualifying businesses offset some of the costs of locating, expanding, or modernizing a facility in Iowa. The amendments make the following changes:

- Remove references to 2025 Iowa Acts, Senate File 657, which has been codified since adoption of the chapter.
- Clarify the treatment of expenditures associated with the purchase of a business as a going concern.
- Establish parameters for the BIG Training Fund, which was created by 2026 Iowa Acts, House File 2799. The fund will provide reimbursement for eligible job training expenses.

Regulatory Analysis

A Regulatory Analysis for this rulemaking was published in the Iowa Administrative Bulletin on September 16, 2026. A public hearing was held on the following date(s):

- October 6, 2026

Fiscal Impact

This rulemaking has no fiscal impact to the State of Iowa beyond that of the legislation it is intended to implement.

Jobs Impact

The program may incentivize job creation and retention.

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 December 1, 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

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

Review by Administrative Rules Review Committee

The Administrative Rules Review Committee, a bipartisan legislative committee which oversees 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 **261—69.1(15)**, definitions of "Agreement," "Base employment level," "Benefits," "Community," "Created job," "Eligible business," "Financial assistance," "Full-time equivalent position," "Program," "Project," "Project completion date," "Qualifying investment," "Qualifying wage threshold," "Retained job" and "Tax incentive," as follows:

"Agreement" means an agreement entered into pursuant to Iowa Code section 15.506 ~~as enacted by 2025 Iowa Acts, Senate File 657~~.

"Base employment level" means the same as defined in Iowa Code section 15.503 ~~as enacted by 2025 Iowa Acts, Senate File 657~~.

"Benefits" means the same as defined in Iowa Code section 15.503 ~~as enacted by 2025 Iowa Acts, Senate File 657~~.

"Community" means the same as defined in Iowa Code section 15.503 ~~as enacted by 2025 Iowa Acts, Senate File 657~~.

"Created job" means the same as defined in Iowa Code section 15.503 ~~as enacted by 2025 Iowa Acts, Senate File 657~~.

"Eligible business" means a business that meets the requirements of Iowa Code section 15.504 ~~as enacted by 2025 Iowa Acts, Senate File 657~~.

"Financial assistance" means the same as defined in Iowa Code section 15.511 ~~as enacted by 2025 Iowa Acts, Senate File 657~~.

"Full-time equivalent position" means the same as defined in Iowa Code section 15.503 ~~as enacted by 2025 Iowa Acts, Senate File 657~~.

"Program" means the same as defined in Iowa Code section 15.503 ~~as enacted by 2025 Iowa Acts, Senate File 657~~.

"Project" means the same as defined in Iowa Code section 15.503 ~~as enacted by 2025 Iowa Acts, Senate File 657~~.

"Project completion date" means the same as defined in Iowa Code section 15.503 ~~as enacted by 2025 Iowa Acts, Senate File 657~~.

"Qualifying investment" means the same as defined in Iowa Code section 15.503 ~~as enacted by 2025 Iowa Acts, Senate File 657~~.

"Qualifying wage threshold" means the same as defined in Iowa Code section 15.503 ~~as enacted by 2025 Iowa Acts, Senate File 657~~.

"Retained job" means the same as defined in Iowa Code section 15.503 ~~as enacted by 2025 Iowa Acts, Senate File 657~~.

"Tax incentive" means a sales and use tax refund approved pursuant to Iowa Code section 15.507, ~~as enacted by 2025 Iowa Acts, Senate File 657;~~ a qualifying investment tax credit approved pursuant to Iowa Code section 15.508, ~~as enacted by 2025 Iowa Acts, Senate File 657;~~ or a combination of both.

ITEM 2. Amend rule 261—69.2(15) as follows:

261—69.2(15) Eligibility requirements.

69.2(1) *Community approval.* Community approval of the project by ordinance or resolution is required as specified in Iowa Code section 15.504 ~~as enacted by 2025 Iowa Acts, Senate File 657~~.

69.2(2) *Eligible businesses.*

a. For the purposes of determining whether a business is an eligible business type pursuant to Iowa Code section 15.504(1)*"b,"* ~~as enacted by 2025 Iowa Acts, Senate File 657~~, "retail business" means any business primarily engaged in the business of sale at retail of tangible personal property or taxable services in this state or online. "Sale at retail" means the same as defined in Iowa Code section 423.1(46). A business obligated to collect sales or use tax under Iowa Code chapter 423 may be an ineligible retail business.

b. No change.

c. A business shall provide evidence that the business's primary operations are in a qualifying industry pursuant to Iowa Code section 15.504(1)*"b,"* ~~as enacted by 2025 Iowa Acts, Senate File 657.~~ Such evidence may include but is not limited to whether the business has a North American industry classification system (NAICS) number aligned with the relevant industries as determined by the authority. Businesses with other NAICS numbers will be required to document to the authority's satisfaction that the business is primarily engaged in an applicable industry identified in Iowa Code section 15.504(1)*"b"* ~~as enacted by 2025 Iowa Acts, Senate File 657,~~ based on factors including but not limited to sources of revenue and customer base.

d. A business shall demonstrate it is not a data center business that is ineligible for the program pursuant to Iowa Code section 15.504(1)*"b,"* ~~as enacted by 2025 Iowa Acts, Senate File 657.~~

e. No change.

(1) to (3) No change.

69.2(3) *Relocations and reductions in operations.* The authority will determine whether a business is ineligible due to a relocation or reduction in operations pursuant to Iowa Code section 15.504(1)*"c,"* ~~as enacted by 2025 Iowa Acts, Senate File 657.~~ For the purposes of this subrule, "reduction in operations" includes but is not limited to a layoff during the 12 months before an application is submitted to the authority.

69.2(4) No change.

69.2(5) *Violations of law.* The authority will address violations of law as described in Iowa Code section 15.504(1)*"e,"* ~~as enacted by 2025 Iowa Acts, Senate File 657.~~

69.2(6) *Sufficient economic impact.* The business shall demonstrate that the project has a sufficient economic impact as described in Iowa Code section 15.504(2)*"b,"* ~~as enacted by 2025 Iowa Acts, Senate File 657.~~

69.2(7) to **69.2(9)** No change.

69.2(10) *Other factors.* The authority shall consider any applicable additional factors pursuant to Iowa Code section 15.504(2) ~~as enacted by 2025 Iowa Acts, Senate File 657,~~ to determine whether a business is an eligible business.

69.2(11) *Ineligible projects.*

a. The following activities are presumed by the authority to lack sufficient economic impact to accomplish the goals of the program and are not eligible for the program pursuant to Iowa Code section 15.504(2)*"b."* ~~as enacted by 2025 Iowa Acts, Senate File 657.~~

(1) and (2) No change.

b. A project representing solely acquisition of a business as a going concern that does not include creation or retention of jobs and qualifying investment at the acquired business facility is not eligible for the program. A qualified project that occurs following acquisition of a business as a going concern may be eligible for the program, but the purchase of a business as a going concern and its existing assets will not be included as an eligible business's qualifying investment.

c. No change.

69.2(12) No change.

ITEM 3. Amend subrule 69.3(3) as follows:

69.3(3) *Water conservation and waste reduction plan.*

a. To determine whether a water conservation and waste reduction plan is required pursuant to Iowa Code section 15.505(1)*"b."* ~~as enacted by 2025 Iowa Acts, Senate File 657,~~ the authority will consider the following factors:

(1) to (5) No change.

b. If required, the water conservation and waste reduction plan required by Iowa Code section 15.505(1)*"b"* ~~as enacted by 2025 Iowa Acts, Senate File 657,~~ shall be submitted to the authority as an attachment to the standardized application developed by the authority. The plan should be developed by an employee or third-party provider with sufficient professional expertise to determine the anticipated water consumption and wastewater discharge for the project. The plan shall describe the impact of the project on the applicable water provider and the community or communities served by the applicable water provider and any measures to be taken by the business to mitigate its water consumption or wastewater discharge.

ITEM 4. Amend subrule 69.3(6) as follows:

69.3(6) *Investment requirements.* The investment requirements applicable to a project will be established at the time of application. Investment requirements are based on an eligible business's estimates of total project costs and qualifying investment and will be utilized to determine the amount of tax incentives and financial assistance. For the purposes of determining whether an expenditure is a qualifying investment as defined in Iowa Code section 15.503 ~~as enacted by 2025 Iowa Acts, Senate File 657~~, the following are considered a capital investment in depreciable assets for use in the operation of an eligible business: machinery and equipment used in the manufacturing process, computer hardware, and furniture and fixtures. The following will not be considered a capital investment in depreciable assets for use in the operation of an eligible business: any other machinery and equipment, racking or shelving, computer software, and research and development.

ITEM 5. Amend paragraph **69.4(1)"a"** as follows:

a. Economic impact. The extent to which an eligible business's proposed project demonstrates economic impact on the state based on the factors identified in Iowa Code section 15.504(2)*"b."* ~~as enacted by 2025 Iowa Acts, Senate File 657.~~

ITEM 6. Amend subrule 69.4(4) as follows:

69.4(4) Only projects that demonstrate extensive economic impact will be awarded the maximum amounts of tax incentives allowed pursuant to Iowa Code section 15.505(3)*"a."* ~~as enacted by 2025 Iowa Acts, Senate File 657.~~ Whether the project demonstrates extensive economic impact is within the sole discretion of the board.

ITEM 7. Amend subrule 69.4(5) as follows:

69.4(5) In addition to the considerations in subrules 69.4(1) through 69.4(4), award negotiations may be impacted by the available amount of investment tax credits allocated pursuant to Iowa Code section 15.119(2) ~~as amended by 2025 Iowa Acts, Senate File 657,~~ or the amount of financial assistance available pursuant to Iowa Code section 15.111 ~~as enacted by 2025 Iowa Acts, Senate File 657~~.

ITEM 8. Amend rule 261—69.5(15) as follows:

261—69.5(15) Tax incentives. The authority may approve a business to receive any combination of applicable tax incentives allowed through the program pursuant to Iowa Code section 15.507 or 15.508 ~~as enacted by 2025 Iowa Acts, Senate File 657~~. An approved business shall not claim a tax incentive in excess of the amount specified in an agreement.

69.5(1) *Property tax exemption.*

a. The authority will only approve a property tax exemption pursuant to Iowa Code section 15.510 ~~as enacted by 2025 Iowa Acts, Senate File 657,~~ if other tax incentives or financial assistance through the program are also approved.

b. If a community approves an exemption from taxation pursuant to Iowa Code section 15.510 ~~as enacted by 2025 Iowa Acts, Senate File 657~~, the community shall provide the authority and the local assessor with a copy of the resolution adopted by the community's governing body that indicates the estimated value and duration of the authorized exemption.

69.5(2) *Investment tax credit—treatment of rent.* The annual base rent paid to a third-party developer by an approved business may be considered new investment for the purpose of an investment tax credit approved pursuant to Iowa Code section 15.508 ~~as enacted by 2025 Iowa Acts, Senate File 657~~. Annual base rent incurred during the term of an agreement may be included as new investment. For the purposes of this subrule, "annual base rent" means the business's annual lease payment minus taxes, insurance and operating or maintenance expenses.

69.5(3) *Investment tax credit—issuance, amortization and claims.* The business must notify the authority that its project has been placed in service and document its total project cost, including its qualifying investment, to receive a tax credit certificate. A business shall not receive a tax credit certificate following the placement of a portion of its project in service unless such portion is approved by the authority at the time of application and specified in the agreement. The five-year amortization of a qualifying investment tax credit issued pursuant to Iowa Code section 15.508 ~~as enacted by 2025 Iowa Acts, Senate File 657,~~ shall begin no earlier than the year the credit is issued. Each amortized portion of the credit shall be claimed in the tax year it becomes available except to the extent an overpayment is credited to the immediately succeeding tax year.

ITEM 9. Amend rule 261—69.6(15) as follows:

261—69.6(15) Financial assistance. The authority may award financial assistance pursuant to Iowa Code sections 15.111 and 15.511 ~~as enacted by 2025 Iowa Acts, Senate File 657~~. Awards of financial assistance shall be entirely at the discretion of the board.

ITEM 10. Amend subrule 69.7(2) as follows:

69.7(2) *Requirements.* An agreement shall meet all requirements of and be administered pursuant to Iowa Code section 15.506 ~~as enacted by 2025 Iowa Acts, Senate File 657~~.

ITEM 11. Amend paragraph **69.7(9)"b"** as follows:

b. Tax incentives. If the authority determines that a recipient is in default, the eligible business may be required to repay tax incentives pursuant to Iowa Code section 15.506(1)*"b."* ~~as enacted by 2025 Iowa Acts, Senate File 657.~~ The repayment amount is subject to applicable interest and penalties as determined by the department of revenue. If the business is an entity that has elected pass-through taxation status for income tax purposes, the department of revenue may undertake collection efforts against members, individuals or shareholders to whom the tax incentives were passed through.

ITEM 12. Amend paragraph **69.7(9)"d"** as follows:

d. Notice of default. The authority will notify a business of an event of default as described in the agreement. If the community in which the project is located provided a property tax exemption pursuant to Iowa Code section 15.510 ~~as enacted by 2025 Iowa Acts, Senate File 657~~, the authority will also notify the community of an event of default as described in the agreement.

ITEM 13. Amend subrule 69.7(10) as follows:

69.7(10) *Amendments.* Agreement amendments must comply with Iowa Code chapter 15, subchapter II, part 33, ~~as enacted by 2025 Iowa Acts, Senate File 657,~~ and this chapter. Recipients may submit requests for amendments to authority staff.

a. No change.

b. The board may delegate authority to authority staff to approve nonsubstantive changes to the agreement, including but not limited to the following:

(1) to (6) No change.

(7) Termination of an agreement following declination of all awarded program benefits by an eligible business.

ITEM 14. Adopt the following **new** rule 261—69.10(15):

261—69.10(15) Training fund.

69.10(1) For the purposes of this rule, the following definitions apply:

"Funded training" means training that is eligible for reimbursement from the training fund created pursuant to Iowa Code section 15.512 as enacted by 2026 Iowa Acts, House File 2799, and pursuant to this rule.

"Training" means a structured process of instruction designed to develop technical and specialized skills required to perform job-specific tasks effectively, including courses, labs, simulations, and hands-on exercises either on the job or in a classroom or field environment.

"Training fund" means the business incentives for growth program training fund created pursuant to Iowa Code section 15.512 as enacted by 2026 Iowa Acts, House File 2799.

"Training fund assistance" means funds obligated for an eligible business from the training fund.

69.10(2) An eligible business shall indicate intent to apply for training fund assistance in the application submitted pursuant to rule 261—69.3(15). An eligible business seeking training fund assistance must provide a training plan with the application that includes but is not limited to training objectives, scope, provider(s), timeline, participating employees, and budget.

69.10(3) In negotiating the availability of, the terms of, and the aggregate value of training fund assistance, the authority will consider a variety of factors, including but not limited to the factors identified in subrule 69.4(1) and the measurable outcomes of the proposed training.

69.10(4) The authority may approve an eligible business for training fund assistance pursuant to Iowa Code section 15.512 as enacted by 2026 Iowa Acts, House File 2799. For an eligible business that has been approved for training fund assistance, the agreement will indicate the number of jobs expected to participate in the training and the maximum amount that may be credited to the training fund from the withholding payments to be paid by the business.

69.10(5) Only designated amounts of withholding payments made by an eligible business for jobs to participate in funded training shall be credited to the training fund. Amounts may be credited to the training fund for the purposes of reimbursing an eligible business's training costs for up to ten years from the date the board approves training fund assistance. Funds that are not requested by an eligible business within one year of the contract end date will be deobligated.

69.10(6) The amount of training assistance that any one eligible business may receive shall not exceed 50 percent of eligible training expenses incurred by the business and documented to the satisfaction of the authority.

a. Eligible training expenditures include but are not limited to the following:

(1) Costs paid to qualified third-party training providers for instruction and training materials;

(2) Supplies, equipment, and software necessary for training;

(3) Travel costs for training; and

(4) Testing fees or other fees associated with obtaining credentials following training.

b. Ineligible expenditures include but are not limited to the following:

(1) Wages paid to employees during training;

(2) Expenses associated with general employee onboarding or orientation;

(3) Expenses associated with conference or trade show attendance;

(4) Amounts paid to a related entity for training;

(5) Expenses for items that will not exclusively be used by the business for training;

(6) Training that leads directly to professional degrees in medicine, law, accounting or other professional areas or that includes safety training, succession planning, or behavior skills such as communication, leadership, teamwork, or conflict management;

(7) Expenses incurred to reimburse consultants, legal fees or any administrative expenses related to the training;

(8) Expenses incurred to provide training to executives, consultants, or independent contractors; and

(9) Expenses incurred more than four years after the date the board approves training fund assistance.

69.10(7) The authority may consult with Iowa workforce development to determine whether an eligible business should be awarded training fund assistance, the amount and terms of training fund assistance, and whether expenditures should be considered eligible for reimbursement.

ITEM 15. Amend **261—Chapter 69**, implementation sentence, as follows:

These rules are intended to implement Iowa Code chapter 15, subchapter II, part 33, ~~as enacted by 2025 Iowa Acts, Senate File 657,~~ and section 15A.1.

ARC 0713D

ECONOMIC DEVELOPMENT AUTHORITY[261]

Notice of Intended Action

Proposing rulemaking related to headquarters expansion and development for growth employment (EDGE) program and providing an opportunity for public comment

The Economic Development Authority hereby proposes to adopt a new Chapter 70, "Headquarters Expansion and Development for Growth Employment (EDGE) Program," Iowa Administrative Code.

Legal Authority for Rulemaking

This rulemaking is proposed under the authority provided in Iowa Code section 15.106A and 2026 Iowa Acts, House File 2799.

State or Federal Law Implemented

This rulemaking implements, in whole or in part, Iowa Code section 15A.1 and 2026 Iowa Acts, House File 2799.

Purpose and Summary

The Authority proposes to adopt a new Chapter 70. The chapter describes the policies and procedures applicable to the EDGE Program. The program was created by 2026 Iowa Acts, House File 2799, and provides tax credits to attract corporate headquarters to Iowa and to keep corporate headquarters in Iowa.

Regulatory Analysis

A Regulatory Analysis for this rulemaking was published in the Iowa Administrative Bulletin on September 16, 2026. A public hearing was held on the following date(s):

- October 6, 2026

Fiscal Impact

This rulemaking has no fiscal impact to the State of Iowa beyond that of the legislation it is intended to implement.

Jobs Impact

The program may incentivize creation or retention of jobs.

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 December 1, 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

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

Review by Administrative Rules Review Committee

The Administrative Rules Review Committee, a bipartisan legislative committee which oversees 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 70:

CHAPTER 70
HEADQUARTERS EXPANSION AND DEVELOPMENT FOR
GROWTH EMPLOYMENT (EDGE) PROGRAM

261—70.1(15) Definitions. For purposes of this chapter, unless the context otherwise requires:

"Agreement" means an agreement entered into pursuant to Iowa Code section 15.604 as enacted by 2026 Iowa Acts, House File 2799.

"Authority" means the economic development authority created in Iowa Code section 15.105.

"Award date" means the date the board approved an application for tax incentives.

"Base employment level" means the same as defined in Iowa Code section 15.601 as enacted by 2026 Iowa Acts, House File 2799.

"Benefits" means the same as defined in Iowa Code section 15.601 as enacted by 2026 Iowa Acts, House File 2799.

"Board" means the same as defined in Iowa Code section 15.102.

"Business" means a sole proprietorship, partnership, corporation, or other business entity organized for profit under the laws of the state of Iowa or another state, under federal statutes, or under the laws of another country.

"Community" means the same as defined in Iowa Code section 15.601 as enacted by 2026 Iowa Acts, House File 2799.

"Contract end date" means the date on which an agreement ends.

"Corporate headquarters" means the same as defined in Iowa Code section 15.601 as enacted by 2026 Iowa Acts, House File 2799.

"Corporate job" means the same as defined in Iowa Code section 15.601 as enacted by 2026 Iowa Acts, House File 2799.

"Data center business" means the same as defined in Iowa Code section 423.3(95).

"Eligible business" means a business that meets the requirements of Iowa Code section 15.602 as enacted by 2026 Iowa Acts, House File 2799.

"Full-time equivalent position" means the same as defined in Iowa Code section 15.601 as enacted by 2026 Iowa Acts, House File 2799.

"Gross annual wages" means the same as defined in Iowa Code section 15.601 as enacted by 2026 Iowa Acts, House File 2799.

"Laborshed area" means the geographic area surrounding an employment center from which the employment center draws its commuting workers as defined by the department of workforce development.

"New corporate job" means the same as defined in Iowa Code section 15.601 as enacted by 2026 Iowa Acts, House File 2799.

"Program" means the same as defined in Iowa Code section 15.601 as enacted by 2026 Iowa Acts, House File 2799.

"Project" means the same as defined in Iowa Code section 15.601 as enacted by 2026 Iowa Acts, House File 2799.

"Qualifying wage threshold" means the same as defined in Iowa Code section 15.601 as enacted by 2026 Iowa Acts, House File 2799.

"Retained corporate job" means the same as defined in Iowa Code section 15.601 as enacted by 2026 Iowa Acts, House File 2799.

"Retention-only project" means a project that involves only retained corporate jobs.

"Tax incentives" means the same as defined in Iowa Code section 15.601 as enacted by 2026 Iowa Acts, House File 2799.

261—70.2(15) Eligibility requirements.

70.2(1) *Community approval.* Community approval of the project by ordinance or resolution is required as specified in Iowa Code section 15.602 as enacted by 2026 Iowa Acts, House File 2799.

70.2(2) *Eligible businesses.*

a. For the purposes of determining whether a business has a global presence, significant market share, or national recognition, the authority will evaluate a business's locations, distribution network, customer base, industry reports or rankings, and audited annual reports. A business with a single location will not be considered to have a global presence, significant market share, or national recognition.

b. For the purposes of determining whether a business generates a minimum of 51 percent of gross revenue from business outside the state, the authority will evaluate a business's financial statements, tax returns, and any additional relevant information available from the business or the Iowa department of revenue.

c. For the purposes of determining whether another state is meaningfully competing for the location or retention of a business's corporate headquarters, the business must identify any alternative locations being considered for the project and any information about the qualitative and quantitative advantages of locating its corporate headquarters at those alternative locations compared to the qualitative and quantitative advantages of locating its corporate headquarters in Iowa.

d. For the purposes of determining whether a business is an eligible business type pursuant to Iowa Code section 15.602(1)*"e"* as enacted by 2026 Iowa Acts, House File 2799, "retail business" means any business primarily engaged in the business of sale at retail of tangible personal property or taxable services in this state or online. "Sale at retail" means the same as defined in Iowa Code section 423.1(46). A business obligated to collect sales or use tax under Iowa Code chapter 423 may be an ineligible retail business.

e. A business shall provide evidence that the business's primary operations are in a qualifying industry pursuant to Iowa Code section 15.602(1)*"e"* as enacted by 2026 Iowa Acts, House File 2799. Such evidence may include but is not limited to whether the business has a North American Industry Classification System (NAICS) number aligned with the relevant industries as determined by the authority. Businesses with other NAICS numbers will be required to document to the authority's satisfaction that the business is primarily engaged in an applicable industry identified in Iowa Code section 15.602(1)*"e"* as enacted by 2026 Iowa Acts, House File 2799, based on factors including but not limited to sources of revenue and customer base.

f. A business shall demonstrate it is not a data center business or a business where a cover charge or membership requirement restricts certain individuals from entering the business that is ineligible for the program pursuant to Iowa Code section 15.602(1)*"e"* as enacted by 2026 Iowa Acts, House File 2799.

g. A foreign business shall demonstrate that it is not associated with a foreign adversary or foreign adversary entity. For the purposes of this paragraph, the following definitions apply:

"Foreign adversary" means a foreign government or foreign non-government person as determined in 15 CFR §7.4 or 15 CFR §791.4 at any time on or before March 4, 2024, and that is listed in 15 CFR §7.4(a) or 15 CFR §791.4(a) at any time from March 4, 2024.

"Foreign adversary entity" means a foreign business subject to the jurisdiction of or organized under the laws of a foreign adversary or a foreign business owned, directed, or controlled by a foreign adversary.

"Foreign business" means the same as defined in Iowa Code section 9I.1.

70.2(3) *Relocations and reductions in operations.* The authority will determine whether a business is ineligible due to a relocation or reduction in operations pursuant to Iowa Code section 15.602(1)*"f"* as enacted by 2026 Iowa Acts, House File 2799. For the purposes of this subrule, "reduction in operations" includes but is not limited to a layoff during the 12 months before an application is submitted to the authority.

70.2(4) *Determination of sufficient benefits.* The business shall offer a sufficient package of benefits to each full-time equivalent position employed at its corporate headquarters and to each full-time equivalent position at its corporate headquarters until the contract end date. The benefits package provided shall meet the criteria established by the board. The board will periodically approve such criteria to reflect the most current benefits package typically offered by employers. The criteria established by the board may include but not be limited to premium percentages to be paid by the business, deductible amounts, and other such criteria as determined necessary to the evaluation of benefits offered by a business.

70.2(5) *Violations of law.* The authority will address violations of law as described in Iowa Code section 15.602(1)*"h"* as enacted by 2026 Iowa Acts, House File 2799.

70.2(6) *Sufficient economic impact.* The business shall demonstrate that the project has a sufficient economic impact as described in Iowa Code section 15.602(2)*"c"* as enacted by 2026 Iowa Acts, House File 2799.

70.2(7) *Jobs.* The new corporate jobs created or existing corporate jobs retained by a business shall pay the applicable wages as established pursuant to Iowa Code section 15.605(1) as enacted by 2026 Iowa Acts, House File 2799, and as described in rule 261—70.8(15).

70.2(8) *Applicant's past or current performance.* If an applicant received a prior award or other benefit through any program administered by the authority or any other state agency, the authority and board will consider the applicant's past or current performance under the prior award or benefit.

70.2(9) *Results of due diligence review.* The authority will complete a due diligence review, including but not limited to lien searches, reports of violations, pending or resolved litigation, and other relevant information about the applicant. The authority will determine whether a business is ineligible due to the results of the review.

70.2(10) *Other factors.* The authority shall consider any applicable additional factors pursuant to Iowa Code section 15.602(2) as enacted by 2026 Iowa Acts, House File 2799, to determine whether a business is an eligible business.

70.2(11) *Ineligible projects.*

a. The following activities are presumed by the authority to lack sufficient economic impact to accomplish the goals of the program and are not eligible for the program pursuant to Iowa Code section 15.602(2)*"c"* as enacted by 2026 Iowa Acts, House File 2799:

(1) Facility maintenance, and

(2) Replacement or upgrades of equipment occurring in the normal course of business.

b. A project representing solely acquisition of a business as a going concern that does not include creation or retention of jobs and investment at the acquired business facility is not eligible for the program. A qualified project that occurs following acquisition of a business as a going concern may be eligible for the program, but the purchase of a business as a going concern and its existing assets will not be included as an eligible business's investment in the location or retention of a corporate headquarters.

c. If the investment for a project includes long-term lease costs, the project is not eligible for the program unless the proposed lease is for a term of at least ten years.

70.2(12) *Project initiation.* An eligible business shall not initiate its project prior to board approval of the business's application for the program unless the business establishes that a delay in initiating the project would result in undue hardship or that extenuating circumstances necessitate initiating the project prior to approval of the business's application. Whether an undue hardship or extenuating circumstance exists will be determined by the authority.

a. Any one of the following may indicate that a project has been initiated:

(1) The start of construction of new or expanded buildings;

(2) The start of rehabilitation of existing buildings;

(3) The purchase or leasing of existing buildings; or

(4) The installation of new machinery and equipment or new computers to be used in the operation of the business's project.

b. The following shall not indicate a project has been initiated:

(1) The purchase of land or signing of an option to purchase land;

(2) Earthmoving or other site development activities not involving actual building construction, expansion or rehabilitation; or

(3) Acquisition of a business as a going concern.

c. Any costs incurred prior to the award date are not eligible investment if investment requirements are established pursuant to subrule 70.3(5).

261—70.3(15) Application process and review.

70.3(1) *Application.* The authority will invite applicants with projects that may be eligible for the program to apply. Businesses applying for the program shall utilize a standardized application developed by the authority and submit the application to the authority electronically.

70.3(2) *Community participation.* The application shall include an ordinance or resolution of the community's governing body approving the project. If applicable, the application shall also include documentation of any incentives or assistance to be provided by the community for the project.

70.3(3) *Applicability of wage requirements.* The qualifying wage threshold applicable to a project is the threshold in effect on the date the fully completed project application is received by the authority. If such an application is received but not acted upon by the board before the qualifying wage thresholds are updated, the thresholds in effect on the date the application was received will remain in effect for a period of three months after the month the thresholds were updated. Qualifying wage thresholds will be calculated and applied as described in rule 261—70.8(15).

70.3(4) *Job requirements.* The job requirements applicable to a project, identified as described in rule 261—70.7(15), will be established at the time of application. Job requirements will be based on the base employment level on the date the fully completed project application is received by the authority and the eligible business's job projections and will be utilized to determine the amount of tax incentives. The business shall provide documentation to verify the number of corporate jobs associated with the project as described in subrule 70.7(7).

70.3(5) *Investment requirements.* If the authority determines that proposed investment is a significant factor in negotiating the award pursuant to rule 261—70.4(15), investment requirements for a specific project may be established at the time of application. Investment requirements will be based on an eligible business's estimates of total project costs.

70.3(6) *Board approval and notice.*

a. Authority staff will review applications to ensure program eligibility requirements are satisfied and applications are complete. Authority staff may request additional information from the business or may use other resources to obtain the needed information. The authority or board may engage outside reviewers to complete technical, financial, or other reviews of applications beyond the expertise of the board and authority staff. Negotiation of the terms of, and the aggregate value of, tax incentives will occur following review of an application by authority staff and will be based on the factors identified in rule 261—70.4(15).

b. Complete and eligible applications and supporting documentation will be submitted to the board for its consideration. The authority shall have sole discretion to determine whether an application is fully completed and the date on which it was fully completed. Authority staff will submit a report to the board that summarizes the project. The report will include recommendations from authority staff on the terms of, and the aggregate value of, tax incentives based on the factors identified in rule 261—70.4(15) or any other elements of the proposed award. Staff may provide the board additional information or documentation as determined by staff. The board may offer an award that differs from that requested by a business or recommended by authority staff. Meeting eligibility requirements does not guarantee that tax incentives will be offered or provided in the manner sought by the applicant.

c. The due diligence committee of the board established pursuant to 261—Chapter 1 will review applications and make recommendations regarding the size and conditions of awards. The board may accept or reject recommendations from the due diligence committee.

d. If the board approves an award, an applicant will be notified in writing, including any conditions and terms of the approval.

70.3(7) *Application fee.* An applicant for the program shall pay an application fee of 0.5 percent of the total amount of tax incentives recommended pursuant to paragraph 70.3(6)*"b,"* not to exceed $10,000, at the time an application is submitted to the board for its consideration. If the application fee has not been paid at the time of the board's approval of an application, the board may condition its approval on payment of the fee, including specifying the date by which the fee must be paid. If the board approves a total amount of tax incentives that is more or less than the amount recommended by authority staff, the fee will be adjusted accordingly. The authority may refund the fee if the award is declined or rescinded within 180 days of approval. If the award is declined or rescinded more than 180 days after approval, the fee will not be refunded.

261—70.4(15) Award amounts and terms.

70.4(1) In negotiating the terms of, and the aggregate value of, tax incentives, the authority will consider a variety of factors, including but not limited to the following.

a. Economic impact. The extent to which an eligible business's proposed project demonstrates economic impact on the state based on the factors identified in Iowa Code section 15.602(2)*"c"* as enacted by 2026 Iowa Acts, House File 2799.

b. Level of need. The following factors will determine the authority's assessment of need:

(1) Whether the business can raise only a portion of the debt and equity necessary to complete the project. The existence of a gap between the financing required and the committed financing indicates that tax incentives may be needed to fill the gap.

(2) Whether the likely returns of the project are inadequate to motivate a company decision maker to proceed with the project even if sufficient debt or equity can be raised to finance the project.

(3) Whether the cost of completing the project at the out-of-state site is demonstrably lower. Such a condition indicates that tax incentives may be needed to equalize the cost differential between the two sites. The authority will attempt to quantify the cost differential between the sites.

c. Quality of the jobs. The extent to which the jobs involved in the project are considered higher quality jobs is based on factors, including but not limited to wages; quality of benefits; requirements for specialized skills, education, or both; whether the jobs or applicable industry are expected to have low turnover of employees; and whether the jobs expose employees to minimal occupational hazards.

d. New corporate jobs. In addition to the number of new corporate jobs, the authority may consider:

(1) The number of new corporate jobs that meet or exceed the qualifying wage threshold relative to the total number of new corporate jobs.

(2) The number of new corporate jobs relative to an eligible business's base employment level.

(3) The number of new corporate jobs relative to the population and employment levels of the community in which the project is located.

e. Community contributions. Whether and to what extent the community in which the project is located is contributing to the success of the project through incentives or assistance.

70.4(2) Eligible businesses that do not propose to create any new corporate jobs, including eligible businesses that propose retention-only projects, will receive lower award amounts compared to amounts awarded to eligible businesses that propose to create new corporate jobs. The authority may establish award terms specific to projects that do not propose to create new corporate jobs.

70.4(3) Eligible businesses that propose a project that includes long-term lease costs must demonstrate sufficient economic impact by proposing to create new corporate jobs.

70.4(4) Only projects that demonstrate extensive economic impact will be awarded the maximum amounts of tax incentives allowed pursuant to Iowa Code section 15.605(1) as enacted by 2026 Iowa Acts, House File 2799. Whether the project demonstrates extensive economic impact is within the sole discretion of the board.

261—70.5(15) Tax incentives. The authority may approve a business to receive any combination of applicable tax incentives allowed through the program pursuant to Iowa Code section 15.605 as enacted by 2026 Iowa Acts, House File 2799. An approved business shall not claim a tax incentive in excess of the amount specified in an agreement.

261—70.6(15) Agreements and compliance.

70.6(1) *Execution.* Successful applicants will be required to execute an agreement within 180 days of the award date. The time limit for execution may be extended by the authority director for an additional 180 days for good cause shown. Upon expiration of the time limit, including any extensions approved pursuant to this subrule, the board may approve additional extensions or rescind the award.

70.6(2) *Requirements.* An agreement shall meet all requirements of and be administered pursuant to Iowa Code section 15.604 as enacted by 2026 Iowa Acts, House File 2799.

70.6(3) *Jobs.* An agreement will specify the number of new corporate jobs the business has pledged to create in addition to the base employment level and the number of retained corporate jobs. An agreement may specify that a business has pledged additional jobs or pledged wage requirements greater than the applicable qualifying wage threshold requirements as a condition to receipt of an award or receipt of a specific amount of tax incentives. Job obligations will be established and monitored pursuant to rule 261—70.7(15).

70.6(4) *Project and investment requirements.* An agreement will describe the project and any investment requirements established pursuant to subrule 70.3(5).

70.6(5) *Contract end date.*

a. The authority will establish a contract end date at least two years from the date the business is expected to have claimed all tax incentives awarded through the program. The contract end date may be

later than two years from the date the business is expected to have claimed all tax incentives awarded through the program if another contract between the business and the authority has a later end date. The agreement will specify the applicable requirements that must be met by the contract end date.

b. An agreement may be terminated prior to the contract end date by mutual agreement of the parties. The amount of tax incentives available may be reduced as described in the agreement if the agreement is terminated prior to the contract end date.

70.6(6) *Issuance of tax incentives.* Tax incentives may be issued no more frequently than annually during the period specified in the agreement. An agreement will specify the conditions to issuance of tax incentives, including but not limited to the following:

a. Compliance with the requirements of Iowa Code section 15A.1(3)*"b"* regarding solid and hazardous waste.

b. Verification that the business employs the new corporate jobs and retained corporate jobs specified in the agreement and the amount of gross annual wages paid to those jobs.

c. Receipt by the authority of the annual report described in paragraph 70.6(7)*"a."*

70.6(7) *Monitoring and reports.* The authority shall ensure that program recipients comply with agreements. An agreement will specify the reports a program recipient must submit to the authority and due dates for such reports. Reports shall be provided in the form and content acceptable to the authority.

a. Recipients shall report annually to the authority about the status of the project, including but not limited to employment, wages, benefits, project costs, investment, and compliance with the agreement. The authority will use the data it collects in the authority's annual report to the general assembly pursuant to Iowa Code section 15.107B.

b. Recipients shall submit a report to the authority to document that the project investment and job obligations have been completed as proposed and prior to the contract end date to verify compliance with the agreement.

c. On-site or remote monitoring may be conducted during the agreement term as deemed appropriate by the authority.

70.6(8) *Default.* An agreement will specify events of default and the remedies available to the authority. The authority may determine that a recipient is in default of an agreement if the recipient has not complied with an agreement associated with another program administered by the authority. If the authority determines that a recipient is in default, the eligible business may be required to repay tax incentives pursuant to Iowa Code section 15.604(1)*"b"* as enacted by 2026 Iowa Acts, House File 2799. The repayment amount is subject to applicable interest and penalties as determined by the department of revenue. If the business is an entity that has elected pass-through taxation status for income tax purposes, the department of revenue may undertake collection efforts against members, individuals or shareholders to whom the tax incentives were passed through.

a. Calculation of repayment due or reduction.

(1) Job shortfall. If a business does not meet its job requirements, the repayment amount or reduction of tax incentives shall be the same proportion as the amount of the job shortfall. For example, if the business creates 50 percent of the jobs required, the business shall repay 50 percent of the tax incentives received or tax incentives will be reduced by 50 percent.

(2) Investment shortfall. If a business does not meet investment requirements established pursuant to subrule 70.3(5), the repayment amount or reduction of tax incentives shall be the same proportion as the amount of the shortfall in applicable required investment. For example, if the business meets 75 percent of the amount of required investment, the business shall repay 25 percent of the amount of the tax incentives received or tax incentives will be reduced by 25 percent.

(3) Job and investment shortfalls. If a business has a shortfall in both investment and job requirements, the repayment amount or reduction shall be the same proportion as the greater of the two shortfalls. For example, if a business creates 50 percent of the required jobs and meets 75 percent of the required investment, the business shall be required to repay 50 percent of the amount of the tax incentives received or tax incentives will be reduced by 50 percent.

(4) Benefits. Notwithstanding any other provision in this subrule, if a business fails to comply with the benefit requirements of the agreement, the business shall be required to repay all of the tax incentives received, or tax incentives will be fully revoked.

(5) Minimum eligibility. Notwithstanding any other provision in this subrule, if a business fails to maintain eligibility for the program, the business shall repay all of the tax incentives received or tax incentives will be fully revoked.

b. Notice of default. The authority will notify a business of an event of default as described in the agreement.

70.6(9) *Amendments.* Agreement amendments must comply with Iowa Code chapter 15, subchapter II, part 37, as enacted by 2026 Iowa Acts, House File 2799, and this chapter. Recipients may submit requests for amendments to authority staff.

a. Except as provided in paragraph 70.6(9)*"b,"* no request to amend an agreement may be approved unless it has been reviewed by the due diligence committee established pursuant to 261—Chapter 1, the due diligence committee has recommended approving the request to amend the agreement and the board has approved the request to amend the agreement.

b. The board may delegate authority to authority staff to approve nonsubstantive changes to the agreement, including but not limited to the following:

(1) Recipient name, address and similar changes.

(2) Collateral changes that do not materially and substantially impact the authority's security.

(3) Line-item budget changes that do not reduce overall investment.

(4) Loan repayment amounts or due dates that do not extend the final due date of a loan.

(5) Changes to tax credit amortization schedules.

(6) Extension of a project completion date or contract end date of up to 12 months.

(7) Termination of an agreement following declination of all awarded program benefits by an eligible business.

261—70.7(15) Job counting.

70.7(1) *Overview.* The authority will count new corporate jobs and retained corporate jobs using a base employment analysis comparing the base employment level to employment on another date. The business's base employment level will be established at the time of application for the program. The number of new corporate jobs the business has pledged to create shall be in addition to the base employment level. Retained corporate jobs may be included in the base employment level as established at the time of approval.

70.7(2) *Base employment level.*

a. Base employment level will include the number of full-time equivalent positions employed at the project location. If the project occurs at more than one physical location, the business's base employment level will include the total number of full-time equivalent positions working at the identified locations. Base employment level may include the business's full-time equivalent positions as identified by the authority that are based in this state but are not based at the project location.

b. If a business receives multiple awards for projects at the same location, including through the program; the high quality jobs program administered pursuant to Iowa Code chapter 15, subchapter II, part 13; or the business incentives for growth program administered pursuant to Iowa Code chapter 15, subchapter II, part 33, the base employment level will be calculated by using the payroll document from the oldest award that is open. Job obligations from each new award will be added to this base employment level.

c. The authority will collect payroll documents to calculate and verify the base employment level used in each award. Payroll documents must include a name or employee identification number and the hourly rate of pay for all full-time equivalent positions.

d. If the base employment level includes retained corporate jobs, the authority will require a business to verify that a job is at risk. Such verification may include the signed statement of an officer of the business, documentation that the business is actively exploring other sites for the project, or any

other information the authority may reasonably require during the application review process to establish that a job is at risk.

70.7(3) *Verification.* Payroll documents will be used to calculate and verify compliance with job obligations. The person who submits the documents must, under penalty of perjury, verify that the information contained in the documents is true and correct.

70.7(4) *Full-time equivalent positions.*

a. Only an individual filling a full-time equivalent position will be considered an employee of the business for the purpose of establishing the base employment level, retained corporate jobs, or new corporate jobs. The authority will not consider "job sharing" or any other means of aggregation or combination of hours worked by more than one natural person in counting jobs. The authority will verify that full-time equivalent positions constitute the employment of one person for:

(1) Eight hours per day for a five-day, 40-hour workweek for 52 weeks per year, including paid holidays, vacations and other paid leave; or

(2) The number of hours or days per week, including paid holidays, vacations and other paid leave, currently established by schedule, custom, or otherwise, as constituting a week of full-time work for the kind of service an individual performs for an employing unit, provided that the number of hours is at least 32 hours per week for 52 weeks per year, including paid holidays, vacations and other paid leave.

b. If employees at the facility do not typically work 40 hours per week, the business will be required to provide documentation outlining what the business considers a full-time workweek and how the business's interpretation fits within the norms of its industry standards. Whether to accept this interpretation is within the sole discretion of the authority.

70.7(5) *Contract employees.* A business's leased or contract employee may be included in the base employment level or included as a new corporate job or a retained corporate job only if the following requirements are met:

a. The business receiving the tax incentives has a legally binding contract with a third-party provider to provide the leased or contract employee.

b. The contract between the third-party provider and the business specifically requires the third-party provider to pay the wages and benefits at the levels required and for the time period required by the authority as conditions of the award to the business.

c. The contract between the third-party provider and the business specifically requires the third-party provider to submit payroll records to the authority, in the form and content and as frequently as required by the authority, for purposes of verifying that the business's job and benefit requirements are being met.

d. The contract between the third-party provider and the business specifically authorizes the authority, or its authorized representatives, to access the third-party provider's records related to the funded project.

e. The business receiving the tax incentives agrees to be contractually liable to the authority for the performance or nonperformance of the third-party provider.

70.7(6) *Remote employees.* Employees in a position with a reasonable connection to a project location who work remotely may be included in the base employment level or as a new corporate job or a retained corporate job as established by the authority at the time of application. To determine whether employees who work remotely should be included, the authority will consider a business's policies on establishing remote work locations for employees, reporting structures, the percentage of time worked at the project location, and the distance of employees' remote work locations from the project location. Only employees who work remotely within a defined geographic area established by the authority will be included. Whether an employee who works remotely is included in the base employment level or as a new corporate job or a retained corporate job pursuant to this subrule shall be solely within the discretion of the authority.

70.7(7) *Corporate jobs.* At the time of application for the program and throughout the term of the agreement, an eligible business shall document that a position involves strategic planning, executive decision making, or core administrative functions by providing job titles, job descriptions, and any other documentation deemed necessary by the authority to demonstrate the nature of the position.

261—70.8(15) Wage requirements. New corporate jobs or retained corporate jobs shall meet the qualifying wage threshold requirements as established pursuant to Iowa Code section 15.605(1) as enacted by 2026 Iowa Acts, House File 2799, and as indicated in an agreement. Jobs that do not meet the qualifying wage threshold requirements will not be counted toward a business's job obligations.

70.8(1) If the business is creating new corporate jobs, the business shall demonstrate that the jobs will pay at least 200 percent of the qualifying wage threshold as of the start date for authorization of a tax credit specified in the agreement and through the contract end date. If the business is retaining corporate jobs, the business shall demonstrate that the jobs will pay at least 200 percent of the qualifying wage threshold from the award date until the contract end date. The authority may establish a higher qualifying wage threshold requirement for a specific project if the quality of jobs is a significant factor in negotiating the award pursuant to rule 261—70.4(15).

70.8(2) The authority will update the qualifying wage thresholds annually each fiscal year. The thresholds will take effect on September 1 of each fiscal year and remain in effect until August 31 of the following fiscal year.

70.8(3) The authority will calculate the qualifying wage threshold as follows:

a. The most current covered wage and employment data available from the department of workforce development will be used.

b. The wage will be computed as a mean wage figure and represented in terms of an hourly wage rate.

c. Only the wages paid by employers for jobs performed within the first two zones of a laborshed area will be included.

d. The wages paid by employers in the following categories will be excluded from the calculation: government, retail trade, health care and social assistance, and accommodations and food service. The wages paid by employers in all other categories will be included in the calculation.

e. To the extent that a laborshed area includes zip codes from states other than Iowa, the wages paid by employers in those zip codes may be included if the department of workforce development has finalized a data-sharing agreement with the state in question and has received the necessary data.

f. Only those wages within two standard deviations of the mean wage will be included.

70.8(4) To determine the wages paid to the employees of an eligible business, the authority will include only monetary compensation, represented in terms of an hourly rate, paid by an employer to an employee for work or services provided, typically on a weekly or biweekly basis. The wage will not include nonregular forms of compensation, such as bonuses, unusual overtime pay, commissions, stock options, pensions, retirement or death benefits, unemployment benefits, life or other insurance, or other fringe benefits.

These rules are intended to implement Iowa Code chapter 15, subchapter II, part 37, as enacted by 2026 Iowa Acts, House File 2799, and section 15A.1.

ARC 0712D

EDUCATION DEPARTMENT[281]

Notice of Intended Action

Proposing rulemaking related to personally identifiable information and providing an opportunity for public comment

The State Board of Education hereby proposes to amend Chapter 5, "Public Records and Fair Information Practices," Iowa Administrative Code.

Legal Authority for Rulemaking

This rulemaking is proposed under the authority provided in Iowa Code section 22.11.

State or Federal Law Implemented

This rulemaking implements, in whole or in part, Iowa Code section 22.11.

Purpose and Summary

This proposed rulemaking makes a technical correction in light of the adoption of the Uniform Rules on Agency Procedure.

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 22, 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 December 1, 2026. Comments should be directed to:

Thomas A. Mayes
Department of Education
Grimes State Office Building, Second Floor
400 East 14th Street
Des Moines, Iowa 50319-0146
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:

December 1, 2026 8 to 9 a.m.	Room B50 Grimes State Office Building Des Moines, Iowa Via videoconference: meet.google.com/gow-qvqp-iuy Or dial: +1.240.428.8860 PIN: 708 227 584?#

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 rule 281—5.4(22,256), introductory paragraph, as follows:

281—5.4(22,256) Personally identifiable information. This rule describes the nature and extent of personally identifiable information as defined in rule 7—2505.1(17A,22) that is collected, maintained, and retrieved by the agency by personal identifier in record systems ~~as defined in rule X.1(17A,22)~~. For each record system, this rule describes the legal authority for the collection of that information and indicates whether a data processing system matches, collates, or permits the comparison of personally identifiable information in one record system with that in another record system. The record systems maintained by the agency include:

ARC 0711D

EDUCATION DEPARTMENT[281]

Notice of Intended Action

Proposing rulemaking related to waivers and providing an opportunity for public comment

The State Board of Education hereby proposes to amend Chapter 37, "Extracurricular Athletic Activity Conference for Member Schools," Iowa Administrative Code.

Legal Authority for Rulemaking

This rulemaking is proposed under the authority provided in Iowa Code section 280.13E.

State or Federal Law Implemented

This rulemaking implements, in whole or in part, Iowa Code section 280.13E.

Purpose and Summary

This proposed rulemaking makes a technical correction in light of the adoption of the Uniform Rules on Agency Procedure.

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 22, 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 December 1, 2026. Comments should be directed to:

Thomas A. Mayes
Department of Education
Grimes State Office Building, Second Floor
400 East 14th Street
Des Moines, Iowa 50319-0146
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:

December 1, 2026 8 to 9 a.m.	Room B50 Grimes State Office Building Des Moines, Iowa Via videoconference: meet.google.com/gow-qvqp-iuy Or dial: +1.240.428.8860 PIN: 708 227 584?#

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** rule 281—37.4(280):

281—37.4(280) Waivers not available. The provisions of 7—Chapter 2504 do not apply to this chapter.

ARC 0701D

HUMAN SERVICES DEPARTMENT[441]

Notice of Intended Action

Proposing rulemaking related to health and human services districts, behavioral health districts—service system plan, and advisory council and providing an opportunity for public comment

The Department of Health and Human Services hereby proposes to adopt a new Chapter 2, "Health and Human Services Districts," and to amend Chapter 300, "Definitions," Chapter 302, "Behavioral Health Administrative Service Organizations," and Chapter 304, "District Behavioral Health Advisory Councils," Iowa Administrative Code.

Legal Authority for Rulemaking

This rulemaking is proposed under the authority provided in 2026 Iowa Acts, House File 2707.

State or Federal Law Implemented

This rulemaking implements, in whole or in part, 2026 Iowa Acts, House File 2707.

Purpose and Summary

This proposed rulemaking implements 2026 Iowa Acts, House File 2707, by creating rules for the Health and Human Services (HHS) Districts enabled by the legislation. The proposed rules outline how the Department will undertake the required HHS District review, including data to be analyzed and mechanisms for feedback.

The proposed rulemaking also implements 2026 Iowa Acts, House File 2707, by making definition updates from 2026 Iowa Acts, House File 2707, sections 5 through 21, to the Department's Behavioral Health Service System rules.

References to Iowa Code sections 225A.1 and 225A.5 are to those sections as amended by 2026 Iowa Acts, House File 2707. References to Iowa Code sections 217.1 and 217.1B are to those sections as amended and enacted, respectively, by 2026 Iowa Acts, House File 2707. The reference to Iowa Code section 234A.3 is to that section as enacted by 2026 Iowa Acts, Senate File 2488.

Regulatory Analysis

A Regulatory Analysis for this rulemaking was published in the Iowa Administrative Bulletin on September 16, 2026. A public hearing was held on the following date(s):

- October 6, 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 December 1, 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:

December 1, 2026 10 to 10:30 a.m.	Microsoft Teams Meeting ID: 225 217 179 078 528 Passcode: Rw3KT9yE

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. Adopt the following **new** 441—Chapter 2:

CHAPTER 2
HEALTH AND HUMAN SERVICES DISTRICTS

441—2.1(217) Definitions. For the purposes of these rules, the following definitions apply:

"Agency action" includes the whole or part of an agency rule or other statement of law or policy, order, decision, license, proceeding, investigation, sanction, relief, or the equivalent or a denial thereof, or a failure to act, or any other exercise of agency discretion or failure to do so, or the performance of any agency duty or the failure to do so.

"Council" means the council on health and human services established in Iowa Code section 217.2.

"District advisory councils" means the advisory councils, including but not limited to those established by Iowa Code sections 225A.5 and 234A.3.

"Efficacy" means the degree to which existing HHS system partners effectively coordinate within a district to ensure statewide delivery of the programs and services offered by each HHS service system.

"Health and human services district" or *"HHS district"* means the same as defined in Iowa Code section 217.1(4).

"Health and human services service system" or *"HHS service system"* means any of the statewide service systems administered by the department to provide activities and services to Iowans and communities through HHS system partners.

"HHS system partners" means the department, identified lead entities, and local providers.

"Lead entity" means an HHS district-level coordinating organization responsible for planning, organizing, and assuring delivery of assigned HHS service system activities across all counties within an HHS district.

441—2.2(217) Decennial HHS district review. Beginning in calendar year 2032, the department will review the efficacy of the HHS districts pursuant to Iowa Code section 217.1B(1).

2.2(1) *Data collection and analysis.* On an ongoing basis to facilitate the review, the department will collect data focused on access to care, level of service need, and overall risk of poor health and social outcomes.

2.2(2) *Efficacy.* In determining efficacy, the department may consider:

a. The data collected and analyzed under subrule 2.2(1);

b. The degree to which HHS service systems are able to coordinate service delivery to Iowans;

c. Health and human services outcomes for Iowans as measured by the department; and

d. Any other factors the department determines to be relevant.

2.2(3) *Modification.* Subsequent to the review, the department will determine whether to retain the current HHS district designations or modify them pursuant to Iowa Code section 217.1B(2)*"a."*

441—2.3(217) Public notice and stakeholder engagement. At least one year before the start of each review, the department will publish notice on its website. The notice will include the scope of the review, the timeline for the review, and engagement opportunities, including the date and time of any public hearings.

441—2.4(217) Internal review team. To effectuate the review, the department will assemble a team of department subject matter experts representing each HHS service system and a data analytics expert who will analyze the data collected as it relates to the factors outlined in subrule 2.2(1).

2.4(1) *Preliminary report.* The internal review team will prepare and deliver to the director a report of findings and recommendations. The report will also be published on the department's website and shared with district advisory councils and the council. The report may include:

a. The internal review team's findings on HHS district efficacy;

b. An analysis of the factors outlined in Iowa Code section 217.1B(2)*"a"*;

c. A summary of any public feedback;

d. The internal review team's recommendation on HHS district map retention or revision; and

e. A proposed effective date.

2.4(2) Reserved.

441—2.5(217) Final decision. Within 30 days of receipt of the internal review team's report of findings and recommendations, the director will make a final decision on HHS district map retention or revision. The director's decision is considered final agency action and is not subject to appeal under Iowa Code chapter 17A or 441—Chapter 2506.

These rules are intended to implement Iowa Code section 217.1B.

ITEM 2. Amend rule **441—300.1(225A)**, definition of "District behavioral health service system plan," as follows:

"~~District behavioral~~ Behavioral health district service system plan" or *"district plan"* means a plan developed by the district BH-ASO and approved by the department to ensure access to behavioral health care and behavioral health services throughout a district.

ITEM 3. Amend subrule 302.1(3) as follows:

302.1(3) *~~District behavioral~~ Behavioral health district service system plan.* A BH-ASO will collaborate with the ~~district~~ behavioral health district advisory council and other stakeholders to develop

a ~~district~~ behavioral health district service system plan to describe all behavioral health services and supports and other activities in support of the behavioral health system to be delivered by the BH-ASO.

ITEM 4. Amend **441—Chapter 304**, title, as follows:
~~DISTRICT~~ BEHAVIORAL HEALTH DISTRICT ADVISORY COUNCILS

ITEM 5. Amend rule 441—304.1(225A) as follows:

441—304.1(225A) Definitions. For the purpose of this chapter, the following definitions apply:
"Behavioral health district advisory council" or *"advisory council"* means the same as defined in Iowa Code section 225A.1.
"Chairperson" means the chairperson of the ~~district~~ behavioral health district advisory council who has been elected by a majority of advisory council members.
~~*"District behavioral health advisory council"* or *"advisory council"* means the same as defined in Iowa Code section 225A.1.~~

ARC 0720D

HUMAN SERVICES DEPARTMENT[441]

Notice of Intended Action

Proposing rulemaking related to accreditation of behavioral health service providers and providing an opportunity for public comment

The Department of Health and Human Services hereby proposes to rescind Chapter 24, "Accreditation of Providers of Services to Persons with Mental Illness, Intellectual Disabilities, or Developmental Disabilities," and to adopt a new Chapter 24, "Accreditation of Behavioral Health Service Providers," Iowa Administrative Code.

Legal Authority for Rulemaking

This rulemaking is proposed under the authority provided in Iowa Code chapter 225A.

State or Federal Law Implemented

This rulemaking implements, in whole or in part, Iowa Code chapter 225A.

Purpose and Summary

In this proposed chapter, the Department has created a set of standards to be met by all providers of services to people with behavioral health conditions, intellectual disabilities, or developmental disabilities. These standards apply to providers that are not required to be licensed by the Department of Inspections, Appeals, and Licensing. These providers include community mental health centers, behavioral health services providers, case management providers, supported community living providers, and crisis response providers.

The standards serve as the foundation of a performance-based review of those organizations for which the Department holds accreditation responsibility, as set forth in Iowa Code chapter 225A. The mission of accreditation is to assure individuals using the services and the general public of organizational accountability for meeting best practices performance levels, for efficient and effective management, and for the provision of quality services that result in quality outcomes for individuals using the services. The Department's intent is to establish standards that are based on the principles of quality improvement and are designed to facilitate the provision of excellent quality services that lead to positive outcomes. The intent of these standards is to make organizations providing services responsible for effecting efficient and effective management and operational systems that enhance the involvement of individuals using the services and to establish a best practices level of performance by which to measure provider organizations.

This proposed chapter underwent a Red Tape Review pursuant to Executive Order 10. As a result of the review, the Department is proposing to move the content from existing 441—Chapter 24 to a new 441—Chapter 307 to better align the chapter's placement in agency [441] within Title XVIII, Behavioral Health Services. The Department eliminated restrictive terms, updated outdated cross-references, and renumbered the chapter altogether. In addition, the Department conducted a focused restructuring of the accreditation requirements for behavioral health crisis service providers. This process occurred with the input of stakeholders and resulted in streamlined requirements that are more consistent with national standards, inclusive of all behavioral health crises, more consistent statewide, and supportive of a changing workforce. Finally, the Department is proposing to adopt a new, updated title for this chapter to better reflect today's terminology and service alignment.

Regulatory Analysis

A Regulatory Analysis for this rulemaking was published in the Iowa Administrative Bulletin on September 30, 2026. A public hearing was held on the following date(s):

- October 20, 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 December 1, 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

Public hearings at which persons may present their views orally or in writing will be held as follows:

December 1, 2026 10 to 10:30 a.m.	Microsoft Teams Meeting ID: 225 217 179 078 528 Passcode: Rw3KT9yE
December 1, 2026 2 to 2:30 p.m.	Microsoft Teams Meeting ID: 263 899 623 991 883 Passcode: qy9g7WW7

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 and reserve **441—Chapter 24**.

ITEM 2. Adopt the following **new** 441—Chapter 307:

CHAPTER 307
ACCREDITATION OF BEHAVIORAL HEALTH SERVICE PROVIDERS

DIVISION I
BEHAVIORAL HEALTH SERVICE PROVIDERS

441—307.1(225A) Definitions.

"Accreditation" means the decision made by the department that the organization has met the applicable standards.

"Advanced registered nurse practitioner" or *"ARNP"* means a nurse who has current licensure as a registered nurse in Iowa, or licensure in another state that is recognized in Iowa pursuant to Iowa Code section 152E.3, and who is also registered as certified in psychiatric mental health specialties pursuant to 481—Chapter 621.

"Advisory board" means the board that reviews and makes recommendations to the organization on the program being accredited.

"Anticipated discharge plan" means the statement of the condition or circumstances by which the individual using the service would no longer need each of the specific services accredited under this chapter.

"Appropriate" means the degree to which the services or supports or activities provided or undertaken by the organization are suitable and desirable for the needs, situation, or problems of the individual using the service.

"Assessment" means the review of the current functioning of the individual using the service in regard to the individual's situation, needs, strengths, abilities, desires and goals.

"Behavioral health service provider" means an organization whose services are established to specifically address behavioral health services, to include outpatient psychotherapy, partial hospital, psychiatric rehabilitation, day treatment, and evaluation services to individuals, or the administration of facilities in which these services are provided.

These standards do not apply to individual practitioners or partnerships of practitioners covered under Iowa's professional licensure laws.

"Benchmarks" means the processes of an organization that lead to implementation of the indicators.

"Case management services" means services provided to assist individuals in gaining access to necessary medical, social, educational, and other services.

"Case manager" means a person who meets one of the following qualifications:

1. A bachelor's degree with 30 semester hours or equivalent quarter hours in a human services field (including but not limited to psychology, social work, mental health counseling, marriage and family therapy, nursing, education, occupational therapy, and recreational therapy) and at least one year of

experience in the delivery of services to the population groups that the person is hired as a case manager to serve; or

2. An Iowa license to practice as a registered nurse and at least three years of experience in the delivery of services to the population groups the person is hired as a case manager to serve.

"Community" means a natural setting where people live, learn, work, and socialize.

"Community mental health center" or *"CMHC"* means an organization providing mental health services that is established pursuant to Iowa Code chapter 225A and accredited in accordance with Division III of this chapter.

"Crisis intervention plan" means a personalized, individualized plan developed with the individual using the service that does all of the following:

1. Identify potential personal psychiatric, environmental, and medical emergencies.
2. Include those life situations identified as problematic and the identified strategies and natural supports developed with the individual using the service to enable the individual to self-manage, alleviate, or end the crisis.
3. Include how the individual can access emergency services that may be needed.

"Day treatment" means an individualized service emphasizing mental health treatment and intensive psychosocial rehabilitation activities designed to increase the individual's ability to function independently or facilitate transition from residential placement. Staff use individual and group treatment and rehabilitation services based on individual needs and identified behavioral or mental health issues.

"Deemed status" means acceptance by the department of accreditation or licensure of a program or service by another accrediting body in lieu of accreditation based on review and evaluation by the department.

"Dimensions of awareness" means the aspects of an individual's awareness developed by the Boston Center for Psychiatric Rehabilitation as amended to August 1, 2026.

"Direct services" means services providing therapy, habilitation, or rehabilitation activities or support services such as transportation.

"Doctor of medicine or osteopathic medicine" means a person who is licensed in the State of Iowa under Iowa Code chapter 148.

"DSM" means the Diagnostic and Statistical Manual of Mental Disorders published by the American Psychiatric Association as amended to August 1, 2026.

"Emergency services" means crisis services that provide a focused assessment and rapid stabilization of acute symptoms of mental illness, behavioral health condition, or emotional distress and that are available and accessible, by telephone or face-to-face, on a 24-hour basis. The clinical assessment and psychotherapeutic services are provided by a person who has training in emergency services and who is a mental health professional or is a behavioral health professional and has access to a mental health professional. A comprehensive social history is not required for this treatment.

"Evaluation services" means screening, diagnosis and assessment of individual and family functioning needs, abilities, and disabilities, and determining current status and functioning in the areas of living, learning, working, and socializing.

"Functional assessment" means the analysis of daily living skills. The functional assessment also takes into consideration the strengths, stated needs, and level and kind of disability of the individual using the service.

"Goal achieving" means to gain the required skills and supports to obtain the goal of choice. For purposes of this chapter, the definition and explanation are taken from the Psychiatric Rehabilitation Practitioner Tools, as developed by the Boston Center for Psychiatric Rehabilitation and as amended to August 1, 2026.

"Goal keeping" means assisting the individual using the service in maintaining successful and satisfying role performance to prevent the emergence of symptoms associated with role deterioration. For purposes of this chapter, the definition and explanation are taken from the Psychiatric Rehabilitation Practitioner Tools as developed by the Boston Center for Psychiatric Rehabilitation and as amended to August 1, 2026.

"Incident," for the purposes of this chapter, means an occurrence involving the individual using the service that:

1. Results in a physical injury to or by the individual that requires a physician's treatment or admission to a hospital;
2. Results in someone's death;
3. Requires emergency behavioral health treatment for the individual;
4. Requires the intervention of law enforcement; or
5. Is reportable to the department for child or dependent adult abuse.

"Indicators" means conditions that will exist when the activity is done competently and benchmarks are achieved. Indicators also provide a means to assess the activity's effect on outcomes of services.

"Informed consent" refers to time-limited, voluntary consent. The individual using the service or the individual's legal guardian may withdraw consent at any time without risk of punitive action. "Informed consent" includes a description of the treatment and specific procedures to be followed, the intended outcome or anticipated benefits, the rationale for use, the risks of use and nonuse, and the less restrictive alternatives considered. The individual using the service or the legal guardian has the opportunity to ask questions and have them satisfactorily answered.

"Intellectual disability" means the same as defined in rule 441—83.60(249A).

"Leadership" means the governing board, the chief administrative officer or executive director, managers, supervisors, and clinical leaders who participate in developing and implementing organizational policies, plans and systems.

"Mental health professional" means the same as defined in Iowa Code section 228.1.

"Natural supports" means those services and supports an individual using the service identifies as wanted or needed that are provided at no cost by family, friends, neighbors, and others in the community, or by organizations or entities that serve the general public.

"New organization" means an entity that has never been accredited under 441—Chapter 307 or an entity accredited under 441—Chapter 24 prior to March 1, 2027, that makes a significant change in its ownership, structure, management, or service delivery.

"Organization" means:

1. A governmental entity or an entity that meets Iowa Code requirements for a business organization as a for-profit or not-for-profit business. These entities include but are not limited to a business corporation under Iowa Code chapter 490 or a nonprofit corporation under Iowa Code chapter 504 that provides a service accredited pursuant to this chapter.
2. A county, consortium of counties, or the department that provides or subcontracts for the provision of case management.
3. A division or unit of a larger entity, such as a unit within a hospital or parent organization.

"Organization" does not include the following: an individual for whom a license to engage in a profession is required under Iowa Code section 147.2; a person providing a service if the person is not organized as a corporation or other business entity recognized under the Iowa Code; or an entity that provides only financial, administrative, or employment services and that does not directly provide the services accredited under this chapter.

"Outcome" means the result of the performance or nonperformance of a function, process or activity.

"Outpatient psychotherapy and counseling service" means the diagnosis and treatment of mental and emotional disorders through the use of goal-directed clinical interventions for the purpose of relieving symptoms, changing behaviors, and improving functioning. Psychotherapy services may be individual, group, or family and are provided by a person meeting the criteria of a mental health professional or by a person with a master's degree or an intern working on a master's or doctoral degree in a mental health field who is directly supervised by a mental health professional. Treatment will assist individuals in experiencing symptom reduction, changed behaviors, enhanced self-management, improved functioning, or any combination thereof. The organization will make available psychiatric and psychopharmacological services as needed by the individual using the service.

"Partial hospitalization services" means an active treatment program providing intensive group and individual clinical services within a structured therapeutic environment for individuals who are

exhibiting psychiatric symptoms of sufficient severity to cause significant impairment in day-to-day functioning. Short-term outpatient crisis stabilization and rehabilitation services are provided to avert hospitalization or to transition from an acute care setting. Services are supervised and managed by a mental health professional, and psychiatric consultation is routinely available.

"Policies" means the principles and statements of intent of the organization.

"Procedures" means the steps taken to implement the policies of the organization.

"Program" means a set of related resources and services directed to the accomplishment of a fixed set of goals for the population of a specified geographic area or for special target populations.

"Psychiatric crisis intervention plan" means a personalized, individualized plan developed with the individual using the service that identifies potential personal psychiatric emergencies. This plan will also include those life situations identified as problematic and the identified strategies and natural supports developed with the individual using the service to enable the individual to self-manage, alleviate, or end the crisis. This plan will also include how the individual can access emergency services that may be needed.

"Psychiatric rehabilitation practitioner" means a person who has at least 60 contact hours of training in intensive psychiatric rehabilitation and either:

1. Is certified as a psychiatric rehabilitation practitioner by the United States Psychiatric Rehabilitation Association; or

2. Holds a bachelor's degree with 30 semester hours or equivalent quarter hours in a human services field (including but not limited to psychology, social work, mental health counseling, marriage and family therapy, nursing, education, occupational therapy, and recreational therapy) and has at least one year of experience in the delivery of services to the population groups that the person is hired to serve.

"Psychiatric rehabilitation services" means services designed to restore, improve, or maximize level of functioning and promote recovery, full community integration, and improved quality of life for persons who have been diagnosed with any behavioral health condition that seriously impairs their ability to lead meaningful lives. Psychiatric rehabilitation services are collaborative, person-directed and individualized. Services focus on helping individuals develop skills and access resources needed to increase their capacity to be successful and satisfied in the living, working, learning, and social environments of their choice.

"Psychiatrist" means a doctor of medicine or osteopathic medicine who is certified by the American Board of Psychiatry and Neurology or who is eligible for certification and who is fully licensed to practice medicine in the state of Iowa.

"Readiness assessment" means a process of involving the individual using the service in clarifying motivational readiness to participate in the recovery process. For purposes of this chapter, the definition and explanation are taken from the Psychiatric Rehabilitation Practitioner Tools as developed by the Boston Center for Psychiatric Rehabilitation and as amended to August 1, 2026.

"Readiness development" means services designed to develop or increase an individual's interest, motivation, and resolve to engage in the rehabilitation services process as a means of enhancing independent functioning and quality of life. For purposes of this chapter, the definition and explanation are taken from the Psychiatric Rehabilitation Practitioner Tools as developed by the Boston Center for Psychiatric Rehabilitation and as amended to August 1, 2026.

"Registered nurse" means a person who is licensed to practice nursing in the state of Iowa as defined in Iowa Code chapter 152.

"Rehabilitation services" means services designed to restore, improve, or maximize the individual's optimal level of functioning, self-care, self-responsibility, independence and quality of life and to minimize impairments, disabilities and dysfunction caused by a serious and persistent mental or emotional disability.

"Rights restriction" means limitations not imposed on the general public in the areas of communication, mobility, finances, medical or mental health treatment, intimacy, privacy, type of work, religion, place of residence, and people with whom the individual using the service may share a residence.

"Serious emotional disturbance" means a diagnosable mental, behavioral, or emotional disorder that:

1. Is of sufficient duration to meet diagnostic criteria for the disorder specified by the DSM; and
2. Has resulted in a functional impairment that substantially interferes with or limits a consumer's role or functioning in family, school, or community activities.

"Serious emotional disturbance" does not include neurodevelopmental disorders, substance use disorders, or conditions or problems classified in the DSM as "other conditions that may be a focus of clinical attention" unless those conditions co-occur with another diagnosable serious emotional disturbance.

"Service plan" means an individualized goal-oriented plan of services written in language understandable by the individual using the service and developed collaboratively by the individual and the organization.

"Staff" means people paid by the organization to perform duties and responsibilities defined in the organization's policies and procedures.

"Supported community living services" means those services provided to individuals with a behavioral health condition or developmental disability to enable them to develop supports and learn skills that will allow them to live, learn, work and socialize in the community. Services are individualized and need- and abilities-focused. Supported community living is not part of an organized mental health support or treatment group, drop-in center, or clubhouse. Skill training groups may be one of the activities in the service plan and part of supported community living. Skill training groups cannot stand alone as a supported community living service.

441—307.2(225A) Standards for policy and procedures. The following standards apply to an organization as defined in rule 441—307.1(225A).

307.2(1) *Performance benchmark.* The organization has written policy direction for the organization and each service being accredited.

307.2(2) *Performance indicators.*

a. The organization has a policies and procedures manual with policy guidelines and administrative procedures for all organizational activities and services specific to its organization that address the standards in effect at the time of review.

b. The policies and procedures cover each benchmark and indicator in this chapter.

c. The policies and procedures manual is made available to all staff.

441—307.3(225A) Standards for organizational activities. The following standards apply to an organization.

307.3(1) *Performance improvement system.*

a. Performance benchmark. The organization has a systematic, organization-wide, planned approach to designing, measuring, evaluating, and improving the level of its performance.

b. Performance indicators. The organization:

(1) Annually measures and assesses organizational activities and services accredited in this chapter.

(2) Gathers information from individuals using the services, staff, family members and stakeholders.

(3) Implements an internal review of individual records for those services accredited under this chapter.

(4) Reviews the organization's response to incidents reported under subrule 307.4(5) for necessity, appropriateness, effectiveness and prevention. This review includes analysis of incident data at least annually to identify any trends of risk to the health and safety of consumers.

(5) Reviews the organization's response to any situation that poses a danger or threat to staff or to individuals using the services for necessity, appropriateness, effectiveness, and prevention.

(6) Reviews the organization's processes to maintain the environment and the effectiveness of the environment.

(7) Identifies areas in need of improvement.

(8) Develops a written plan to address the areas in need of improvement.

(9) Documents the implementation of the plan and documents the results or outcomes annually.

307.3(2) *Leadership.*

a. Performance benchmark. Organization leaders provide the framework for the planning, designing, directing, coordination, provision and improvement of services that are responsive to the individuals using the services and the community served by the organization.

b. Performance indicators.

(1) There are clearly articulated mission and values statements that are reflected in the long-range organizational plans and in organization policies.

(2) The annual and long-range budgeting process involves appropriate governing and managing levels of leadership and reflects the organization's mission and values. An independent auditor or other person as provided by law performs an annual financial audit. Designated CMHCs shall submit their annual financial audit to the department.

(3) The organization establishes a governing board or an advisory board.

1. The board shall meet at least three times a year and shall have at least three members, at least 51 percent (majority) of whom are not providers.

2. The board shall include representatives who have disabilities or family members of persons with disabilities and may include representatives of relevant community groups, service providers, advocates and other stakeholders.

3. The board's duties include review and recommendation of policies, organizational plan, budget and performance improvement system of the program(s) being accredited.

(4) The organization's decision-making process, including policy decisions affecting the organization, reflects involvement of the various levels of leadership and responsiveness to staff.

(5) Organization leaders collaborate with various community groups to provide responsive service delivery systems appropriate to the needs of the individuals served by the organization.

(6) Organization leaders make educational information, resources, and service consultation available to community groups.

(7) The organization has mechanisms in place that afford staff the right to express concerns about a particular care issue or to file a grievance concerning a specific employment situation.

(8) The organization provides the individuals and their guardians the right to appeal the application of policies, procedures, or any staff action that affects the individual using the service. The organization has established written appeal procedures and a method to ensure that the procedures and appeal process are available to individuals using the service.

307.3(3) *Management information system.*

a. Performance benchmark. Information is obtained, managed, and used in an efficient and effective method to document, enhance, and improve organizational performance and service delivery.

b. Performance indicators.

(1) The organization has a system in place to maintain current individual-specific information documenting the provision and outcomes of services and treatments provided.

(2) The organization has a system in place to maintain the confidentiality and security of information that identifies specific individuals using the services, including mail, correspondence, and electronic files.

(3) All individuals using the service, their legal representatives, and other people authorized by law have access to the records of the individual using the service in accordance with state and federal laws and regulations.

307.3(4) *Human resources.*

a. Performance benchmark. The organization provides qualified staff to support the organization's mission and facilitate the provision of quality services.

b. Performance indicators. The organization:

(1) Has a job description in the personnel file of each staff member that clearly defines responsibilities and qualifications.

(2) Has a process to verify qualifications of staff, including degrees, licenses, medication management training, and certification as required by the position within 90 days of the staff person's employment. For staff hired after July 1, 2006, personnel files contain evidence that verification of professional licenses and college degrees at the bachelor's level or higher, as required by the position, was obtained from the primary source.

(3) Evaluates staff annually.

(4) Includes a plan for staff development for each staff member in the annual evaluation.

(5) Provides training and education to all staff relevant to their positions.

(6) Provides for approved training on child and dependent adult abuse reporter requirements to all organization staff who are mandatory abuse reporters as required by Iowa Code chapters 232 and 235B. The organization documents in personnel records training on child and dependent adult abuse reporter requirements.

(7) Has staff members sign a document indicating that they are aware of the organization's policy on confidentiality and maintains these documents in the personnel files.

(8) Provides an initial orientation to new staff and documents this orientation in the employee's personnel file.

(9) Completes criminal and abuse record checks and evaluations as required in Iowa Code section 135C.33 before employment of any employee who meets with individuals using the services.

(10) Establishes and implements a code of ethics for all staff addressing confidentiality, individual rights, and professional and legal issues in providing services and documents in the personnel records that the code of ethics in effect at the time of review has been reviewed with each staff member.

307.3(5) *Organizational environment.*

a. Performance benchmark. The organization provides services in an organizational environment that is safe and supportive for the individuals being served and the staff providing services.

b. Performance indicators.

(1) The environment enhances the self-image of the individual using the service and preserves the individual's dignity, privacy, and self-development.

(2) The environment is safe and accessible and meets all applicable local, state, and federal regulations.

(3) The organization establishes intervention procedures for behavior that presents significant risk of harm to the individual using the service or others. The interventions also ensure that the individual's rights are protected and that due process is afforded.

(4) The organization meets state and federal regulations in the way it implements the safe storage, provision, administration, and disposal of medication when it is used within the service.

(5) All toys and other materials used by children are clean and safe.

441—307.4(225A) Standards for services. Providers for the services set forth in subrules 307.4(9) through 307.4(10) and 307.4(12) and 307.4(13) will meet the standards in subrules 307.4(1) through 307.4(8) in addition to the standards for the specific service. Providers of psychiatric rehabilitation services will meet standards in subrules 307.4(4) through 307.4(8). Providers of outpatient psychotherapy and counseling services will also meet standards in subrules 307.4(1), 307.4(2), 307.4(4), 307.4(6), 307.4(7), and 307.4(8). Providers of emergency services or evaluation services shall meet the benchmark for the services they provide.

307.4(1) *Social history.*

a. Performance benchmark. The organization completes a social history for each individual served.

b. Performance indicators.

(1) The organization collects and documents relevant historical information and organizes the information in one distinct document.

(2) The social history includes:

1. Relevant information regarding the onset of disability.
2. Family, physical, psychosocial, behavioral, cultural, environmental, and legal history.

3. Developmental history for children.

4. Any history of substance abuse; domestic violence; or physical, emotional, or sexual abuse.

(3) Staff review and update the social history at least annually.

307.4(2) *Assessment.*

a. Performance benchmark. The organization develops a written assessment for each individual served. The assessment is the basis for the services provided to the individuals.

b. Performance indicators.

(1) The assessment includes information about the individual's current situation, diagnosis, needs, problems, wants, abilities and desired results, gathered with the individual's involvement.

(2) Staff solicit collateral provider information as appropriate to the individual situation in order to compile a comprehensive and full assessment.

(3) Staff base decisions regarding the level, type and immediacy of services to be provided, or the need for further assessment or evaluation, upon the analysis of the information gathered in the assessment.

(4) Staff complete an annual reassessment for each individual using the service and document the reassessment.

(5) Documentation supporting the diagnosis is contained in the individual's record. A diagnosis of intellectual disability is supported by a psychological evaluation conducted by a qualified professional. A diagnosis of developmental disability is supported by professional documentation. A determination of a behavioral health condition is supported by a psychiatric, psychological, or diagnostic evaluation conducted by a qualified professional.

307.4(3) *Individual service plan.*

a. Performance benchmark. Individualized, planned, and appropriate services are guided by an individual-specific service plan developed in collaboration with the individual using the service, staff, and significantly involved others as appropriate. Services are planned for and directed to where the individuals live, learn, work, and socialize.

b. Performance indicators.

(1) The service plan is based on the current assessment.

(2) The service plan identifies observable or measurable individual goals and action steps to meet the goals.

(3) The service plan includes interventions and supports needed to meet those goals with incremental action steps as appropriate.

(4) The service plan includes the staff, people, or organizations responsible for carrying out the interventions or supports.

(5) Services defined in the service plan are appropriate to the severity level of problems and specific needs or disabilities.

(6) The plan reflects desired individual outcomes.

(7) Activities identified in the service plan encourage the ability and right of the individual using the service to make choices, to experience a sense of achievement, and to modify or continue participation in the treatment process.

(8) Staff monitor the service plan with review occurring regularly. At least annually, staff assess and revise the service plan to determine achievement, continued need, or change in goals or intervention methods. The review includes the individual using the service, with the involvement of significant others as appropriate.

(9) Staff develop a separate, individualized, anticipated discharge plan as part of the service plan that is specific to each service the individual receives.

(10) The service plan includes documentation of any rights restrictions, why there is a need for the restriction, and a plan to restore those rights or a reason why a plan is not necessary or appropriate.

307.4(4) *Documentation of service provision.*

a. Performance benchmark. Individualized and appropriate intervention services and treatments are provided in ways that support the needs, desires, and goals identified in the service plan and that respect the rights and choices of the individual using the service.

b. Performance indicators.

(1) Staff document in the narrative the individual's participation in the treatment process.

(2) Responsible staff document the individual's progress toward goals, the provision of staff intervention, and the individual's response to those interventions.

(3) Documentation of service provision is in a legible, written format in accordance with organizational policies and procedures.

307.4(5) *Incident reports.*

a. Performance benchmark. The organization completes an incident report when organization staff first become aware that an incident has occurred.

b. Performance indicators.

(1) The organization documents the following information:

1. The name of the individual served who was involved in the incident.
2. The date and time the incident occurred.
3. A description of the incident.
4. The names of all organization staff and others who were present or responded at the time of the incident. (For confidentiality reasons, other individuals who receive services should be identified by initials or some other accepted means.)
5. The action the organization staff took to handle the situation.
6. The resolution of or follow up to the incident.

(2) The staff who were directly involved at the time of the incident or who first became aware of the incident prepare and sign the incident report before forwarding it to the supervisor.

(3) Staff file a copy of the completed incident report in a centralized location and make a notation in the individual's file.

(4) Staff send a copy of the incident report to the individual's care coordinator who is involved in funding the service and notify the individual's legal guardian within 72 hours of the incident. The provider must notify the department in cases of an individual's death during service delivery.

307.4(6) *Confidentiality and legal status.*

a. Performance benchmark. Staff release medical and mental health information only when properly authorized.

b. Performance indicators.

(1) The organization obtains voluntary written authorization from the individual using the service, the individual's legal guardian, or other people authorized by law before releasing personal identifying information, medical records, mental health records, or any other confidential information.

(2) Staff complete voluntary written authorization forms in accordance with existing federal and state laws, rules, and regulations and maintain the forms in each individual file.

(3) Documentation regarding restrictions on the individual, such as guardianship, power of attorney, conservatorship, mental health commitments, or other court orders, is placed in the individual's record, if applicable.

307.4(7) *Service systems.*

a. Performance benchmark. The organization develops a clear description of each of the services offered. The organization develops an admission and discharge system of services. Staff coordinate services with other settings and providers.

b. Performance indicators.

(1) The organization has established and documented the necessary admission information to determine each individual's eligibility for participation in the service.

(2) Staff include verification in each individual's file that a service description was provided to the individual using the service and, when appropriate, to family or significant others.

(3) Continuity of services occurs through coordination among the staff and professionals providing services. Coordination of services through linkages with other settings and providers has occurred as appropriate.

(4) Staff include a written discharge summary in each individual record at the time of discharge.

307.4(8) *Respect for individual rights.*

a. Performance benchmark. Each individual using the service is recognized and respected in the provision of services in accordance with basic human, civil, and statutory rights.

b. Performance indicators.

(1) Staff provide services in ways that respect and enhance the individual's sense of autonomy, privacy, dignity, self-esteem, and involvement in the individual's own treatment. Staff take language barriers, cultural differences, and cognitive deficits into consideration and make provisions to facilitate meaningful individual participation.

(2) Staff inform individuals using the service and, when appropriate, family and significant others of their rights, choices, and responsibilities.

(3) The organization has a procedure established to protect the individuals using the service during any activities, procedure or research that requires informed consent.

(4) The organization verifies that individuals using the service and their guardians are informed of the process to express questions, concerns, complaints, or grievances about any aspect of the individual's service, including the appeal process.

307.4(9) *Case management services.*

a. Performance benchmark. Case management services link individuals using the service to service agencies and support systems responsible for providing the necessary direct service activities and coordinate and monitor those services.

b. Performance indicators.

(1) Staff clearly define the need for case management and document it annually.

(2) At a minimum, the team is composed of the individual using the service, the case manager, and providers or natural supports relevant to the individual's service needs. The team may also include family members at the discretion of the individual using the service.

(3) The team works with the individual using the service to establish the service plan that guides and coordinates the delivery of the services.

(4) The case manager advocates for the individual using the service.

(5) The case manager coordinates and monitors the services provided to the individual using the service.

(6) Documentation of contacts includes the date, the name of the individual using the service, the name of the case manager, and the place of service.

(7) The case manager holds individual face-to-face meetings at least quarterly with the individual using the service.

(8) Case managers do not provide direct services. Individuals using the service are linked to appropriate resources that provide necessary direct services and natural supports.

(9) Individuals using the service participate in developing an individualized crisis intervention plan that includes natural supports and self-help methods.

(10) Documentation shows that individuals using the service are informed about their choice of providers.

(11) Within an accredited case management program, the average caseload is no more than 45 individuals per each full-time case manager. The average caseload of children with serious emotional disturbance is no more than 15 children per full-time case manager.

(12) The case manager communicates with the team and then documents in the individual's file a quarterly review of the individual's progress toward achieving the goals.

307.4(10) *Day treatment services.*

a. Performance benchmark. Individuals using the service who are experiencing a significantly reduced ability to function in the community are stabilized and improved by the receipt of psychosocial rehabilitation, mental health treatment services, and in-home support services, and the need for residential or inpatient placement is alleviated.

b. Performance indicators.

(1) Individuals using the service participate with the organizational staff in identifying the problem areas to be addressed and the goals to be achieved that are based on the individual's need for services.

(2) Individuals using the service receive individualized services designed to focus on those identified mental health or behavioral issues that are causing significant impairment in their day-to-day functioning.

(3) Individuals who receive intensive outpatient and day treatment services receive a comprehensive and integrated schedule of recognized individual and group treatment and rehabilitation services.

(4) Individuals using the service and staff review their progress in resolving problems and achieving goals on a frequent and regular basis.

(5) Individuals using the service receive services appropriate to defined needs and current risk factors.

(6) Individuals using the service receive services from staff who are appropriately qualified and trained to provide the range and intensity of services required by the individual's specific problems or disabilities. A mental health professional provides or directly supervises the provision of treatment services.

(7) Individuals using the service participate in discharge planning that focuses on coordinating and integrating individual, family, and community and organization resources.

(8) Family members of individuals using the service are involved in the planning and provision of services as appropriate and as desired by the individual.

(9) Individuals using the service participate in developing a detailed psychiatric crisis intervention plan that includes natural supports and self-help methods.

307.4(11) *Psychiatric rehabilitation services.*

a. Performance benchmark. Individuals using the service who are experiencing a significantly reduced ability to function in the community due to a behavioral health condition are stabilized and experience role recovery by the receipt of psychiatric rehabilitation services.

b. Performance indicators.

(1) Life story: A document written throughout the psychiatric (psychosocial) rehabilitation service that incorporates the individual's perception of the individual's past experiences, present situation and future vision and plans.

1. The story of an individual's life is written by the individual with the assistance of the practitioner.

2. Documentation of any progress or barriers to life story completion is found in the record.

3. Evidence found in the record of a summary of the individual's completion of the life story process.

(2) Triage: Results in a determination regarding the individual's continued participation in the program and the environment of focus. The individual's long-term view includes statements pertaining to the living, learning, social, and working environments. Triage is a collaborative process between staff and the individual that:

1. Includes information about the individual's current situation, establishing a baseline in all four environments.

2. Identifies the individual's need for change, the urgency of others for change and the individual's belief about change.

3. Describes the individual's preferred situation in all four environments.

(3) Readiness assessment: The purpose of this assessment is to determine a readiness in choosing a course for moving forward in the individual's chosen environment.

1. Staff assists the individual with completing an assessment of the individual's dimensions of awareness.

2. The assessment is completed in relation to their preferred environment identified through triage.

3. The assessment culminates in a score that documents the individual's readiness in all five dimensions.

4. The assessment includes a summary that provides justification for the individual to proceed to the next phase.

(4) Readiness development: A structured process that utilizes a series of activities that focus on helping the individual become ready to proceed to the individual's next phase in psychiatric rehabilitation.

1. The individual and staff develop a plan for readiness development identifying action steps that will increase readiness in any or all of the five readiness dimensions and identify time frames for completion.

2. Individualized activities provided will be:

- Personalized for the individual participating, and
- Reflective of the readiness dimension to be increased.

3. Activities are clarified for the individual by processing knowledge and insights gained through participation in the activity.

4. Activities provided are documented and shall relate to the readiness dimensions.

5. The readiness assessment is updated upon completion of readiness development documenting insights gained by the individual to justify proceeding to the next phase.

6. Transition planning occurs to address movement to the next phase.

(5) Goal choosing: During this phase, the individual identifies the particular environment in which the individual chooses to live, learn, work, or socialize, or any combination thereof. Possible environmental goals are evaluated against the individual's unique personal criteria and values in order to choose the goals that most satisfy the person's values.

1. Documentation of identifying personal criteria will describe the process of:

- Clarifying values.
- Analyzing past experiences.
- Inferring personal criteria.

2. A description of alternative environments and evidence of the systematic collection of information about the individual's possible choices for a place to live, learn, work, or socialize is found in the record. Documentation will describe the process of:

- Specifying alternative environments.
- Clarifying relevant characteristics.
- Researching alternative environments.

3. Staff will assist the individual in choosing a rehabilitation goal. Documentation will describe the process of:

- Evaluating alternative environments.
- Assessing the support of significant others.

4. The overall rehabilitation goal statement is documented at the end of the phase it identifies the specific outcome within the environment chosen and a timeline for achievement.

5. Transition planning occurs to address movement to the next phase and discharge from the service.

(6) Goal achieving: Functional and resource assessments are completed and skill programming, skill teaching, or both, are provided to support the individual to be satisfied and successful in the individual's chosen goal environment.

1. Functional assessment includes:

- Critical skills that are observable and measurable actions.
- Skill use descriptions that are measurable.
- An evaluation of the need level and present level of spontaneous skill use.
- Collateral provider information as appropriate to the individual situation in order to compile a comprehensive and full assessment.

2. Resource assessment includes:

- Critical resource and resource use descriptions that are measurable.
- An evaluation of the present level of resource need and utilization.
- Collateral provider information as appropriate to the individual situation in order to compile a comprehensive and full assessment.

3. The individual and staff develop a plan that identifies activities for:

- Individual skill programming,
- Direct skills teaching, and
- Resource development.

4. Skill teaching, skill programming, and resource development are provided as identified in the plan.

5. The plan is revised as necessary.

6. Transition planning occurs to reflect movement to the next phase and discharge from the service.

(7) Goal keeping: Individuals achieve success and satisfaction in the individual's chosen role.

1. Documentation is found in the record of staff assessing the individual's success and satisfaction in the individual's recovered role.

2. Assistance is provided to develop necessary skills, resources and supports and to negotiate service modification when necessary.

3. Transition planning focuses on coordination and integration of family, community and organization resources for continued success and the anticipated end of psychiatric rehabilitation services.

4. Documentation is found of resource acquisition and skill competency.

5. Documentation is found describing positive changes in the individual's environmental status.

6. Documentation describes the individual's level of satisfaction with the psychiatric rehabilitation services.

(8) Service implementation: Individualized and appropriate interventions and services are provided in ways that support the needs, desires, and goals identified in the service plan and that respect the rights and choices of the individual using the service.

1. The psychiatric rehabilitation service is provided in both individual and group sessions.

2. Staff and the individual determine the frequency and intensity of service to meet the individual's needs.

3. Whenever possible, the psychiatric rehabilitation services are provided within the individual's home and community.

4. Skill interventions provided are relevant to the outcomes identified in the functional assessment.

5. Support interventions provided are relevant to the outcomes identified in the resource assessment.

6. Individuals using the service participate in developing a detailed psychiatric crisis intervention plan that includes natural supports and self-help methods.

307.4(12) *Supported community living services.*

a. Performance benchmark. Individuals using the service live, learn, work, and socialize in the community.

b. Performance indicators.

(1) Individuals receive services within the individual's home and community setting where the skills are learned or used.

(2) At intake, the individuals using the service participate in a functional assessment to assist in defining areas of service need and establishing a service plan. Staff summarize the findings of the functional assessment in a narrative that describes the individual's current level of functioning in the areas of living, learning, working, and socialization. Staff review functional assessments on a regular basis to determine progress.

(3) Individuals using the service receive skill training and support services directed to enabling them to regain or attain higher levels of functioning or to maximize functioning in the current goal areas.

(4) Services are delivered on an individualized basis in the place where the individual using the service lives or works.

(5) Documentation that steps have been taken to encourage the use of natural supports and develop new ones is in the individual file.

(6) Individuals using the service participate in developing a detailed individualized crisis intervention plan that includes natural supports and self-help methods.

307.4(13) *Partial hospitalization services.*

a. Performance benchmark. Individuals who are experiencing serious impairment in day-to-day functioning due to severe psychiatric distress are enabled to remain in their community living situation through the receipt of therapeutically intensive milieu services.

b. Performance indicators.

(1) Individuals using the service and staff mutually develop an individualized service plan that focuses on the behavioral and mental health issues and problems identified at admission. Goals are based on the individual's need for services.

(2) Individuals using the service receive clinical services that are provided and supervised by mental health professionals. A licensed and qualified psychiatrist provides psychiatric consultation and medication services.

(3) Individuals using the service receive a comprehensive schedule of active, planned, and integrated psychotherapeutic and rehabilitation services provided by qualified professional staff.

(4) Individuals using the service receive group and individual treatment services that are designed to increase their ability to function independently.

(5) Individuals using the service are involved in the development of an anticipated discharge plan that includes linkages to family, provider, and community resources and services.

(6) Individuals using the service have sufficient staff available to ensure their safety, to be responsive to crisis or individual need, and to provide active treatment services.

(7) Individuals using the service receive services commensurate with current identified risk and need factors.

(8) Support systems identified by individuals using the service are involved in the planning and provision of services and treatments as appropriate and desired by the individual using the service.

(9) Individuals using the service participate in developing a detailed psychiatric crisis intervention plan that includes natural supports and self-help methods.

307.4(14) *Outpatient psychotherapy and counseling services.*

a. Performance benchmark. Individuals using the service realize and mobilize their own strengths and abilities to take control of their lives in the areas where they live, learn, work, and socialize.

b. Performance indicators.

(1) Individuals using the service are prepared for their role as partners in the therapeutic process at intake where they define their situations and evaluate those factors that affect their situations.

(2) Individuals using the service establish desired problem resolution at intake during the initial assessment.

(3) Psychiatric services other than psychopharmacological services are available from the organization as needed by the individual using the service.

(4) Psychopharmacological services are available from the organization as needed.

(5) Any assignment of activities to occur between sessions is documented in the following session's documentation.

(6) Following a risk assessment, individuals using the service participate in developing a detailed psychiatric crisis intervention plan that includes natural supports and self-help methods if warranted.

(7) The record documents when the organization follows up on individuals who miss appointments.

(8) Treatment planning is based on the assessment.

(9) Individuals using the service participate with the organizational staff in identifying the assessed needs to be addressed.

(10) The treatment plan identifies measurable goals, desired outcomes and time frames for achieving them.

(11) The treatment plan includes interventions and supports to be provided.

(12) Individuals using the service review their progress in resolving problems and achieving goals on a frequent and regular basis with organizational staff. The treatment plan is revised as appropriate to the individual's needs and priorities.

(13) Individuals using the service participate in transition/discharge planning that includes linkages to family, provider, and community resources and services.

(14) Significantly involved others of individuals using the service are involved in the planning and provision of services as appropriate and as desired by the individual.

307.4(15) *Emergency services.*

a. Performance benchmark. Individuals using the service receive emergency services when needed that provide a focused assessment and rapid stabilization of acute symptoms of behavioral health condition or emotional distress.

b. Performance indicators.

(1) Individuals using the service can access 24-hour emergency services by telephone or in person.

(2) Information about how to access emergency services is publicized to facilitate availability of services to individuals using the service, family members, and the public.

(3) Individuals using the service receive assessments and services from either a mental health professional or a behavioral health professional and are supervised by a mental health professional. Psychiatric consultation is available if needed.

(4) Individuals using the service receive intervention commensurate with current identified risk factors.

(5) Significantly involved others are involved as necessary and appropriate to the situation and as desired by the individual using the service.

(6) Individuals using the service are involved in the development of post-emergency service planning and resource identification and coordination.

(7) Staff document contacts in a narrative format and maintain them in a central location that will allow timely response to the problems presented by the individual using the service.

(8) Timely coordination of contacts with relevant professionals is made.

307.4(16) *Evaluation services.*

a. Performance benchmark. Individuals using the service receive comprehensive evaluation services that include screening, diagnosis, and assessment of individual or family functioning, needs and disabilities.

b. Performance indicators.

(1) Evaluations include screening, diagnosis, and assessment of individual or family functioning, needs, abilities, and disabilities.

(2) Evaluations consider the emotional, behavioral, cognitive, psychosocial, and physical information as appropriate and necessary.

(3) Evaluations includes recommendations for services and need for further evaluations.

(4) Mental health evaluations are completed by a person who meets the criteria of a mental health professional, a person with a master's degree who is license-eligible and supervised by a mental health professional, or an intern of a master's or doctorate program who is supervised by a mental health professional.

441—307.5(225A) Accreditation. The department will make all decisions involving issuance, denial, or revocation of accreditation. This accreditation will delineate all categories of service the organization is accredited to provide. Although an organization may have more than one facility or service site, the department will issue only one accreditation notice to the organization, except as provided in paragraph 307.5(5)*"f."*

307.5(1) *Organizations eligible for accreditation.* The department accredits the following organizations:

a. Case management providers.

b. Community mental health centers.

c. Supported community living providers.

d. Behavioral health service providers.

e. Crisis response providers.

307.5(2) *Application and renewal procedures.* An applicant for accreditation shall submit an application for accreditation to the department.

a. The application shall be signed by the organization's chief executive officer and the chairperson of the governing body and shall include the following information:

(1) The name and address of the applicant organization.

(2) The name and address of the chief executive officer of the applicant organization.

(3) The type of organization and specific services for which the organization is applying for accreditation.

(4) The targeted population groups for which services are to be provided as applicable.

(5) The number of individuals in each of the targeted population groups to be served as applicable.

(6) Other information related to the standards as requested by department staff.

b. Organizations that have received an initial 270-day accreditation and have not provided services by the end of the 270 days shall have their accreditation lapse for that specific service. This lapse of accreditation shall not be considered a denial. New applications may be submitted that include the waiting list of individuals to be served along with specific timelines of when the services will begin.

c. An organization in good standing may apply for an add-on service.

307.5(3) *Application review.* Upon receipt of an application, the department will review the materials submitted to determine whether the application is complete and request any additional material as needed. Survey reviews will begin only after the organization has submitted all application material.

a. For a new organization, staff may initially conduct a desk audit or on-site visit to review the organization's mission, policies, procedures, staff credentials, and program descriptions.

b. The department will review organizational services and activities as determined by the accreditation category. This review may include audits of case records; administrative procedures; clinical practices; personnel records; performance improvement systems and documentation; and interviews with staff, individuals, boards of directors, or others deemed appropriate, consistent with the confidentiality safeguards of state and federal laws.

c. A team will make an on-site visit to the organization. The department will not be required to provide advance notice to the provider of the on-site visit for accreditation.

d. The on-site team will consist of designated staff members. At the department's discretion, the team may include provider staff of other providers, individuals, and others deemed appropriate.

e. The team will survey the organization and the services indicated on the accreditation application in order to verify information contained in the application and ensure compliance with all applicable laws, rules, and regulations. At the time of a one-year recertification visit, the team will review the services that did not receive three-year accreditation.

f. The team will review case records and personnel records to see how the organization implements each of the indicators in the standards. If the documentation is not found in the records, the organization shall show, at the time the department staff is on site, documentation of how the indicator was accomplished.

g. At the end of the survey, the team leader will conduct an exit review. Before the close of the on-site review, the organization must provide the team leader any documentation that demonstrates how the organization has met these standards for services.

h. The accreditation team leader will send a written report of the findings to the organization within 30 working days after completion of the accreditation survey.

i. Organizations required to develop a corrective action and improvement plan pursuant to subrule 307.5(4)*"a"* shall submit the plan to the department within 30 working days after the receipt of a report issued as a result of the department's survey review. The action plan will include specific problem areas cited, corrective actions to be implemented by the organization, dates by which each corrective measure shall be completed, and quality assurance and improvement activities to measure and ensure continued compliance.

j. The department will review and approve the corrective action and improvement plan before making an accreditation recommendation.

k. The department will offer technical assistance to organizations applying for first-time accreditation. Following accreditation, any organization may request technical assistance from the department to bring into conformity those areas found in noncompliance with this chapter's

requirements. If multiple deficiencies are noted during a survey, technical assistance may be provided to an organization, as staff time permits, to assist in implementation of an organization's corrective action plan. Renewal applicants may be provided technical assistance, as needed, if staff time permits.

307.5(4) *Performance outcome determinations.* The following three major areas are addressed in these standards: policies and procedures, organizational activities, and services, as set forth in rules 441—307.2(225A), 441—307.3(225A), and 441—307.4(225A). Each rule contains standards, along with a performance benchmark and performance indicators for each standard. Each of the applicable standards for the three areas (policy and procedures, organizational activities, and services) will be reviewed.

a. The department will determine a performance compliance level based on the number of indicators found to be in compliance.

(1) For service indicators, if 25 percent or more of the files reviewed do not comply with the requirements for a performance indicator, then that indicator is considered out of compliance and corrective action is required.

(2) Corrective action is required when any indicator under policies and procedures or organizational activities is not met.

b. In the overall rating, the performance rating for policy and procedures will count as 15 percent of the total, organizational activities as 15 percent of the total, and services as 70 percent of the total.

(1) Each of the three indicators for policy and procedures has a value of 5 out of a possible score of 15.

(2) Each of the 36 indicators for organizational activities has a value of .42 out of a possible score of 15.

(3) Each service has a separate weighting according to the total number of indicators applicable for that service, with a possible score of 70, as follows:

Service	Number of indicators	Value of each indicator
Case management	48	1.46
Day treatment	45	1.55
Intensive psychiatric rehabilitation	53	1.32
Supported community living	42	1.67
Partial hospitalization	45	1.55
Outpatient psychotherapy and counseling	36	1.94
Emergency	8	8.75
Evaluation	4	17.50

c. The department will determine a separate score for each service to be accredited. When an organization offers more than one service under this chapter, there will be one accreditation award for all the services based upon the lowest score of the services surveyed.

307.5(5) *Accreditation decisions.* The department will prepare all documents with a final recommendation regarding accreditation. If accreditation is approved, a Notice of Action-Approval will be issued stating the duration of the accreditation and the services that the organization is accredited to provide. If the department denies or revokes accreditation, a Notice of Action-Denial will be issued stating the reasons for the denial.

a. Initial 270-day accreditation. This type of accreditation may be granted to a new organization. The department will base the accreditation decision on a report that:

(1) The organization has an approved policies and procedures manual that includes job descriptions.

(2) Staff assigned to the positions meet the qualifications in the standards and the policies and procedures of the organization.

b. Three-year accreditation. An organization or service is eligible for this type of accreditation if it has achieved an 80 points or higher performance compliance level. The organization may be required to develop and submit a plan of corrective action and improvement that may be monitored either by written report or an on-site review.

c. One-year accreditation. An organization is eligible for this type of accreditation when multiple and substantial deficiencies exist in specific areas causing compliance levels with performance benchmarks and indicators to fall between 70 points and 79 points or when previously required corrective action plans have not been implemented or completed. The organization must submit a corrective action plan to correct and improve specific deficiencies and overall levels of functioning. The department will monitor this plan through on-site reviews, written reports and the provision of technical assistance.

d. Probational 180-day accreditation. An organization is eligible for probational 180-day accreditation instead of denial when the overall compliance level is from 60 to 69 points and pervasive and serious deficiencies exist or when corrective action plans previously required as a result of a one-year accreditation have not been implemented or completed. The department may downgrade organizations with a one-year or three-year accreditation to the probational 180-day accreditation when one or more complaints are founded or at the discretion of the department. All deficiencies must be corrected by the time of the follow-up on-site survey at the conclusion of the provisional period. After this survey, the organization shall meet the standards for accreditation for a one-year accreditation or the department will deny accreditation.

e. Add-on service accreditation. When the on-site review of the add-on service results in a score comparable to the overall organization's score at the time of the most recent accreditation, the organization's add-on accreditation date will coincide with the overall accreditation date of the organization. If the add-on service on-site review results in a lower score and lower accreditation decision, the department will conduct another on-site review for that add-on service when the add-on service accreditation expires.

f. Special terms.

(1) The accreditation period for services that have deemed status according to rule 441—307.6(225A) will coincide with the period awarded by the national accrediting body or the certification for home- and community-based services.

(2) New or add-on services that meet the requirements for accreditation will receive an initial 270-day accreditation for that individual service. The term of accreditation will be determined individually. At the time of recertification of the new add-on service, the department may make recommendation to coincide with the term of accreditation for the other services of that organization that are accredited by the department.

(3) An organization must notify the department when there are changes in its ownership, structure, management, or service delivery.

g. Extensions. The department may grant an extension to the period of accreditation if there has been a delay in the accreditation process that is beyond the control of the organization or the department or the organization has requested an extension to permit the organization to prepare and obtain approval of a corrective action plan. The department will establish the length of the extension on a case-by-case basis.

h. Denial of accreditation or revocation.

(1) Accreditation will be denied when there are pervasive and serious deficiencies that put individuals at immediate risk or when the overall compliance level falls to 59 points or below. Under such circumstances, no corrective action report will be required.

(2) When one or more complaints are received, the department will complete an investigation. If any of the complaints are substantiated and the department determines that there is a pervasive or serious deficiency, the department may deny accreditation.

(3) An organization whose accreditation has been denied or revoked will not be approved for any service for at least six months from the notice of decision denying or revoking accreditation.

(4) If the organization disagrees with any action or failure to act in regard to the notice of decision to deny accreditation to the organization, the organization has the right to appeal in accordance with 441—Chapter 2506.

307.5(6) *Nonassignability.* Accreditation will not be assignable to any other organization or provider. Any person or other legal entity acquiring an accredited facility for the purpose of operating a

service shall make an application as provided in subrule 307.5(2) for a new certificate of accreditation. Similarly, any organization having acquired accreditation and desiring to alter the service philosophy or transfer operations to different premises must notify the department in writing 30 calendar days before taking action in order for the department to review the change.

307.5(7) *Discontinuation.*

a. Discontinued organization. A discontinued organization is one that has terminated all the services for which it has been accredited. Accreditation is not transferable between organizations.

(1) An organization shall notify the department in writing of any sale, change in business status, closure, or transfer of ownership of the business at least 30 calendar days before the action.

(2) The organization shall be responsible for the referral and placement of individuals using the services, as appropriate, and for the preservation of all records.

b. Discontinued service. An organization shall notify the department in writing of the discontinuation of an accredited or certified service at least 30 calendar days before the service is discontinued.

(1) Notice of discontinuation of a service shall not be initiated during the 30 days before the start of a survey. Once a survey has begun, all services will be considered in determining the organization's accreditation score.

(2) The organization shall be responsible for the referral and placement of individuals using the services, as appropriate, and for the preservation of all records.

441—307.6(225A) Deemed status (all services). The department will grant deemed status to organizations accredited by a recognized national, not-for-profit, accrediting body when the department determines the accreditation is for similar services. The department may also grant deemed status for supported community living services to organizations that are certified under the Medicaid home- and community-based services (HCBS) intellectual disability waiver.

307.6(1) *National accrediting bodies.*

a. The national accrediting bodies currently recognized as meeting department criteria for possible deeming are:

(1) The Joint Commission (TJC).

(2) The Commission on Accreditation of Rehabilitation Facilities (CARF).

(3) The Council on Quality and Leadership (CQL).

(4) Social Current.

b. The accreditation credentials of these national bodies must specify the type of organization, programs, and services that these bodies accredit and include targeted population groups if appropriate.

c. Deemed status means that the department is accepting an outside body's review, assessment, and accreditation of an organization's functioning and services. Therefore, the accrediting body doing the review must be assessing categories of organizations and types of programs and services corresponding to those described under this chapter. An organization that has deemed status must adhere to and be accountable for this chapter.

d. When an organization that is nationally accredited requests deemed status for services not covered by the national body's standards but covered under this chapter, the department will accredit those services. Department staff will provide technical assistance to organizations with deemed status.

307.6(2) *Application for deemed status.*

a. To apply for deemed status, the organization shall submit an Application and Letter of Agreement form, copy of the latest survey report, documentation related to any corrective action required, accreditation certificate, documentation of specific programming policies and procedures for populations being served, and credentials for staff providing services to populations served.

b. The department will not accept an application for deemed status once it has begun an on-site visit. The organization shall complete the accreditation process.

307.6(3) *Requirements for deemed status.* To be eligible for deemed status, the organization shall:

a. Be currently accredited:

(1) By a recognized national accrediting body for services as defined in subrule 307.6(1); or

(2) For supported community living under the Medicaid HCBS intellectual disability waiver pursuant to rule 441—77.40(249A). If individuals with mental illness are served, the organization must submit verification of the training and experience of the staff to show that its staff can meet the needs of the individuals served.

b. Require staff for the program being deemed to have the necessary training and experience to meet the needs of the population served.

307.6(4) *Granting of deemed status.* When the department grants deemed status, the accreditation period will coincide with the period awarded by the national accrediting body or the certification for HCBS. However, under no circumstances will the department award accreditation for longer than five years.

307.6(5) *Reservations.* When deemed status is granted, the department reserves rights to the following:

a. To have department staff conduct on-site reviews for those organizations applying for deemed status that the department has not previously accredited.

b. To have department staff do joint site visits with the accrediting body, attend exit conferences, or conduct focused follow-behind visits as determined to be appropriate in consultation with the national accrediting organization and the provider organization.

c. To be informed of and to investigate all complaints that fall under this chapter's jurisdiction according to the process in rule 441—307.7(225A). The department will report findings to the national accrediting body.

d. To review and act upon deemed status when:

(1) Complaints have been founded,

(2) The organization's national accreditation status expires without renewal, or

(3) The national accrediting body downgrades or withdraws the organization's status.

307.6(6) *Continuation of deemed status.*

a. The organization shall send a copy of its Application and Letter of Agreement form, along with a copy of the application for renewal, to the national accrediting body at the same time as application is made to a national accrediting body.

b. Iowa Medicaid will provide copies of the letter notifying a provider of a forthcoming recertification for organizations deemed for supported community living under the HCBS intellectual disability waiver.

c. Following the on-site review by a national accrediting body, the organization shall send the department a copy of the cover sheet and the national accrediting body report within 30 calendar days from the date that the organization receives the documents. If a corrective action plan is required, the organization shall send the department a copy of all correspondence and documentation related to the corrective action.

d. Iowa Medicaid will provide copies of HCBS certification reports and any corrective action required by HCBS within 30 calendar days after the report is complete or the organization completes required corrective action.

441—307.7(225A) Complaint process (all services). The department will receive and record complaints by individuals using the services, employees, any interested people, and the public relating to or alleging violations of applicable requirements of the Iowa Code or administrative rules.

307.7(1) *Submittal of complaint.* The complaint may be submitted in person, by mail, electronically through the department's website, by email, or by telephone.

a. The department will assist individuals in making a complaint as needed or requested.

b. The information received should specifically state the basis of the complaint. The department will keep the name of the complainant confidential to the extent allowed by law.

307.7(2) *Review of complaint.* Upon receipt of a complaint, the department will make a preliminary desk review of the complaint to determine an appropriate response. That response may include notifying the person who submitted the complaint that there is no basis for a review, referring the complaint to another investigative body, or making a determination to do a full investigation. The complainant may

submit a written request for a report of the findings and actions taken by the department as a result of the complaint.

307.7(3) *Investigation of complaint.* If the department concludes that the complaint is reasonable, has merit, and is based on a violation of this chapter, it may make an investigation of the organization. The department may investigate complaints by an office desk audit or by an on-site investigation. The department will give priority for on-site investigations to instances when individuals using the service are in immediate jeopardy.

a. If a decision is made to conduct an on-site investigation, the on-site review does not require advance notice to the organization. The department will notify the chief executive officer of the organization involved before or at the commencement of the on-site investigation that the department has received a complaint.

b. The department will give the organization an opportunity to informally present a position regarding allegations in the complaint. The organization may submit the position in writing within five working days following the on-site visit or present it in a personal conference with department staff.

c. The department will submit a written report to the chief executive officer of the organization within 20 working days after completion of the investigation.

d. The report will indicate whether the complaint was substantiated, the basis for the substantiation or nonsubstantiation decision and the specific rules violated, and a recommendation for corrective action with timelines specified in the report.

e. If the complaint is substantiated, the department may take actions deemed appropriate that may include requiring a corrective action plan, shortening the term of accreditation or suspending or revoking an organization's accreditation depending on the severity of the substantiated complaint.

f. When the department suspends, shortens or revokes an organization's accreditation as the result of a substantiated compliant, the organization will be notified by electronic or certified mail of the findings and actions taken.

307.7(4) *Corrective action plan.*

a. When the department acts to suspend or revoke accreditation, there will be no corrective action plan. In other instances, if the complaint is substantiated, the organization shall submit a corrective action plan to the department within 20 calendar days after receiving the division's decision. This plan must respond to violations cited and the division's requirements and include timelines, internal monitoring systems, and performance improvement planning.

b. Failure of the organization to respond within 20 calendar days with an acceptable corrective action plan that addresses the organization's plan of correction following a substantiated investigation or complaint may in itself constitute the basis for revocation or suspension of accreditation. The department will determine the appropriate action based on the information submitted. The department will notify the organization in writing of any action taken.

441—307.8(225A) Appeal procedure. An appeal may be filed pursuant to 441—Chapter 2506 within 30 calendar days of the written decision from the department.

These rules are intended to implement Iowa Code chapter 225A.

DIVISION II
CRISIS RESPONSE SERVICE PROVIDERS

441—307.9(225A) Definitions.

"Behavioral health professional" means any of the following:

1. A mental health professional as defined in Iowa Code section 228.1.

2. An individual who holds at least a master's degree in a mental health field, including but not limited to psychology, counseling and guidance, psychiatric nursing, and social work.

3. An individual who holds a bachelor's degree in a human service discipline with five years' experience providing behavioral health services or a registered nurse who has three years of clinical experience in behavioral health.

4. An individual who holds a bachelor's degree in a human service discipline with three years' experience providing behavioral health services and certified as an alcohol and drug counselor (CADC) or international alcohol and drug counselor (IADC).

"Crisis" means the experience of behavioral, emotional, psychiatric, or substance use disorder symptoms that results in a high level of stress or anxiety for the individual or persons providing care for the individual and that cannot be resolved without intervention. The crisis is defined by the individual experiencing the crisis.

"Crisis assessment" means a face-to-face clinical interview to ascertain an individual's current and previous level of functioning, potential for dangerousness, physical health, and psychiatric and medical condition. A behavioral health professional conducts a crisis assessment within 24 hours of an individual's admission to a crisis response service.

"Crisis incident" means an occurrence involving the individual using the services that:

1. Results in a physical injury to or by the individual that requires health care treatment or admission to a hospital;
2. Results in someone's death;
3. Requires emergency mental health treatment for the individual;
4. Requires medical intervention for substance misuse, including the administration of overdose reversal medication;
5. Requires the intervention of law enforcement; or
6. Is reportable to the department for child or dependent adult abuse.

"Crisis response services" means short-term individualized crisis stabilization services that follow a crisis screening or assessment and that are designed to restore the individual to a prior functional level.

"Crisis response staff" means a person trained to provide crisis response services in accordance with rule 441—307.13(225A).

"Crisis screening" means a process to determine what crisis response service is appropriate to effectively resolve the presenting crisis.

"Crisis stabilization community-based services" or *"CSCBS"* means short-term services designed to de-escalate a crisis situation and stabilize an individual following a crisis and provided where the individual lives, works or recreates.

"Crisis stabilization residential services" or *"CSRS"* means a short-term alternative living arrangement designed to de-escalate a crisis situation and stabilize an individual following a crisis and is provided in organization-arranged settings of no more than 16 beds.

"Dispatch" means the function within crisis line operations to coordinate access to crisis care.

"Face-to-face" means services provided in person or utilizing telehealth in conformance with the federal Health Insurance Portability and Accountability Act (HIPAA) privacy rules as amended to August 1, 2026.

"Family peer support specialist" means a parent, primary caregiver, foster parent or family member of an individual who has successfully completed the department's standardized training to provide family support services.

"Follow-up services" means services that link individuals to needed supports and confirm transition to and engagement with aftercare services, including but not limited to system navigation, outpatient treatment, residential treatment, recovery services, and medication management.

"Informed consent" means the same as defined in rule 441—307.1(225A).

"Mental health professional" means the same as defined in Iowa Code section 228.1.

"Mobile response" means the provision of professional on-site, face-to-face crisis intervention for an individual experiencing a crisis. Crisis response staff providing mobile response have the capacity to intervene wherever the crisis is occurring.

"Peer recovery coach" means an individual with lived or living experience, either directly or through a connection, involving a problematic substance use condition, who has completed a standardized training and supports others experiencing similar challenges.

"Peer support services" means a service provided by a peer support specialist, family peer support specialist, or peer recovery coach, including but not limited to education and information, individual

advocacy, family support groups, crisis response, and respite to assist individuals in achieving stability in the community.

"Peer support specialist" means an individual who has experienced a severe and persistent mental illness and who has successfully completed standardized training to provide peer support services.

"Physical health" means any chronic or acute health factors that need to be addressed during crisis delivery services.

"Qualified prescriber" means a practitioner or an authorized agent of a practitioner following the instruction of the practitioner as defined in Iowa Code section 155A.3 and a physician associate or ARNP operating under the prescribing authority granted in Iowa Code section 147.107.

"Restraint" means the application of physical force or the use of a chemical agent or mechanical device for the purpose of restraining the free movement of an individual's body to protect the individual, or others, from immediate harm.

"Rights restriction" means limitations not imposed on the general public in the areas of communications, mobility, finances, medical or mental health treatment, intimacy, privacy, type of work, religion, and place of residence.

"Safety plan" means a written plan developed for discharge in collaboration with the individual receiving crisis response services to identify the individual's strengths, the presenting problem, prevention strategies, and management tools for future crises.

"Self-administered medication" means the process where a trained staff member observes an individual inject, inhale, ingest or, by any other means, take medication following the instructions of a qualified prescriber.

"Stabilization plan" means a written short-term strategy used to stabilize a crisis and developed by a behavioral health professional, in collaboration with the crisis response staff and with the involvement and consent of the individual or the individual's representative.

"Staff-administered medication" means the direct application of a prescription drug, whether by injection, inhalation, ingestion, or any other means, to the body of an individual by a qualified prescriber or authorized staff following instructions of a qualified prescriber.

"Telehealth" is the use of electronic information and telecommunications technologies to support long-distance clinical health care, patient and professional health-related education, public health and health administration. Technologies include videoconferencing, the internet, store-and-forward imaging, streaming media, and terrestrial and wireless communications.

"Treatment summary" means a written summarization of the treatment and action plan at the point of an individual's discharge or transition to another service.

"Twenty-four-hour crisis response" means services are available 24 hours a day, 365 days a year, providing access to crisis screening and assessment and linkage to behavioral health services.

"Twenty-three-hour observation" means a level of care provided for up to 23 hours in a secure and protected, medically staffed, supervised treatment environment.

"Warm line" means a telephone line staffed by individuals with lived experience who provide nonjudgmental, nondirective support to an individual who is experiencing a personal crisis.

441—307.10(225A) Standards for crisis response services. An organization may be accredited to provide any one or all of the identified crisis response services. An organization seeking crisis response service accreditation shall comply with the general standards within this division and additional standards for each specific service.

441—307.11(225A) Standards for policies and procedures. Policies and procedures manuals contain policy guidelines and administrative procedures for all activities and services and address the standards in rule 441—307.2(225A).

441—307.12(225A) Standards for organizational activities.

307.12(1) The organization shall meet the standards in subrules 307.3(1) through 307.3(5).

307.12(2) The organization shall describe the staffing structure that details how staff are utilized to provide the specific crisis stabilization services in rules 441—307.14(225A) through 441—307.21(225A).

441—307.13(225A) Standards for crisis response staff. All crisis response staff shall meet the qualifications described in this rule. Additional staff requirements are described in each service.

307.13(1) *Performance benchmark.* Qualified crisis response staff provide crisis response services.

307.13(2) *Performance indicators.*

a. One or more of the following qualifications are met:

(1) A behavioral health professional as defined in rule 441—307.9(225A).

(2) A person who has a bachelor's degree with 30 semester hours or equivalent in a human services field (including but not limited to psychology, social work, nursing, and education) and a minimum of one year of experience in behavioral or mental health services.

(3) A law enforcement officer with a minimum of two years of experience in the law enforcement officer's field.

(4) An emergency medical technician (EMT) with a minimum of two years of experience in the EMT's field.

(5) A peer support specialist who has completed standardized peer training within six months of hire.

(6) A family peer support specialist who has completed department-approved training within six months of hire.

(7) A peer recovery coach who has completed department-approved training within six months of hire.

(8) A registered or licensed practical nurse with a minimum of one year of experience.

(9) A person who has a bachelor's degree in a non-human services-related field, associate's degree, or high school diploma (or equivalency) with a minimum of two years of experience in behavioral health services, and 30 hours of crisis and behavioral health in-service training in addition to the required department-approved crisis intervention training, or a minimum of one year of experience in behavioral health services and an additional 60 hours of crisis and behavioral health training in addition to the required department-approved crisis intervention training.

b. Documentation in staff records to verify satisfactory completion of department-required crisis intervention training within 120 days of hire.

441—307.14(225A) Standards for services.

307.14(1) *Standard for eligibility.* An eligible recipient is an individual experiencing a crisis or emergency where a crisis screening is needed to determine the appropriate level of care.

a. Performance benchmark. Crisis screening determines the presenting problem and appropriate service.

b. Performance indicators.

(1) An evidence based screening tool is utilized that includes suicide lethality, substance use, alcohol use, and safety needs. Crisis response staff are trained on the crisis screening tool.

(2) Crisis screening shall be completed with the individual in crisis. When youth are served, the family shall participate in the screening process.

(3) Crisis screening records are kept in individual files.

307.14(2) *Confidentiality and legal status.* Standards in subrule 307.4(6) are met.

307.14(3) *Service systems.* Standards in subparagraphs 307.4(7)*"b"*(1) through *"b"*(3) are met.

307.14(4) *Respect for individual rights.* Standards in subrule 307.4(8) are met.

441—307.15(225A) Standards for individual crisis response services.

307.15(1) Crisis response services provided to children and youth include coordination with parents, guardians, family members, natural supports, and service providers and with other systems such as education, juvenile justice and child welfare.

307.15(2) Crisis response services for individuals who have co-occurring or multi-occurring diagnoses focus on the integration and coordination of treatment services, and supports necessary to stabilize the individual, without regard to which condition is primary. Crisis response services are not to be denied due to the presence of a co-occurring substance use condition or developmental or neurodevelopmental disability.

441—307.16(225A) Twenty-four-hour crisis response. The purpose of 24-hour crisis response is to provide access to crisis screening and assessment to de-escalate and stabilize the crisis. When the assessment indicates, a stabilization plan is developed to support the individual's return to a prior level of functioning. Twenty-four-hour crisis response staff link the individual to appropriate services. Crisis response staff provide service to individuals of any age.

307.16(1) *Performance benchmark.* Individuals in crisis have the ability to access crisis response services, including but not limited to crisis screening, crisis assessment and stabilization in the least restrictive level of care appropriate.

307.16(2) *Performance indicators.*

a. Information on how to access 24-hour crisis response is publicized to facilitate availability of services to individuals using the service, family members and the public.

b. Individuals accessing the service receive crisis screening and crisis response services from appropriate crisis response staff.

c. Crisis screening is available and accessible face-to-face, using telephone or web-based options 24 hours a day, 365 days a year.

d. A behavioral health professional is available for crisis assessment.

e. A mental health professional is available for consultation 24 hours a day, 365 days a year. The mental health professional has access to a qualified prescriber for consultation.

f. The staffing pattern and schedule is documented.

g. The integration and coordination of care is documented in the individual's record.

h. The discharge, action and follow-up plans are documented in the individual's record, and copies of the plans are provided to the individual. The family or guardian may receive a copy with a signed release.

441—307.17(225A) Warm line. A peer-operated warm line is a service individuals can access to talk with someone with lived experience with behavioral health and trauma issues. The line provides a resource for individuals experiencing emotional distress.

307.17(1) *Performance benchmark.* A warm line provides nonjudgmental listening, nondirective assistance, information, referral, and triage when appropriate.

307.17(2) *Performance indicators.* The warm line is answered live, placing callers on hold, and when appropriate, a queue system is utilized.

a. The caller is triaged to a higher level of service when needed.

b. Data collection includes:

(1) Demographics;

(2) Presenting reason for call;

(3) Outcome of call;

(4) Call answer times;

(5) Duration of calls; and

(6) Number of calls dropped, lost or terminated.

c. Services are provided by peer support specialists and family support peer specialists or recovery coaches.

d. Twenty-four-hour access to a behavioral health professional is required.

441—307.18(225A) Mobile response.

307.18(1) *Location.* Crisis response staff provide on-site, in-person intervention for individuals experiencing a crisis. The mobile response staff provide crisis response services in the individual's home or at locations in the community 24 hours a day, 365 days a year.

307.18(2) *Performance benchmark.* Mobile response services are delivered to individuals in crisis in a timely manner.

a. Mobile response requires a multidisciplinary team, consisting of at least two crisis response staff.

b. Twenty-four-hour access to a behavioral health professional is required.

c. Mobile response staff are dispatched immediately after crisis screening has determined the appropriate level of care. If the mobile response staff already are responding to another call, staff explain to the caller that there may be a delay in receiving a mobile response and offer an alternative response.

d. Mobile response staff will respond in person to the location of the individual in crisis within 60 minutes from dispatch.

e. Mobile crisis providers teams ensure follow-up services to facilitate the individual's access to behavioral health care.

(1) Follow-up services are provided to individuals who do not discharge to a setting providing 24 hour levels of care.

(2) Follow-up services link individuals to needed supports and confirm transition to and engagement with aftercare services, to include documentation an appointment is scheduled with the individual's preferred provider.

(3) Follow-up services occur within 48 hours of the initial mobile response contact and occur periodically until the individual is seen by the individual's preferred provider.

f. Data collection includes response time from initial dispatch, the time to respond to dispatch when a team is already in response, diversion from or admission to hospitals, correctional facilities and other crisis response services. The data for each fiscal year is reported as required by the department.

g. The safety plan is developed with the individual and family or natural supports if applicable and includes the individual's strengths, the presenting problem, prevention strategies, and management tools for future crises; a copy of the safety plan is provided to the individual and the individual's care team with the individual's signed consent within one business day.

h. The following information is documented in the individual's service record:

(1) Triage and referral information.

(2) Reduction in the level of risk present in the crisis situation.

(3) Coordination with other behavioral health and community resources.

(4) Names and affiliation of all individuals participating in the mobile response.

441—307.19(225A) Twenty-three-hour crisis observation. Twenty-three-hour crisis observation services may be a standalone service or embedded within a crisis stabilization residential service. Twenty-three-hour crisis observation services are designed for individuals who need short-term crisis intervention in a safe environment less restrictive than hospitalization. This level of service is appropriate for individuals who require protection or when an individual's ability to cope in the community is severely compromised and it is expected the crisis can be resolved in 23 hours. Twenty-three-hour crisis observation services include but are not limited to treatment, medication administration, meeting with extended family or significant others, and referral to appropriate services. Twenty-three-hour crisis observation chairs can be utilized.

307.19(1) *Admission criteria.* The services may be provided if any of the following admission criteria are met:

a. There are indications the symptoms can be stabilized and an alternative treatment can be initiated within a 23-hour period.

b. The presenting crisis cannot be safely evaluated or managed in a less restrictive setting, or no such setting is available.

c. The individual does not meet inpatient criteria, and it is determined a period of observation assists in the stabilization and prevention of symptom exacerbation.

d. Further evaluation is necessary to determine the individual's service needs.

e. There is an indication of actual or potential danger to self or others as evidenced by a current threat or ideation.

f. There is a loss of impulse control leading to life-threatening behavior and other psychiatric symptoms requiring stabilization in a structured, monitored setting.

g. The individual is experiencing a crisis demonstrated by an abrupt or substantial change in normal life functioning brought on by a specific cause, sudden event or severe stressor.

h. The individual is experiencing a crisis as a result of substance use.

307.19(2) *Staffing requirements.*

a. At least one behavioral health professional is available for consultation 24 hours a day, 365 days a year.

b. Crisis response staff are on duty, awake, and attentive 24 hours a day.

c. A registered or licensed practical nurse is available on site 24 hours a day.

307.19(3) *Twenty-three-hour observation safety.* A crisis incident report is created when staff are notified a crisis incident has occurred.

a. The crisis incident report documents:

(1) The name of the individual or individuals who were involved in the crisis incident.

(2) Date and time of occurrence of the crisis incident.

(3) A description of the crisis incident.

(4) Names and signatures of all staff present at the time of the crisis incident.

(5) The action taken by the staff.

(6) The resolution or follow-up to the crisis incident.

b. A copy of the crisis incident report is kept in a centralized file and a copy is given to the individual, the individual's parent or guardian if applicable, and the individual's treatment team when appropriate. A copy of the crisis incident report is sent to the department for crisis incidents involving an individual's death during service delivery.

307.19(4) *Service requirements.*

a. A treatment summary is provided to the individual and the individual's treatment team when applicable. The treatment summary includes:

(1) Safety plan.

(2) Crisis assessment that includes:

1. Active symptoms of psychosis.
2. Alcohol use.
3. Coping ability.
4. History of trauma.
5. Impulsivity or absence of protective factors.
6. Intensity and duration of depression.
7. Lethality assessment.
8. Level of external support available to the individual.
9. Medical history.
10. Physical health, including withdrawal symptoms.
11. Prescription medication.
12. Presenting problem.
13. Stress indicators and level of stress.
14. Substance use.

(3) Treatment interventions.

(4) Ongoing evaluation of the mental status to document continued need for the service.

(5) Course and progress of the individual regarding identified needs and barriers.

(6) Recommendations for further service needs.

(7) Signature of the behavioral health professional.

b. The individual using this service is provided a safe, secure observation service in a location meeting the needs of the individual and in the least restrictive setting.

c. Family members, natural supports, and treatment providers are contacted within 23 hours of admission with the individual's consent. Communication attempts and contact with the individual's team will be documented.

d. Written policies and procedures cover medication administration, storage and documentation.

e. Crisis observation providers ensure follow-up services to facilitate the individual's access to behavioral health care.

(1) Follow-up services are provided to individuals not requiring 24 hour levels of care.

(2) Follow-up services link individuals to needed supports and confirm transition to and engagement with aftercare services, to include documentation that an appointment is scheduled with the individual's preferred provider.

(3) Follow-up services occur within 48 hours of discharge and occurs periodically until the individual is seen by the their preferred provider.

f. The service is provided in a clean and safe environment.

(1) Service compliance is documented regarding state fire marshal rules and fire ordinances and applicable local health, fire, occupancy code, and safety regulations.

(2) Based on standards used for public facilities, all food and drink is clean, wholesome, free from spoilage, and stored and served in a manner safe for human consumption.

(3) Doors must not be locked from the inside. The use of door locks is as approved by the fire marshal and professional staff.

(4) Twenty-three-hour observation services have an emergency preparedness plan to describe the process for an individual to continue receiving services during a disaster, including but not limited to cases of severe weather or fire. An emergency preparedness plan is designed to provide effective utilization of available resources during a disaster event, including but not limited to cases of severe weather or fire.

(5) Services provide a safe, clean, well-ventilated, properly heated environment in good repair and free from vermin.

1. The smokefree air Act, Iowa Code chapter 142D, is followed.

2. The 23-hour crisis observation location is a welcoming and comfortable environment conducive to recovery.

(6) An individual's resting or sleeping area includes:

1. A sturdily constructed bed or comfortable chair.

2. A sanitized mattress protected with a clean mattress pad or sanitized chair.

3. Curtains or blinds on bedroom windows.

4. Available clean linen.

5. Doors or partitions for privacy.

6. Respect for right to privacy.

(7) Bathrooms include items necessary for personal hygiene and personal privacy.

1. A safe supply of hot and cold running water that is potable.

2. Clean towels, electric hand dryers or paper towel dispensers, and an available supply of toilet paper and soap.

3. Natural or mechanical ventilation capable of removing odors.

4. Tubs or showers with slip-proof surfaces.

5. Partitions with doors that provide privacy if a bathroom has multiple toilet stools.

6. Toilets, wash basins, and other plumbing or sanitary facilities, maintained in good operating condition.

7. Privacy in bathrooms for male and female individuals.

g. Personal rights are acknowledged.

(1) The following are allowed:

1. Areas in which an individual may be alone when appropriate.

2. Areas for private conversations with others.

3. Secure space for personal belongings.

4. Personal clothing in accordance with organization policy.

(2) The following are not allowed:

1. Seclusion.

2. Mechanical or chemical restraints.

441—307.20(225A) Crisis stabilization community-based services (CSCBS). The goal of CSCBS is to stabilize the individual within the community. CSCBS is designed as a voluntary service for individuals in need of a safe, secure location that is less intensive and restrictive than an inpatient hospital. Individuals receive CSCBS services, including but not limited to skill building, medication, counseling, referrals, peer support, recovery coaching, and linkage to ongoing services. The duration for CSCBS is expected to be less than five days.

307.20(1) *Eligibility.*

a. To be eligible, an individual must be determined appropriate for the service by a crisis assessment.

b. The crisis assessment includes:

(1) Active symptoms of psychosis.
(2) Alcohol use.
(3) Coping ability.
(4) History of trauma.
(5) Impulsivity or absence of protective factors.
(6) Intensity and duration of depression.
(7) Lethality assessment.
(8) Level of external support available to the individual.
(9) Medical history.
(10) Physical health including withdrawal symptoms.
(11) Prescription medication.
(12) Presenting problem.
(13) Stress indicators and level of stress.
(14) Substance use.

307.20(2) *Staffing requirements.*

a. At least one mental health professional is available for consultation 24 hours a day, 365 days a year.

b. Crisis response staff must be awake and attentive 24 hours a day.

307.20(3) *Stabilization services.* The individual using CSCBS is provided safe, secure and structured crisis stabilization services in the least restrictive location meeting the needs of the individual. The CSCBS can be for youth aged 18 and under or adults aged 18 and older.

a. Family members, natural supports, and treatment providers are contacted within 24 hours of admission with the individual's consent. Communication attempts and contact with the individual's team will be documented.

b. Each individual has a minimum of one hour per day of additional services provided by crisis response staff, including but not limited to skill building, peer support, family peer support services, or recovery coaching or other therapeutic programming.

c. Contact between the individual and a behavioral health professional occurs at least one time a day.

d. Youth services include ongoing coordination and communication with the youth's support system, including but not limited to parents, guardians and, if applicable, educational supports.

e. The numbers of days an individual receives crisis stabilization services are documented. The documentation records specific reasons for the delivery of services beyond five days.

f. Data collection includes readmission data and length of time between admission, analysis of data trends and appropriate corrective action taken, admission to hospitals, correctional facilities, and other crisis response services. The data for each fiscal year is reported as required by the department. The information is documented in the performance improvement system files.

307.20(4) *Crisis stabilization—crisis incident reporting.* A crisis incident report is filed when staff are notified a crisis incident has occurred.

a. The crisis incident report documents:

(1) Name of the individual involved in the crisis incident.
(2) Date and time the crisis incident occurred.

(3) Description of the crisis incident.

(4) Names and signatures of all staff present at the time of the crisis incident.

(5) Action the staff took to handle the situation.

(6) Resolution or follow up to the crisis incident.

b. A copy of the incident report is kept in a centralized file and a copy given to the individual, and the parent or guardian when appropriate. A copy of the crisis incident report is sent to the department for crisis incidents involving an individual's death during service delivery.

307.20(5) *Service requirements.*

a. Stabilization plan. The individual in crisis is involved collaboratively in all aspects of crisis stabilization services, including but not limited to admission, treatment planning, intervention, and discharge. Attempts to contact family members is required for youth and encouraged for adults. Within 24 hours of an individual's admission to crisis stabilization services, a written short-term stabilization plan is developed, with the involvement and consent of the individual, and is reviewed at least every ten days.

b. Plan contents. At a minimum, this plan includes:

(1) Criteria for discharge.

(2) Goal statement. Goals are consistent with the individual's needs and projected duration of service delivery.

(3) Names of all persons participating in the development of the plan.

(4) Specification of treatment responsibilities and methods.

307.20(6) *Treatment summary.* Prior to the individual's discharge from CSCBS, a treatment summary is completed. A copy of the summary is provided to the individual and shared with the individual's treatment team of providers, if applicable.

a. At a minimum, the treatment summary includes:

(1) Safety plan.

(2) Crisis assessment.

(3) Stabilization plan.

(4) Treatment interventions.

(5) Documentation of daily contact with the behavioral health professional.

(6) Ongoing evaluation of the mental status to document continued need for the service.

(7) Course and progress of the individual.

(8) Recommendations for further service needs.

(9) Signature of the behavioral health professional.

b. Records include a written treatment summary developed with the involvement of the individual.

c. A copy of the summary is provided upon discharge.

307.20(7) *Follow-up services.* Crisis stabilization providers ensure follow-up services to facilitate the individual's access to behavioral health care.

a. Follow-up services are provided to individuals not requiring 24 hour levels of care.

b. Follow-up services link individuals to needed supports and confirm transition to and engagement with aftercare services, to include documentation an appointment is scheduled with the individual's preferred provider.

c. Follow-up services occur within 48 hours of discharge and occur periodically until the individual is seen by the their preferred provider.

307.20(8) *Health and safety.* Emergency preparedness policies and procedures include health and safety measures. Emergency preparedness plans are designed to provide effective utilization of available resources for care to continue during a disaster event, including but not limited to cases of severe weather or fire.

441—307.21(225A) Crisis stabilization residential services (CSRS). Crisis stabilization residential services are short-term services provided in facility-based settings. The goal of CSRS is to stabilize and reintegrate the individual back into the community. CSRS are designed for voluntary individuals who are in need of a safe, secure environment less intensive and restrictive than an inpatient hospital. CSRS have

the capacity to serve more than two individuals at a time. CSRS can be for youth aged 18 and younger or adults aged 18 and older. Youth and adults cannot be housed in the same facility setting. Facilities licensed by the department of inspections, appeals, and licensing (DIAL) for other services would have to comply with DIAL regulations for operating another business or activity in the facility.

307.21(1) *Eligibility.*

a. To be eligible, an individual must be determined appropriate for the service by a crisis assessment.

b. The crisis assessment includes:

(1) Active symptoms of psychosis.
(2) Alcohol use.
(3) Coping ability.
(4) History of trauma.
(5) Impulsivity or absence of protective factors.
(6) Intensity and duration of depression.
(7) Lethality assessment.
(8) Level of external support available to the individual.
(9) Medical history.
(10) Physical health, including withdrawal symptoms.
(11) Prescription medication.
(12) Presenting problem.
(13) Stress indicators and level of stress.
(14) Substance use.

307.21(2) *Staffing requirements.*

a. At least one licensed mental health professional is available for consultation 24 hours a day, 365 days a year.

b. Awake and attentive staffing 24 hours a day, 365 days a year is provided.

307.21(3) *Crisis stabilization—location.* The individual is provided safe, secure and structured crisis stabilization services in the least restrictive location meeting the individual's needs.

a. Family members, natural supports, and treatment providers are contacted within 24 hours of admission with the individual's consent. Communication attempts and contact with the individual's team will be documented.

b. Contact with a behavioral health professional occurs at least one time per day.

c. Each individual has a minimum of one hour per day of additional services provided by crisis response staff, including but not limited to skill building, peer support, family support peer services, or recovery coaching, or other therapeutic programming.

d. Youth services include ongoing coordination and communication with the youth's support system, including but not limited to parents, guardians, and educational supports.

e. A crisis assessment is completed within 24 hours of admission.

f. The number of days an individual receives crisis stabilization services is documented.

g. The documentation records specific reasons for lengths of stay beyond five days.

h. Medication record is included in the service record.

307.21(4) *Crisis stabilization—crisis incident reporting.* A crisis incident report is completed when staff are notified an crisis incident has occurred.

a. The crisis incident report documents:

(1) Name of the individual who was involved in the crisis incident.
(2) Date and time of occurrence of the crisis incident.
(3) Description of the crisis incident.
(4) Names and signatures of all staff present at the time of the crisis incident.
(5) Action staff took to handle the situation.
(6) Resolution or follow up to the crisis incident.

b. A copy of the crisis incident report is maintained in a centralized file and a copy given to the individual and the parent or guardian, as appropriate. A copy of the crisis incident report is sent to the department for crisis incidents involving an individual's death during service delivery.

307.21(5) *Service requirements.*

a. Stabilization plan. The individual is involved collaboratively in all aspects of crisis stabilization services, including but not limited to admission, treatment planning, intervention, and discharge. Attempts to involve family members are required for youth and encouraged for adults. At a minimum, this plan includes:

(1) Criteria for discharge.

(2) Goal statement consistent with needs and projected length of stay.

(3) Rights restrictions, if applicable.

(4) Names of all persons participating in the development of the plan.

(5) Specification of treatment responsibilities and methods.

b. Plan development. Within 24 hours of an individual's admission to crisis stabilization services, a written short-term stabilization plan is developed, with the involvement and consent of the individual, and is reviewed at least every ten days.

307.21(6) *Treatment summary.* Prior to discharge, a treatment summary is provided and a copy shared with the individual and treatment team as appropriate.

a. Contents. At a minimum, this treatment summary includes:

(1) Safety plan.

(2) Crisis assessment.

(3) Stabilization plan.

(4) Treatment interventions.

(5) Documentation of daily contact with the behavioral health professional.

(6) Ongoing evaluation of the mental status to document continued need for the service.

(7) Course and progress of the individual regarding identified needs and barriers.

(8) Recommendations for further service needs.

(9) Signature of the behavioral health professional.

b. Records. Records include a written treatment summary developed with the involvement and consent of the individual.

c. Copy. An individual receives a copy of the treatment summary upon discharge.

307.21(7) *Follow-up services.* Crisis stabilization providers ensure follow-up services to facilitate the individual's access to behavioral health care. Follow-up services are provided to individuals not requiring 24 hour levels of care.

a. Follow-up services link individuals to needed supports and confirm transition to and engagement with aftercare services, to include documentation an appointment is scheduled with the individual's preferred provider.

b. Follow-up services occur within 48 hours of discharge and occur periodically until the individual is seen by the their preferred provider.

307.21(8) *Health and safety.*

a. Health and fire safety inspections.

(1) Documentation includes Iowa fire marshal rules and fire ordinances, local health, fire, occupancy code, and safety regulations.

(2) Standards for public facilities guide food and beverage safety, nutrition standards, and safe storage of all consumable products.

(3) Crisis stabilization residential services comply with rule 441—307.22(225A).

b. Emergency preparedness. Emergency preparedness policies are designed to provide effective utilization of available resources for continuation during a disaster event, including but not limited to cases of severe weather or fire.

c. The facility is safe, clean, and well-ventilated with a properly heated environment in good repair and free from vermin.

d. The location is accessible and, when needed, accommodations are made to address individuals' physical needs.

(1) Bedrooms include:

1. A sturdily constructed bed.
2. A sanitized mattress protected with a clean mattress pad.
3. A designated space in proximity to the sleeping area for personal possessions, including clothing.
4. Curtains or window blinds on bedroom windows.
5. Available clean linens.

(2) Sleeping areas include:

1. Doors for privacy.
2. Partitioning and placement of furniture to provide privacy.
3. Rooms that accommodate no more than two per room. Single room dimensions are at least 80 square feet not including closets. Dual occupancy rooms are at least 120 square feet not including closets.
4. Personal belongings and personal touches in the rooms, defined in CSRS policy.
5. Respect by staff for an individual's right to privacy.

(3) Personal hygiene supplies are provided:

1. A safe supply of hot and cold running water that is potable.
2. Clean towels, electric hand dryers or paper towel dispensers, and an available supply of toilet paper and soap.
3. Natural or mechanical ventilation capable of removing odors.
4. Tubs or showers with slip-proof surfaces.
5. Partitions with doors that provide privacy if a bathroom has multiple toilet stools.
6. Toilets, wash basins, and other plumbing or sanitary facilities in good operating condition.
7. Privacy in bathrooms for male and female individuals.

(4) Federal laws regarding smoking on property are recognized and followed.

(5) The following are provided:

1. Areas in which an individual may be alone when appropriate.
2. Areas for private conversations with others.
3. A secure space for personal belongings.

(6) Housekeeping. Maintenance of living quarters and day-to-day housekeeping activities are clearly defined in writing and a part of the orientation. Staff assistance and equipment are provided as needed.

(7) Clothing.

1. Personal clothing is allowed in accordance with CSRS policy.
2. Clothing may be washed with provided laundry mechanisms.

e. Smoking. The smokefree air Act, Iowa Code chapter 142D, is included in the CSRS policy.

f. Religion/culture. Rights to religion and culture include:

(1) The opportunity to participate in religious activities and services in accordance with the faith of the individual or of a minor individual's parent(s) or guardian.

(2) Arrange for transportation to religious activities when appropriate per CSRS policy.

441—307.22(225A) Medication—administration, storage and documentation. This rule sets forth medication requirements for 23-hour crisis observation, crisis stabilization community-based services, and crisis stabilization residential services.

307.22(1) *Performance benchmark.* Policies and procedures ensure prescription and over-the-counter medications are administered or self-administered safely and properly in accordance with federal, state, and local laws and regulations.

307.22(2) *Performance indicators.*

a. Administration of medication.

(1) Medication administration dose schedules and standardization of abbreviations are documented.

(2) Specific methods for control and accountability are established.

(3) Prescription and over-the-counter medications are administered or self-administered safely and properly in accordance with federal, state, and local laws and regulations.

(4) Prescription medications are not administered or self-administered without a written order signed by a qualified prescriber. All medication orders are documented in the case records and document the name of the medication, dose, route of administration, frequency of administration, and name of the qualified prescriber prescribing the medication.

b. Staff-administered medication.

(1) All staff administering medication have completed department-approved training.

(2) The type and amount of medication, time and date of medication administered, and name of staff administering the medication are documented in the medication record in accordance with prescribed orders.

c. Self-administered medication.

(1) Staff monitoring self-administration of prescription and over-the-counter medication have completed department-approved training.

(2) Self-administration of prescription and over-the-counter medications are permitted only when the medication label is clear and complete.

d. Medication storage. Medication storage policies under the care and control of the administration include:

(1) All medication is maintained in locked storage, and controlled substances are maintained in a locked box within locked storage.

(2) Medications requiring refrigeration are kept in a refrigerator separated from food and other edible items.

(3) Disinfectants and medication for external use are stored separately from internal and injectable medications.

(4) Each medication is stored in original containers and labeled with the name.

(5) Prescription medication provided is dispensed from a licensed pharmacy in the state of Iowa in accordance with the Iowa Code. It can also be provided by a qualified prescriber from a licensed pharmacy in another state according to the laws of the state.

(6) Prescription medications prescribed for one individual are not administered or allowed in the possession of another.

e. Medication labeling. All prescribed medications are clearly labeled with the full name; prescriber's name; prescription number; name and strength of the medication; dosage; directions for use; date of issue; and name, address and telephone number of the pharmacy or prescriber issuing the medication. Medications are packaged and labeled according to state and federal guidelines.

f. Monthly inspection. A monthly inspection of medication storage location and medication administration records occurs to ensure compliance with department procedures.

g. Damaged labels. Medication containers with soiled, damaged, illegible, or makeshift labels are returned to the issuing pharmacist, pharmacy, or qualified prescriber for relabeling or disposal.

h. Return of medications. When an individual is discharged or leaves the crisis service, medications are sent in their original containers with the individual or with a designated person.

i. Unused medication. Unused remaining prescription medications are destroyed by staff with a witness present and a notation documented in the record.

j. Adverse reactions. Documentation is required in case records on adverse medication reactions when medications are administered and self-administered.

k. Documentation. All medication orders are documented in the case records by authorized staff administering the medication. The documentation shall include the name of the medication, dose, route of administration, frequency of administration, name of the qualified prescriber prescribing the medication, and name of the staff administering or dispensing the medication.

l. Medication rights and responsibilities.

(1) Individuals and their designated representative if applicable are informed of the agency policy regarding prohibition of medication utilization as a restraint. The use of psychopharmacological medication in excess of the standard plan of care is prohibited. Using medication as a restraint includes:

1. Medications used to control behavior or restrict freedom of movement.
2. Medications used in excessive amounts or in excessive frequency.
3. Neuroleptics, anxiolytics, antihistamines, and atypical neuroleptics, or other medication used for calming, rather than for the medication's indicated treatment.

(2) Drugs or medications used for standard treatment of the individual's medical or psychiatric condition are not considered to be used as a restraint.

441—307.23(225A) Accreditation. The department will determine whether to grant, deny, or revoke the accreditation of organizations and services.

307.23(1) The organization shall meet the standards of subrule 307.5(1), with the addition of crisis response service organizations.

307.23(2) The organization shall meet the standards in subrules 307.5(2) and 307.5(3).

307.23(3) Performance outcome determinations are as follows:

a. Quality assurance staff shall determine a performance compliance level based on the number of indicators found to be in compliance.

(1) For service indicators, if 25 percent or more of the files reviewed do not comply with the indicator, that indicator is considered out of compliance and corrective action is required.

(2) Corrective action is required when any indicator under policies and procedures or activities is not met.

b. In the overall rating, the performance rating for policies and procedures shall count as 15 percent of the total, activities as 15 percent of the total, and services as 70 percent of the total.

(1) Each of the three indicators for policies and procedures has a value of 5.0 out of a possible score of 15.

(2) Each of the 36 indicators for activities has a value of .42 out of a possible score of 15.

(3) Each service has a separate weighting according to the total number of indicators applicable for that service, with a possible score of 70, as shown in paragraph 307.23(3)*"c."*

c. Quality assurance staff shall determine a separate score for each service to be accredited. When an organization offers more than one service under this chapter, there shall be one accreditation award for all the services based upon the lowest score of the services surveyed.

Service	Number of Indicators	Value of Each Indicator
24-hour crisis response	23	3.04
Warm line	19	3.65
Mobile response	23	3.04
23-hour observation	36	1.94
Crisis stabilization, community-based	33	2.12
Crisis stabilization, residential	51	1.37

307.23(4) The organization shall meet the standards in subrules 307.5(5) through 307.5(7).

441—307.24(225A) Deemed status. The department will grant deemed status to organizations accredited by a recognized national, not-for-profit, accrediting body when the department determines the accreditation is for similar services. The organization shall fulfill the standards described in subrules 307.6(1) through 307.6(6).

441—307.25(225A) Complaint process. The department will receive and record complaints by individuals using services, employees, any interested people, and the public relating to or alleging violations of applicable requirements of the Iowa Code or administrative rules in accordance with the standards described in rule 441—307.7(225A).

441—307.26(225C) Appeal procedure. The department will receive appeals pursuant to 441—Chapter 2506.

These rules are intended to implement Iowa Code chapter 225A.

DIVISION III
COMMUNITY MENTAL HEALTH CENTERS

441—307.27(225A) Definitions.

"Community mental health center self-assessment" means the form completed and submitted to the department by a new organization as part of the initial application to be designated as a CMHC. Designated CMHCs complete the form annually and submit it to the department as part of the accreditation and CMHC monitoring process.

"Community support services" or *"CSS"* means services that support individuals with a mental illness and functional impairment to live and work in the community of their choice through assisting with:

1. Monitoring of mental health symptoms and functioning/reality orientation;
2. Transportation;
3. Supportive relationship;
4. Communication with other providers;
5. Ensuring individuals attend appointments/obtain medications;
6. Crisis intervention/developing crisis plan; and
7. Coordination and development of natural support systems for mental health support.

"Functional impairment," for the purpose of this division, means difficulties that substantially interfere with or limit functioning in one or more major life activities, such as basic daily living (including but not limited to eating, bathing, and dressing); instrumental living skills (including but not limited to maintaining a household, managing money, community involvement, taking prescribed medication); and functioning in social, family and vocational/educational contexts.

"Psychosocial rehabilitation services" means services that promote recovery, full community integration, and improved quality of life for persons who have been diagnosed with any mental health condition that seriously impairs their ability to lead meaningful lives. Psychosocial rehabilitation services are collaborative, person-directed and individualized. The service focuses on helping individuals develop skills and access resources needed to increase their capacity to be successful and satisfied in the living, learning, working, and social environments of their choice.

"Target population" means individuals residing in designated counties of any age who are experiencing a crisis, individuals of any age who have a mental health disorder, adults who have a serious mental illness or chronic mental illness, children and youth who are experiencing a serious emotional disturbance, and individuals who have a co-occurring disorder, including but not limited to substance use, intellectual disability, developmental disability, brain injury, autism spectrum disorder, or another disability or special health care need.

441—307.28(225A) Community mental health center designation.

307.28(1) *Application.* An organization seeking designation as a community mental health center or a designated community mental health center seeking to expand its designated service area shall submit the following to the department:

a. An Accreditation Application form, if requesting accreditation for a CMHC core service(s) other than outpatient psychotherapy and evaluation.

b. A Community Mental Health Center Designation form, signed by the organization's chief executive officer and the chairperson of the governing body.

c. A Community Mental Health Center Self-Assessment form.

307.28(2) *Exceptional circumstances.* Designation for more than one CMHC in a county shall require a determination of exceptional circumstances by the department.

a. Applicants requesting designation for a county that is designated as part of another CMHC's service area shall submit information supporting their designation request, including but not limited to the following:

(1) Evidence that the target population does not have access to the required core services with minimal or no service denials.

(2) Ability to staff core services within the capacity of the service area's workforce.

(3) Behavioral health district's letter of support that includes the service area's ability to financially support more than one CMHC.

(4) Notification to the existing CMHC of intention to apply for designation.

(5) Evidence of collaboration and coordination with an existing CMHC.

b. Paragraph 307.28(2)*"a"* and subrule 307.29(2) do not apply to CMHCs designated as of October 1, 2010.

307.28(3) *Designation.* The department will review information submitted by the applicant in accordance with subrule 307.28(1), subrule 307.28(2), and paragraph 307.28(3)*"a,"* as well as input from behavioral health districts, neighboring CMHCs, and behavioral health service providers to determine if there will be a recommendation for designation. Recommendations for designation shall be submitted to the department for approval.

a. Applicants shall submit the following:

(1) Behavioral health district's letter of support.

(2) Evidence of active three-year accreditation for outpatient and evaluation services under this chapter.

(3) Formal agreement with accredited provider if the applicant is not directly providing the service for the following:

1. Day treatment, partial hospitalization, or psychosocial rehabilitation services; and
2. Emergency or 24-hour crisis response.

(4) A Community Mental Health Center Self-Assessment form that demonstrates the applicant's ability to:

1. Provide core services in accordance with rule 441—307.29(225A).
2. Meet the following crisis response service access standards:

- Outpatient emergency services shall be initiated within 15 minutes of telephone contact.
- Outpatient urgent services shall be provided within 1 hour of presentation or 24 hours of telephone contact.
- Outpatient routine care services will be provided within four weeks of request for appointment.
- Outpatient services will be offered within 30 miles for an individual residing in an urban community and 45 miles for an individual residing in a rural community.
- Individuals who have received inpatient services shall be assessed and evaluated within four weeks.

3. Serve all ages of the target population with minimal to no service denials.
4. Make referrals for services provided outside the organization.

b. The department will notify the applicant in writing of the result of the review.

c. CMHCs designated in accordance with Iowa Code chapter 230A prior to January 1, 2021, or designated as a CMHC by a county prior to October 1, 2010, will maintain their designation provided they meet the requirements set forth in rule 441—307.30(225A).

307.28(4) *Withdrawal of designation.* CMHCs seeking to withdraw their designation for part or all of their catchment area shall submit to the department a Community Mental Health Center Designation form signed by the organization's chief executive officer and the chairperson of the governing body. The form shall include:

a. Current catchment area and catchment area requesting withdrawal of designation.

b. Reason for withdrawal request.

c. Date withdrawal is to occur.

d. Continuity of care plan, including but not limited to communication and coordination with:

(1) Individuals served.

(2) CMHCs and mental health service providers serving neighboring and current catchment area.

(3) Behavioral health districts.

(4) General public.

307.28(5) *Agreement.* The board of directors of a designated CMHC shall enter into an agreement with the department.

307.28(6) *Appeal procedure.* An appeal to a designation determination may be filed in accordance with 441—Chapter 2506.

307.28(7) *Denial of designation or revocation.* The department may deny or revoke the provider's designation at any time for any of the following reasons:

a. The provider has failed to provide information requested pursuant to subrule 307.28(1).

b. The provider does not meet criteria pursuant to subrule 307.28(3).

c. The provider refuses to allow the department to conduct a site visit pursuant to subrule 307.5(3).

d. The provider has failed to implement the corrective actions submitted and approved by the department pursuant to subrule 307.32(2).

e. The provider's accreditation was discontinued or revoked pursuant to paragraph 307.5(5)*"h."*

441—307.29(225A) Standards for policies and procedures. Policies and procedures manuals shall include policy guidelines and administrative procedures for the following:

307.29(1) Core services and supports,

307.29(2) Serving the target population with minimal to no service denials,

307.29(3) Addressing the standards in rule 441—307.2(225A), and

307.29(4) Ensuring an individual's ability to access services regardless of ability to pay. The CMHC shall assist individuals with applying for health insurance and behavioral health district assistance when necessary to ensure access to services.

441—307.30(225A) Standards for organizational activities.

307.30(1) The organization shall meet all requirements in rule 441—307.3(225A) and the standards identified in this rule.

307.30(2) A CMHC organized as a nonprofit corporation shall be governed by a board of directors that adequately represents interested professions; consumers of the center's services; socioeconomic, cultural, and age groups; and various geographical areas in the counties served by the center. If organized as a for-profit corporation, the corporation's policy structure shall incorporate such representation.

441—307.31(225A) Standards for core services and supports.

307.31(1) *Outpatient services.* Outpatient services include outpatient psychotherapy and counseling services and evaluation. These services are to be provided directly by the CMHC.

a. Outpatient psychotherapy and counseling services shall be provided in accordance with subrule 307.4(14) and shall include treatment modalities and evidence-based practices for children, adults, older adults, individuals with co-occurring conditions, and individuals discharged from inpatient settings. Clinical eligibility is determined at the time of initial assessment and annually thereafter in accordance with subrule 307.4(2).

b. Evaluation services shall be provided in accordance with subrule 307.4(16).

307.31(2) *Twenty-four-hour emergency services.* The organization shall provide or enter into a formal agreement with an accredited provider for at least one of the following:

a. Emergency services provided in accordance with subrule 307.4(15).

b. Twenty-four-hour crisis response provided in accordance with rule 441—307.16(225A).

307.31(3) *Day treatment, partial hospitalization, or psychosocial rehabilitation services.* The organization shall provide or enter into a formal agreement with an accredited provider for at least one of the following:

a. Day treatment provided in accordance with subrule 307.4(10),

b. Partial hospitalization provided in accordance with subrule 307.4(13), or

c. Psychosocial rehabilitation services. This shall include at least one of the following:

(1) Assertive community treatment (ACT) provided in accordance with rule 441—77.41(249A).

(2) Intensive psychiatric rehabilitation services provided in accordance with subrule 307.4(11).

307.31(4) *Community support services (CSS).* The purpose of CSS is to support individuals as they live and work in the community and address mental health symptoms and functional impairments that negatively affect integration and stability in the community.

a. Performance benchmark.

(1) Qualified staff provide CSS.

(2) CSS is provided to individuals in the target population with a mental illness and functional impairment.

b. Performance indicators.

(1) The following staff qualifications shall be met:

1. Have knowledge and experience in working with the target population.

2. Have the ability to create relationships with the individuals served that balance support of the mental illness and the need to allow for maximum individual independence.

3. Have a bachelor's degree with 30 semester hours or equivalent quarter hours in a human services field, including but not limited to psychology, social work, mental health counseling, marriage and family therapy, nursing, education, occupational therapy, and recreational therapy.

4. Complete a minimum of 12 hours of training within the first year of employment and annually in behavioral health conditions, including but not limited to the following topics:

- Mental health diagnoses, symptomology, and treatment;
- Crisis management, intervention, and de-escalation;
- Psychiatric medications, common medications, and potential side effects;
- Other diagnoses or conditions present in the population served; and
- Individual person-centered service plan, crisis plan, and behavioral support plan implementation.

(2) The following service components are provided:

1. Monitoring of mental health symptoms and functioning/reality orientation.
2. Transportation.
3. Supportive relationship.
4. Communication with other providers.
5. Ensuring individuals attend appointments and obtain medications.
6. Crisis intervention and developing a crisis plan.
7. Coordination and development of natural support systems for mental health support.

307.31(5) *Consultation services.* Consultation services include the provision of professional assistance and information about mental health and mental illness to individuals, service providers, or groups to increase such persons' effectiveness in carrying out their responsibilities for providing services. Consultations may be case-specific or program specific.

307.31(6) *Education services.* Education services include information and referral services regarding available resources and information and training concerning mental health, mental illness, availability of services and other support, the promotion of mental health and the prevention of mental illness. Education services may be made available to individuals, groups, organizations, and the community in general.

307.31(7) *Coordination with unaffiliated agencies.* Coordination will be provided with associated services provided by other unaffiliated agencies to members of the target population in the catchment area and to integrate services in the community with services provided to the target population in residential or inpatient settings.

441—307.32(225A) Accreditation of CMHCs.

307.32(1) The provider shall be accredited as a provider of outpatient psychotherapy and counseling pursuant to subrule 307.4(14) and evaluation pursuant to subrule 307.4(16) and meet the standards of rule 441—307.3(225A).

307.32(2) The provider shall meet the standards in rules 441—307.29(225A), 441—307.30(225A), and 441—307.31(225A). Corrective action is required when any indicator under community mental health designation standards is not met.

307.32(3) The provider shall annually submit a Community Mental Health Center Self-Assessment form to the department.

These rules are intended to implement Iowa Code chapter 225A.

ARC 0719D

HUMAN SERVICES DEPARTMENT[441]

Notice of Intended Action

Proposing rulemaking related to refugee cash assistance and providing an opportunity for public comment

The Department of Health and Human Services hereby proposes to amend Chapter 60, "Refugee Cash Assistance," Iowa Administrative Code.

Legal Authority for Rulemaking

This rulemaking is proposed under the authority provided in Iowa Code chapter 217.

State or Federal Law Implemented

This rulemaking implements, in whole or in part, Iowa Code chapter 217; 91 Fed. Reg. 43,107 (Jul. 14, 2026); and 91 Fed. Reg. 62,534 (Oct. 1, 2026).

Purpose and Summary

This proposed rulemaking amends rule 441—60.7(217) to reflect federal updates to the eligibility period, or time limit, for receiving refugee cash assistance and refugee medical assistance. The eligibility period is set by the procedures outlined in 40 CFR 400.211. The update to the eligibility period was originally published in the July 14, 2026, Federal Register.

However, since the publication of the Regulatory Analysis on September 30, 2026, the Department became aware of a correction to the July 14, 2026, Federal Register notice. The Office of Refugee Resettlement reviewed the considerations listed in 40 CFR 400.211 and determined that the eligibility period should be 12 months. This determination and correction were memorialized in the October 1, 2026, Federal Register. This Notice of Intended Action reflects that correction.

Regulatory Analysis

A Regulatory Analysis for this rulemaking was published in the Iowa Administrative Bulletin on September 30, 2026. A public hearing was held on the following date(s):

- October 20, 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 December 1, 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:

December 1, 2026 10 to 10:30 a.m.	Microsoft Teams Meeting ID: 225 217 179 078 528 Passcode: Rw3KT9yE

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 subrule 60.7(1) as follows:

60.7(1) *Assistance.* A refugee may receive assistance, if otherwise eligible:

a. to *c.* No change.

d. For refugees who entered the country on or after January 1, 2026, during the first 12 months the refugee is in the United States, beginning the month the refugee enters the country.

Exception: For asylees, the date of entry is the date asylum is granted. The ~~8-month, 12-month, or 4-month~~ period of eligibility specified in this subrule begins the month asylum is granted. A nonrefugee child in the home with a refugee parent (or refugee parents, if both are in the home) is eligible for assistance until the parent(s) has been in the United States for ~~8, 12, or 4 months~~ the time period specified in this subrule, or until the child reaches 8, 12, or 4 months of age, as applicable, whichever occurs first. For Afghan special immigrant (SI) parolees and Afghan SI conditional permanent residents (CPRs), the date is the date of "entry into the community," which is the date the individual departed a safe haven. For Afghan humanitarian parolees, the date is the latter of October 1, 2021, or the date of entry into the community, which is the date the individual departed a safe haven. "Safe haven" is the term the U.S. government and other relevant stakeholders have used for U.S. military bases in the continental United States that housed Afghans evacuated under Operation Allies Refuge/Operation Allies Welcome (OAR/OAW) as Afghans awaited resettlement to their ultimate state of residence.

ITEM 2. Amend subrule 60.7(2) as follows:

60.7(2) *Resources.* The resources of refugees excluded because of the ~~8-month, 12-month, or 4-month limit~~ eligibility time frames specified in subrule 60.7(1) will be considered in the same manner as though these refugees were included in the eligible group.

ARC 0700D

HUMAN SERVICES DEPARTMENT[441]

Notice of Intended Action

Proposing rulemaking related to requests for prior authorization—response time frame and providing an opportunity for public comment

The Department of Health and Human Services hereby proposes to amend Chapter 79, "Other Policies Relating to Providers of Medical and Remedial Care," 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, 2026 Iowa Acts, House File 2543.

Purpose and Summary

This proposed rulemaking implements 2026 Iowa Acts, House File 2543, section 3, by referencing new Iowa Code section 135G.3A, which specifies the time frames required for responses to requests for prior authorization of subacute mental health care services under the Medicaid program.

The reference to Iowa Code section 135G.3A is to that section as enacted by 2026 Iowa Acts, House File 2543.

Regulatory Analysis

A Regulatory Analysis for this rulemaking was published in the Iowa Administrative Bulletin on September 16, 2026. A public hearing was held on the following date(s):

- October 6, 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 December 1, 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:

December 1, 2026 10 to 10:30 a.m.	Microsoft Teams Meeting ID: 225 217 179 078 528 Passcode: Rw3KT9yE

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 **79.9(3)"c"** as follows:

c. Decisions regarding approval or denial for items or procedures other than prescription drugs will be made according to the time frames set forth in 42 CFR 438.210(d) as amended to July 1, 2026, or Iowa Code section 135G.3A, as applicable.

ARC 0705D

HUMAN SERVICES DEPARTMENT[441]

Notice of Intended Action

Proposing rulemaking related to certification standards for children's residential facilities and providing an opportunity for public comment

The Department of Health and Human Services hereby proposes to rescind Chapter 106, "Certification Standards for Children's Residential Facilities," Iowa Administrative Code, and to adopt a new Chapter 106 with the same title.

Legal Authority for Rulemaking

This rulemaking is proposed under the authority provided in Iowa Code chapter 237C.

State or Federal Law Implemented

This rulemaking implements, in whole or in part, Iowa Code chapter 237C.

Purpose and Summary

This proposed chapter was reviewed as part of the Red Tape Review process laid out in 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.

Chapter 106 was created to establish certification standards for facilities that meet the definition of "children's residential facility" pursuant to Iowa Code chapter 237C. Iowa Code chapter 237C requires the Department to establish standards that shall, at a minimum, address the following: the basic health and educational needs of children; protection of children from mistreatment, abuse, and neglect; background and record checks of persons providing care to children in facilities certified under Iowa Code chapter 237C; the use of seclusion, restraint, or other restrictive interventions; health; safety; emergencies; and the physical premises on which care is provided by a children's residential facility.

Regulatory Analysis

A Regulatory Analysis for this rulemaking was published in the Iowa Administrative Bulletin on September 16, 2026. A public hearing was held on the following date(s):

- October 6, 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 December 1, 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

Public hearings at which persons may present their views orally or in writing will be held as follows:

December 1, 2026 10 to 10:30 a.m.	Microsoft Teams Meeting ID: 225 217 179 078 528 Passcode: Rw3KT9yE
December 1, 2026 2 to 2:30 p.m.	Microsoft Teams Meeting ID: 263 899 623 991 883 Passcode: qy9g7WW7

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 441—Chapter 106 and adopt the following **new** chapter in lieu thereof:

CHAPTER 106
CERTIFICATION STANDARDS FOR CHILDREN'S RESIDENTIAL FACILITIES

441—106.1(237C) Definitions.

"Administrator" means the administrator of the department designated by the director to administer this chapter.

"Agency," unless otherwise provided by law, means an individual, corporation, limited liability company, business trust, estate, trust, partnership or association, or any other legal entity that provides care as a children's residential facility.

"Chemical restraint" means the use of chemical agents, including psychotropic drugs, as a form of restraint.

"Child" or *"children"* means an individual or individuals less than 18 years of age.

"Children's residential facility" means the same as defined in Iowa Code section 237C.1(2).

"Control room" means a locked room used for treatment purposes.

"Corporal punishment" means the same as defined in 441—Chapter 125.

"Mechanical restraint" means restriction of a child's mobility or ability to use the child's hands, arms, or legs by the use of a mechanical device.

"Physical restraint" means direct physical contact required on the part of a staff member to prevent a child from hurting self, others, or property.

"Prone restraint" means a physical restraint in which a child is held face down on the floor.

"Protective locked environment" means the same as defined in Iowa Code section 237.1(17). Examples to implement a protective locked environment could include but are not limited to secured doors, delayed locks, secured windows, badge-only access doors, or external fencing around the property perimeter.

"Staff" means any person providing care or services to or on behalf of the facility whether the person is an employee of the facility, an independent contractor or any other person who contracts with the facility, an employee of an independent contractor or any other person who contracts with the facility, or a volunteer.

441—106.2(237C) Application of the standards. These rules apply to all facilities that meet the definition of "children's residential facility" pursuant to Iowa Code chapter 237C. In the event that a children's residential facility is also subject to licensure, certification, registration, or regulation pursuant to another provision of law, those legal requirements take precedence over these rules.

441—106.3(237C) Application for a certificate of approval. A person shall not operate a children's residential facility without a certificate of approval to operate issued by the department.

106.3(1) *Right to apply.*

a. Any adult individual or agency may apply for a certificate of approval.

b. Parties wishing to apply for certification as a children's residential facility shall contact the department using the department's website.

106.3(2) *Application.* An applicant shall complete the Application for License or Certificate of Approval form.

106.3(3) *Withdrawal of an application.* The applicant shall report the withdrawal of an application promptly to the department.

106.3(4) *Evaluation of the application.* Each application will be evaluated by the department to ensure that all standards are met.

a. Before it results in adverse action, a founded abuse report on a director, a sole proprietor involved in the facility's operation, or any facility staff will be evaluated by the department to determine if the abuse merits prohibition of employment, prohibition from volunteer work or decertification.

b. The department will evaluate all founded child abuse on a case-by-case basis. Considerations will include but not be limited to:

(1) The applicant's or certified entity's response.

(2) Whether the abuse was an isolated incident or is symptomatic of a broader, systemic problem.

106.3(5) *Reports and information.* The applicant shall furnish requested reports and information relevant to the certification determination to the department.

106.3(6) *Applications for renewal of certificate of approval.*

a. The department or its agent shall send the certificate of approval holder an application for renewal 90 days before the certificate expires.

b. Applications for renewal of a children's residential facility certificate of approval shall be submitted to the department at least 30 days but no more than 90 days before the certificate of approval expires.

106.3(7) *Notification.* The department will notify a children's residential facility of approval or denial of a certificate within 90 days of the department's receipt of complete application or reapplication information.

106.3(8) *Fire inspection.*

a. Before the administrator issues or reissues a certificate of approval to a children's residential facility, the facility shall comply with standards adopted by the state fire marshal under Iowa Code chapter 100.

b. Each children's residential facility shall procure an annual fire inspection approved by the state fire marshal and shall meet the recommendations thereof.

c. In the case of a conflict between rules and standards adopted pursuant to this chapter and local rules and standards, the more stringent requirement applies.

441—106.4(237C) Certificate of approval.

106.4(1) A new certificate of approval shall be obtained when the certified location moves or the facility is remodeled.

106.4(2) The certificate of approval shall state on its face the name of the holder of the certificate, the particular premises for which the certificate is issued, and the number of children who may be cared for by the children's residential facility on the premises at one time under the certificate of occupancy issued by the state fire marshal. The certificate of approval shall be posted in a conspicuous place in the children's residential facility.

106.4(3) A children's residential facility shall operate only in a building or on premises designated in the certificate of approval.

106.4(4) A new certificate of approval shall be requested when the children's residential facility wishes to be certified for a different number of children.

106.4(5) The department will issue the Certificate of Approval form without cost to any children's residential facility that meets the standards. The department may offer consultation to assist applicants in meeting the standards.

106.4(6) Children's residential facilities shall be certified for a term of one year.

441—106.5(237C) Denial, suspension, or revocation.

106.5(1) The department may deny an application for issuance or reissuance of a certificate of approval if:

a. The applicant or certificate holder fails to comply with these rules or knowingly makes a false statement concerning a material fact or conceals a material fact on the application for the issuance or reissuance of a certificate of approval or in a report regarding operation of the children's residential facility submitted to the department.

b. The applicant or any person residing in the children's residential facility or any facility staff has a record of founded child abuse unless an evaluation of the founded abuse has been made by the department that concludes that the abuse does not merit prohibition of employment, volunteer work, or certification.

106.5(2) The administrator may suspend a certificate of approval if:

a. The applicant or certificate holder fails to comply with these rules or knowingly makes a false statement concerning a material fact or conceals a material fact on the application for the issuance or reissuance of a certificate of approval or in a report regarding operation of the children's residential facility submitted to the department.

b. A children's residential facility's failure to meet the certification requirements poses a danger to the health, safety, or well-being of the children being served.

c. A children's residential facility fails to comply with Iowa Code section 282.34.

106.5(3) All operations of a children's residential facility shall cease during a period of suspension or revocation of a certificate of approval, including during an appeal. A suspension of a certificate of approval cannot extend beyond six months, and the existence of the condition requiring suspension shall be corrected within six months and documented in the record of the holder of the certificate of approval.

106.5(4) A suspension shall be effective on the date the notice is received by the holder of the certificate of approval and shall remain in effect until one of the following occurs:

a. The department withdraws the suspension due to a change in conditions in the children's residential facility.

b. The court orders the certificate of approval reinstated.

c. The action is reversed by a final decision in accordance with 441—Chapter 2506.

d. The certification period expires.

106.5(5) The notice of suspension will be sent in writing and will include the following:

a. The condition requiring the suspension.

b. The specific law or rule violated.

106.5(6) The department may revoke a certificate of approval if:

a. The applicant or certificate holder fails to comply with these rules or knowingly makes a false statement concerning a material fact or conceals a material fact on the application for the issuance or reissuance of a certificate of approval or in a report regarding operation of the children's residential facility submitted to the administrator.

b. The conditions requiring suspension are not corrected within six months.

c. A children's residential facility fails to comply with Iowa Code section 282.34.

106.5(7) Right to appeal suspension or revocation. The holder of the certificate of approval has the right to appeal a suspension or revocation of the certificate of approval, but initiation of an appeal does not alter the suspension or revocation. Notices of adverse actions and the right to appeal shall be given to applicants and certificate of approval holders in accordance with 441—Chapter 16 and 441—Chapter 2506.

106.5(8) Corrective action. The facility shall furnish the department with a plan of action to correct deficiencies that resulted in the suspension or revocation of a certificate of approval. The plan shall give specific dates upon which the corrective action will be completed.

441—106.6(237C) Providing for basic needs.

106.6(1) A children's residential facility shall provide the following for children in its care:

a. Shelter.

b. Nourishing food and water.

c. Opportunities for sleep, exercise, cleanliness, and health maintenance.

106.6(2) A children's residential facility shares responsibility for meeting these basic needs with the children's parents, guardians, or other primary caretakers.

106.6(3) A children's residential facility shall have written policies related to:

a. Children's communication with their parents or guardians.

b. Children's ability to receive visitors who have been approved by their parents or guardians.

c. Confidentiality and reasonable privacy for children. The children's residential facility shall afford children and their families privacy and confidentiality unless doing so would jeopardize a child's health or safety.

d. Children's ability to keep personal belongings such as clothing, pictures, and other items.

e. Children's ability to participate in standard community activities.

106.6(4) A children's residential facility cannot impose rules and restrictions that prevent communication with parents, guardians, other family members, or others.

106.6(5) A children's residential facility shall share its written policies related to communication, visitors, personal belongings, and participation in community activities with a child's parents or guardians before a child is admitted to the children's residential facility.

441—106.7(237C) Educational programs and services. A children's residential facility operating under a certificate of approval issued under Iowa Code chapter 237C shall comply with rules adopted by the state board of education pursuant to Iowa Code section 282.34.

441—106.8(237C) Protection from mistreatment, physical abuse, sexual abuse, and neglect.

106.8(1) The state of Iowa prohibits child abuse as defined in Iowa Code section 232.68(2)*"a,"* criminal assault, and other criminal acts of violence. A children's residential facility shall not use physical discipline that amounts to child abuse or a criminal act of assault or violence.

106.8(2) A children's residential facility's written policies shall:

a. Prohibit mistreatment, physical abuse, sexual abuse, and neglect of children.

b. Specify reporting and enforcement procedures for the children's residential facility. Alleged violations shall be reported immediately to the director of the facility and appropriate department personnel.

c. Prohibit the use of corporal punishment. The facility's policies shall clearly prohibit staff or the children from utilizing corporal punishment as a method of discipline or correcting children.

106.8(3) The policies in subrule 106.8(2) shall be communicated in writing to all staff of the facility.

441—106.9(237C) Discipline.

106.9(1) The facility shall have written policies, which shall be available to all staff and to the child's family, regarding methods used for control and discipline of children. Agency staff shall be in control of and responsible for discipline at all times. Discipline shall not include the withholding of basic necessities, such as food, clothing, or sleep.

106.9(2) Corporal punishment is prohibited. The facility shall have a policy that clearly prohibits staff from utilizing corporal punishment as a method of disciplining or correcting children. This policy is to be communicated in writing to all staff of the facility.

106.9(3) The administration of discipline by a child to another child is prohibited.

106.9(4) The facility shall make available to the child and the child's parents or guardian written policies regarding the following areas:

a. The general expectation of behavior, including the facility's rules and practices.

b. The range of reasonable consequences that may be used to deal with inappropriate behavior.

106.9(5) Discipline policies shall be discussed with:

a. All staff, volunteers, or others who perform duties under a subcontract with the children's residential facility; and

b. Parents or guardians before children are admitted to the children's residential facility.

441—106.10(237C) Record checks.

106.10(1) A children's residential facility shall conduct record checks for:

a. Any owner, director, staff member, volunteer, or other person who performs duties under a subcontract with the children's residential facility and who:

(1) Has direct responsibility for children, or

(2) Has access to a child when the child is alone.

b. Anyone living in the children's residential facility who is 14 years of age or older.

106.10(2) The record checks shall be conducted to determine whether the person:

a. Has any founded child abuse reports.

b. Has any founded dependent adult abuse reports.

c. Has any criminal convictions.

d. Has been placed on the sex offender registry.

106.10(3) Every applicant for employment shall submit to the children's residential facility a written, signed and dated statement that discloses:

a. Any substantiated instances of child abuse, neglect, or sexual abuse committed by the person.

b. Any substantiated instances of dependent adult abuse committed by the person.

c. Any convictions of crimes involving the mistreatment or exploitation of a child.

106.10(4) A children's residential facility may request additional information from the central abuse registry or the department of public safety.

106.10(5) If a record of criminal conviction or founded child abuse or founded dependent adult abuse exists, the children's residential facility shall evaluate the crime or founded child abuse or dependent adult abuse to determine whether or not the crime or founded child abuse or founded dependent adult abuse merits prohibition of employment or any voluntary or subcontracted position. The evaluation shall consider:

a. The nature and seriousness of the crime or founded abuse in relation to the position sought,

b. The time elapsed since the commission of the crime or founded abuse,

c. The circumstances under which the crime or founded abuse was committed,

d. The degree of rehabilitation,

e. The number of crimes or founded abuses committed by the person involved, and

f. The likelihood that the person will commit the crime or founded abuse again.

441—106.11(237C) Seclusion and restraints.

106.11(1) A children's residential facility shall not physically restrain a child unless necessary to prevent the child from hurting self, others, or property. Physical restraint must be conducted in a standing position whenever possible. Prone restraint is prohibited.

a. No staff person shall use any restraint that obstructs the airway of a child.

b. Staff persons who find themselves involved in the use of a prone restraint when responding to an emergency must take immediate steps to end the prone restraint.

c. If a staff person physically restrains a child who uses sign language or an augmentative mode of communication as the child's primary mode of communication, the child shall be permitted to have the child's hands free of restraint for brief periods unless the staff person determines that such freedom appears likely to result in harm to the child, others, or property.

d. The rationale and authorization for the use of physical restraint and staff action and procedures carried out to protect the child's rights and to ensure safety shall be clearly set forth in the child's record by the responsible staff persons.

106.11(2) A children's residential facility shall not put a child into time-out seclusion for more than one hour. A child shall never be secluded in an area that is locked or out of the view of staff, volunteers, or others who perform duties under a subcontract with the children's residential facility.

106.11(3) At no time shall a children's residential facility use a control room, mechanical restraint, or chemical restraint.

441—106.12(237C) Health.

106.12(1) A children's residential facility shall obtain, store, prepare, and serve food and water free from contamination.

106.12(2) A children's residential facility shall have written health policies that describe how the facility will care for a sick child residing there.

106.12(3) A children's residential facility shall have written policies and procedures related to disease control and the use of universal precautions for handling of any bodily excrement or discharge, including blood and breast milk. A children's residential facility shall take precautions to prevent the spread of infectious and communicable disease.

106.12(4) A children's residential facility shall seek immediate medical attention for a child when it is necessary to ensure that the child remains healthy. There shall be 24-hour emergency and routine medical and dental services available and provided when prescribed. Provision of these services shall be documented.

106.12(5) A children's residential facility shall have written policies and procedures to ensure that staff, volunteers, or others who perform duties under a subcontract with the children's residential facility demonstrate clean personal hygiene sufficient to prevent or minimize the transmission of illness or disease and are certified in the provision of first aid and cardiopulmonary resuscitation.

106.12(6) A children's residential facility shall be required to report any reportable disease to the department.

106.12(7) A children's residential facility shall have written policies on physical examination reports or health status statements for all children in the facility's care.

106.12(8) A children's residential facility shall have written policies and procedures for the dispensing, storage, authorization, and recording of all prescription and nonprescription medications.

106.12(9) A children's residential facility shall ensure that a clearly labeled first-aid kit is available and easily accessible to staff, volunteers, or others who perform duties under a subcontract with the children's residential facility at all times when children are in the facility, in the outdoor play area, and on field trips. The first-aid kit shall be sufficient to address first aid related to minor injury or trauma and shall be stored in an area inaccessible to children.

106.12(10) A children's residential facility shall have written policies on reporting illness or injury to parents or guardians. These policies shall be shared with parents or guardians before a child is admitted to the children's residential facility. A significant change in health status or incidents resulting in a serious injury to or death of a child shall be reported immediately to the parent or guardian and the department.

106.12(11) A children's residential facility shall have written policies on smoking and tobacco use that comply with Iowa state law.

441—106.13(237C) Safety.

106.13(1) A children's residential facility shall provide a sufficient number of staff to ensure safe practices that are based on the ages and needs of the children in care to ensure adequate supervision and child safety. This requirement applies to daytime and overnight hours.

106.13(2) Poison control centers' telephone numbers shall be posted in prominent locations and readily available. All poisonous or caustic drugs or materials shall:

a. Be plainly labeled.

b. Be stored separately from other drugs in a specific, well-illuminated cabinet, closet, or storeroom.

c. Be stored in a manner that prevents accidental or intentional ingestion.

d. Be accessible only to authorized persons.

106.13(3) A children's residential facility shall have written policies regarding any bodies of water located on or near the facility's grounds and accessible to children.

a. All swimming pools shall conform to state and local health and safety regulations.

b. Adult supervision shall be provided at all times when children are near or in the water.

106.13(4) A children's residential facility shall have written policies regarding transportation of a child that ensure compliance with Iowa Code section 321.446 regarding child restraint devices.

a. Drivers of vehicles shall possess a valid driver's license.

b. Drivers shall not operate a vehicle while under the influence of alcohol, illegal drugs, or prescription or nonprescription drugs that could impair the drivers' ability to operate a motor vehicle.

c. All vehicles used for children's residential facility activities shall be maintained in safe operating condition.

d. A children's residential facility shall have proof of current insurance that covers all vehicles and drivers used to transport children.

106.13(5) Animals kept on site shall:

a. Be in good health with no evidence of disease.

b. Be of such disposition as to not pose a safety threat to any person.

c. Be maintained in a clean and sanitary manner.

106.13(6) Weapons and ammunition are prohibited on the premises of a children's residential facility.

441—106.14(237C) Emergencies.

106.14(1) A children's residential facility shall have written emergency plans for responding to evacuations, fires, tornadoes, floods, blizzards, other weather incidents, power failures, bomb threats, chemical spills, earthquakes, or other natural or manmade disasters that could create structural damage to the children's residential facility or pose health or safety hazards.

a. The emergency plans shall include guidelines for responding to situations involving intruders within the children's residential facility and grounds, intoxicated persons, lost or abducted children, and evacuations.

b. Emergency plans shall be coordinated with county emergency planning agencies.

c. Evacuations and how to seek protective shelter shall be practiced at a cadence set forth by the facility's emergency preparedness plans.

106.14(2) The emergency plans shall include procedures for annual training regarding the contents and implementation of the plans for staff, volunteers, or others who perform duties under a subcontract with the children's residential facility.

106.14(3) A children's residential facility shall have:

a. Written policies and procedures for medical and dental emergencies.

b. Sufficient information and authorization to meet the medical and dental needs or emergencies of children.

106.14(4) Emergency telephone numbers shall be readily available, including emergency telephone numbers for parents or guardians.

441—106.15(237C) Buildings and physical premises. A children's residential facility shall ensure that the facility and grounds and all related equipment are safe and free from hazards.

106.15(1) A children's residential facility shall comply with requirements established by the fire marshal for the applicable type of occupancy and shall comply with any applicable additional fire safety requirements established by local ordinance, including fire inspections.

106.15(2) A children's residential facility shall be structurally sound. Any new facility or existing facility that is extensively renovated shall be constructed in compliance with applicable requirements of the state of Iowa building code established pursuant to Iowa Code chapter 103A and with any local building code in force at the time of construction.

106.15(3) A children's residential facility located in a building built before 1960 shall conduct a visual assessment for lead hazards that exist in the form of peeling or chipping paint.

a. If the presence of peeling or chipping paint is found, the paint shall be presumed to be lead-based paint unless a certified inspector as defined by the department determines that the paint is not lead-based.

b. In the absence of the determination that peeling or chipping paint is not lead-based, a children's residential facility shall use safe work methods as defined by the department to eliminate human exposure or likely exposure to lead-based paint hazards.

106.15(4) Living areas.

a. All living areas shall:

(1) Have screens on windows used for ventilation.

(2) Be maintained in clean and sanitary conditions.

(3) Be in safe repair.

(4) Provide for adequate lighting when natural sunlight is inadequate.

(5) Have heating and storage areas separated from sleeping or play areas.

(6) Have walls and ceiling surfaced with materials that are asbestos-free.

b. All sleeping rooms shall:

(1) Provide a minimum of 60 square feet per child for multiple occupancy.

(2) Provide a minimum of 80 square feet per child for single occupancy.

(3) Not sleep more than four children per room.

(4) Be of finished construction.

c. Rooms above ground shall have a ceiling height of at least 7 feet, 6 inches.

d. Rooms below ground shall:

(1) Have a ceiling height of at least 6 feet, 8 inches.

(2) Have a window area of at least 2 percent of the floor area unless mechanical ventilation is provided that is capable of removing dampness and odors.

(3) Have floor and walls constructed of concrete or other materials and free from groundwater leakage.

106.15(5) Bedrooms.

a. Each child in care shall have a solidly constructed bed.

b. Sheets, pillowcases, and blankets shall be provided for each child and shall be kept clean and in good repair.

c. Each child in care shall have storage space for private use.

d. No child over the age of five years shall occupy a bedroom with a member of the opposite sex.

106.15(6) Heating, ventilation, and air conditioning (HVAC).

a. The heating unit shall be located and operated to maintain the temperature in the living quarters at a minimum of 65 degrees Fahrenheit and a maximum of 80 degrees Fahrenheit. Variances may be made in case of health problems. Temperature is measured at 24 inches above the floor in the middle of the room.

b. All space heaters and water heaters involving the combustion of fuel, such as gas, oil or similar fuel, shall be vented to the outside. Space heaters are only allowed in common areas.

c. All gas and oil lines for heating systems, water heaters, and stoves/ovens shall meet existing building and health code requirements.

d. The HVAC system shall be checked yearly by a qualified HVAC professional and maintained in a safe working condition at all times.

441—106.16(237C) Sanitation, water, and waste disposal. In the case of a conflict between rules and standards adopted pursuant to this chapter and local rules and standards, the more stringent requirement applies.

106.16(1) *Bathroom facilities.*

a. Bathrooms shall have an adequate supply of hot and cold running water.

b. Each bathroom shall be properly equipped with toilet tissue and hand-washing supplies.

c. Toilets and baths or showers shall provide for individual privacy.

d. There shall be a shower or tub for each ten children.

e. Tubs and showers shall have slip-proof surfaces.

f. At least one toilet and one lavatory shall be provided for each six children.

g. Toilet facilities shall be provided with natural or artificial ventilation capable of removing odors and moisture.

h. Toilet facilities adjacent to a food preparation area shall be separated completely by an enclosed solid wall.

i. All toilet facilities shall be kept clean.

j. When more than one toilet is used in one bathroom, partitions providing privacy shall be used.

k. All bathroom facilities shall be maintained in good operating condition.

106.16(2) *Food preparation and storage.*

a. Cracked dishes and utensils cannot be used in the preparation, serving, or storage of food.

b. Storage areas for perishable foods shall be kept at 45 degrees Fahrenheit or below.

c. Storage areas for frozen foods shall be kept at 0 degrees Fahrenheit or below.

d. Food that is to be served hot shall be maintained at 140 degrees Fahrenheit or above.

e. Food that is to be served cold shall be maintained at 45 degrees Fahrenheit or below.

f. The kitchen and food storage areas shall be kept clean and neat. Foods cannot be stored on the floor.

g. The floor and walls shall be of smooth construction and in good repair.

106.16(3) *Personnel handling food.* Personnel who handle food shall:

a. Be free of infection.

b. Be clean and neatly groomed.

c. Wear clean clothes.

d. Not use tobacco in any form while preparing or serving food.

106.16(4) *Dishwashing facilities.*

a. Manual dishwashing will be allowed in facilities that normally serve 15 or fewer people at one meal.

b. Commercial dishwashers shall be used in facilities serving more than 15 people at one meal and shall meet the following criteria:

(1) When chemicals are added for sanitation purposes, they shall be automatically dispensed.

(2) Machines using hot water for sanitizing must maintain wash water at a temperature of at least 150 degrees Fahrenheit and rinse water at a temperature of at least 180 degrees Fahrenheit or a single temperature machine at 165 degrees Fahrenheit for both wash and rinse.

(3) All machines shall be thoroughly cleaned and sanitized at least once each day or more often if necessary to maintain satisfactory operating condition.

c. Soiled and clean dish table areas shall be of adequate size to accommodate the dishes for one meal.

d. All handheld food preparation and serving equipment shall be cleaned and sanitized following each meal. Dispensers, urns, and similar equipment shall be cleaned and sanitized daily.

106.16(5) *Foods not prepared at site of serving.*

a. The place where food is prepared for off-site serving shall conform to all requirements for on-site food preparation.

b. Food shall be transported in covered containers or completely wrapped or packaged so as to be protected from contamination.

c. During transportation, and until served, hot foods shall be maintained at 140 degrees Fahrenheit or above and cold food shall be maintained at 45 degrees Fahrenheit or below.

106.16(6) *Milk supply.* Milk shall be pasteurized Grade A.

106.16(7) *Public water supply.* The water supply is approved when the water is obtained from a public water supply system, as regulated by the department of natural resources.

106.16(8) *Private water supplies.* Any facility that serves at least 25 people for at least 60 days during the year and is supplied by its own well meets the definition of a public water supply and must be regulated by the department of natural resources.

a. Each privately operated water supply shall be maintained and operated in a manner that ensures safe drinking water. Each water supply used as part of a facility shall be annually inspected and evaluated for deficiencies that may allow contaminants access to the well interior. Items such as open

or loose well caps, missing or defective well vents, poor drainage around the wells, and the nearby storage of potential contaminants shall be evaluated. All deficiencies shall be corrected within 30 days of discovery by a well contractor certified by the state.

b. As part of the inspection and evaluation, water samples shall be collected and submitted by the local health sanitarian or a well contractor certified by the state to the state hygienic laboratory or other laboratory certified for drinking water analysis by the department of natural resources. The minimum yearly water analysis shall include coliform bacteria and nitrate (NO3-) content. Total arsenic testing shall be performed once every three years. The water shall be deemed safe when there are no detectible coliform bacteria, when nitrate levels are less than 10 mg/L as nitrogen, and when total arsenic levels are 10 µg/L or less. A copy of the laboratory analysis report shall be provided to the department within 72 hours of receipt by the water supply.

c. When the water supply obtains water from more than one well, each well connected to the water distribution system shall meet all of the requirements of these rules.

d. When no apparent deficiencies exist with the well or its operations and the water supply is proven safe by meeting the minimum sampling and analysis requirements, water safety requirements have been met. Wells with deficiencies that result in unsafe water analysis require corrective actions through the use of a well contractor certified by the state.

e. When the water supply is proven unsafe by sampling and analysis, the facility shall immediately provide a known source of safe drinking water for all water users and hang notification at each point of water use disclosing the water is not safe to consume. In addition, the facility shall provide a written statement to the department disclosing the unsafe result and detail a plan on how the water supply deficiencies will be corrected and the supply brought back into a safe and maintained condition. The statement shall be submitted to the department within ten days of the laboratory notice. All corrective work shall be performed and the water supply sampled and analyzed again within 45 days from any water test analysis report that indicates the water supply is unsafe for drinking water uses.

f. Water obtained from another source through hauling and storage must meet the requirements of the department of natural resources.

106.16(9) *Heating or storage of hot water.* Each tank used for the heating or storage of hot water shall be provided with a pressure and temperature relief valve.

106.16(10) *Sewage treatment.*

a. A children's residential facility shall be connected to a public sewer system where available.

b. Private sewage disposal systems shall be designed, constructed, and maintained so that no unsanitary or nuisance conditions exist, such as surface discharge of raw or partially treated sewage or failure of the sewer lines to convey sewage properly.

106.16(11) *Garbage storage and disposal.*

a. A sufficient number of garbage and rubbish containers shall be provided to properly store all material between collections.

b. Containers shall be insect-proof, rodent-proof, and leakproof and shall be maintained in a sanitary condition.

441—106.17(237C) Staffing.

106.17(1) Children's residential facility staff shall be 21 years of age or older with appropriate training and experience related to job duties.

106.17(2) A children's residential facility shall have written policies and procedures regarding staff supervision, development, training requirements, and orientation to children's residential facility policies and practices.

106.17(3) A children's residential facility shall provide a sufficient number of staff to ensure proper supervision and child safety at all times and at all activities conducted by a children's residential facility off its premises.

441—106.18(237C) Reports and inspections.

106.18(1) The department may require submission of reports by a certificate of approval holder and will cause at least one annual unannounced inspection of a children's residential facility to assess compliance with applicable requirements and standards.

106.18(2) The inspections shall be conducted by the department of inspections, appeals, and licensing in addition to initial, renewal, and other inspections that result from complaints or self-reported incidents.

106.18(3) The department of inspections, appeals, and licensing and the department may examine records of a children's residential facility and may inquire into matters concerning the children's residential facility and its employees, volunteers, and subcontractors relating to requirements and standards for children's residential facilities under this chapter.

441—106.19(232) Mandatory reporting of child abuse.

106.19(1) *Mandatory reporters.* Any employee, operator, owner, or other person who performs duties for a children's residential facility shall make a report, in accordance with Iowa Code section 232.69, whenever that person reasonably believes a child for whom the person is providing care has suffered abuse.

106.19(2) *Required training.* Staff shall receive training relating to the identification and reporting of child abuse as required by Iowa Code section 232.69.

106.19(3) *Training documentation.* The certified children's residential facility shall develop and maintain a written record for each employee, operator, owner, or other person who performs duties for the children's residential facility in order to document the content and amount of training.

These rules are intended to implement Iowa Code section 232.69 and chapter 237C.

ARC 0717D

HUMAN SERVICES DEPARTMENT[441]

Notice of Intended Action

Proposing rulemaking related to licensing and regulation of child-placing agencies and providing an opportunity for public comment

The Department of Health and Human Services hereby proposes to rescind Chapter 108, "Licensing and Regulation of Child-Placing Agencies," Iowa Administrative Code, and to adopt a new Chapter 108 with the same title.

Legal Authority for Rulemaking

This rulemaking is proposed under the authority provided in Iowa Code section 238.16.

State or Federal Law Implemented

This rulemaking implements, in whole or in part, Iowa Code chapter 238.

Purpose and Summary

This proposed chapter establishes licensing procedures for all child-placing agencies authorized by Iowa Code chapter 238. Included in this proposed chapter are rules relating to the licensing process, administration and organization, foster care services, adoption services, and supervised apartment living services. As part of the Red Tape Review process laid out by Executive Order 10, restrictive terms were removed, duplicative information was streamlined, and language was changed to be in line with modern procedures and practices.

Regulatory Analysis

A Regulatory Analysis for this rulemaking was published in the Iowa Administrative Bulletin on September 30, 2026. A public hearing was held on the following date(s):

- October 20, 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 December 1, 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

Public hearings at which persons may present their views orally or in writing will be held as follows:

December 1, 2026 10 to 10:30 a.m.	Microsoft Teams Meeting ID: 225 217 179 078 528 Passcode: Rw3KT9yE
December 1, 2026 2 to 2:30 p.m.	Microsoft Teams Meeting ID: 263 899 623 991 883 Passcode: qy9g7WW7

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 441—Chapter 108 and adopt the following **new** chapter in lieu thereof:

CHAPTER 108
LICENSING AND REGULATION OF CHILD-PLACING AGENCIES

441—108.1(238) Definitions.

"Administrator" means the person who is designated to have day-to-day responsibility for the administration of a child-placing agency and who ensures that the mission of the agency and laws relating to the welfare and protection of children are carried out.

"Adoption work experience" means supervised employment in adoption services, which includes direct provision of adoption services, development of adoption policies, provision of 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.

"Adoptive applicant" means the person who has requested approval for placement of a child for adoption from a licensed child-placing agency.

"Adoptive family" means an approved person or persons who have a child placed in their home for the purpose of adoption and who are being supervised by the agency or who have a child in their home who has been legally adopted and is entitled to the same benefits as a child born to the parents.

"Approved living arrangement" means that the living situation shall be located so as to provide reasonably convenient access to schools, places of employment, or services required by the youth; comply with applicable state and local zoning, fire, and sanitary regulations; and be reasonably priced so as to fit within the youth's budget.

"Caseworker" means the person who works directly with children, their families, and other relevant individuals and who has primary responsibility for the development, implementation, and review of the agency's service plans for the child and parents; or who completes foster care or adoptive family home studies or supervises foster family or adoptive placements; or who supervises children placed in approved supervised apartment living arrangements.

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

"Child-placing agency" or *"agency"* means an agency organized within the state of Iowa for the purpose of receiving minor children for placement, supervision, or both in private family homes for foster care; for adoption; or for the placement, supervision, or both of children who are 16 years of age and older living in approved supervised apartment living placements.

"Parent" means custodial and noncustodial parent.

"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.

"Sibling" means two or more persons having at least one common parent.

"Supervised apartment living placement" means the placement of a child who is at least 16 years of age in an approved living arrangement that provides an environment in which the child can experience living in the community with minimum supervision.

"Volunteer" means any nonpaid person who donates time to an agency, either in working with an individual or groups of clients. A volunteer may also be a student intern.

441—108.2(238) Licensing procedure.

108.2(1) *Right to apply.* Any person or agency has the right to apply for a child-placing license. When applying for a child-placing license, the applicant shall indicate the services for which licensure is being requested.

108.2(2) *Application.* An agency or person applying for a license shall complete the application form provided by the department. The application shall be completed and signed by the administrator or the administrator's designee and submitted to the department.

a. The applicant shall report withdrawal of an application to the department within 30 days of the withdrawal decision.

b. Each application will be evaluated by the department to ensure that all requirements are met.

c. The applicant shall provide requested reports and information relevant to the licensing determination to the department.

108.2(3) *Applications for renewal.* Applications for renewal shall be made to the department at least 30 but no more than 90 days before expiration of the license.

108.2(4) *Notification.* Agencies will be notified of approval or denial within 90 days of application or reapplication.

108.2(5) *Certificate of license.* The department will issue or renew a license every three years, without cost, to any child-placing agency that meets the minimum requirements applicable to child-placing agencies as defined by Iowa Code chapter 238 and this chapter. The license shall be posted in a conspicuous place on the licensed premises.

108.2(6) *Provisional license.* A provisional license may be issued to an agency that does not meet all licensing requirements when the failure to meet all licensing requirements does not pose a danger to the health, safety, or well-being of the children being served. It is issued until the agency meets all requirements, up to a maximum time period of one year. A provisional license is issued when the applicant has signed a written statement that includes the following:

a. The deficiencies necessitating the provisional license, including the specific requirements that are not met.

b. A plan for correcting the deficiencies.

c. The date by which the requirements will be met.

108.2(7) *Suspension of a license.* The suspension of a child-placing license prohibits the agency from engaging in any child-placing activities during the period of the suspension. The department will suspend a license when the agency's failure to meet the requirements poses a danger to the health, safety, or well-being of the children being served. The suspension of a license will not extend beyond 12 months, and the existence of the condition requiring suspension shall be corrected within a year and documented in the agency's record. The agency shall submit a written statement for approval by the department. The statement shall include the following:

a. The deficiencies necessitating the suspended license, including the specific requirements that are not met.

b. A plan for correcting the deficiencies.

c. The date by which the requirements will be met.

108.2(8) *Completed corrective action.* When the corrective action plan is completed on or before the date specified on the provisional license or notice of suspension, a full license will be issued for the remainder of the licensing period.

108.2(9) *Denial or revocation of a license.* The department will deny an application or reapplication for a license or revoke a license when the applicant fails to meet the licensing requirements or when any of the following conditions exist:

a. The agency is operating without due regard to the health, safety, and well-being of the children being served.

b. A provisional license is not approved.

c. The recipient of a provisional license fails to complete the corrective action plan within the time allowed.

d. An agency with a suspended license fails to complete the corrective action plan on time and a provisional license is not appropriate.

e. The agency misuses public funds.

f. The agency refuses to cooperate with child protective assessments involving children placed by the agency.

g. The agency continuously and significantly violates licensing requirements.

108.2(10) *Notice.* The department will issue a notice of denial, revocation, or suspension in writing to the agency.

108.2(11) *Right to appeal.* Any agency that disagrees with the department's licensing decision may appeal to the department in accordance with 441—Chapter 2506. The appeal shall be filed on or before the thirtieth day following the date of notice of the licensing decision.

441—108.3(238) Administration and organization.

108.3(1) *Statement of purpose.* The agency shall have a written statement of its child-placing philosophy, purpose, and program. The statement shall contain a description of services and methods for service delivery and a description of the persons for whom the services will be provided. The statement shall be available to the public.

108.3(2) *Governing board.* The agency shall have a governing board that, together with the executive, shall be responsible for making policy and for financing and general management of the agency. The governing board may be either the board of directors or the owners of the agency. If the governing board is a board of directors, the following rules apply:

a. The agency shall provide for continuity of board membership.

b. The board shall meet regularly for the purpose of ensuring the proper operation of the agency and fulfilling its responsibilities.

c. The minutes of each meeting of the board shall be kept and made a part of the permanent record of the agency.

108.3(3) *Annual report.* A child-placing agency shall require the administrator to submit a written annual report of the agency's activities. The report shall include fiscal and statistical sections indicating receipts and disbursements, number of clients served, and programs. The annual report shall be available to the department.

108.3(4) *Table of organization.* A table of organization, including the identification of lines of responsibility and authority for policy making and service to clients, shall be available to agency staff and to the department.

108.3(5) *Finances.* The licensee shall:

a. Annually develop and implement a plan of financing that is necessary for the operation of the agency in carrying out its programs, ensuring proper care for children, and meeting requirements for licensing.

b. Annually provide either an audit or a detailed financial statement prepared by an independent fiscal agency that provides a review of receipts and disbursements and a statement of fund balances.

c. Retain fiscal records for five years.

108.3(6) *Employment of administrator.* The agency shall employ a qualified administrator and shall delegate to the administrator the responsibility for the administration of the agency. The administrator shall ensure that the mission of the agency and laws relating to the welfare and protection of children are carried out.

108.3(7) *Office space, equipment and supplies.* The agency shall provide and maintain sufficient office space, equipment, and supplies to ensure delivery of services.

441—108.4(238) Staff qualifications.

108.4(1) *Qualifications for all staff.* A child-placing agency employee or volunteer shall have the experience and education to perform the duties assigned. The agency shall not employ any person or give any person direct volunteer responsibility for a child or access to a child when the child is alone if that person has been convicted of a crime involving the mistreatment or exploitation of a child or dependent adult. The agency shall not employ any person or give any person direct volunteer responsibility for a child or access to a child when the child is alone if that person has a record of a criminal conviction or founded child or dependent adult abuse report unless the department has evaluated the crime or abuse and determined that the crime or abuse does not merit prohibition of volunteering or employment. If the child-placing agency is out of state, the agency shall complete that state's child or dependent adult abuse record check and a criminal record check.

a. If a record of criminal conviction or founded child or dependent adult abuse exists, the person shall be offered the opportunity to complete a Record Check Evaluation form for evaluation by the department pursuant to 441—Chapter 119.

b. In its evaluation, the department will consider:

(1) The nature and seriousness of the crime or founded abuse in relation to the employment or volunteer position sought;

(2) The time elapsed since the commission of the crime or founded abuse;

(3) The circumstances under which the crime or founded abuse was committed;

(4) The degree of rehabilitation;

(5) The likelihood that the person will commit the crime or founded abuse again; and

(6) The number of crimes or founded abuses committed by the person involved.

c. The agency shall maintain the following information with respect to each staff person:

(1) Documentation that a criminal record check with the Iowa division of criminal investigation has been completed on the staff person prior to the staff person's providing any care or service directly or indirectly to children under the care of the agency. A copy of the department's evaluation of the criminal record check shall be kept in the staff record.

(2) A written, signed and dated statement furnished by the staff person that discloses any founded reports of child or dependent adult abuse on the person that may exist prior to the staff person's providing any care or services to or on behalf of the facility.

(3) Documentation that a child or dependent adult abuse record check of the staff person has been completed with the Iowa central abuse registry for any founded reports of child or dependent adult abuse prior to the staff person's providing any care or services directly or indirectly to children under the care of the agency. A copy of the department's evaluation of this child or dependent adult abuse record check shall be kept in the staff record.

108.4(2) *Contracted employees.* A child-placing agency that contracts for services shall ensure that contracted employees meet the same qualifications, training, and evaluation requirements as those of workers in employed positions. A child-placing agency is responsible for the services provided by contracted providers as well as volunteers and agency employees.

108.4(3) *Qualifications of administrator.* An agency administrator shall possess one of the following:

a. A master's degree in social work, sociology, psychology, guidance and counseling, a related area of human services, education, business administration, or public administration and two years of experience in a public or private social services agency.

b. A bachelor's degree in social work, sociology, psychology, guidance and counseling, a related area of human services, education, business administration, or public administration and four years of experience in a public or private social services agency.

108.4(4) *Caseworker qualifications.* Therapy and counseling services, psychosocial evaluation and assessment and care plan development shall be provided by staff who meet one of the following minimum education and experience criteria:

a. Graduation from an accredited four-year college or university and the equivalent of three years of full-time experience in social work or experience in the delivery of human services in a public or private agency.

b. Graduation from an accredited four-year college, institute or university with a bachelor's degree in social work from a program accredited by the council on social work education.

c. Graduation from an accredited four-year college or university with a bachelor's degree in a human service field related to social work, psychology, or a related behavioral science or in education and the equivalent of one year of full-time experience in social work or experience in the delivery of human services in a public or private agency.

d. Graduation from an accredited four-year college or university with a master's degree in social work or related human service field.

e. Any equivalent combination of graduate education in the social or behavioral sciences from an accredited four-year college or university and qualifying experience up to a maximum of 30 semester hours for one year of the required experience.

108.4(5) *Person filling more than one position.* A person functioning in more than one position in the agency specified by these rules shall meet the requirements for each of the positions the person fills.

441—108.5(238) Staffing requirements.

108.5(1) *Number of staff.* The agency shall employ a sufficient number of qualified staff to perform duties as required by licensing rules for those programs operated by the agency. This shall include the following:

a. Administration of services offered by the agency.

b. Selection and appointment of qualified staff.

c. Provision for staff training.

108.5(2) *Staffing caseload.* The agency shall develop a written policy regarding a staffing ratio based on the workload necessary to provide services in accordance with the agency's program statements. The staffing ratio shall take into consideration all of the following:

a. Qualifications of the caseworkers.

b. Types of children served and their special needs.

c. Types and intensity of services to be provided.

d. Distances involved in provision of services.

e. Other functions or responsibilities of the caseworkers.

441—108.6(238) Personnel administration.

108.6(1) *Personnel policies.* An agency shall develop personnel policies in writing that identify responsibilities of the organization and staff. The policies shall specify hours of work, grievance procedures, sick leave, vacation, and all other benefits. A copy of the policies shall be made available to the employee at time of hire.

108.6(2) *Job description and evaluation.* There shall be a written job description for each employee, volunteer, and contracted position identifying duties, qualifications, education, training requirements, and lines of authority. A copy shall be made available to the employees, volunteers, and contracted workers. There shall be a written evaluation of an employee's or contracted worker's performance within six months of being hired or contracted, and annually thereafter.

108.6(3) *Staff training.*

a. An agency shall provide orientation training on the agency's purpose, policies and procedures within one month of hire and 24 hours of training in the first year of employment for all employed and contracted casework staff. The 24 hours of training shall include, at a minimum, training on:

(1) Family foster care services,

(2) Adoption services,

(3) Supervised apartment living services, or

(4) Children and families' mental health topics; and

(5) Two hours of training related to the identification and reporting of child abuse for all employed or contracted casework staff in accordance with Iowa Code section 232.69.

b. An agency shall provide 12 hours of training per year after the first year of employment for all employed or contracted casework staff. The 12 hours of training shall include training on:

(1) Family foster care services,

(2) Adoption services,

(3) Supervised apartment living services, or

(4) Children and families' mental health topics; and

(5) Child abuse training every three years in accordance with Iowa Code section 232.69.

c. Approved training formats that shall qualify as training are:

(1) In-service trainings, seminars, conferences, workshops, and institutes,

(2) Visiting other facilities, and

(3) Meeting with consultants.

d. The training provided shall be documented. The documentation shall include the training topic, format, date and number of hours.

108.6(4) *Volunteers.* An agency that utilizes volunteer or student intern staff to work directly with a particular child or group of children shall have a written plan for using these volunteers. This plan shall be given to all volunteer staff and shall indicate that all volunteers are:

a. To be supervised directly by a paid staff member.

b. To be trained and oriented in the philosophy of the agency, the needs of the clients being served, and the methods of meeting these needs.

c. To be subject to the character and reference disclosure and checks required of employed and contracted applicants and employees.

d. To be subject to the same confidentiality rules as paid or contracted staff.

e. To assist and supplement paid staff only, and not replace them.

108.6(5) *Personnel records.* A confidential personnel record shall be maintained for each employee, contracted agent, and volunteer. The record shall contain all of the following information:

a. Name and address.

b. Record of training sessions attended, including dates and content of training.

c. Record of criminal convictions and the department's evaluation of same.

d. Record of founded child or dependent adult abuse reports and the department's evaluation of those reports.

441—108.7(238) Foster care services.

108.7(1) *Program statement.* An agency authorized to place children in foster care shall have a current written program statement. This statement shall be made available to all agency foster parents, foster children, their parents, referring agencies, and all persons making formal inquiry regarding foster care. The program statement shall include all of the following:

a. Types of foster care provided.

b. Types of children accepted for foster care.

c. Types of services provided to the children, their families, and their foster families.

d. Fees and application costs, if any.

108.7(2) *Agency's authorization to place.* The agency shall obtain a signed placement agreement from the child's custodial parent or legal custodian within 48 hours of placement.

108.7(3) *Preplacement documentation.* Except for emergency placements, a child shall be placed in the agency's foster care program only after the agency determines that its foster care program is an appropriate resource.

108.7(4) *Placement of siblings.* Preference shall be given to placing children from the same family together. If this is not in the best interest of the child, the reasons shall be documented in the child's record.

108.7(5) *Consideration of racial and cultural identity.* Race, color, or national origin may not be routinely considered in placement selections. Placement decisions shall be made consistent with the best interests and special needs of the child.

108.7(6) *Placement preparation.* An agency shall document the preparation for each child placed in foster care. Preparation shall be appropriate to the child's age, individual needs, the circumstances requiring placement, and the special problems presented. Preparation activities shall, when possible, include:

a. Face-to-face visits.

b. A description provided to the child of the foster family.

c. A description of the child's strengths and needs and safety-related information provided to the foster family. 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.

d. Any other activities deemed significant.

108.7(7) *Initial placement outline.* If a placement outline is not in the child's case permanency plan, a brief outline documenting all of the following shall be entered in the child's case record within five working days after placement:

a. Name, birthdate, sex, race, and other significant identifying information.

b. Date of placement.

c. Name and address of parents or legal guardians.

d. Names and whereabouts of siblings.

e. Religious preference.

f. Immediate and significant health needs including the child's physical and emotional state at the time of placement.

g. The circumstances leading to the need for foster care.

h. Known previous out-of-home placements.

i. The immediate needs of the child and parents and services to be provided to meet these needs.

j. The name, address, and telephone number of the referring agent or worker.

108.7(8) *Education.* Within ten school days of placement, provisions shall be made by the agency for enrollment of each child of school age into a school program.

108.7(9) *Clothing.* An agency shall make provisions for adequate and individualized clothing for each child admitted into foster care.

108.7(10) *Monthly visit.* Each child in care shall be personally visited by the assigned caseworker at least once a month.

108.7(11) *Parent and child contact.* Provisions for contact between parents and children shall be made except where the parental rights have been terminated or where the court has determined that visits or contact are detrimental to the child.

a. If the mother is breastfeeding the child:

(1) An assessment shall be made whether continuation of breastfeeding is in the best interest of the child; and

(2) A plan shall be developed to support the mother's breastfeeding efforts, if appropriate.

b. The parents and child shall be informed of the contact plan in a manner consistent with their capacity to understand.

108.7(12) *Health and dental program.* An agency shall provide for a complete health and dental program for each child. An agency shall have a written procedure for handling medical emergencies on a 24-hour basis. A copy of the procedure shall be given to each foster home.

a. The agency shall obtain written authorization from the parent or legal guardian to provide medical, psychiatric, dental, anesthesia, immunization, substance abuse evaluation, and emergency surgical treatment. Only the parent or legal guardian shall consent to nonemergency surgery, unless ordered by court. If the child's parent prohibits medical examination, immunization, or treatment based on religious grounds, the agency shall obtain a signed statement from the parent that specifies the prohibitions. In potentially life-threatening situations, the agency shall refer the child's care to appropriate medical and legal authorities.

b. A child shall have a physical examination at least annually. This shall be performed by a licensed physician, physician associate or licensed nurse practitioner.

c. A child shall have current immunizations as required by the department. If documentation of prior immunization is unavailable, immunizations shall begin within 30 days of placement, unless contraindicated and unless a statement from a physician to that effect is included in the child's medical record. A statement from physician, referring agency, parent, or guardian indicating immunizations are current is sufficient documentation of immunizations.

d. An agency shall provide for dental examinations and treatment, including the initial referral at 12 months of age, the next at 24 months of age, then every 6 months.

e. A health record shall be maintained for each child and shall include all of the following:

(1) Authorization for medical care.

(2) A medical history and copies of required physical examinations.

(3) A record of medical and dental care, treatment and prescribed medication, immunizations, accidents requiring medical treatment, and hospitalizations. At the time of discharge from agency foster care, a summary of this record shall be provided to the legal custodian. Information about drug evaluation or treatment, sexually transmitted infection tests, HIV tests, and pregnancy tests shall be excluded.

108.7(13) *Service plan development and review.* The provider shall develop and revise service plans for each child in placement. An initial service plan shall be developed within 30 calendar days of placement in foster care. The provider shall identify qualified persons to monitor the services identified in the service plan to ensure that the plan continues to be necessary and appropriate and addresses the permanency goal. Service plans shall be developed and reviewed as follows:

a. The service plan shall be developed and revised in collaboration with the referral worker, child, family, and the foster parents unless the service plan contains documentation for the treatment rationale for the lack of involvement of one of these parties. The provider shall document the dates and content of the collaboration on the initial and revised service plans. The provider shall provide a copy of the initial and revised service plans to the child's parent and the referring agency, unless otherwise ordered by the court. The initial and revised service plan shall identify the following:

(1) Strengths and needs of the child and parents.

(2) Goals, which are statements of outcomes to be achieved in meeting the needs of the child including the child's permanency needs.

(3) Objectives, which are specific, measurable and time-limited statements of indicators, levels of competence, or accomplishments that are necessary for progress toward each goal.

(4) Specific treatment service activities to be provided to achieve the objectives.

(5) Designation of the persons responsible for providing the services.

(6) Date of initiation and service plan development.

(7) Anticipated duration of services.

b. All service plans shall be reviewed 90 calendar days from the initiation of services and every 90 calendar days thereafter for the duration of the services or when the needs of the child or the services necessary for the parents to meet the needs of the child have changed and these changes significantly affect goals, objectives and service activities. The review shall determine whether the services continue to be necessary, appropriate and consistent with the child's permanency goal. The reviewer shall revise the service plan to reflect the services that are necessary, appropriate, and consistent with the child's permanency goal.

108.7(14) *Information for foster parents.* At the time of placement, an agency shall provide foster parents with all of the following if known:

a. Name of the child, agency caseworker, and referring agency.

b. Information about the child's known behavioral characteristics, including safety-related information, needs, and plans for the child and family. 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.

c. Written consent to obtain routine, nonsurgical medical care and to authorize emergency medical and surgical treatment, anesthesia, and immunizations for each child placed in the foster home.

d. A copy of the child's current physical examination and medical history when completed. As this information becomes available to the agency, foster parents shall be informed immediately.

108.7(15) *Religious policy.* The agency shall have a written policy on religious participation and training for foster children. The agency shall provide the policy to parents and foster parents and shall ensure that the policy is adhered to in each foster home.

108.7(16) *Mail.* There shall be a written policy that ensures that foster children are permitted to send and receive mail.

108.7(17) *Allowance policy.* An agency shall have a written policy addressing payment of and accounting for personal allowances for foster children.

108.7(18) *Reporting hospitalization or death of child.* Any serious injury or illness requiring hospitalization of a child in care shall be reported to the parent and to the responsible agency as soon as possible. Efforts to notify parents and responsible agency staff shall be documented in the child's record. The death of a child shall be reported immediately to the parent or next of kin and to the referring agency.

108.7(19) *Foster care records.* The agency shall maintain confidential individual records for each child placed in a foster home. The record shall include:

a. The initial placement outline as set forth in subrule 108.7(7).

b. All legal documents pertaining to the child.

c. The child's health record, including psychological and psychiatric reports.

d. The summary narrative that reflects the dates and content of the caseworker's contact regarding the child.

e. Educational records and reports.

f. All service plans developed by the agency.

g. Case permanency plans developed by the referring agency.

h. A record of foster placements made by the agency including foster parents' names and addresses and dates of placements.

108.7(20) *Termination of foster care.* When a foster care placement is terminated, all of the following information shall be documented in the child's record within 30 days:

a. Reason for termination.

b. Current location of the child, unless the child was placed for adoption. In that case the record shall state only that the child was placed for adoption and shall not disclose the identity of the adoptive family unless the adoptive family agrees to disclosure of identity prior to finalizing of adoption.

c. Steps remaining to achieve permanency plan goal.

d. Provisions for follow-up, if any.

e. For unplanned terminations, a summary explaining the circumstances.

441—108.8(238) Foster home studies. The agency shall provide information to prospective foster parents about foster care, agency policies, licensing requirements for foster care, the children needing foster care, the licensing process and the reimbursement rates.

108.8(1) *Licensing procedures.*

a. Availability of applications. The agency may provide an application form to anyone requesting to be licensed.

b. Licensing study. The agency may complete a licensing study of the family if warranted.

c. New applications. If the child-placing agency decides to complete the initial licensing study, the agency shall submit to the department all documents and information required pertaining to the licensing and regulation of foster family homes. This shall include a narrative evaluation of the foster family home that reflects a thorough study of each foster family. The narrative shall document at least two face-to-face interviews with the prospective foster family and at least one face-to-face interview with each member of the household before the placement of a child. At least one interview shall take place in the applicant's home. The narrative summary of the family study shall assess all of the following:

(1) Motivation for foster care.

(2) Family's and extended family's attitude toward accepting foster children.

(3) Family's attitude toward foster children's parents.

(4) Emotional stability, physical health, and compatibility of foster parents, and ways they cope with change and stress.

(5) Adjustment of own children, if any.

(6) Assessment of the child-caring skills, including disciplinary techniques used.

(7) Strengths and weaknesses of each member of the household.

(8) Types of children desired.

(9) Type of children, if any, for whom placement with the family would be appropriate.

(10) Recommendation as to the number, age, sex, characteristics, and special needs of children best served by this family.

(11) Assessment of the need for training and a plan for providing the needed training.

(12) Any other pertinent information that might assist the agency in making the licensing recommendation.

(13) Record checks. The licensed child-placing agency shall submit record checks for each applicant and for anyone who is 14 years of age or older living in the home to determine whether they have any founded child or dependent adult abuse reports or criminal convictions or have been placed on the sex offender registry. The licensed child-placing agency shall use forms provided by the department for this purpose. The department's contractor for the recruitment and retention of resource families shall assist applicants in completing required record checks, including fingerprinting. Any criminal or abuse records discovered shall be evaluated according to the procedures in rule 441—113.13(237).

(14) Health of foster parents and impact of medical conditions on their ability to foster a child.

(15) Income information.

(16) Documentation that at least three references have been received and the responses reviewed.

108.8(2) *Licensing decision.* The department will make the licensing decision and notify the applicant and the child-placing agency within 30 days of the licensing decision. In no case will a child be placed in a foster home before licensing approval.

a. A full license will be issued to foster families meeting all necessary criteria for a full licensure.

b. A provisional license may be issued for up to one year if the foster family fails to meet all requirements for licensure. When an agency recommends, because of rule violation, that a foster home receive a provisional license at the time the license is issued or renewed, the agency shall document the violation in the foster home file, and shall send the following to the department:

(1) A copy of the assessment of the rule violation and recommendation.

(2) A copy of the foster home's plan to achieve rule compliance within stipulated time frames.

c. When an agency recommends that a foster home license be denied or revoked, the agency shall send the following documents to the department:

(1) A copy of the assessment of rule compliance and the foster family's reaction to the assessment.

(2) The agency's recommendation and supporting rationale.

(3) Other appropriate documents supporting the findings.

108.8(3) *Reapplications.* At least 30 days before the expiration of the license, the agency shall submit all documents and information pertaining to the licensing and regulation of foster family homes. This shall include an update of the narrative noting any changes that may have occurred in the foster family's living arrangement or life style and any other pertinent information that might assist in making the licensing decision, including an assessment of the foster family's ability to provide foster care.

108.8(4) *Unannounced visits.* The agency shall conduct at least one annual unannounced visit to each licensed foster family home the agency inspects to meet the requirements of Iowa Code section 237.7.

108.8(5) *Complaints.* When an agency receives a complaint that may indicate possible violation of the foster care licensing rules, the agency shall, within five working days of receiving the complaint, either conduct an investigation to assess compliance with applicable rules or refer the complaint to the department for assessment. If the agency conducts the investigation, the agency shall submit a written report of the investigation to the department within ten working days of receiving the complaint with a statement of rule violation and a recommendation regarding the license of the foster family home. The written report shall be filed in the foster parents' file.

108.8(6) *Foster family training.* The agency shall ensure that each foster home recommended for foster family license has complied with the training requirements set forth by the department. Prior to licensure and every three years thereafter, each foster parent shall obtain mandatory reporter training relating to identification and reporting of child abuse.

108.8(7) *Placement agreement.* When a child is placed with a foster family, the agency shall have a signed agreement with each foster family home including the expectations and responsibilities of both

the agency and the foster family, the services to be provided, and the financial arrangements for children placed in the home.

108.8(8) *Foster family home records.* The agency shall keep separate records for each foster family home. The agency shall begin the record at the time of application. Foster family home records shall contain:

a. The application.

b. Family assessment.

c. Most recent medical reports on foster family members.

d. Summary of dates and content of worker's contacts relating to licensing or relicensing.

e. Reference letters.

f. Annual assessment of strengths and weaknesses of the foster family relative to the care of individual children placed with them.

441—108.9(238) Adoption services.

108.9(1) *Program statement.*

a. An agency licensed to place children for adoption shall have a current written program statement that shall include all of the following:

(1) Characteristics of children to be placed.

(2) Eligibility requirements for adoptive families.

(3) Services provided during the adoption process.

(4) Services to the birth parents upon relinquishment.

(5) Postadoption services to adoptive families, if offered.

(6) Explanation of all fees and any other costs for which the adoptive family is responsible for payment.

(7) A statement that payment of fees does not ensure adoption approval.

b. The program statement shall be made available to referring agencies and to all persons making formal inquiry regarding adoption.

108.9(2) *Services to birth families.* An agency that offers services to birth parents who are considering relinquishing a child for adoption shall provide the following:

a. Intake process. When an agency agrees to provide services to the birth parents, intake interviews shall be conducted, including provision of information to the birth parents regarding the adoption process and their rights and role.

(1) When an agency completes a background information investigation report on the child to be adopted, a personal interview with each parent of the child must be completed unless a parent's identity or whereabouts is unknown.

(2) 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.

b. Background information on birth parents. The agency shall obtain as much information as possible about birth parents that includes but is not limited to:

(1) Birth parents' strengths and needs.

(2) Birth parents' physical descriptions.

(3) Birth parents' and extended family members' medical and mental health histories.

(4) Parents' criminal histories.

(5) Birth parents' educational levels.

(6) An affidavit signed by the birth parents instructing the court to reveal, or not reveal, their names to the child pursuant to Iowa Code chapter 600.

(7) Any additional information the birth parents wish to include in the child's adoption record.

c. Background information for an infant adoption. Information shall be obtained that includes but is not limited to the following:

(1) The child's due date.

(2) Prenatal care received by the mother during pregnancy.

(3) Risk factors that may affect the child's health after birth.

(4) Birth records following the child's birth, if available.

d. Background information on an older child. Information shall be obtained that includes but is not limited to the following:

(1) The child's legal status.

(2) The child's physical description, medical and mental health history, developmental information, and other pertinent information necessary for a child study.

(3) Identification of any specific and unique needs of the child and the type of family to be considered for adoptive placement.

(4) The involvement of the birth parents and significant others in the child's care.

e. A copy of the background information of the child and birth parents shall be provided to the prospective family before placement of the child.

f. Birth parent counseling. If accepted by the birth parents, the counseling shall be provided after the birth of the child and prior to the signing of a release of custody that meets the requirements of Iowa Code chapter 600A or prior to the filing of a petition for termination of parental rights.

(1) The purpose of the counseling is to:

1. Provide information about options to assist birth parents in making an informed decision regarding release of custody.

2. Assist birth parents in resolving emotional issues related to separation and loss.

(2) Counseling shall be provided to birth parents only by the following persons:

1. Certified adoption investigators.

2. Mental health professionals who have the equivalent of two years of adoption work experience in the direct provision of adoption services.

3. Private agency staff with two years of adoption work experience in the direct provision of adoption services.

4. Department staff with two years of adoption work experience in the direct provision of adoption services.

(3) Forms. All forms used to execute a release of custody shall comply with the requirements of Iowa Code chapters 600 and 600A.

(4) Affidavit and documentation. The person providing the counseling shall complete the Counseling Affidavit to certify that the counselor has provided the birth parent with the requested counseling or that the birth parent has refused counseling. The Counseling Affidavit and documentation that the person providing the counseling is qualified to provide the requested counseling shall be attached to the release of custody. Documentation shall include one of the following:

1. A copy of a professional license, when applicable.

2. A record of all adoption work experience, including dates and location. In addition, the person providing counseling shall provide the names of the counselor's employers and supervisors to enable the court to verify the counselor's adoption work experience.

108.9(3) *Preparation of child for adoptive placement.* Preparing a child, especially an older child, includes activities designed to enable a child to make a transition to an adoptive placement. The activities shall include but are not limited to:

a. Counseling regarding issues of separation, loss, grief, guilt, anger and adjustment to an adoptive family.

b. Provision of age-appropriate information regarding community resources available, such as children's support group to assist the child in the transition and integration into the adoptive family.

108.9(4) *Services to adoptive applicants.*

a. Application process. Before proceeding with an adoptive home study, the agency shall have received an application for adoption from the person or persons wishing to adopt a child. The application form shall include information about the applicant's intent to become an adoptive parent and the basic data about the applicant's family, home, financial status, health, and references.

b. Explanation of the adoption process. The agency shall provide the applicant an explanation of the entire adoption process, including the legal procedures, the agency policies and procedures regarding placement of children, and the children available for adoption.

c. Adoptive home study. The home study consists of a family assessment that shall include at least two face-to-face interviews with the applicant and at least one face-to-face interview with each member of the household. At least one interview shall take place in the applicant's home. The assessment shall include but need not be limited to 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 may 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 and previously adopted children, if any, including their attitudes toward adoption, relationship 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 agency may wish to contact.

(11) Attitudes of the adoptive applicants toward the birth parents and the reasons 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 parented by this family.

(18) The family's ability to anticipate and understand the unique needs of an adopted child as the child gets older and how the family will manage those needs.

d. Record checks. The licensed child-placing agency 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. Using the Request for Child and Dependent Adult Abuse Information form;

2. Using the Iowa division of criminal investigation's Criminal History Record Check Request form;

3. On the Iowa sex offender registry;

4. On the child or 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;

2. By the Iowa division of criminal investigation; and

3. On the Iowa sex offender registry.

(3) Out-of-state child and 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 believes it is warranted.

(4) The agency shall not approve a prospective applicant and the department will not perform an evaluation if the applicant or anyone 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 agency shall not approve a prospective applicant and shall not perform an evaluation if the applicant or anyone 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."*

e. Evaluation of record. If the applicant or anyone living in the home has a record of founded child or dependent adult abuse, a criminal conviction, or placement on the sex offender registry, 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 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 criminal conviction or founded child or dependent adult abuse 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 anyone 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 the department. The department will notify the applicant of the results of the evaluation.

(4) If the applicant, or any 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, the licensed child-placing agency shall initially conduct the evaluation.

1. If the licensed child-placing agency determines that the abuse or crime does warrant prohibition of approval, the licensed child-placing agency shall notify the applicant of the results of the evaluation in writing. The notice shall contain information on appeal rights.

2. If the child-placing agency determines that the applicant should be approved despite the abuse or criminal conviction, the agency shall provide copies of the Record Check Evaluation form and the written notice to the applicant to the department. Within 30 days, the department will determine whether the abuse or crime merits prohibition of approval and will notify the child-placing agency in writing of that decision.

f. Agency decision. The licensed child-placing agency shall notify the applicant in writing no later than 30 days after completion of the home study of the agency's decision regarding approval for placement of a child.

(1) If the applicant is denied approval, the agency shall state the reasons for denial in the written decision.

(2) The agency worker and supervisor shall date and sign the adoptive home study.

(3) The agency shall provide a copy of the home study to the family at the time the written notice is sent.

(4) An agency shall not place a child in an adoptive home before the family is approved or before a placement agreement is signed by the family and the agency.

(5) A home study shall be valid for up to two years from the date signed by the agency worker and supervisor.

g. Denial. The licensed child-placing agency 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 minimum 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.

(4) The applicant or any person residing in the home has a record of founded child or dependent adult abuse, unless an evaluation of the founded child or dependent adult abuse has been made by the department that concluded that the founded child or dependent adult abuse does not merit prohibition of approval.

(5) The application is fraudulent, which means the applicant has knowingly made false statements or has knowingly concealed information that is material to the investigation.

h. Updates. To remain valid, an update to the home study shall be completed no later than 24 months from the previous home study or previous home study update. The update shall be conducted by completion of the following:

(1) The child and dependent adult abuse and criminal history record checks, except for the national criminal history check, shall be repeated. Any abuses or convictions of crimes since the last record check shall be evaluated using the same process.

(2) A minimum of one home visit shall be conducted with the approved adoptive family.

(3) The information in the approved adoptive home study shall be reassessed.

(4) A written report of the assessment and updated adoptive home study shall be completed, dated, signed by the agency worker and the agency supervisor, and provided to the adoptive family.

i. Annual visits to the adoptive home. The agency shall complete a minimum of one visit each year in the homes of families approved to adopt by the agency.

(1) The visit shall include, at a minimum, 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 agency shall perform checks on the Iowa central 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 or founded child or 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.

108.9(5) *Services to adoptive families.*

a. Preparation of the family includes activities designed to prepare the adoptive family for the placement of a particular child. These activities shall assist the adoptive family in expanding its knowledge and understanding of the child and enhance the family's readiness to accept the child into the family and encourage the family's commitment. The activities shall include, at a minimum:

(1) Providing background information on the child and the birth family, including a child study.

(2) Providing information regarding the unique needs and characteristics of the child.

(3) Providing information regarding an older child's anticipated behavior.

(4) Discussing the impact that adding a new member to their family may have on all current family members.

(5) Discussing the issues of separation, loss, grief, anger, and guilt that adoptive children experience at various developmental stages.

(6) Providing the family with community resources that are available, such as support groups.

b. Preplacement services include the preplacement visits of the child and approved family and any activities necessary to plan, conduct, and assess these transitional visits before the placement of the child in the adoptive family's home for the purpose of adoption.

c. Postplacement services include postplacement supervision, support, crisis intervention, and required reports to the court. The postplacement services are provided from the time the child is placed with an approved adoptive family until finalization of the adoption occurs.

(1) A minimum of three face-to-face postplacement visits in the family's home are required.

(2) At a minimum, the first visit shall be completed within 30 days after placement, the second visit within 90 days after placement, and the final visit before granting consent to adopt no later than 180 days after placement.

(3) Postplacement visits shall be completed as often as necessary if the adoptive family is experiencing problems, and may extend to finalization or beyond 180 days if additional time is needed as determined by the family, agency, or department.

d. Postplacement supervision. The agency shall provide postplacement supervision to assess 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.

e. Postadoption services. The agency shall provide postadoption services to adoptive parents and adoptees, or shall refer adoptive parents and adoptees to other community resources for the services.

f. Postplacement reports. The agency worker 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 agency in making a written recommendation to the court regarding finalization of the adoption.

108.9(6) *International adoptions.*

a. International adoptions preplacement investigation. Preplacement investigations for the purpose of international adoptions shall meet the requirements of the United States Citizenship and Immigration Services.

b. International adoptions postplacement report.

(1) For an adoption based on a decree issued by a jurisdiction outside of Iowa but within the United States, the agency shall conduct a postplacement investigation and issue a postplacement report as required in subrule 108.9(5).

(2) For an adoption based on a decree issued by a jurisdiction outside the United States, an 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.

(3) The postplacement investigation and report under this subrule shall include documentation that any unique needs of the minor person are being met appropriately through the placement.

108.9(7) *Religious policy.* There shall be a written policy on religious participation for prospective placing parents, adoptive parents, and adoptees. The policy shall be made available to referral sources as well.

108.9(8) *Adoption records.* The agency shall keep separate records for each prospective, approved, or active adoptive family. Contents of these records shall be as follows:

a. The application.

b. The adoptive home study.

c. Current medical records.

d. All references.

e. All legal documents pertaining to the adoption.

f. Birth family information and background report, including physical descriptions, medical and mental health history, educational level, developmental history, and problem areas such as substance or alcohol abuse.

g. Summary narrative on the placement decision and the preplacement and postplacement contacts with the adoptive family and child.

h. Information pertaining to the child including but not limited to physical, medical, and mental health; problem areas, including verification of the child's special needs; and whether or not a referral was made to the department for adoption subsidy.

i. In the event a family is not approved for placement of a child, the narrative shall clearly indicate the reason.

j. In the event a family is approved, but no child is placed with them, the narrative shall clearly indicate the reason.

108.9(9) *Right to appeal.* An adoptive applicant or an adoptive family may appeal an adverse decision made by a licensed agency pursuant to 441—Chapter 2506. The appeal shall be filed with the department within 30 days of the notice of decision to the applicant or family by the licensed agency.

108.9(10) *Disposition of records.* When an adoption has occurred, the agency must maintain all records regarding the child, the birth family, and the adoptive family or families in perpetuity. Any subsequent information received following the adoption finalization shall be placed in the adoption record. If the agency closes, all adoption records shall be forwarded to the department.

441—108.10(238) Supervised apartment living placement services. An agency seeking to obtain a child-placing license that authorizes the agency to place or supervise children in supervised apartment living placements shall meet the standards set forth in rules 441—108.2(238) through 441—108.6(238).

108.10(1) *Program statement.* An agency authorized to place or supervise children in supervised apartment living placements shall have a current written program statement that shall be provided to all children placed in supervised apartment living. The statement shall include all of the following:

a. A description of the types of living arrangements approved by the agency.

b. The eligibility requirements for the children who may be placed in a supervised apartment living placement.

c. The means of financial support for the children.

d. The expectations the agency has for children while placed in a supervised apartment living placement.

e. Services provided to the children.

f. Provisions for emergency medical care.

g. A description of the education and community activity options that are available.

108.10(2) *Basis for placement.* Before placing a child in supervised apartment living, an agency shall document all of the following:

a. The child is at least 16 years of age.

b. An initial assessment has been made that identifies the child's strengths and needs as these pertain to the child's ability to live independently.

c. The child has the capacity to function outside the structure of a foster family or group care setting.

d. The selection of a supervised apartment living placement is the most appropriate placement for the child.

e. The child will be involved in school or an educational or vocational program, work, or a combination thereof, as indicated in the child's individual service plan.

f. The child has entered into a mutually agreed-upon written contract with the agency that specifies the responsibilities of the agency and the child. This contract shall be reviewed with the child quarterly.

g. The agency has determined, through a visit to the living arrangement, that the following minimum standards for approval have been met:

(1) The living arrangement provides reasonably convenient access to schools, places of employment, and services required by the child.

(2) The living arrangement is in compliance with the applicable state and local zoning, fire, sanitary, and safety regulations.

(3) The living arrangement is reasonably priced to fit within the child's budget.

h. The agency has determined, based on the criteria in this subrule, that the agency's program can meet the needs of the child.

108.10(3) *Services provided.* The following services are required:

a. Ongoing assessment that identifies the child's strengths and needs as these pertain to the child's ability to live independently.

b. Development of an individual service plan by the agency worker within 30 days of the child's placement. The service plan shall be developed in consultation with the child, the child's family (unless a reason for noninvolvement is documented in the case record), and referring worker and shall be signed by all involved. The individual service plan shall be reviewed and updated quarterly or more often as necessary and shall be signed by all involved. The plan shall document the following:

(1) The goals that are intended to meet the specific needs of the child and the projected dates of accomplishment.

(2) The objectives (action steps) to be taken by the child and the agency and the projected dates of accomplishment to meet the child's goals.

(3) The services and activities necessary to achieve the child's goals and facilitate objectives (action steps), the frequency of services or activities, and the persons responsible.

(4) A budget, developed with the child, based upon the child's monthly maintenance payment, any start-up allowance, and any earned or unearned income or assistance. The agency worker shall work with the child to ensure that needed items are purchased and that bills are paid.

(5) In the quarterly update, the child's progress toward the goals and objectives and the child's compliance with the service plan.

c. Supervision to assist the child in developing the needed structure to live in this setting and in locating and using other needed services. Supervision shall include guidance, oversight, and behavior monitoring.

(1) If the child is under age 18, supervision shall include a minimum of weekly face-to-face contacts.

(2) For individuals aged 18 or older, supervision shall include face-to-face contact at least every other week.

(3) Agency staff shall be present on site in a cluster setting at any time when more than one child is present in the living arrangement and shall be available to the children 24 hours a day, seven days a week.

(4) The agency shall provide personal care items for youth, and these items shall reflect the individual needs of the youth living in the agency's program.

(5) The agency shall provide a means for children in a scattered site setting to contact agency personnel 24 hours per day, seven days per week.

(6) The agency shall ensure that each child has access to and is receiving necessary medical care.

d. Documented observation by the agency worker that:

(1) The living situation is an environment that allows for the child's social and emotional needs to be met;

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

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

(4) There is no reasonable cause for believing that the child's mode of living presents any unacceptable risks to the child's health or safety.

108.10(4) *Record.* In addition to any other documentation requirements, an agency shall maintain a record for each child in a supervised apartment living placement. The record shall contain all of the following:

a. The name, date of birth, sex, and address of the child and information on how the child can be contacted.

b. Documentation of financial support sufficient to meet the child's housing, clothing, food, and miscellaneous expenses.

c. Name, address, and telephone number of guardian, if applicable, and referring worker.

d. Medical records.

e. Educational and employment records.

f. All of the individual service plans and updated reviews.

g. Documentation of visits.

108.10(5) *Staffing requirements.* Each child in a supervised apartment living placement shall receive an agreed-upon number of hours of casework services per month. This shall be recorded in the child's individual service plan.

These rules are intended to implement Iowa Code chapter 238.

ARC 0703D

HUMAN SERVICES DEPARTMENT[441]

Notice of Intended Action

Proposing rulemaking related to licensing and regulation of child foster care facilities and providing an opportunity for public comment

The Department of Health and Human Services hereby proposes to rescind Chapter 112, "Licensing and Regulation of Child Foster Care Facilities," Iowa Administrative Code, and to adopt a new Chapter 112 with the same title.

Legal Authority for Rulemaking

This rulemaking is proposed under the authority provided in Iowa Code section 237.3.

State or Federal Law Implemented

This rulemaking implements, in whole or in part, Iowa Code chapter 237 and section 232.69.

Purpose and Summary

This chapter was reviewed as part of the Red Tape Review process laid out by Executive Order 10. Through the review, restrictive terms were removed, duplicative information was streamlined, and language was changed to be in line with modern procedures and practices. This proposed chapter relates to licensing procedures for all child foster care facilities authorized by Iowa Code chapter 237.

The reference to 441—subrule 117.1(3) in rule 441—112.10(237) is to that subrule as published in **RA 26-331**, IAB 10/14/26.

Regulatory Analysis

A Regulatory Analysis for this rulemaking was published in the Iowa Administrative Bulletin on September 16, 2026. A public hearing was held on the following date(s):

- October 6, 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 December 1, 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

Public hearings at which persons may present their views orally or in writing will be held as follows:

December 1, 2026 10 to 10:30 a.m.	Microsoft Teams Meeting ID: 225 217 179 078 528 Passcode: Rw3KT9yE
December 1, 2026 2 to 2:30 p.m.	Microsoft Teams Meeting ID: 263 899 623 991 883 Passcode: qy9g7WW7

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 441—Chapter 112 and adopt the following **new** chapter in lieu thereof:

CHAPTER 112
LICENSING AND REGULATION OF CHILD FOSTER CARE FACILITIES

441—112.1(237) Definitions.

"Applicant" means any one of the following:

1. For a foster family home license, the applicant is the person or persons applying.
2. For a proprietary facility, the applicant is the owner or designee of the facility.
3. For facilities having a board of directors, the applicant may be the president of the board or the board's designee.

"Foster family home" means a home in which an individual person or persons or a married couple who wishes to provide or is providing, for a period exceeding 24 consecutive hours, board, room, and care for a child in a single-family living unit.

"Group facility" means any of the following types of facilities:

1. "Community residential facility" means a facility that provides care for children who are considered unable to live in a family situation due to social, emotional or physical disabilities but are capable of interacting in a community environment with a minimum amount of supervision. The facility provides 24-hour care, including board and room. Community resources are used for education, recreation, medical, social and rehabilitation services. The facility is responsible for planning the daily activities of the children, discipline, guidance, peer relationships, and recreational programs.

2. "Comprehensive residential facility" means a facility that provides care and treatment for children who are unable to live in a family situation due to social, emotional, or physical disabilities and who require varying degrees of supervision as indicated in the individual service plan. Care includes room and board. Services include the internal capacity for individual, family, and group treatment. These services and others provided to the child shall be under the administrative control of the facility. Community resources may be used for medical, recreational, and educational needs.

3. "Residential facility for children with an intellectual disability or brain injury" means any residential facility that serves children with an intellectual disability as defined in Iowa Code section 222.2(5).

441—112.2(237) Application for license.

112.2(1) *Right to apply.* Any adult individual or agency has the right to apply for a license.

a. Foster family care. A person wishing to apply to be a foster parent shall contact the department's recruitment and retention contractor to request an application packet. This procedure also applies to:

(1) Persons wishing to care for children placed through any public or private agency.

(2) A relative who is caring for a child directly placed by the child's parents, guardians, or another relative and who wishes to be licensed as a foster parent.

b. Group care. A person wishing to apply for a group care license may contact the department for an application or access an application through the department's website.

112.2(2) *Decision to operate a facility.*

a. When an applicant has reached a decision to operate a foster family home, the applicant shall complete the Foster Family Home License Application form.

b. When an applicant has reached a decision to operate a group facility, the applicant shall complete the Application for License or Certificate of Approval form.

112.2(3) *Withdrawal of an application.* The applicant shall report the withdrawal of an application promptly to the department.

112.2(4) *Evaluation of the application.* Each application will be evaluated by the department to ensure that all standards are met.

a. Before it results in adverse action, a founded abuse report on a director, a sole proprietor involved in the facility's operation, or any facility staff or foster parent applicant will be evaluated by the department to determine if the abuse merits prohibition of employment or licensure.

b. The department will evaluate all founded child abuse on a case-by-case basis. Considerations will include but not be limited to:

(1) The facility's response (e.g., immediate termination of involved staff).

(2) Whether the abuse was an isolated incident or is symptomatic of a broader, systemic problem.

112.2(5) *Reports and information.* Requested reports and information relevant to the licensing determination shall be furnished to the department by the applicant.

112.2(6) *Applications for renewal.*

a. The department will send the licensee an application for renewal 90 days before the license expires. Applications for license renewal shall be made on the form prescribed by the department.

b. Applications for renewal shall be made at least 30 days but no more than 90 days before the license expires.

c. The department will approve or deny an application for license renewal through the same process as that used for the original application.

112.2(7) *Notification.*

a. Foster family homes.

(1) The department will notify an applicant of the approval or denial of an initial license within 140 days of the date that the applicant begins the required preservice training. When preservice training is waived, the department will notify the applicant of approval or denial within 120 days of the date that the training waiver is granted.

(2) The department will notify a licensee of the approval or denial of license renewal within 90 days of reapplication.

b. Foster group facilities. The department will notify a foster group facility of approval or denial of a license within 90 days of application or reapplication.

441—112.3(237) License.

112.3(1) A new license shall be obtained each time the licensee moves or the facility is remodeled.

112.3(2) A new license shall be requested when the facility wishes to be licensed for a different number of children.

112.3(3) When corrective action is completed on or before the date specified on a provisional or renewal license, a full license will be issued for the remainder of the licensure term.

112.3(4) When the corrective action is not completed by the date specified on a provisional or renewal license, a full license will be denied.

112.3(5) The department will issue the Certificate of License form without cost to any foster family that meets the standards. The department will issue the Certificate of License form without cost to any group facility that meets the standards. The department may offer consultation to assist applicants in meeting the standards.

112.3(6) A foster family home license will be approved for a term of one year for the first and second years of licensure. Thereafter, the license will be approved for a term of two years unless it is determined by the department that a one-year license will be issued.

112.3(7) A group facility license will be approved for a term of one to three years according to the following criteria:

a. A one-year license may be approved for all new facilities that meet licensure standards.

b. A one- to two-year license may be approved when it is determined:

(1) Some health or safety concerns have been identified; or

(2) Some complaints against a facility have been substantiated; or

(3) Deficiencies have been identified.

c. A three-year license may be approved when:

(1) No health or safety deficiencies have been identified;

(2) There have either been no substantiated complaints against the facility or, if substantiated, complaints have been determined not to be serious or severe; and

(3) A facility has no founded incidents of child abuse by facility staff.

441—112.4(237) Denial.

112.4(1) The department will deny the license application:

a. When the minimum standards are not met and a provisional license is inappropriate or disapproved by the department.

b. For just cause.

c. When the applicant, as a sole proprietor or a foster family home parent; any person residing in the foster family home other than a foster child; or any facility staff 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 employment or licensure.

d. When the applicant, as a sole proprietor or foster family home parent; any person residing in the foster family home other than a foster child; or any facility staff has a record of founded child abuse unless an evaluation of the founded abuse has been made by the department that concludes that the abuse does not merit prohibition of employment or licensure.

e. When the application is fraudulent, which means that the applicant has knowingly made fraudulent statements or has knowingly concealed information.

112.4(2) Reapplications shall be denied:

a. For the same reasons as original applications.

b. For the same reasons as listed in the grounds for revocation.

c. When the foster family applicant's license has been denied or revoked within the 12 months before the date of reapplication. Denial for this reason does not require a licensing study.

d. If the foster family refuses to engage as a resource to a foster child's birth parents when engagement can be done in a way that does not put the foster family or the foster child at risk of harm.

441—112.5(237) Revocation.

112.5(1) *Mandatory.* The department will revoke the license for the following reasons unless an exception as set forth in subrule 112.5(3) applies:

a. When the facility is misusing funds furnished by the department.

b. When the facility is operating without due regard to the health, sanitation, hygiene, comfort, or well-being of the children in the facility.

c. When the director or sole proprietor involved in the operation of the facility, or foster parent, any person residing in the foster home other than a foster child, or any facility staff 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 employment or licensure.

d. When there is a founded abuse report on a foster family home parent, any person residing in a foster family home other than a foster child, a director or sole proprietor who is involved in the facility's operation, or any facility staff unless an evaluation of the founded abuse has been made by the department that concludes that the abuse does not merit prohibition of employment or licensure.

112.5(2) *Optional.* Licenses may be revoked for any of the following reasons unless an exception as set forth in subrule 112.5(3) applies:

a. When moving to a new home, the foster family fails to notify the department and the recruitment and retention contractor within seven working days of the move to a new home.

b. The foster family or facility fails to meet any or all requirements of the placement agreement.

c. The child foster care facility fails to continue to comply with all of the licensing requirements in both law and regulation.

d. The foster family or the staff of a licensed group facility refuses to cooperate with an unannounced visit.

112.5(3) *Exceptions.* The license for a foster family home will not be revoked when there are 30 or fewer days until the date the license expires.

a. The foster family home will be advised in writing that a reapplication may be denied and the reasons for the possible denial.

b. The foster family home license may be suspended immediately at the discretion of the department.

441—112.6(237) Provisional license.

112.6(1) *Time frame for provisional licenses.* The department may issue a provisional license for not more than one year when a licensee's facility does not meet the requirements of this chapter.

112.6(2) *Written report.* The department will provide a report identifying the reasons for the provisional license and the standards that have not been met.

112.6(3) *Corrective action plan.* The facility shall furnish the licensing agency with a plan of action to correct deficiencies listed that resulted in the provisional license. The plan shall give specific dates upon which the corrective action will be completed.

441—112.7(237) Adverse actions. Notice of adverse actions shall be given pursuant to 441—Chapter 16 and the right to appeal the licensing decision shall be given to applicants and licensees in accordance with 441—Chapter 2506. Any issues of placement or payment are independent of the licensing decision and right of appeal.

441—112.8(237) Suspension.

112.8(1) *Types of suspension.* There are two types of suspension of a license.

a. Emergency suspensions are to prevent persons from providing foster care by suspending their license until it is revoked or denied.

b. Time-limited suspensions are to prevent persons from providing foster care by suspending their license until a deficiency in the home or facility is corrected.

112.8(2) *Requirements for emergency suspension.* The emergency suspension of a license by the department will occur only when all of the following conditions exist:

a. The licensee fails to meet licensing requirements.

b. There are sufficient grounds for revocation or denial of the license.

c. The health, safety, and welfare of any child placed in the home or facility requires immediate action.

d. The existence of the condition requiring suspension is documented in the licensee's record.

112.8(3) *Requirements for time-limited suspensions.* The time-limited suspension of a license by the department will occur only when all of the following conditions exist:

a. The licensee fails to meet licensing requirements.

b. The health, safety, and welfare of any child placed in the home or facility requires immediate action.

c. The existence of the condition requiring suspension is documented in the licensee's record.

d. The condition requiring the suspension can be corrected by the licensee to meet licensing requirements.

e. If the conditions were corrected, a full license would be issued.

f. The licensee signs a written statement acknowledging the existence of the condition, citing the law or rule violated, and making a commitment to correct the condition within a specific time period, not to exceed the period of the license.

112.8(4) *Effective period of suspensions.* A suspension will be effective on the date the notice is received by the licensee and will remain in effect until one of the following occurs:

a. The department withdraws the suspension due to a change in conditions in the home or facility.

b. The court orders the license reinstated.

c. The action is reversed by a final decision in accordance with 441—Chapter 2506.

d. For emergency suspensions, a revocation or denial becomes effective and the license is rescinded.

e. The licensing period expires.

f. For time-limited suspensions, the period of suspension ends.

112.8(5) *Method and content of notice.* The notice of suspension will be issued in writing and will include the following:

a. The condition requiring the suspension.

b. The specific law or rule violated.

c. The type of suspension.

d. For an emergency suspension, the adverse action being sought by the department.

e. For a time-limited suspension, the duration of the suspension.

112.8(6) *Right to appeal suspension.* The licensee has the right to appeal the suspension of the license, but initiation of an appeal does not alter the suspension.

441—112.9(232) Mandatory reporting of child abuse and training.

112.9(1) *Mandatory reporters.* All classes of persons described in Iowa Code section 232.69 who, in the scope of professional practice or in their employment responsibilities, examine, attend, counsel,

or treat a child and reasonably believe a child has suffered abuse shall make a report in accordance with Iowa Code sections 232.69 and 232.70 whenever the provider reasonably believes a child for whom the provider is providing foster care has suffered abuse.

112.9(2) *Required training.* Mandatory reporters shall receive training relating to the identification and reporting of child abuse as required by Iowa Code section 232.69.

112.9(3) *Training documentation.* Each licensee shall develop and maintain a written record for each mandatory reporter in order to document the content and amount of training.

441—112.10(237) Required training on the reasonable and prudent parent standard. Each group facility shall have an on-site official authorized to apply the reasonable and prudent parent standard. Within one year of being identified as an authorized on-site official, each authorized official shall complete the same department-approved training on the reasonable and prudent parent standard in the same manner as required for prospective foster parents and referenced in 441—subrule 117.1(3).

441—112.11(237) Record checks. Record checks are required for any entity being considered for licensure or employment by a licensee on a facility campus where children reside to determine whether an applicant has any founded child abuse reports or criminal convictions or has been placed on a sex offender registry.

These rules are intended to implement Iowa Code chapter 237 and section 232.69.

ARC 0704D

HUMAN SERVICES DEPARTMENT[441]

Notice of Intended Action

Proposing rulemaking related to licensing and regulation of foster family homes and providing an opportunity for public comment

The Department of Health and Human Services hereby proposes to rescind Chapter 113, "Licensing and Regulation of Foster Family Homes," Iowa Administrative Code, and to adopt a new Chapter 113 with the same title.

Legal Authority for Rulemaking

This rulemaking is proposed under the authority provided in Iowa Code section 237.3 and 2026 Iowa Acts, House File 2526.

State or Federal Law Implemented

This rulemaking implements, in whole or in part, Iowa Code chapter 237.

Purpose and Summary

This proposed chapter was reviewed as part of the Red Tape Review process laid out by Executive Order 10. Through the review, restrictive terms were removed, duplicative information was streamlined, and language was changed to be in line with modern procedures and practices. This proposed chapter specifically relates to the licensing and regulation of foster family homes. This rulemaking also implements 2026 Iowa Acts, House File 2526, which protects foster parent address confidentiality by prohibiting the disclosure of that information without the written consent of the foster parents.

In addition to the Red Tape Review, this proposed chapter was reviewed by the Department's Foster Care Redesign Team, which made the following recommendations:

- In paragraph 113.4(3)"d," change the maximum age for which video or surveillance cameras are allowed in the bedrooms of younger foster children from three years to five years. The team believes

this will assist foster parents in ensuring the safety of younger foster children, while still protecting the privacy of older foster children.

- Remove the annual testing requirement from subparagraph 113.5(3)"d"(2) for private water supplies when the family has made ongoing arrangements for the use of safe, potable water. Rural families with well water may not qualify to be licensed foster parents due to the currently high restrictions the rules have on well water. The team recommends eliminating these restrictions by allowing families to provide an alternative arrangement, typically bottled water instead of annual testing.
- Being mindful of the changes made in 2026 Iowa Acts, Senate File 2096, remove medication management and face-to-face CPR and first aid from the list of preservice trainings required in subrule 113.7(1). Foster parent applicants should be able to follow doctors' and pharmacists' directions for medication administration. While they will still be available if the Department determines it is necessary, CPR and first aid training have been removed from the proposed subrule.

Regulatory Analysis

A Regulatory Analysis for this rulemaking was published in the Iowa Administrative Bulletin on September 16, 2026. A public hearing was held on the following date(s):

- October 6, 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 December 1, 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

Public hearings at which persons may present their views orally or in writing will be held as follows:

December 1, 2026 10 to 10:30 a.m.	Microsoft Teams Meeting ID: 225 217 179 078 528 Passcode: Rw3KT9yE
December 1, 2026 2 to 2:30 p.m.	Microsoft Teams Meeting ID: 263 899 623 991 883 Passcode: qy9g7WW7

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 441—Chapter 113 and adopt the following **new** chapter in lieu thereof:

CHAPTER 113
LICENSING AND REGULATION OF FOSTER FAMILY HOMES

441—113.1(237) 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. In the case of a specific child, "age- or developmentally appropriate activities" means 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.

"Child," for the purposes of this chapter, means the child or children who are in foster care.

"Corporal punishment" means the intentional physical punishment of the child(ren).

"Foster family home" means an individual person or married couple who wishes to provide or is providing, for a period exceeding 24 consecutive hours, board, room, and care for a child in a single-family living unit.

"Kinship caregiver" means a relative or a fictive kin, as defined in rule 441—125.1(237), who is providing care for a child.

"Public water supply system" means a system for the provision to the public of water for human consumption through pipes or other constructed conveyances.

"Reasonable and prudent parent standard" means the standard characterized by careful and sensible parental decisions that maintain the health, safety, and best interests of a child and encourage the emotional and developmental growth of a child and that a caregiver shall use when determining whether to allow a child in foster care under the responsibility of the state to participate in extracurricular, enrichment, cultural, and social activities. For the purposes of this definition, "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 group homes, residential treatment, shelters, or other congregate care settings) in which a child in foster care has been placed.

"Recruitment and retention contractor" means the entity or any of its subcontractors that contracts with the department statewide to recruit foster and adoptive parents, complete home studies, and perform activities to support and encourage retention of foster and adoptive parents.

"Relative" means an individual related to the child within the fourth degree of consanguinity or affinity, by marriage, or through adoption. "Relative" can include the parent of a sibling of the child.

"Social work administrator" means the department employee responsible for supervising the social work staff within a department service area and for implementing service policies and procedures of the department.

"Variance" means meeting a licensing standard through alternative means.

"Waiver" means waiving the licensing standard entirely. A waiver may only be granted for non-safety licensing standards for a kinship caregiver.

441—113.2(237) Licensing procedure.

113.2(1) *Application.* Applications for an initial license to operate a foster family home shall be submitted to the department. In addition to the application form, the applicant shall submit the following during the licensing process:

a. A Non-Law Enforcement Record Check Request form for each person living in the home who is 14 years of age or older.

b. A health report for resource families, if requested.

c. A foster care private water supply survey, if applicable.

d. A drawing of the floor plan of the family's home. The drawing can be completed by the applicant or the recruitment and retention provider.

e. If licensed to drive, a copy of the applicant's driver's license.

113.2(2) *Orientation.* Applicants shall attend an orientation provided by the recruitment and retention contractor or approved agency.

113.2(3) *Record checks.* Local record checks shall be completed before a license is issued.

113.2(4) *Home study.* The worker for the recruitment and retention contractor shall complete a family home study.

a. Family home study process. Information for the home study is gathered primarily through the required preservice training curriculum. Tribal agencies may also be involved in conducting home studies for American Indian and Alaska Native children. A home study that is received from another state or an Indian tribe will be treated as meeting the requirements imposed by the department for the completion of a home study pursuant to the requirements of 42 U.S.C. Section 671(a)(26)(B) as amended to August 1, 2026.

(1) The worker shall hold at least three face-to-face interviews with the applicant, with one of the interviews taking place in the applicant's home.

(2) The worker shall hold at least one face-to-face interview with each member of the household in the applicant's home to observe family functioning and to assess the family's capacity to meet the needs of the child in foster care. The worker will determine whether to interview or just observe each household member based on the household member's age and development.

(3) A physical inspection of the home is required. The worker shall use a resource family survey report to complete the physical inspection of the home to verify compliance with the licensing and regulation standards in this chapter.

b. Family assessment topics. The assessment of the prospective foster family shall evaluate the family's ability to parent the special needs of the child. The assessment shall include the following:

(1) The applicant's motivation for foster care and whether the family has biological, adopted, or foster children.

(2) The attitude of the family and the extended family toward accepting the child.

(3) The applicant's ability to cope with problems, stress, frustrations, crisis, separation, and loss.

(4) Medical, mental, and emotional conditions that may affect the applicant's ability to parent the child. Applicants and all household members must disclose any past or current mental health or substance use issues or both, if requested. The department may require further documentation or evaluation or both to determine the suitability of the home.

(5) Any household members who are children must be up to date on immunizations jointly recommended by the American Academy of Pediatrics, the Advisory Committee on Immunization Practices of the Centers for Disease Control and Prevention, or the American Academy of Family Physicians unless the immunization is contrary to the children's health as documented by a licensed health care professional.

(6) An evaluation of the applicant's willingness to accept a child who has medical problems, such as a communicable disease; an intellectual disability; or emotional or behavioral problems. The applicant

shall complete a form prescribed by the department to indicate choices about caring for any child who has or is at risk for a communicable disease and other medical problems.

(7) The applicant's ability to provide for the child's physical, medical, and emotional needs; respect the child's ethnic and religious identity; and support the child's overall well-being.

(8) The safety of the child in relation to any animals that live on the applicant's property.

(9) The adjustment of any child in the home, including their attitudes toward foster care and adoption, relationships with others, and school performance.

(10) An assessment of the applicant's disciplinary techniques and practices.

(11) The applicant's financial information and ability to provide for the child.

(12) The applicant's attitude toward the birth parents and siblings of the child placed in foster care.

(13) The applicant's commitment to and capacity to maintain significant relationships of the child in foster care and work with the child's parents when the permanency goal is reunification.

(14) Any criminal convictions of family members or adults in the household and the evaluation of the criminal record.

c. Written report. The recruitment and retention contractor shall prepare a written report of the family assessment using a resource parent initial home study (home study). The home study shall include a recommendation for the number, age, sex, characteristics, and special needs of the child the family can best parent and any other pertinent information in making the licensing recommendation. The report shall not contain the applicant's address. The home study shall be maintained in the foster family record.

113.2(5) *Decision.* The department will use the home study to approve or deny a prospective family as an appropriate placement for the child. The department worker shall notify the family of the licensing decision in writing.

a. Upon approval, the department will issue the applicant a foster family home license. The license will indicate the licensed capacity for the number of children approved for placement in the foster family home.

b. If the department worker does not approve the home study, the notice will state the reasons for that decision. A license denial may be appealed as described in 441—subrule 112.8(6).

441—113.3(237) Provisions pertaining to the license. On a case-by-case basis, the department or area social work administrator may waive any non-safety licensing standard for a kinship caregiver or grant a variance for any standard for a non-kinship caregiver in this chapter unless:

1. The requirement is set in state or federal law; or

2. The waiver or variance could have a negative impact on the safety and well-being of the child placed in the foster family home.

113.3(1) *Number of children.* A foster family home may care for up to five children unless a variance is approved as described in this rule. The license capacity will be based on the number of the foster family's biological and adoptive children and any relative placements. The license will be issued for at least one child. Any child who has reached the age of 18 and remains eligible for foster family care will be included in the license capacity. Any variance to this rule must:

a. Be approved by the department.

b. Be documented in the licensing record with reasons given for granting the variance.

c. Meet one of the following criteria:

(1) The foster parents have three or more children in the home and have shown the ability to parent a large number of children. A licensing variance may be approved at initial or renewal licensure to allow the placement of up to three children as set forth in the chart below:

Number of Children in the Home (birth/ relative/adoptive placements)	Maximum License Capacity:	
	Without variance	With variance
0 children	5	Not applicable
1 child	4	Not applicable
2 children	3	Not applicable
3 children	2	3

Number of Children in the Home (birth/ relative/adoptive placements)	Maximum License Capacity:	
	Without variance	With variance
4 children	1	3
5 or more children	Not applicable	3

(2) A variance beyond the maximum capacity of the foster home license is needed for the placement of a specific child in foster family care. A child-specific variance will end when that child leaves the placement or any other change brings the family into licensed capacity. Unless a variance is needed for the placement of a sibling of the child already in the home, or to keep siblings together, the maximum number of children in the home shall not exceed eight. On a case-by-case basis, if it is determined the foster parents have shown the parenting skills and have the social support system to meet the children's needs for parenting more than eight children, the social work administrator shall approve the foster parents to parent more than eight children. A foster family may have both a licensing and a child-specific variance concurrently.

d. All other licensing requirements, including but not limited to parenting ability and available bedroom space must be met before a foster home can be approved for a variance.

113.3(2) *Employees of the department as foster parents.* Employees of the department may be licensed as foster family home parents unless they are engaged in the administration or provision of foster care services. Employees engaged in the administration or provision of foster care services include:

a. Social workers or youth service workers or the social workers' or youth service workers' supervisors involved in programs for children in state institutions.

b. Foster care service workers or foster care licensing staff or the foster care service workers' or foster care licensing staff's supervisors employed by the department.

c. Other staff engaged in foster care placements, such as child protective staff or adoption workers.

d. Department staff responsible for the development of policies and procedures relating to foster care licensing and placement.

113.3(3) *Limits on foster family home licensure.* A licensed foster family home shall not be permitted to be a licensed comprehensive residential facility, community residential facility, or licensed child care center.

441—113.4(237) Physical standards.

113.4(1) *General standards.* The foster home shall be safe, clean, well-ventilated, properly lighted, properly heated, and free from vermin and rodents to ensure the well-being of the child residing in the home.

113.4(2) *Grounds.* There shall be safe outdoor space provided according to the age and developmental needs of the child for active play. The area available shall be documented in the case record.

a. The child shall be adequately supervised and protected against any potential hazards, including nearby traffic, bodies of water, railroads, waste material, and contaminated water. The foster parent shall provide environmental protections, such as door alarms, baby monitors, fences, and foliage barriers as necessary to promote a safe environment.

b. The applicant's home must meet the following standards concerning swimming pools, hot tubs and spas:

(1) Swimming pools must have a barrier on all sides at least four feet high.

(2) An aboveground or in-ground swimming pool that is not fenced shall be covered whenever the pool is not in use. Swimming pools must have their methods of access through the barrier equipped with a safety device, such as a bolt lock.

(3) Swimming pools must be equipped with a lifesaving device, such as a ring buoy.

(4) If the swimming pool cannot be emptied after each use, the pool must have a working pump and filtering system.

(5) Hot tubs and spas must have safety covers that have reasonable barriers in place when not in use.

c. The foster parent or other adult shall provide reasonable supervision according to the age and swimming abilities of the child when the child is using the pool.

113.4(3) *Bedrooms for a child placed in the home.*

a. Bedrooms shall either have been constructed for the purpose of providing sleeping accommodation or remodeled for sleeping to provide proper heat and ventilation. Bedroom additions to a home shall meet building code requirements. All bedrooms used by the child shall have:

(1) Permanent walls;

(2) A door that closes;

(3) An unobstructed, operable window that opens from the inside that is large enough to allow for an unrestricted exit by the child;

(4) A closet, wardrobe, armoire, or dresser for the child's clothes; and

(5) A standard bed. For infants and toddlers who cannot safely use a standard bed, a crib or crib-like furniture that has a waterproof mattress covering and sufficient bedding to enable the child to rest comfortably and that meets the current standards or recommendations from the U.S. Consumer Product Safety Commission. The provider shall follow safe sleep practices as recommended by the American Academy of Pediatrics for infants under the age of one. Safe infant sleep practices shall conform to the following standards:

1. Infants shall always be placed on their backs for sleep.

2. Infants shall be placed on a firm mattress with a tight-fitting sheet that meets U.S. Consumer Product Safety Commission federal standards.

3. Infants shall not be allowed to sleep on a bed, sofa, air mattress or other soft surface. No child shall be allowed to sleep on any item not designed for sleeping. This is not referring to a child in a car seat in a car.

4. No toys, soft objects, stuffed animals, pillows, bumper pads, blankets, or loose bedding shall be allowed in the sleeping area with the infant.

5. No co-sleeping or sharing of a single bed shall be allowed.

6. If an alternate sleeping position is needed for an infant, a signed authorization with a statement of a medical reason is required and shall be submitted by a physician, advanced registered nurse practitioner, or physician associate.

b. The minimum bedroom area per child shall be 30 square feet. However, the department may approve a waiver of this non-safety licensing standard for kinship foster caregivers or a variance when approval is in the best interest of a specific child placed or to be placed in the home. Such approvals shall:

(1) Be in writing;

(2) Contain the name and birth date of the child for whom the approval is issued; and

(3) Be reviewed at each license renewal.

c. When bedrooms meet only minimum requirements, the home shall provide additional room in other parts of the home for study and play.

d. Except for baby video monitors for the child from birth to five years of age used in the child's bedroom, video or surveillance cameras are not allowed in the child's bedrooms or bathrooms.

e. Bedrooms belowground shall:

(1) Be free from excessive dampness, noxious gases, and objectionable odors;

(2) Have access to at least one direct exit to the outside from the level belowground and one inside stairway exit from the level belowground;

(3) Have an egress window with a clear opening area with an opening height and width that is accessible for an adult to enter or exit;

(4) Have provisions, such as a ladder or steps, to ensure that the child can safely reach the window;

(5) Have a finished ceiling such as drywall or a drop ceiling; and

(6) Have a covered floor.

113.4(4) *Physical care standards for a child.*

a. Grouping children in bedrooms shall take into consideration the age and sex of the child, including the individual child's need for privacy.

(1) Any child over five years of age shall not share a bedroom with a child of the opposite sex.

(2) The child shall not share a bed with any other child. The social work administrator may approve a waiver of this policy for kinship caregivers or a variance for non-kinship caregivers.

b. Any child two years of age or older shall be provided bedroom space other than in the foster parents' bedroom. Any child under the age of two may share a bedroom with the foster parent in an individual crib.

c. There shall be a plan for isolating a healthy child from a child who is ill or suspected of having a contagious disease.

d. The foster home shall provide food with good nutritional content and in sufficient quantity to meet the individual needs of the child.

e. Personal care items must be provided for youth, and these items must reflect the individual, cultural, racial, and ethnic needs of the youth living in the foster home.

f. Bedding shall be clean, odor-free, and free of urine and feces.

g. Foster parents shall follow universal precautions to reduce exposure to blood-borne pathogens and other infectious materials when providing care to any child placed in the foster parents' physical custody.

h. Smoking and vaping shall be prohibited in the foster home or any vehicle when the child is present.

113.4(5) *Artificial lighting.* Adequate artificial lighting fixtures shall be provided for study in areas where the child will be studying.

113.4(6) *Bathroom facilities.*

a. Bathroom facilities shall have at least one toilet, sink, and tub or shower in safe operating condition.

b. Bathroom facilities shall have natural or artificial ventilation.

113.4(7) *Heating system.*

a. The heating system shall have a capacity to maintain a minimum temperature of approximately 65 degrees Fahrenheit in the bedrooms with the door closed.

b. Fireplaces and water heaters shall be vented to the outside atmosphere. The temperature of any water heaters must be set in accordance with the manufacturer's recommendations. Kerosene heaters and gas-fired space heaters shall not be used to heat any space in the home.

113.4(8) *Ventilation.* Ventilation shall be provided in all rooms where the child eats, sleeps, and plays either by windows that can be opened or by mechanical venting systems. Windows and doors used for ventilation shall be screened.

113.4(9) *Phone.* A working phone or access to a working phone shall be provided within the living space.

441—113.5(237) Sanitation, water, and waste disposal.

113.5(1) *Food preparation and storage.* Food preparation areas shall be clean, and the home shall have kitchen facilities with a sink, refrigerator, stove, and oven in safe operating condition.

113.5(2) *Public water supply.* The water supply is approved when the water is obtained from a public water supply system.

113.5(3) *Private water supply.* Prior to initial licensure and prior to each license renewal, each privately operated water supply shall be tested and evaluated for obvious deficiencies.

a. As part of the evaluation, water samples must be collected and submitted by the licensing worker or health sanitarian to a certified hygienic laboratory and analyzed for coliform bacteria. In order for a foster family home to be licensed for the care of any children under two years of age, the nitrate (NO^3) content must be analyzed and be within an acceptable range for safe consumption.

b. When the water supply is obtained from more than one well, proof of the quality of the water from each well is required.

c. When the water sample result shows the water is potable, the license may be granted.

d. When the water sample is not approved, no foster family home license will be issued until the foster parents provide a written statement that the child will be provided potable water, including where the water will be obtained and how it will be transported and stored.

(1) The statement shall be provided to the department using a Provisions for Alternate Water Supply form.

(2) When the family has made ongoing alternative arrangements for the use of safe, potable water, annual testing of the water may be waived.

113.5(4) *Sewage treatment.* Foster homes, wherever possible, shall be connected to public sewer systems. Private sewage disposal systems shall be designed, constructed and maintained so that no unsanitary or nuisance conditions exist, such as surface discharge of raw or partially treated sewage or failure of the sewer lines to convey sewage properly.

113.5(5) *Garbage storage and disposal.* A sufficient number of covered garbage and rubbish containers shall be provided to properly store all material between collections. Containers shall be watertight, and rodent-proof and shall be maintained in a sanitary condition.

113.5(6) *Rodent and insect infestation.* The home shall prevent or eliminate rodent and insect infestation.

441—113.6(237) Safety.

113.6(1) *Fire protection for bedrooms.* Any floor of a house, including the basement, shall be equipped with the following:

a. At least one Underwriter's Laboratory (UL)-approved smoke detector. On floors that are used for sleeping, the smoke detector shall be in a location where sleeping areas can be alerted. For any deaf or hard-of-hearing child, the foster parent shall install a smoke detector in the child's bedroom that will use an alternative means of waking the child.

b. Hallways and stairways free of debris and clutter to allow unrestricted access to an exit.

c. A working carbon monoxide detector in all homes with:

(1) Gas appliances, furnaces, fireplaces, or other gas equipment; and

(2) Attached garages.

113.6(2) *Combustion hazards.* Combustible materials shall be kept away from heat sources, including stoves, electrical panels, space heaters, and hot water heaters.

a. Explosives and flammable substances, including matches and lighters, shall be stored securely and be inaccessible to the child.

b. The home shall have at least one operable 2A-10BC-rated or ABC-rated fire extinguisher.

113.6(3) *Safety plan.* The family shall have an emergency safety plan to be used for fire, tornado, blizzard, flood, other natural or manmade disasters, accidents, medical issues, and other life-threatening situations for the child in out-of-home placements. The safety plans shall state the action that the foster parents and the child are to take in each situation that may occur.

a. The safety plans for a fire and a tornado shall be reviewed with the child at the time of placement. Fire and tornado plans shall be practiced with the child within one week of placement and no less than annually thereafter.

b. In a disaster requiring evacuation of the foster home, the foster parents shall notify the department of the evacuation and the address and telephone number of the foster parents' temporary residence within 24 hours after evacuation.

c. The safety plans shall include a designated meeting place.

d. Applicants must maintain a comprehensive list of emergency telephone numbers.

113.6(4) *Medications, first aid and poisonous substances.* All prescription medication shall be administered as prescribed.

a. All over-the-counter medications shall be administered according to label directions or as directed by a physician.

b. Applicants must prevent the child's access to all medications, poisonous materials, cleaning supplies, other hazardous materials and alcoholic beverages as appropriate for the child's age and development.

c. Applicants must maintain first aid supplies.

113.6(5) *Weapons.* All weapons, firearms, and ammunition shall be inaccessible to a child of any age.

a. The following weapons must be stored in an inoperative condition and in a locked area inaccessible to the child:

(1) Firearms;

(2) Air guns;

(3) BB guns;

(4) Hunting slingshots; and

(5) Any other projectile weapons.

b. All ammunition, arrows or projectiles for such weapons shall be maintained in a locked place separate from the firearms.

c. The weapons, firearms, and ammunition storage units shall not share the same key or matching security code. If a key is used, the key shall be stored in a place inaccessible to the child.

d. Any motor vehicles used to transport the child shall not contain a loaded gun, and any ammunition in the vehicle shall be kept in a separate, locked container.

e. Foster parents who are also law enforcement officials and can document that their jurisdiction requires them to have ready and immediate access to their weapons may be exempt from these weapon requirements provided they adopt and follow a safety plan approved by the department.

113.6(6) *Transporting the child.* Foster parents will ensure that if a privately owned vehicle owned by the applicants, family, or friends is used to transport the child, it must be inspected (if applicable under state law), registered, and insured and meet all applicable state or tribal requirements to be an operable vehicle on the road.

a. The driver will have a valid Iowa driver's license.

b. Safety restraints will be used that are appropriate to the child's age, height, and weight.

c. Any motor vehicles used to transport the child shall be smoke-free when the child is being transported.

d. Foster parents will have access to reliable public transportation if they do not have access to a reliable, registered, and insured vehicle.

113.6(7) *Supervision.* The foster parents shall provide reasonable and prudent supervision of the child to ensure the child's safety.

a. Foster parents shall adequately supervise the child while the child is using any potentially hazardous or dangerous objects or equipment. In order for the child to participate in age- or developmentally appropriate activities, the foster parent would apply the reasonable and prudent parent standard.

b. Foster parents shall use reasonable and prudent supervision of the child when the child is using the internet or other social media.

113.6(8) *Household pets.* Pet vaccinations should follow state and county requirements.

a. At the time of the initial home study and any time thereafter, foster parents shall report an animal's history of aggression toward people and inform the department of the animal's aggression toward people within 24 hours of an occurrence.

b. Foster parents who have pets or animals with any history of aggression shall have a written plan that addresses strategies to reduce the risk of aggression by the foster parents' pets or animals with which the child will have contact.

c. Animal waste will be contained and disposed of on a routine basis.

113.6(9) *Liability.* Foster parents who apply the reasonable and prudent parent standard reasonably and in good faith in regard to the child placed in the foster parents' home shall have immunity from civil or criminal liability that might otherwise be incurred or imposed. This subrule does not remove or limit any existing liability protection afforded under any other law.

441—113.7(237) Foster parent training.

113.7(1) *Preservice training.* All foster parent applicants shall complete the following training before licensure and the placement of the child in the foster parent applicants' home:

a. Orientation pursuant to rule 441—117.2(237);

b. Preservice training pursuant to rule 441—117.1(237) that shall include:

(1) Mandatory reporter training on child abuse identification;

(2) The reasonable and prudent parent standard training;

(3) Lessons teaching foster parents how to support a child's overall well-being and emotional needs; and

c. Mandatory reporter training on child abuse identification and reporting before initial licensure and every three years thereafter as required.

113.7(2) *In-service training.* All licensed foster parents shall complete agency-approved in-service training annually.

441—113.8(237) Involvement of kin.

113.8(1) *Support by foster parents.* Foster parents shall support the involvement of biological or adoptive parents and other relatives of the child unless this involvement is evaluated and documented by the department to be detrimental to the child's well-being.

113.8(2) *Nature of involvement.* The extent and nature of the involvement of the biological or adoptive parents and other relatives shall be determined by the caseworker in consultation with the foster parents, biological or adoptive parents, and others involved with the child and family.

113.8(3) *Cultural connections.* Throughout the provision of care, the foster family shall actively ensure that the child stays connected to the child's kin, culture, and community as required in the child's case permanency plan.

441—113.9(237) Information on the child placed in the home.

113.9(1) *Information about the child.* Foster parents shall maintain a file of information on the child placed in the home. This file shall be provided to the department or the child's parent or guardian when the child leaves the placement. The file shall contain:

a. The names and addresses of all doctors, mental health professionals, and dentists who have treated the child; current medications prescribed, including over-the-counter medications; a medication log; the type of medical, dental, vision, and mental health treatments received; and hearing examinations received while the child is in the foster home.

b. School reports including report cards and pictures.

c. Date the child left the placement.

d. Name, address, and telephone number of the person to whom the child is discharged.

113.9(2) *Confidentiality.* Foster parents shall maintain confidentiality regarding the child in placement except as required to comply with rules on mandatory reporting of child abuse and with the child's case permanency plan. Foster parents shall not without parent or guardian and department consent post pictures or information concerning the child on any internet website or social media platform.

441—113.10(237) Health of foster family.

113.10(1) *Health report required.* The foster parents shall furnish the licensing agency with a health report on the family, if requested. The request may include information on any family members, including foster parents, any minor child who resides in the home, and adult household members. An updated report shall be provided upon request of the department licensing worker or the recruitment and retention contractor.

113.10(2) *Contents of report.* This report shall include a statement from an impartial health practitioner that there are no physical or mental health problems that would be a hazard to the child placed in the home and a statement that the foster parents' health would not prevent needed care from being provided to the child.

113.10(3) *Whooping cough vaccine.* All adult household members who are caregivers must have up-to-date whooping cough vaccines.

113.10(4) *Exemption from whooping cough vaccine.* Nothing in this rule shall be construed to require the whooping cough vaccine for adult household members who are a member of a church or religious belief that discourages or prohibits vaccinations. In such instance, a statement from the household member shall be incorporated into the health record.

113.10(5) *Capability for caring for the child.* If there is evidence that the foster parent is unable to provide necessary care for the child, the department licensing worker, the recruitment and retention contractor, or the physician may require additional medical and mental health reports, including a substance abuse evaluation.

441—113.11(237) Characteristics of foster parents.

113.11(1) *Age.* Foster parents shall be at least 18 years of age. The age of foster parents shall be considered as it affects the foster parents' ability to care for a specific child and function in a parental role.

113.11(2) *Income and resources.* The foster family shall have sufficient income and resources to provide adequately for the family's own needs.

113.11(3) *Religious considerations.* The foster parent shall respect the child's religious background, affiliation and religious or moral beliefs.

113.11(4) *Requirements of foster parents.* Foster parents shall be stable; responsible; physically able to care for the type of child placed; and mature individuals who are not unsuited by reason of substance abuse, lewd or lascivious behavior, or other conduct likely to be detrimental to the physical or mental health or moral development of the child. Foster parents shall exercise good judgment in caring for the child and have a capacity to accept agency supervision.

113.11(5) *Personal characteristics.* The foster parents shall:

a. Provide evidence of relationship stability.

b. Have realistic expectations of the child.

c. Have time available to parent the child.

d. Be able to communicate with the licensing agency and other service providers.

e. Have functional literacy and a level of reading, writing and calculation skills, such as having the ability to read labels on medications in order to properly administer them.

f. Be able to accept and deal with acting out behavior with realistic expectations and good judgment.

g. Include the child in normal family life.

h. Have the ability to be accepting and loving toward the child entering the home.

i. Be able to support the case permanency plan for the child and be willing to cooperate with visits, transportation, or other activities that support the child's connection to and reunification with the child's family.

j. Ensure that all family members are aware of having the child in the home.

k. Articulate the foster parents' strengths, concerns and limitations that are essential to the department's matching the child with foster parents appropriately.

113.11(6) *Determination of characteristics.* The areas discussed in subrules 113.11(4) and 113.11(5) shall be evaluated through observation of the family and interviews with family members and documented in a foster home study, or in the foster family record when explored after licensure and prior to renewal. Any additional areas that the family or worker identifies as a possibility for creating problems shall also be documented in the foster family record.

441—113.12(237) Record checks. Record checks are required for each foster parent applicant and for anyone who is 14 years of age or older living in the home of the applicant. The purpose of the record checks is to determine whether any of these persons has any founded child abuse or dependent adult abuse reports or criminal convictions or has been placed on the sex offender registry.

113.12(1) *Procedure.* The department's contractor for the recruitment and retention of resource families shall assist applicants in completing required record checks, including fingerprinting.

a. Iowa records. Each foster parent applicant and anyone who is 14 years of age or older living in the home of the applicant shall be checked for records with:

(1) The Iowa central abuse registry;

(2) The Iowa division of criminal investigation;

(3) The Iowa sex offender registry; and

(4) Iowa Courts Online.

b. Other records.

(1) Each foster parent applicant and any other adult living in the household shall also be checked for records on the child abuse registry of any state where the person has lived during the past five years.

(2) Each foster parent applicant shall also be fingerprinted for a national criminal history check. Fingerprinting, for the purpose of a national criminal history check, is required on all other adult household members at the time of initial application. When warranted, the department may require fingerprinting for a national criminal history check on adult household members who move in after initial application.

113.12(2) *Evaluation of record.* If the applicant or anyone living in the home has a record of founded child or dependent adult abuse, a criminal conviction, or placement on the sex offender registry, the department will not license the applicant as a foster family unless an evaluation determines that the founded child or dependent adult abuse or criminal conviction does not warrant prohibition of license.

a. Exclusion. An evaluation shall not be performed if the person has been convicted of:

(1) A felony offense as set forth in Iowa Code section 237.8(2)*"a"*(3); or

(2) A crime in another state that would be a felony as set forth in Iowa Code section 237.8(2)*"a"* (3).

b. Scope. The evaluation shall consider the nature and seriousness of the founded child or dependent adult abuse or crime in relation to:

(1) The position sought or held;

(2) The time elapsed since the abuse or crime was committed;

(3) The circumstances under which the founded child or dependent adult abuse or crime was committed;

(4) The degree of rehabilitation;

(5) The likelihood that the person will commit the founded child or dependent adult abuse or crime again; and

(6) The number of abuses or crimes committed by the person.

c. Evaluation form. The person with the founded child or dependent adult abuse or criminal conviction report shall complete and return the Record Check Evaluation form within ten calendar days of the date of receipt to be used to assist in the evaluation. Failure of the person to complete and return the form within the specified time frame shall result in denial of licensure.

113.12(3) *Evaluation decision.* Centralized service area staff or their designee will conduct the evaluation and make the decision. The department will inform the subject of the decision in writing and describe the basis of the decision. The department will notify the person on whom the evaluation was completed:

a. Within 30 days of receipt of the completed Record Check Evaluation form; or

b. When the person whose record is being evaluated fails to complete the Record Check Evaluation form within the time frame specified.

113.12(4) *License renewal.* Foster parents applying for an annual or biennial license renewal shall be subject to the same checks as new applicants, except for fingerprinting. The department will evaluate only abuses and convictions of crimes that occurred since the last record check. The evaluation will be conducted using the same process.

441—113.13(237) Reference checks.

113.13(1) At least three additional unsolicited references will be checked for all foster family home applicants in addition to a minimum of three references provided by the applicant. Required references shall include a minimum of one relative and one nonrelative.

113.13(2) Responses of references will be documented in the applicant's record.

113.13(3) Information received from references may be discussed with the applicant at the discretion of the worker. The reference will be so informed.

113.13(4) Reference checks will include only those areas related to the applicant's ability to care for children and should include discussion of the following areas:

a. How long and in what capacity the reference has known the applicant.

b. Personal qualities of the applicant, including the general character, ability to get along with others, ability to deal with the child's problem behavior, ability to give affection and care, discussion of use of drugs and alcohol, and questions regarding personal difficulties that could be detrimental to the child.

c. Relationship stability.

d. How the applicant handles anger, problems, crisis situations, discipline, and disappointments.

e. Any areas of general concern not previously mentioned.

f. Whether or not the reference would feel comfortable leaving the child in the applicant's home for a period of time.

g. Recommendations regarding licensing.

113.13(5) When warranted, additional references may be sought after licensure.

441—113.14(237) Unannounced visits.

113.14(1) The department's recruitment and retention contractor shall make unannounced visits during periods of the day when the child and foster parents would normally be at home and awake unless there has been a specific complaint about the family and care of the child.

113.14(2) The unannounced visit shall include, at a minimum, the assessment of the following areas:

a. Home environment.

b. Who was present at the time of the visit.

c. Interaction between the child and foster family and their child(ren).

d. The child's perception of the foster parents, other child(ren) and adults in the home; behavioral expectations of foster parents; discipline used by foster parents; religious training; school; contact with natural parents; and purpose of placement in foster care.

e. The foster parents' view of the child, the child's problem, placement worker's involvement, plan for the child, involvement of biological parents, and additional services that either the child or foster parents need.

f. Any previously or currently cited deficiencies, corrective action plans and progress.

g. Any previous or current concerns from department workers.

h. Discussion of placements during the licensing year and, if none, the reason why.

i. Progress on completing training in the foster parents' training plan.

j. Awareness of the foster parents' license capacity and compliance.

k. Recommended action.

113.14(3) An unannounced visit to the foster home:

a. Shall be completed annually;

b. Shall not be waived; and

c. Shall not occur in conjunction with license renewal.

113.14(4) The findings from the unannounced visit shall be documented on a progress note.

a. The report shall be sent to the department licensing worker and the foster parents within two weeks after the visit.

b. A copy of the report shall be retained in the foster parents' record.

113.14(5) Actions after the unannounced visit.

a. When deficiencies are cited that do not appear likely to cause immediate physical or mental harm to the child, an additional visit may be scheduled. The department licensing worker and the recruitment and retention contractor shall discuss the deficiencies with the foster parents and make plans for improving the deficiencies.

b. When the reported deficiencies raise questions of concern as to the quality of care provided, the recruitment and retention contractor shall:

(1) Report deficiencies to the department licensing worker and to the placement worker for any child currently placed in the home;

(2) Hold a meeting with the department licensing worker and the foster parents to discuss deficiencies and the plans for improving the deficiencies and then complete a written corrective action plan as to how the foster parents intend to address the deficiencies.

c. When the reported deficiencies appear likely to cause immediate physical or mental harm to the child, the department will immediately:

(1) Direct the placement worker to determine if the child should be removed, and

(2) Direct the licensing worker to complete a review of the foster home to determine if the family should continue to be licensed, should receive a provisional license, or should have the license revoked.

113.14(6) When the foster parents refuse to make a written commitment to improve the deficiencies, the department licensing worker shall conduct a complete review of the foster home to determine if the license should be revoked.

441—113.15(237) Planned activities and personal effects.

113.15(1) *Daily routine.* The daily routine shall promote good health and provide an opportunity for activity suitable for the child with time for rest and play.

113.15(2) *Clothing.*

a. Any child should have the child's own clothing.

b. Any child shall have training and help in selection and proper care of clothing.

c. Clothing shall be suited to the existing climate and seasonal conditions.

d. Clothing shall be becoming, of proper size, and culturally appropriate.

e. There shall be an adequate supply of clothing to permit laundering, cleaning and repair.

f. There shall be adequate closet and drawer space for the child to permit access to the child's clothing.

113.15(3) *Educational opportunity.* Every child shall be given the opportunity to complete high school or vocational training in accordance with the child's case permanency plan. The foster parent shall be an advocate for the child by working with the child's school.

113.15(4) *Religion and culture.* Each child shall be given an opportunity, in consultation with the child's parents, to participate in the child's cultural and religious customs. The child shall not be required to participate in religious training or observances contrary to the wishes of the biological or adoptive family or the religious beliefs of the child.

113.15(5) *Community participation.* Every child shall be given the opportunity to develop healthy social relationships through participation in neighborhood, school and other community and group activities. The child shall have the opportunity to invite friends to the foster home and to visit the homes of friends.

113.15(6) *Work assignments.* Work assignments shall be in keeping with the child's age and development.

a. Exploitation of the child is prohibited. No child shall be permitted to do any hazardous tasks or to engage in any work that is in violation of the child labor laws of the state.

b. The child shall have the opportunity to learn to assume some responsibility for self and for household duties in accordance with the child's age, health and ability. However, assigned tasks shall not deprive the child of school, sleep, play or study periods.

441—113.16(237) Medical examinations and health care of the child.

113.16(1) *Medical and dental care.* Foster parents shall keep the child's department case manager informed of any medical and dental appointments and treatments prescribed for the child.

a. Foster parents should attempt to contact the child's parents to engage them in the process of accessing routine medical and dental care for their child unless parental rights have been terminated.

b. In case of an emergency or urgent situation requiring medical care and treatment of an acute illness, disease or condition of the child, when a delay or inability to access parental or department consent for medical care or treatment would endanger the health or physical well-being of the child, the foster parents can provide consent for medical care and treatment.

113.16(2) *Exemption from medical care.* Nothing in this rule shall be construed to require medical treatment or immunization for a minor child of any person who is a member of a church or religious tradition that prohibits medical treatment for disease. In such instance, an official statement from the organization and a notarized statement from the parents shall be incorporated in the record. In potentially life-threatening situations, the child's care shall be referred to appropriate medical and legal authorities.

441—113.17(237) Training and discipline of the child.

113.17(1) *Foster parents' methods of training and discipline.* The home study evaluation of each foster parent applicant shall include a discussion and a written report of the foster parents' methods of training and discipline. Discipline shall be designed to help the child develop self-control, self-esteem, and respect for the rights of others.

113.17(2) *Restrictions on training and discipline.* Training and discipline of the child shall be handled with kindness and understanding.

a. The child shall not be locked in a room, closet, box, or other contained area.

b. The child shall not be deprived of food as punishment or for any other reason.

c. The child shall not be subjected to verbal abuse, threats, or derogatory remarks about the child or the child's family.

d. Corporal punishment shall not be used and is prohibited.

e. Restraints shall not be used as a form of discipline.

(1) Reasonable physical force may be used to restrain the child only in order to prevent injury to the child, injury to others, the destruction of property, or extremely disruptive behavior.

(2) Upon approval of the department, the foster parent may use restraints only in accordance with the written plan of a licensed mental health professional who is working with the child and the foster parents.

113.17(3) *Reports of mistreatment.* Reports of mistreatment coming to the attention of the department licensing worker and caseworker for the child will be investigated promptly and referred to the proper authorities when necessary.

441—113.18(237) Emergency care and release of the child.

113.18(1) *Supervision and arrangements for emergency care.*

a. Foster parents shall provide supervision of the child in preadoptive placement as dictated by the individual child's specific needs.

b. In case of emergency requiring the foster parents' temporary absence from the home, arrangements shall be made with other licensed foster parents or with designated, responsible persons for the care of the child during the period of absence. The child's placement worker shall be notified of all emergency absences of the foster parents.

113.18(2) *Release of child.* The foster parents shall release the child only to the agency, parent or guardian from whom the child was received for care, or the person specifically designated by the agency, parent, or guardian.

441—113.19(237) Changes in foster family home. Foster parents shall notify the department and the recruitment and retention contractor within seven working days of:

113.19(1) Any change in the number of persons living in the home (except for the child placed in the home);

113.19(2) A move to a new home; or

113.19(3) Any circumstances in the home that could negatively affect the health, safety or welfare of the child in the family's care.

441—113.20(237) Foster parents' address disclosure. The foster parents' address shall not be released by the department or contracting agency without written release from the foster parents.

These rules are intended to implement Iowa Code chapter 237.

ARC 0706D

HUMAN SERVICES DEPARTMENT[441]

Notice of Intended Action

Proposing rulemaking related to group living foster care and providing an opportunity for public comment

The Department of Health and Human Services hereby proposes to rescind Chapter 114, "Licensing and Regulation of all Group Living Foster Care Facilities for Children," Iowa Administrative Code, and to adopt a new Chapter 114 with the same title.

Legal Authority for Rulemaking

This rulemaking is proposed under the authority provided in Iowa Code section 237.3.

State or Federal Law Implemented

This rulemaking implements, in whole or in part, Iowa Code chapter 237.

Purpose and Summary

This proposed chapter was reviewed as part of the Red Tape Review process laid out in 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. Chapter 114 outlines the basic standards for all group living foster care facilities in Iowa.

Regulatory Analysis

A Regulatory Analysis for this rulemaking was published in the Iowa Administrative Bulletin on September 16, 2026. A public hearing was held on the following date(s):

- October 6, 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 December 1, 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

Public hearings at which persons may present their views orally or in writing will be held as follows:

December 1, 2026 10 to 10:30 a.m.	Microsoft Teams Meeting ID: 225 217 179 078 528 Passcode: Rw3KT9yE
December 1, 2026 2 to 2:30 p.m.	Microsoft Teams Meeting ID: 263 899 623 991 883 Passcode: qy9g7WW7

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 441—Chapter 114 and adopt the following **new** chapter in lieu thereof:

CHAPTER 114
LICENSING AND REGULATION OF ALL
GROUP LIVING FOSTER CARE FACILITIES FOR CHILDREN

441—114.1(237) Definitions.

"Adequate lighting" means a light intensity of the approximate equivalent to a 60-watt bulb at a clear distance of 5 feet.

"Caseworker" means any staff of the facility who is primarily responsible for planning for individual children, a family, or groups, as well as coordination with referral sources and coordination of services to the individual.

"Casework supervisor" means any staff of the facility who provides supervision of the caseworker(s) by regularly scheduled face-to-face case specific discussions with the caseworker.

"Child care worker" means the same as defined in 441—Chapter 105.

"Control room" means a locked room used for treatment purposes in a comprehensive residential facility.

"Corporal punishment" means the same as defined in 441—Chapter 125.

"Immediate family," for the purposes of this chapter, means persons who have a blood or legal relationship with the child.

"Mechanical restraint" means restriction by the use of a mechanical device of a child's mobility or ability to use the hands, arms, or legs.

"Physical restraint" means the same as defined in 441—Chapter 105.

"Prone restraint" means the same as defined in 441—Chapter 105.

"Protective locked environment" means the same as defined in Iowa Code section 237.1(17). Examples to implement a protective locked environment could include but are not limited to secured doors, delayed locks, secured windows, badge-only access doors, and external fencing around the property perimeter.

"Schedule II medications" means those controlled substances identified in Iowa Code chapter 124.

"Staff" means the same as defined in 441—Chapter 105.

"Time out" means the same as defined in 441—Chapter 105.

441—114.2(237) Physical standards. Local building and zoning ordinances shall be met.

114.2(1) *Grounds.*

a. An outdoor recreational area shall be provided.

b. The recreational area shall be identified and kept free from hazards that could cause injury to a child.

c. Rubbish and trash shall be kept separated from the recreational area.

d. The grounds shall be adequately drained.

114.2(2) *Buildings.*

a. All living areas shall:

(1) Have screens on windows used for ventilation.

(2) Be maintained in clean and sanitary conditions.

(3) Be in safe repair.

(4) Provide for adequate lighting when natural sunlight is inadequate.

(5) Have heating and storage areas separated from sleeping or play areas.

(6) Have walls and ceiling surfaced with materials that are asbestos free.

b. All sleeping rooms shall:

(1) Provide a minimum of 60 square feet per child for multiple occupancy.

(2) Provide a minimum of 80 square feet per child for single occupancy.

(3) Not sleep more than four children per room.

(4) Be of finished construction.

c. All rooms aboveground shall:

(1) Have a ceiling height of at least 7 feet, 6 inches.

(2) Have a window area of at least 8 percent of the floor area unless mechanical ventilation is provided that is capable of removing dampness and odors.

d. All rooms belowground shall:

(1) Have a ceiling height of at least 6 feet, 8 inches.

(2) Have a window area of at least 2 percent of the floor area unless mechanical ventilation is provided that is capable of removing dampness and odors.

(3) Have floor and walls constructed of concrete or other materials and free from groundwater leakage.

114.2(3) *Bedrooms.*

a. Each child in care shall have a solidly constructed bed.

b. Sheets, pillowcases, and blankets shall be provided for each child and shall be kept clean and in good repair.

c. Each child in care shall have storage space for private use.

d. No child over the age of five years shall occupy a bedroom with a member of the opposite sex.

114.2(4) *Heating, ventilation, and air conditioning (HVAC).*

a. The heating unit shall be located and operated to maintain the temperature in the living quarters at a minimum of 65 degrees Fahrenheit and a maximum of 80 degrees Fahrenheit. Variances may be made in case of health problems. Temperature is measured at 24 inches above the floor in the middle of the room.

b. All space heaters and water heaters involving the combustion of fuel, such as gas, oil or similar fuel, shall be vented to the outside. Space heaters are allowed only in common areas with staff present.

c. All gas and oil lines for heating systems, water heaters, and stoves/ovens shall meet existing building and health code requirements.

d. The HVAC system shall be checked yearly by a qualified HVAC professional and maintained in a safe working condition at all times.

441—114.3(237) Sanitation, water, and waste disposal.

114.3(1) *Bathroom facilities.*

a. Bathrooms shall have an adequate supply of hot and cold running water.

b. Each bathroom shall be properly equipped with toilet tissue and hand-washing supplies.

c. Toilets and baths or showers shall provide for individual privacy.

d. There shall be a shower or tub for each ten children.

e. Tubs and showers shall have slip-proof surfaces.

f. At least one toilet and one sink shall be provided for each six children.

g. Toilet facilities shall be provided with natural or artificial ventilation capable of removing odors and moisture.

h. Toilet facilities adjacent to a food preparation area shall be separated completely by an enclosed solid wall.

i. All toilet facilities shall be kept clean.

j. All bathroom facilities shall be maintained in good operating condition.

114.3(2) *Food preparation and storage.*

a. Cracked dishes and utensils shall not be used in the preparation, serving, or storage of food.

b. Storage areas for perishable foods shall be kept at 45 degrees Fahrenheit or below.

c. Storage areas for frozen foods shall be kept at zero degrees Fahrenheit or below.

d. Food that is to be served hot shall be maintained at 140 degrees Fahrenheit or above.

e. Food that is to be served cold shall be maintained at 45 degrees Fahrenheit or below.

f. The kitchen and food storage areas shall be kept clean and neat. Foods shall not be stored on the floor.

g. The floor and walls shall be of smooth construction and in good repair.

114.3(3) *Personnel handling food.* Personnel who handle food shall:

a. Be free of infection.

b. Be clean and neatly groomed.

c. Wear clean clothes.

d. Not use tobacco in any form while preparing or serving food.

114.3(4) *Dishwashing facilities.*

a. Manual dishwashing will be allowed in facilities that normally serve 15 or less people at one meal.

b. Commercial dishwashers shall be used in facilities serving more than 15 people at one meal, and shall meet the following criteria:

(1) When chemicals are added for sanitation purposes, they shall be automatically dispensed.

(2) Machines using hot water for sanitizing must maintain wash water at least 150 degrees Fahrenheit and rinse water at a temperature of at least 180 degrees Fahrenheit or a single temperature machine at 165 degrees Fahrenheit for both wash and rinse.

(3) All machines shall be thoroughly cleaned and sanitized at least once each day or more often if necessary to maintain satisfactory operating condition.

c. Soiled and clean dish table areas shall be of adequate size to accommodate the dishes for one meal.

d. All hand-held food preparation and serving equipment shall be cleaned and sanitized following each meal. Dispensers, urns, and similar equipment shall be cleaned and sanitized daily.

114.3(5) *Foods not prepared at site of serving.*

a. The place where food is prepared for off-site serving shall conform with all requirements for on-site food preparation.

b. Food shall be transported in covered containers or completely wrapped or packaged so as to be protected from contamination.

c. During transportation, and until served, hot foods shall be maintained at 140 degrees Fahrenheit or above and cold food maintained at 45 degrees Fahrenheit or below.

114.3(6) *Milk supply.* Milk shall be pasteurized Grade A.

114.3(7) *Public water supply.* The water supply is approved when the water is obtained from a public water supply system.

114.3(8) *Private water supplies.* Any facility that serves at least 25 people for at least 60 days during the year and is supplied by its own well meets the definition of a public water supply and must be regulated by the department of natural resources.

a. Maintenance and operation. Each privately operated water supply shall be maintained and operated in a manner that ensures safe drinking water. Each water supply used as part of a facility shall be annually inspected and evaluated for deficiencies that may allow contaminants access to the well interior. Items such as open or loose well caps, missing or defective well vents, poor drainage around the wells, and the nearby storage of potential contaminants shall be evaluated. All deficiencies shall be corrected within 30 days of discovery by a well contractor certified by the state.

b. Evaluation and water testing. As part of the inspection and evaluation, water samples shall be collected and submitted by the local health sanitarian or a well contractor certified by the state to the state hygienic laboratory or other laboratory certified for drinking water analysis by the department of natural resources. The minimum yearly water analysis shall include coliform bacteria and nitrate (NO3-) content. Total arsenic testing shall be performed once every three years. The water shall be deemed safe when there are no detectible coliform bacteria, when nitrate levels are less than 10 mg/L as nitrogen, and when total arsenic levels are 10 μg/L or less. A copy of the laboratory analysis report shall be provided to the department of natural resources within 72 hours of receipt by the water supply.

c. Multiple wells supplying water. When the water supply obtains water from more than one well, each well connected to the water distribution system shall meet all the requirements of these rules.

d. Deficiencies. When no apparent deficiencies exist with the well or its operations and the water supply is proven safe by meeting the minimum sampling and analysis requirements, water safety requirements have been met. Wells with deficiencies that result in unsafe water analysis require corrective actions through the use of a well contractor certified by the state.

e. When water is proven unsafe. When the water supply is proven unsafe by sampling and analysis, the facility shall immediately provide a known source of safe drinking water for all water users and hang notification at each point of water use disclosing the water is unsafe for drinking water uses. In addition, the facility shall provide a written statement to the department disclosing the unsafe result and detail a plan on how the water supply deficiencies will be corrected and the supply brought back into a safe and maintained condition. The statement shall be submitted to the department within ten days of the laboratory notice. All corrective work shall be performed and the water supply sampled and analyzed again within 45 days from any water test analysis report that indicates the water supply is unsafe for drinking water uses.

f. Alternative water sources. Water obtained from another source through hauling and storage must meet the requirements of the department of natural resources.

114.3(9) *Heating or storage of hot water.* Each tank used for the heating or storage of hot water shall be provided with a pressure and temperature relief valve.

114.3(10) *Sewage treatment.*

a. Facilities shall be connected to public sewer systems where available.

b. Private disposal systems shall be designed, constructed, and maintained so that no unsanitary or nuisance conditions exist, such as surface discharge of raw or partially treated sewage or failure of the sewer lines to convey sewage properly.

114.3(11) *Garbage storage and disposal.*

a. A sufficient number of garbage and rubbish containers shall be provided to properly store all material between collections.

b. Containers shall be leakproof, rodent proof, and shall be maintained in a sanitary condition.

441—114.4(237) Safety.

114.4(1) *General.* Facilities shall take sufficient measures to ensure the safety of the children in care in all of their programs.

114.4(2) *Premises.*

a. Stairways, halls and aisles shall be of substantial nonslippery material, shall be maintained in a good state of repair, shall be adequately lighted and shall be kept free from obstructions at all times. All stairways shall have handrails.

b. Radiators, registers, and steam and hot water pipes shall have protective covering or insulation.

c. Electrical outlets and switches shall have wall plates. Fuse boxes and circuit breakers shall be inaccessible to children.

d. Facilities shall have written procedures for the handling and storage of hazardous materials.

e. Firearms and ammunition shall be kept under lock and key and inaccessible to children. When firearms are used, the facility shall have written policies regarding their purpose, use, and storage.

f. All swimming pools shall conform to state and local health and safety regulations. Adult supervision shall be provided at all times when children are using the pool.

g. The facility shall have policies regarding fishing ponds, lakes, or any bodies of water located on or near the facility grounds and accessible to the children.

114.4(3) *Emergency evacuation and safety procedures.* Upon admission, all children shall receive instruction regarding evacuation and safety procedures. All living units utilized by children shall have a posted plan for evacuation and safety procedures regarding severe weather events, fire or other natural or man-made disasters. Practice fire drills shall be held monthly, and severe weather drills shall be held twice annually.

114.4(4) *Fire inspection.* Each facility shall procure an annual fire inspection approved by the state fire marshal and shall meet the recommendations thereof.

114.4(5) *Local codes.* Each facility shall meet local building, zoning, sanitation and fire safety ordinances. Where no local standards exist, state standards shall be met.

114.4(6) *Safety, protection, and well-being of children in care.* Facilities shall develop and follow written policies and procedures that assure the safety, protection, and well-being of children in care. Policies shall address but not be limited to the following:

a. Supportive leadership of the facility that promotes protecting each child from abuse or bullying from other children and staff.

b. Defining the facility's culture to reduce the use of unnecessary restraint.

c. Clear definitions of unsafe behavior and the emergency situations when it is appropriate to use physical interventions.

d. Staff training and development that give staff confidence they are supported by leadership with proper supervision and ongoing access to information about best practices and evidence-based approaches to care.

e. Adequate supervision of children while the children are using any hazardous or dangerous objects or equipment and when children are using the Internet or other social media.

f. The social and developmental needs of children in care.

g. Providing personal care items to children in care. Personal care items must be provided to the children in care and must reflect the individual needs of the youth living in the facility and participating in the facility's programs.

441—114.5(237) Organization and administration. Any change in the name of the facility, the address of the facility, the executive, or the capacity shall be reported to the department.

114.5(1) *Table of organization.* A table of organization including the identification of lines of responsibility and authority from policymaking to service to clients shall be available to the licensing staff.

114.5(2) *Purpose of agency or facility.* The purpose or function of the organization shall be clearly defined in writing and shall include a description of the children to be accepted for care and the services offered.

114.5(3) *Governing bodies or individuals.* All group living foster care facilities shall:

a. Have a governing board or individuals who are accountable for and have authority over the policies and activities of the organization. In the case of an organization owned by a proprietor or partnership, the proprietor or partner shall be regarded as the governing body.

b. Provide the department with a list of names, addresses, telephone numbers and titles of the members of the governing body.

c. Have adequate insurance covering fire and liability as a protection to children in care.

d. For organizations located outside Iowa, have duly authorized representatives with decision-making abilities designated within the state of Iowa.

114.5(4) *Executive director.* The governing body or proprietor or partner(s) shall select and appoint an executive director with full administrative responsibility and qualifications for carrying out the policies, procedures and programs established by the governing body.

114.5(5) *Financial solvency of facilities.* Profit and nonprofit institutions shall maintain financial solvency to ensure adequate care of children and youth for whom responsibility is assumed. The facility shall have sufficient financial resources, predictable income, or both, and not be totally dependent upon current fees, for a three-month operating period. The facility shall have written policies and procedures describing the program of the facility and specifying how it will be carried out.

441—114.6(237) Policies and record-keeping requirements.

114.6(1) *Policies in writing.* The following current personnel policies and practices of the agency and relating to the specific facility shall be described in writing and accessible to staff upon request:

a. Equal employment opportunity policies and procedures covering the hiring, assignment, and promotion of employees.

b. Job descriptions for all positions.

c. Provisions for vacations, holidays, and sick leave.

d. Effective, time-limited grievance procedures allowing the aggrieved party to bring the grievance to at least one level above that party's supervisor.

e. Authorized procedures, consistent with due process, for the suspension and dismissal of an employee for just cause.

f. Written procedures for annual employee evaluations.

114.6(2) *Health of staff.* Each staff person who has direct client contact or is involved in food preparation shall be tested for tuberculosis and have a physical examination within six months prior to hiring unless the staff can produce valid documentation of the physical and tuberculosis test from within the previous three years. Physical examinations shall be completed every three years from the date of current physical on file. Evidence of these examinations or tests shall be included in each personnel file. The examinations or tests shall be completed by one of the following:

a. A physician as defined in Iowa Code section 135.1(4);

b. An advanced registered nurse practitioner who is registered with and certified by the Iowa board of nursing to practice nursing in an advanced role; or

c. A physician associate licensed under Iowa Code chapter 148C.

114.6(3) *Staff records.*

a. The facility shall maintain the following information with respect to each staff person:

(1) Name and current address of each staff person.

(2) At least two written references or documentation of oral references. In case of unfavorable references, there shall be documentation of further checking to ensure that the person will be reliable.

(3) Documentation of all record checks and evaluations as required in subrule 114.23(1).

(4) A written, signed and dated statement furnished by the staff person prior to providing any care or services to or on behalf of the facility which discloses any founded reports of child abuse on the person that may exist.

(5) Records of a physical examination or a record of a health report, plus a written record of subsequent health services rendered to staff necessary to ensure that each individual is physically able to perform the job duties or functions.

(6) Records of training sessions attended, including dates and content of the training.

(7) When otherwise required in situations that apply, a copy of a school transcript, diploma, or written statement from the school or supervising agency for positions having educational requirements.

b. In addition, with respect to staff who are employed by the facility, the facility shall maintain the following records:

(1) Social security number of each employee.

(2) A job application containing sufficient information to justify the initial and current employment.

(3) A copy of a school transcript, diploma, or written statement from the school or supervising agency before permanent employment of applicants for positions having educational requirements.

(4) Written verification of licensure before permanent employment of applicants for positions requiring licenses. Evidence of renewal of licenses as required by the licensing agency.

(5) Current information relative to work performance evaluation.

(6) Information on written reprimands or commendations.

(7) Information on position in the agency and date of employment.

(8) If the applicant, probationary employee or temporary employee has completed and submitted the Record Check Evaluation form, a copy of the Record Check Evaluation form.

441—114.7(237) Staff.

114.7(1) *Qualifications of staff.*

a. A caseworker shall meet one of the following minimum education and experience criteria:

(1) Graduation from a four-year college or university with a bachelor's degree in a human services field related to social work, psychology or a related behavioral science.

(2) Graduation from a four-year college or university with a bachelor's degree in education and the equivalent of one year of full-time experience in social work or in the delivery of human services in a public or private agency.

(3) Six years of supervised child welfare experience in residential care.

(4) A combination of advanced education in the behavioral sciences and experience equal to six years.

b. A casework supervisor shall have either a master's degree in social work with one year of supervised experience after the master's degree or a master's degree in psychology or counseling with two years of experience beyond the master's degree, one of which was under supervision. The experience shall be in the area of child welfare services.

c. Child care workers shall be at least 18 years of age.

d. Any licensed facility having persons in employment in positions prior to 2023 for which present rules require higher qualifications will be considered to meet the requirements of present staff. Any staff who were hired after 2023 will need to meet the requirements of these rules as stated in this chapter.

e. A person who has a record of a criminal conviction or founded child or dependent adult abuse report shall not be employed unless an evaluation of the crime or founded child or dependent adult abuse has been made by the department that concludes that the crime or founded child or dependent adult abuse does not merit prohibition of employment. If a record of criminal conviction or founded child or dependent adult abuse exists, the person shall be offered the opportunity to complete and submit the Record Check Evaluation form. In its evaluation, the department will consider the nature and seriousness of the crime or founded child or dependent adult abuse in relation to the position sought, the time elapsed

since the commission of the crime or founded child or dependent adult abuse, the circumstances under which the crime or founded child or dependent adult abuse was committed, the degree of rehabilitation, the likelihood that the person will commit a crime or founded child or dependent adult abuse again, and the number of crimes or founded child or dependent adult abuses committed by the person involved.

114.7(2) *Number of staff.*

a. Children shall be provided with 24-hour awake supervision. There shall be at least one awake and readily accessible staff person on duty for each occupied living unit. The staff person shall make regular visual checks at least every hour throughout the night. A log shall be kept of all checks, including the time of the check and any significant observations. Policies for nighttime checks shall be in writing.

b. Each facility shall have the services of a casework supervisor and a caseworker adequate to fulfill the staff duties.

c. There shall be an on-call system operational 24 hours a day to provide supervisory consultation. There shall be a written plan documenting this system.

d. The number and qualifications of the staff will vary depending on the needs of the children. There shall be at least a one-to-eight staff-to-client ratio during all times children are awake and present in the facility and during supervised outings.

114.7(3) *Staff duties.*

a. The casework supervisor shall provide in-person case specific supervision at the site of the facility for one hour per month per caseworker and be available for consultation in case of emergency.

b. Caseworkers shall:

(1) Develop a service plan for each child containing goals and objectives with projected dates of accomplishment and shall involve the client, referral agency, and family whenever possible.

(2) Develop a specific plan relating to the involvement of a child's parents or guardians unless documented by the caseworker that the child's parents' or guardians' involvement would be counterproductive.

c. The facility staff shall be responsible for the following:

(1) Documenting case reassessments quarterly, involving staff in the same role as previously involved in service plan development.

(2) Documenting the implementation of the service plan.

(3) Scheduling in-person conferences with each resident.

(4) Providing a supportive atmosphere for each child.

(5) Coordinating internal and external activities of each child.

(6) Providing for liaison with the referring agency.

(7) Providing leadership and guidance to the children.

(8) Providing a mechanism for dealing with day-to-day program operations.

(9) Being responsible for overseeing and maintaining general health and well-being of children.

(10) Supervising the living activities of the children.

(11) Monitoring and recording behavior on a daily basis.

(12) At all times, knowing where the children are and where they are supposed to be to assure ongoing safety.

114.7(4) *Staff development.* Staff development shall be appropriate to the size and nature of the facility. There shall be a written format for staff training that includes:

a. Orientation for all new employees to acquaint them with the philosophy, organization, program practices, and goals of the facility.

b. Training of new employees in areas related to their job assignments.

c. Provisions for all staff members to improve their competency. This may be accomplished through such means as:

(1) Attending staff meetings.

(2) Attending seminars, conferences, workshops and institutes.

(3) Visiting other facilities.

(4) Access to consultants.

(5) Access to current information and evidence-based practices relevant to the facility's services.

d. An individual designated responsible for staff development and training, who will complete a written staff development plan which shall be updated annually.

114.7(5) *Volunteers.* A facility that utilizes volunteers to work directly with a particular child or group of children shall have a written plan for using volunteers. This plan shall be given to all volunteers. The plan shall indicate that all volunteers shall:

a. Be directly supervised by a paid staff member.

b. Be oriented and trained in the philosophy of the facility and the needs of children in care, and methods of meeting those needs.

c. Be subject to reference and record check requirements.

441—114.8(237) Intake procedures.

114.8(1) *Intake policies.* The agency shall have written intake policies specific to the licensed facility.

114.8(2) *Basis of acceptance.* Children shall be accepted for care only after the following criteria have been met:

a. An assessment of the child's need for service and supervision has been agreed upon by the staff of the facility and the referring agency worker. The child, the child's family, legal guardian, and any other significant people shall be invited to participate in this process to the fullest extent possible.

b. The assessment indicates that the child requires the care offered by this type of facility and is likely to benefit from the program the facility offers.

114.8(3) *Referral information.* The following information shall be made available by the referral worker prior to any decision being made regarding the acceptance of a child. The following information shall be requested by the facility if not yet received.

a. A current social history.

b. A copy of the child's physical assessment including immunization history completed within one year prior to application, when available.

c. Where indicated, or when available, psychological testing completed no more than one year prior to referral.

d. Current educational data.

e. When indicated or available, a psychiatric report completed no more than one year prior to referral.

f. Referring agency's case plan that includes goals and objectives to be achieved during placement with a time frame for the achievement of these goals and objectives.

g. Documentation of the legal status of the child that includes any court orders or statements of custody and guardianship.

114.8(4) *Admission requirements.*

a. The following items shall be secured upon admission of the child to the facility:

(1) A placement agreement for the child signed by the person having legal responsibility for the child and the agency where the child is being placed. When this is not available at the time of placement, it shall be furnished within 48 hours of placement in the facility.

(2) Emergency medical authorization from the court, the parents, the guardian, or custodian.

b. The following items shall be provided to the child, the child's family or guardian, and the referring worker at the time of placement:

(1) A description of the services provided.

(2) Written policies regarding children's rights.

(3) Written policies regarding religion, work or vocational experiences, family involvement, and discipline.

114.8(5) *Personal assessment.* At the time of intake, individual needs will be identified by staff based on written and verbal information from referral sources, observable behavior at intake and the initial interview with youth or family, school contacts, physical examinations, and other relevant material. The individual assessment shall provide the basis for development of a service plan for each child.

114.8(6) *Educational assessment.* A plan for the child's educational needs shall be developed by the staff and the referring worker. Involvement of the parents or guardian, area education agency, and public schools may be included when appropriate.

114.8(7) *Person responsible.* Each agency shall designate a person or persons who have the authority to do intake.

114.8(8) *Intake sheet.* An intake sheet shall be completed on each child containing, at a minimum, the information specified in subrule 114.10(1).

441—114.9(237) Program services.

114.9(1) *Evaluation services.*

a. When evaluation services are provided by staff of the facility, the services shall be clearly defined so that referral sources are clear about the components of the service.

b. Evaluations shall be based on behavioral observations, social history, educational assessments and shall include an assessment of vocational needs, recreational skills, and physical therapy, speech, language, vision and hearing needs to assist in planning and placement for the child. The need for providing all of these evaluative services will be determined on the basis of the specific child being referred.

114.9(2) *Service plan.* There shall be a written service plan for each child. The service plan shall be based on the individual needs determined through the assessment of each resident, provide for consultation with the family, and shall include the following:

a. Identification of special needs.

b. Description of planned services including measurable goals and objectives that indicate which staff person will be responsible for the specific services in the plan.

c. Indication of where the services are to occur and note the frequency of activities or services.

d. A discharge summary.

114.9(3) *Daily routine.* Each facility shall provide a daily routine for the children in residence that is directed toward developing healthful habits in eating, sleeping, exercising, personal care, hygiene, and grooming according to the needs of the individual child and the living group.

114.9(4) *Daily log.* The facility shall maintain a daily log to generally record noteworthy occurrences regarding the children in care. Problem areas or unusual behavior for specific children shall be recorded in individual children's records.

114.9(5) *Educational services.* An educational program shall be available for each child in accordance with abilities and needs. The educational and teaching standards established by the state department of education shall be met when an educational program is provided within an institution.

114.9(6) *Health care.*

a. There shall be 24-hour emergency and routine medical and dental services available and provided when prescribed. Provisions for these services shall be documented.

b. The facility shall arrange a physical assessment including vision and hearing tests for each child in care within one week of admission unless the child has received an examination within the past year and the results of this examination are available to the facility.

c. A facility shall not require medical treatment when the parent(s) or guardian of the child or the child objects to treatment on the grounds that it conflicts with the tenets and practices of a recognized church or religious denomination of which the parent(s), guardian or child is an adherent. In potentially life-threatening situations, the facility shall refer the child's care to appropriate medical and legal authorities.

d. A facility shall have and staff shall follow written procedures in case of a medical emergency.

e. A facility shall schedule a dental examination for each child within 14 days of admission unless the child has been examined within six months prior to admission and the facility has the results of that examination.

f. A facility shall provide or secure medical treatment for a child's illnesses and injuries that come to the facility's attention during the child's stay.

114.9(7) *Dietary program.* The facility shall provide properly planned, nutritious and inviting food and take into consideration the dietary and documented health needs of children. The facility shall follow all dietary recommendations prescribed by medical personnel or a dietitian licensed in the state of Iowa.

114.9(8) *Recreation and leisure programs.*

a. The facility shall provide adequately designed and maintained indoor and outdoor activity areas, equipment, and equipment storage facilities appropriate for the residents it serves. There shall be a variety of activity areas and equipment so that all children can be active participants in different types of individual and group sports and other motor activities.

b. Games, toys, equipment, and arts and crafts material shall be selected according to the ages and number of children with consideration to the needs of the children to engage in active and quiet play.

c. The facility shall plan and carry out efforts to establish and maintain workable relationships with community recreational resources so these resources may provide opportunities for children to participate in community recreational activities.

114.9(9) *Casework services.* A facility shall provide or obtain casework services in the form of counseling in accordance with the needs of each child's individual service plan. Casework services include crisis intervention, daily living skills, interpersonal relationships, future planning and preparation for placement as required by the child.

114.9(10) *Optional psychiatric and psychological services.*

a. When the diagnostic evaluation of a child indicates need for care by a psychiatrist and under psychiatric guidance, the specialized treatment or consultation shall be provided or arranged by the facility.

b. Psychologists, whose services are used on behalf of children, shall be licensed as a psychologist in the state of Iowa or be certified by the department of education.

114.9(11) *Liability.* Licensed group living foster care facilities that apply the reasonable and prudent parent standard reasonably and in good faith in regard to a child in foster care shall have immunity from civil or criminal liability that might otherwise be incurred or imposed. This subrule shall not remove or limit any existing liability protection afforded under any other law.

441—114.10(237) Case files. All facilities shall establish and maintain case files on each child. The case files shall include the following.

114.10(1) *Face sheet.* The face sheet shall contain the following information:

a. Full name, birth place and date of birth.

b. Parents' full names.

c. Parents' address and telephone numbers.

d. Religious preference of parents and child.

e. Statement of who has legal custody and guardianship.

f. Name of the referring worker and agency making the referral.

g. Telephone number and address of the agency or court making the referral and contact information of the child's attorney or guardian ad litem.

114.10(2) *Referral packet.* All of the information required in the referral packet shall be contained in the case record including a social history on the child, a copy of the child's physical assessment and immunization history, psychological testing, when available, current educational information, psychiatric report, when available, and the referring agency's case plan.

114.10(3) *Legal documents.*

a. Placement agreement signed by parent(s) or custodian of the child.

b. Petitions and orders of the court regarding adjudication, custody, or guardianship.

114.10(4) *Psychiatric and psychological.* Psychiatric and psychological reports, when available.

114.10(5) *Correspondence.* Correspondence regarding the child.

114.10(6) *Medical records.*

a. Medical and surgical authorizations signed by the parent(s), guardian, or contained in the court order.

b. Record of medical care received while in the facility.

c. Information on past medical history.

114.10(7) *School.*

a. Name of school currently attended.

b. Grade placement.

c. Any specific educational problem.

d. Remedial action recommended.

114.10(8) *Service plan.* The service plan shall be updated quarterly or any time upon receipt of a new case permanency plan or juvenile court services plan or as otherwise needed to address the changing needs of the child. Discharge summary completing the service plan information shall be completed upon a child's discharge from placement.

114.10(9) *Documentation.* The following information shall be documented in each child's record:

a. Appropriate notes, all significant contacts with parents, referring worker and other collateral contracts, as well as staff counseling with child and notations on behavior.

b. A summary related to discharge, including:

(1) The name, address and relationship of the person or agency to whom the child was released.

(2) The discharge summary (as included in the service plan).

(3) Final disposition of a child's medications as applicable.

(4) Identification of who transported the child, if different than in subparagraph 114.10(9)*"b"*(1), and name of the facility or address of the destination after discharge.

114.10(10) *Electronic records.* An authorized representative of the department shall be provided unrestricted access to electronic records pertaining to the care provided to the children who are served as a result of a contract with the department.

a. If access to an electronic record is requested by the authorized representative of the department, the facility may provide a tutorial on how to use its particular electronic system or may designate an individual who will, when requested, access the system, respond to any questions or assist the authorized representative as needed in accessing electronic information in a timely fashion.

b. The facility shall provide the authorized representative access to the records.

c. If the facility is unable to provide direct print capability to the authorized representative, the facility shall make available a printout of any record or part of a record on request in a time frame that does not intentionally prevent or interfere with the department's survey or investigation.

441—114.11(237) Drug utilization and control. The agency shall have and follow written policies and procedures governing the methods of handling prescription drugs and over-the-counter drugs within the facility. No prescription or narcotic drugs are to be allowed in the facility without the authorization of a licensed physician or authorized prescriber.

114.11(1) *Approved drugs.* Only drugs that have been approved by the federal Food and Drug Administration for use in the United States may be used. No experimental drugs may be used.

114.11(2) *Prescribed by physician or other authorized prescriber.* Drugs shall be prescribed by a physician licensed to practice in the state of Iowa or the state in which the physician is currently practicing, or by an advanced registered nurse practitioner or physician associate as permitted by Iowa law, and may be prescribed only for use in accordance with dosage ranges and indications approved by the federal Food and Drug Administration.

114.11(3) *Dispensed from a licensed pharmacy.* Drugs provided to residents shall be dispensed only from a licensed pharmacy in the state of Iowa in accordance with the Iowa Code, from a licensed pharmacy in another state according to the laws of that state, or by a licensed physician.

114.11(4) *Locked cabinet.* All drugs shall be maintained in a locked cabinet. Schedule II medications shall be maintained in a locked box within the locked cabinet. The cabinet key shall be in the possession of a staff person. A bathroom shall not be used for drug storage. A documented exception can be made by persons identified in these rules who may allow self-administered drugs as discussed in subrule 114.11(17).

114.11(5) *Medications requiring refrigeration.* Medications requiring refrigeration shall be kept in a locked box in the refrigerator and separated from food and other items.

114.11(6) *Poisonous or caustic drugs.* All potent poisonous or caustic drugs shall be plainly labeled, stored separately from other drugs in a specific well-illuminated cabinet, closet, or storeroom, and made accessible only to authorized persons.

114.11(7) *Prescribed medications.* All prescribed medications shall be clearly labeled indicating the child's full name, physician's name, prescription number, name and strength of the drug, dosage, directions for use, and date of issuing the drug. Medications shall be packaged and labeled according to state and federal guidelines.

114.11(8) *Medication containers.* Medication containers having soiled, damaged, illegible or makeshift labels shall be returned to the issuing pharmacist.

114.11(9) *Medication for discharged residents.* When a resident is discharged or leaves the facility, the facility shall turn over to a responsible agent Schedule II medications and prescription medications currently being administered. The facility may send nonprescription medications with the child as needed. The facility shall document in the child's file:

a. The name, strength, dosage form, and quantity of each medication.

b. The signature of the facility staff person who turned over the medications to the responsible agent.

c. The signature of the responsible agent receiving the medications.

114.11(10) *Unused prescription drugs.* Unused prescription drugs prescribed for residents may not be kept at the facility for more than 15 days after the resident has left the facility. The unused prescription drugs shall be destroyed by the facility executive director or the executive director's designee in the presence of at least one witness. Outdated, discontinued, or unusable nonprescription medications shall also be destroyed in a similar manner. The person destroying the medication shall document:

a. The resident's name.

b. The name, strength, dosage form, and quantity of each medication.

c. The date the medication was destroyed.

d. The names and signatures of the witness and staff person who destroyed the medication.

114.11(11) *Refills.* Prescriptions shall be refilled only with the permission of the prescriber authorized under Iowa law.

114.11(12) *Use of medications.* No prescription medications prescribed for one resident may be administered to or allowed in the possession of another resident.

114.11(13) *Order of authorized prescriber.* No prescription medication may be administered to a resident without the order of an authorized prescriber.

114.11(14) *Patient reaction.* Any unusual patient reaction to a drug shall be reported to the attending physician or prescriber immediately.

114.11(15) *Dilution or reconstitution of drugs.* Dilution or reconstitution of drugs and their labeling shall be done only by a licensed pharmacist.

114.11(16) *Administration of drugs.* Medications shall be administered only in accordance with the instructions of the attending physician or authorized prescriber. Medications shall be administered only by staff who have completed a medication management course. The type and amount of the medication, the time and date, and the staff member administering the medication shall be documented in the child's record.

114.11(17) *Self-administration of drugs.* There shall be written policy and procedures relative to self-administration of prescription medications by residents and only when:

a. Medications are prescribed by a physician or other authorized prescriber.

b. The physician or authorized prescriber provides written approval that the patient is capable of participating and can self-administer the drug.

c. What is taken and when is documented in the record of the child.

114.11(18) *Obtaining nonprescription medications.* Facilities shall maintain a supply of standard nonprescription medications for use for children residing at the facility. Examples of standard nonprescription medications include cough drops and cough syrups, aspirin substitutes and other pain control medication, poison antidote, and diarrhea control medication.

a. All nonprescription medications kept on the premises for the use of residents shall be pre-approved annually by a licensed pharmacist or an authorized prescriber.

b. Facilities shall maintain a list of all pre-approved nonprescription medications. The list shall indicate standard uses, standard dosages, contraindications, side effects, and common drug interaction warnings. The facility administrator or the administrator's designee shall be responsible for determining the scope of the list and brands and types of medications included.

c. Only nonprescription medications on the preapproved list shall be available for use. However, the facility administrator or the administrator's designee, in consultation with an authorized prescriber or licensed pharmacist, may approve use of a nonprescription medication that is not on the preapproved list for a specific child.

441—114.12(237) Children's rights.

114.12(1) *Policies in writing.* All policies and procedures covered in this rule shall be provided to the child and parents or guardian upon the child's admission to the facility. The rationale and circumstances of any deviation from these policies shall be discussed with the child's parents or guardian and the referring worker, documented, and placed in the child's case record.

114.12(2) *Confidentiality.* Information regarding children and their families shall be kept confidential and released only with proper written authority.

114.12(3) *Communication.*

a. Visitation shall be allowed with members of the child's immediate family unless otherwise regulated by the court.

b. Visits shall be allowed with other significant persons.

c. Consideration shall be given to privacy for family visits.

d. The child shall be permitted to communicate with legal counsel and the referring worker.

e. The child shall be allowed to conduct private telephone conversations with family members. Incoming calls may be screened by staff to verify the identity of the caller before approval is given.

f. The child shall be allowed to send and receive mail unopened unless contraindicated. Contraindications, except those listed below, should be documented in the child's file. The facility may require the child to open incoming mail in the presence of a staff member when it is suspected to contain contraband articles, or when there is money that should be receipted and deposited.

g. When limitations on visitation, calls or other communications are indicated, they shall be determined with the participation or knowledge of the child, family or guardian, and the referring worker. All restrictions shall have specific bases which shall be made explicit to the child and family and documented in the child's case record.

114.12(4) *Privacy.* Reasonable provisions shall be made for the privacy of children.

441—114.13(237) Personal possessions.

114.13(1) *Belongings.* A facility shall allow a child in care to bring personal belongings and to acquire belongings in accordance with the child's service plan. However, the facility shall, as necessary, limit or supervise the use of these items while the child is in care.

114.13(2) *Clothing.* A facility shall ensure that each child in care has adequate, clean, well-fitting, and seasonable clothing as required for health, comfort, and physical well-being. The clothes should be appropriate to age and individual needs.

441—114.14(237) Religion—culture.

114.14(1) *Facility orientation.* A facility shall have a written description of its religious orientation, particular religious practices that are observed, and any religious restrictions. This description shall be provided to the child, the parent(s) or guardian, and the placing agency at the time of admission.

114.14(2) *Child participation.* When a facility accepts a child, the child shall have the opportunity to participate in religious activities and services in accordance with the child's own faith or that of the child's parent(s) or guardian. The facility shall, when necessary and reasonable, arrange transportation for religious activities. Wherever feasible, the child shall be permitted to attend religious activities and services in the community.

441—114.15(237) Work or vocational experiences.

114.15(1) *Written description.* The facility shall have a written statement of any work and vocational experiences available to children.

114.15(2) *Program component.* Work as part of the program shall be identified in the child's case plan.

114.15(3) *Self-care.* Ordinary self-care and self-sufficiency tasks are not considered work.

114.15(4) *Purpose.* Work shall be in the child's interest, within the child's ability, with payment where appropriate, and never solely in the interest of the facility's goals or needs.

441—114.16(237) Family involvement. There shall be written policies and procedures for family involvement that shall encourage continued involvement of the family with the child.

441—114.17(237) Children's money.

114.17(1) *Treatment of funds.* Money earned, received as a gift, or as an allowance by a child in care shall be deemed to be that child's personal property.

114.17(2) *Limitations.* The facility shall have a written policy on limitations on the child's use of funds.

114.17(3) *Records.* The facility shall maintain a separate accounting system for children's money.

441—114.18(237) Child abuse. Written policies shall prohibit mistreatment, neglect, or abuse of children and specify reporting and enforcement procedures for the facility. Alleged violations shall be reported immediately to the director of the facility and the centralized abuse hotline. Any employee found to be in violation of Iowa Code chapter 232, as substantiated by the department's investigation, shall be subject to the agency's policies concerning dismissal.

441—114.19(237) Discipline.

114.19(1) *Generally.* The facility shall have written policies regarding methods used for control and discipline of children that shall be available to all staff and to the child's family. Agency staff shall be in control of and responsible for discipline at all times. Discipline shall not include the withholding of basic necessities, such as food, clothing, or sleep. Discipline shall not be used for anyone other than a child whose actions resulted in consequences. Group discipline shall not be used because of actions of an individual child or other children.

114.19(2) *Corporal punishment prohibited.* The facility shall have a policy that clearly prohibits staff or the children from utilizing corporal punishment as a method of disciplining or correcting children. This policy is to be communicated in writing to all staff of the facility.

114.19(3) *Physical restraint.* The use of physical restraint shall be employed only to prevent the child from injury to self, to others, or to property. Physical restraint must be conducted with the child in a standing position whenever possible. Each child has the right to be free from restraint and seclusion, of any form, used as a means of coercion, discipline, convenience, or retaliation.

a. No staff person shall use any restraint that obstructs the airway of a child.

b. Prone restraint is prohibited. Staff persons who find themselves involved in the use of a prone restraint when responding to an emergency must take immediate steps to end the prone restraint.

c. If a staff person physically restrains a child who uses sign language or an augmentative mode of communication as the child's primary mode of communication, the child shall be permitted to have the child's hands free of restraint for brief periods unless the staff person determines that such freedom appears likely to result in harm to the child, others, or property.

d. The rationale and authorization for the use of physical restraint and staff action and procedures carried out to protect the child's rights and to ensure safety shall be clearly documented in the child's record by the responsible staff persons no later than the end of the shift in which the restraint was used.

e. Documentation of restraint use shall include, but need not be limited to, the following:

(1) Each use of restraint or control room.

(2) The time the intervention began and ended.

(3) The reason that required the resident to be restrained or put in a control room.

(4) The name of staff involved in the intervention.

114.19(4) *Other restraints and control room.* Only comprehensive residential facilities may use a control room, locked cottages, or mechanical restraints.

114.19(5) *Behavior expectations.* The facility shall make available to the child and the child's parents or guardian written policies regarding the following areas:

a. The general expectation of behavior including the facility's rules and practices.

b. The range of reasonable consequences that may be used to deal with inappropriate behavior.

114.19(6) *Time out.*

a. A resident in time out must never be physically prevented from leaving the time out area.

b. Time out may take place away from the area of activity or from other residents, such as in the resident's room, or in the area of activity of other residents.

c. Staff must monitor the resident while the resident is in time out.

441—114.20(237) Illness, accident, death, or unauthorized absence from the facility.

114.20(1) *Notification of illness, injury or elopement.* A facility shall notify the child's parent(s), guardian and responsible agency of any serious illness, incident involving serious bodily injury, circumstances causing removal of the child from the facility, or elopement.

114.20(2) *Notification of death.* In the event of the death of a child, a facility shall notify immediately the physician, the child's parent(s) or guardian, the placing agency, and the appropriate state authority. The agency shall cooperate in arrangements made for examination, autopsy, and burial.

441—114.21(237) Records. In the event of closure of a facility, children's records shall be sent to the department for retention according to the department's records retention policy or the period defined in the department's contract for services, whichever is longer.

441—114.22(237) Unannounced licensing visits from the department of inspections, appeals, and licensing.

114.22(1) Frequency.

a. Time. At least one annual unannounced visit will occur during periods of the day when the child would normally be in the facility and awake.

b. Activities. The visit will include an assessment of but not be limited to the following areas:

(1) Interaction between the staff and child.

(2) Interaction between the children.

(3) Discussion with the child about experiences in the facility.

(4) A check on any previously cited deficiencies.

(5) Overall impression of the facility.

(6) Staff record checks.

c. Recommendation. The department's licensing staff will recommend follow-up actions when needed.

114.22(2) Visits at other times may occur as a result of a self-reported incident or specific complaint.

441—114.23(237) Record check information. Record checks are required for any entity being considered for licensure or employment by a licensee on a facility campus where children reside to determine whether any founded child or dependent adult abuse reports or criminal convictions exist or whether the entity has been placed on a sex offender registry. The facility shall not employ any person who has been convicted of a crime involving the mistreatment or exploitation of a child. The facility shall not employ any person who has a record of a criminal conviction or founded child or dependent adult abuse report unless the department has evaluated the crime or child or dependent adult abuse and determined that the crime or child or dependent adult abuse does not merit prohibition of licensure, volunteering or employment.

114.23(1) *Procedure.* Each entity being considered for licensure or employment shall be checked for all of the following:

a. Records with the Iowa central abuse registry, using the request for child and dependent adult abuse information form;

b. Records with the Iowa division of criminal investigation, using the department's criminal history record check form;

c. Records with the Iowa sex offender registry;

d. Records with the child abuse registry of any state where the person has lived during the past five years; and

e. Fingerprints provided to the department of public safety for submission through the state criminal history repository to the United States Department of Justice, Federal Bureau of Investigation, for a national criminal history check. Fingerprinting, for the purpose of a national criminal history check, is required for all entities considered for licensure or employment by a licensee on a facility campus where children reside.

114.23(2) *Evaluation of record.* If an entity for which a background check is required has a record of founded child or dependent adult abuse, a criminal conviction, or placement on a sex offender registry, the department will prohibit licensure or employment unless an evaluation determines that the child or dependent adult abuse, criminal conviction, or placement on a sex offender registry does not warrant prohibition.

a. Scope. The evaluation will consider the nature and seriousness of the founded child or dependent adult abuse or criminal conviction in relation to:

(1) The position sought or held,

(2) The time elapsed since the abuse or crime was committed,

(3) The circumstances under which the abuse or crime was committed,

(4) The degree of rehabilitation,

(5) The likelihood that the person will commit the abuse or crime again, and

(6) The number of abuses or crimes committed by the person.

b. Evaluation form. The person with the founded child or dependent adult abuse or criminal conviction report shall complete and return the department's record check evaluation form within ten calendar days of the date of receipt.

114.23(3) *Evaluation decision.*

a. The department will conduct the evaluation and make the decision of whether or not the founded child or dependent adult abuse or criminal conviction warrants prohibition of licensure or employment by a licensee. The department will issue a notice of decision in writing to the requesting entity. The requesting entity is responsible for providing a copy of the notice to the prospective employee in accordance with the facility's employment procedures. Record check evaluations are valid for 30 days from the date the notice of decision is issued.

b. Any person or the person's attorney may file a written statement with the department requesting an appeal of the record check evaluation decision within 30 days of the date of the notice of the results of the record check evaluation in accordance with 441—Chapter 2506.

These rules are intended to implement Iowa Code section 237.3.

ARC 0718D

HUMAN SERVICES DEPARTMENT[441]

Notice of Intended Action

Proposing rulemaking related to licensing and regulation of comprehensive residential facilities for children and providing an opportunity for public comment

The Department of Health and Human Services hereby proposes to rescind Chapter 115, "Licensing and Regulation of Comprehensive Residential Facilities for Children," Iowa Administrative Code, and to adopt a new Chapter 115 with the same title.

Legal Authority for Rulemaking

This rulemaking is proposed under the authority provided in Iowa Code section 237.3.

State or Federal Law Implemented

This rulemaking implements, in whole or in part, Iowa Code chapter 237.

Purpose and Summary

This proposed chapter was reviewed as part of the Red Tape Review process laid out in 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. Chapter 115 specifically relates to the creation of standards for the licensing and regulation of comprehensive residential care facilities for children.

Regulatory Analysis

A Regulatory Analysis for this rulemaking was published in the Iowa Administrative Bulletin on September 30, 2026. A public hearing was held on the following date(s):

- October 20, 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 December 1, 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

Public hearings at which persons may present their views orally or in writing will be held as follows:

December 1, 2026 10 to 10:30 a.m.	Microsoft Teams Meeting ID: 225 217 179 078 528 Passcode: Rw3KT9yE
December 1, 2026 2 to 2:30 p.m.	Microsoft Teams Meeting ID: 263 899 623 991 883 Passcode: qy9g7WW7

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 441—Chapter 115 and adopt the following **new** chapter in lieu thereof:

CHAPTER 115
LICENSING AND REGULATION OF COMPREHENSIVE
RESIDENTIAL FACILITIES FOR CHILDREN

441—115.1(237) Definitions.

"Chemical restraint" means the use of chemical agents, including psychotropic drugs, as a form of restraint. The therapeutic use of psychotropic medications as a component of a service plan for a particular child is not considered chemical restraint.

"Comprehensive residential facility" means a facility that provides care and treatment for children who are unable to live in a family situation due to social, emotional, or physical disabilities and who require varying degrees of supervision as indicated in the individual service plan. Care includes room and board. Services include the internal capacity for individual, family, and group treatment. These services and others provided to the child shall be under the administrative control of the facility. Community resources may be used for medical, recreational, and educational needs. Comprehensive residential facilities have higher staff-to-client ratios than community residential facilities and may use control rooms, locked cottages, and mechanical restraints when these controls meet licensing requirements.

"Locked cottage" means an occupied comprehensive residential facility or an occupied unit of a comprehensive residential facility that is physically restrictive because of the continual locking of doors to prevent the children in care from leaving the facility.

"Protective locked environment" means the same as defined in Iowa Code section 237.1(17). Examples of a protective locked environment could include but are not limited to the use of secured doors, delayed locks, secured windows, badge-only access doors, and external fencing around the property perimeter.

"Secure facility" means any comprehensive residential facility that employs, on a regular basis, locked doors or other building characteristics intended to prevent children in care from leaving the facility without authorization. Secure facilities may only be used for children who have been adjudicated delinquent or placed pursuant to provisions of Iowa Code chapter 229.

441—115.2(237) Information upon admission. In addition to the requirements in 441—paragraph 114.9(4)*"b,"* parents or guardians shall be provided with information on conditions for the use of restraints.

441—115.3(237) Staff.

115.3(1) *Number of staff.*

a. The number and qualifications of the staff will vary depending on the needs of the children. There shall be at least a one-to-eight staff-to-child ratio at all times children are awake and present in the facility and during supervised outings.

b. A staff person shall be in each living unit at all times when children are in residence.

115.3(2) *Staff duties.*

a. A casework supervisor shall provide:

(1) One hour per week per caseworker of in-person case-specific supervision.

(2) On-site supervision at least monthly.

(3) Additional contact as needed with each caseworker in other related duties, including case intake discussions, staffings of cases, evaluations of the caseworker, teaching, and administrative duties.

b. Casework staff shall:

(1) Provide at least weekly group or individually scheduled in-person conferences with each child for whom the caseworker is responsible. More frequent in-person contact shall be provided if required in the service plan.

(2) Provide a supportive and therapeutic atmosphere for the child.

(3) Select and employ appropriate treatment approaches to different types of children.

441—115.4(237) Casework services. The facility shall have the internal capacity to provide individual, family and group counseling and shall provide, at a minimum, casework dealing with crisis intervention, daily living skills, peer relationships, future planning and preparation for discharge.

441—115.5(237) Restraints.

115.5(1) *Protective locked environment facilities.* Physical restraints and a control room are permitted in protective locked environment facilities. Staff shall be trained in the use of restraints and control room utilization.

115.5(2) *Secure facilities.* Secure facilities may use physical restraints, a control room, locked cottages, and mechanical restraints. Secure facilities shall review any use of a mechanical restraint on a child.

115.5(3) *Written policies.* A facility that uses restraints shall have a written policy on their use. This policy shall include:

a. A statement specifically identifying each form of restraint in use at the facility.

b. Criteria for use of each form of restraint.

c. Identification of staff or licensed professionals authorized to approve and use each form of restraint.

d. Requirement for documentation in the child's individual case file.

e. Procedures for application or administration of each form of restraint in use at the facility.

f. Maximum time limit for use of restraints.

115.5(4) *Use of restraint.*

a. A facility cannot use, apply, or administer restraint in any manner that causes physical injury.

b. A facility cannot use restraint as a disciplinary or punitive measure, for staff convenience, as a preventive measure, or as a substitute for programming.

c. A facility shall release the child from restraint immediately when the situation precipitating restraint no longer exists.

d. A secure facility that uses restraint permitted by licensing standards, other than physical restraint, shall ensure that all direct service staff are adequately trained in the following areas:

(1) The appropriate use and application or administration of each permitted form of restraint.

(2) The facility's policies and procedures related to restraint.

(3) Crisis management techniques.

441—115.6(237) Control room.

115.6(1) *Purpose.* The control room shall be used for treatment purposes only. A facility shall be approved by the licensing authority as meeting the requirements of this chapter regarding control rooms before control rooms can be utilized.

115.6(2) *Written policies.* When a comprehensive residential facility uses a control room as part of its treatment program, the facility shall have written policies regarding its use. The policy shall:

a. Specify the types of behavior that may result in control room placement.

b. Delineate the staff members who may authorize its use as well as procedures for notification of supervisory personnel.

c. Require documentation in writing of the types of behaviors leading to control room placement and the conditions that will allow the child to return to the living unit. The child shall be informed of these conditions. Documentation of control room use shall include but not be limited to the following:

(1) Each use of the control room.

(2) The time the intervention began and ended.

(3) The reason that required the child to be put in the control room.

(4) The name(s) of staff involved in the intervention.

d. Limit the utilization of the control room to one of the following two circumstances:

(1) The child's service plan includes and explains how this use of the control room fits into the service plan for the child.

(2) A one-time placement in an emergency without a service plan outlining the rationale for its use. This treatment shall be included in the service plan for a second placement of a child in the control room.

115.6(3) *Physical requirements.* The control room shall be designed to ensure a physically safe environment with:

a. All switches controlling lights and ventilation outside the room.

b. Allowance for observation of the child at all times.

c. Protected recessed ceiling light.

d. No electrical outlets in the room.

e. Proper heating, cooling, and ventilation.

f. Any window secured and protected in a manner to prevent harm to the child.

g. A minimum of 54 square feet in floor space with at least a 7-foot ceiling.

115.6(4) *Use of control room.* The control room shall be used only when a less restrictive alternative to quiet the child or allowing the child to gain control has failed and when it is in the service plan. The following policies shall apply to the use of the control room:

a. No more than one child shall be in a control room at any time.

b. There shall be provisions for visual observation of the child at all times, regardless of the child's position in the room.

c. The control room shall be checked thoroughly for safety and the absence of contraband prior to placing the child in the room.

d. The child shall be thoroughly checked before placement in the control room and all potentially injurious objects removed, including shoes, belts, and pocket items. The staff member placing the child in the control room shall document each check.

e. In no case shall all clothing or underwear be removed. The child shall be provided sufficient clothing to meet seasonal needs.

f. A staff member shall always be positioned outside of the control room. Visual and auditory observations of the child's behavior and condition shall be recorded at five-minute intervals, and a complete written report shall be documented in the child's file by the end of the staff person's work shift.

g. The child shall remain in the control room longer than one hour only with consultation and approval from the authorized staff or licensed professional. Documentation in the child's case record shall include the time in the control room, the reasons for the control, and the reasons for the extension of time. Use of the control room for a total of more than 12 hours in any 24-hour period shall occur only after authorization of the psychiatrist or upon court order. In no case shall a child be in a control room for a period longer than 24 hours.

h. The child's parents or guardian and the referring worker shall be made aware of the control room as a part of the treatment program.

441—115.7(237) Locked cottages.

115.7(1) *Approval.* A facility shall be approved by the licensing authority as meeting the requirements of this chapter regarding locked cottages before locked cottages can be operated.

115.7(2) *Nighttime staff.* Awake nighttime staff is required in each locked cottage.

115.7(3) *Policies.* Licensees utilizing a locked cottage shall have and follow written policies for the locked cottage. The policies shall be provided to the child, the child's parents or guardian and, when the child has an attorney, the child's attorney at the time of admission. The policies shall include:

a. The type of behavior that may result in locked cottage placement.

b. The staff members who may authorize placement in the locked cottage as well as procedures for notification of supervisory personnel.

c. Requirements for documentation in writing of particular behaviors of a particular child that led to the placement.

d. Requirement for documentation of the conditions that will allow the child to return to an unlocked cottage. These conditions shall be shared with the child.

e. Requirement for documentation of the use of the locked cottage as a part of the treatment plan for a specific child.

f. Specific policies as to the length of stay in the locked cottage.

g. Requirements for notification of the child's parents or guardian, the court, and the referring agency of a child's placement in the locked cottage.

h. Requirement for written documentation of placements in the locked cottage in the child's case record.

441—115.8(237) Mechanical restraint. When a facility uses mechanical restraints as a part of its treatment program, the facility shall have and follow written policies regarding their use. These policies shall be approved by the department prior to their use. The policies shall be available to clients, parents or guardians, and referral sources at the time of admission. Policies shall also be available to staff.

115.8(1) *Restrictions on mechanical restraints.*

a. Mechanical restraints shall not inflict physical injury.

b. Each use of mechanical restraint shall be authorized by the administrator or case supervisor.

c. Each authorization of mechanical restraint shall not exceed one hour in duration.

d. No child shall be kept in mechanical restraint for more than 2 hours in a 12-hour period.

e. Any time that a child is placed in mechanical restraint a staff person shall be assigned to monitor the placement with no duties other than to ensure that the child's physical needs are properly met. The staff person shall remain in continuous auditory and visual contact with the child.

f. Each child shall be released from mechanical restraint as soon as the restraints are no longer needed.

115.8(2) *Continued use of mechanical restraints.* When a child requires mechanical restraint on more than four occasions during any 30-day period, the facility shall hold an immediate emergency meeting to discuss the appropriateness of the child's continued placement at the facility.

115.8(3) *In transporting children.* Notwithstanding paragraph 115.8(1)*"d,"* mechanical restraint of a child while that child is being transported to a point outside the facility is permitted when there is a serious risk of the child exiting the vehicle while the vehicle is in motion. The facility shall place a written report on each use in the child's case record. This report shall document the necessity for the use of restraint. Seat belts are not considered mechanical restraints. Agency policies should encourage the use of seat belts while transporting children and comply with Iowa law.

441—115.9(237) Restraint and control room use debriefing.

115.9(1) *Initial discussion.* Within a short time after the use of the restraint or control room, staff involved in an intervention and the child must have a face-to-face discussion except when the presence of a particular staff person may jeopardize the well-being of the child.

a. Other staff and the child's parent(s) or legal guardian(s) may participate in the discussion when it is deemed appropriate by the facility. The facility must conduct such discussion in a language that is understood by the child's parent(s) or legal guardian(s).

b. The discussion must provide both the child and staff the opportunity to discuss the circumstances resulting in the use of the restraint or control room and strategies to be used by the staff, the child, or others that could prevent the future use of the restraint or control room.

115.9(2) *Staff discussion.* Within 24 hours after the use of the restraint or control room, all staff involved in the intervention, and appropriate supervisory and administrative staff, must conduct a debriefing session that includes, at a minimum, a review and discussion of the intervention including but not limited to the following:

a. The emergency safety situation that required the intervention, including discussion of the precipitating factors that led up to the intervention;

b. Alternative techniques that might have prevented the use of the restraint or control room;

c. The procedures, if any, that staff are to implement to prevent any recurrence of the use of the restraint or control room; and

d. The outcome of the intervention, including any injuries that may have resulted from the use of the restraint or control room.

115.9(3) *Documentation.* Staff must document in the child's record that both debriefing sessions took place and must include in that documentation the names of staff who were present for the debriefing, the names of staff who were excused from the debriefing, and any reasons that are applicable.

441—115.10(237) Chemical restraint. Chemical restraint shall not be utilized in a comprehensive residential facility, and each comprehensive residential facility shall have written policies that clearly prohibit the use of chemical restraint.

These rules are intended to implement Iowa Code section 237.3.

ARC 0702D

HUMAN SERVICES DEPARTMENT[441]

Notice of Intended Action

Proposing rulemaking related to child care quality rating system and providing an opportunity for public comment

The Department of Health and Human Services hereby proposes to rescind Chapter 118, "Child Care Quality Rating System," Iowa Administrative Code, and to adopt a new Chapter 118 with the same title.

Legal Authority for Rulemaking

This rulemaking is proposed under the authority provided in Iowa Code chapter 237A and section 234.6.

State or Federal Law Implemented

This rulemaking implements, in whole or in part, Iowa Code section 237A.30.

Purpose and Summary

This proposed 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 rulemaking implements 2026 Iowa Acts, Senate File 2488, section 27, by establishing rules for a voluntary child care quality rating system, which is designed for child care programs that primarily serve children between birth and the age of 12.

The reference to Iowa Code section 237A.30 is to that section as amended by 2026 Iowa Acts, Senate File 2488, section 27.

Regulatory Analysis

A Regulatory Analysis for this rulemaking was published in the Iowa Administrative Bulletin on September 16, 2026. A public hearing was held on the following date(s):

- October 6, 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 December 1, 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

Public hearings at which persons may present their views orally or in writing will be held as follows:

December 1, 2026 10 to 10:30 a.m.	Microsoft Teams Meeting ID: 225 217 179 078 528 Passcode: Rw3KT9yE
December 1, 2026 2 to 2:30 p.m.	Microsoft Teams Meeting ID: 263 899 623 991 883 Passcode: qy9g7WW7

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 441—Chapter 118 and adopt the following **new** chapter in lieu thereof:

CHAPTER 118
CHILD CARE QUALITY RATING SYSTEM

441—118.1(237A) Definitions.

"All staff" means program administrator or director, assistant program administrator or assistant director, on-site supervisor, lead teacher, and staff counted as part of the staff-to-child ratio.

"Assessment tool" means a tool approved by the department used to gather and provide critical information about a child's educational growth and development to educators, parents, guardians, and caretakers.

"Assistant program administrator" or *"assistant director"* means the staff member working directly under the administrator or director and assisting with program planning and managing, marketing, and directing the child care facility.

"Child and Adult Care Food Program" or *"CACFP"* means a federal United States Department of Agriculture (USDA) program that provides a subsidy for serving nutritious meals and snacks to eligible children and adults who are enrolled at participating child care centers, homes, and adult day care centers. CACFP also provides reimbursements for meals served to children and youth participating in after-school care programs, children residing in emergency shelters, and adults over the age of 60 or living with a disability and enrolled in adult day care facilities.

"Child care experience" means knowledge and skills learned through employment in a licensed child care center, a school-aged only program, a preschool, a registered child development home or as a child care home provider.

"Child care facility" means the same as defined in Iowa Code section 237A.1.

"Child care resource and referral" or *"CCR&R"* means the statewide agency focused on supporting quality child care throughout the state of Iowa. CCR&R serves as the starting point for all IQ4K applications and provides free technical assistance and consultation to providers throughout the IQ4K application process.

"Child development associate credential" or *"CDA"* means a nationally recognized credential earned by individuals working in the early child care and education field.

"Child development home" means the same as defined in Iowa Code section 237A.1.

"ChildNet certification" means verified completion of the ChildNet training series.

"ChildNet training" means the training series offered through CCR&R focused on areas specifically designed for child development home providers.

"Child nutrition programs" or *"CNPs"* means federally funded programs administered by the federal Food and Nutrition Administration (FNA).

"Classroom assessment scoring system" or *"CLASS"* means an observation instrument that assesses the quality of teacher-child interactions in center-based classrooms.

"Co-provider" means a second approved provider in a Category C registered child development home as described in Iowa Code section 237A.3A(3)*"a."*

"Curriculum" means a written plan that outlines how students shall be taught. The curriculum consists of the plans for the learning experiences through which children acquire knowledge, skills, abilities, and understanding. The curriculum may include lessons, instructional materials, teaching techniques, or activities.

"Developmental screening tool" means a research-based questionnaire or checklist that asks questions about a child's development, including, at a minimum, movement, thinking, behavior and emotions.

"Early childhood-positive behavioral interventions and supports" or *"EC-PBIS"* means a framework of evidence-based practices that adults can use to build strong relationships with children

and families, improve the predictability within the adults' classrooms and respond appropriately and effectively to challenging behaviors.

"EC-PBIS leadership team" means a team of facility staff, including, at minimum, the program administrator, teacher(s) and a coach, that is responsible for guiding the programwide process and making decisions on how to support implementation of the EC-PBIS practices.

"EC-PBIS module training" means a department-approved training series for staff working directly with young children on universal practices, targeted strategies and individualized interventions to reduce challenging behavior.

"Environment rating scale" or *"ERS"* means a set of early childhood tools or scales developed through the Frank Porter Graham Child Development Institute of the University of North Carolina at Chapel Hill.

"ERS assessment" means an evaluation conducted through an on-site observation of an early childhood care and education classroom or program using one of the environmental rating scales. The assessment is completed by a trained assessor and administered by entities approved by the department.

"ERS improvement plan" or *"improvement plan"* means the approved action plan created by a program or classroom to lay out ideas for improving program quality.

"ERS scoresheet" means the form used to evaluate and score a program or classroom based on the ERS items and indicators.

"Facility" means a licensed child care center, a preschool, a program operating under the authority of an accredited school district or nonpublic school, or a registered child development home.

"Full-time child care experience" means knowledge and skills learned through employment or volunteer work, at least 30 hours per week or 130 hours per month, in a licensed child care center, a school-aged only program, a preschool, or a registered child development home or as a child care home provider.

"Health and safety checklist for early care and education programs" or *"ECE"* means the nationally recognized quality assessment tool, conducted by a child care nurse consultant or another designee as approved by the department.

"Iowa early care and education program administrator roles career pathway" means the statewide professional development tool available on the department's website that assists early childhood center administrators or other early childhood leaders develop a personal professional development plan as an early childhood educator.

"Iowa early learning standards" or *"IELS"* means a comprehensive resource tool developed to support and enhance children's learning and development.

"i-PoWeR" means Iowa's early childhood and school age care professional workforce registry. It is a web-based workforce registry that houses information including completed professional development.

"IQ4K" or *"Iowa Quality for Kids"* or *"IQ4K QRIS"* means Iowa's voluntary quality rating and improvement system (QRIS) for licensed child care centers and preschools, registered child development homes and programs operating under an accredited school district or nonpublic school.

"IQ4K application" means the online application for IQ4K found on the department website.

"IQ4K teaching staff qualifications worksheet" means the tool used to calculate an average score in the area of teaching staff qualification using a combination of the educational background and related work experience of identified teaching staff members.

"Lead teacher" means the staff member responsible for providing a safe and developmentally appropriate classroom that complies with legislation, policies, and procedures.

"Meals" means any breakfasts, lunches, snacks and suppers the child care program serves to children while in care.

"National administrator credential" or *"NAC"* means the 40-hour comprehensive training for child care and education administrators and successful completion of the certification process offered through the National Early Childhood Program Accreditation (NECPA) Commission.

"National School Lunch Program" or *"NSLP"* means a federal CNP operating in public and nonprofit private schools and residential child care institutions.

"On-site supervisor" means the individual responsible for the daily supervision of the program who must be on site daily, either during the hours of operation that children are present or at a minimum of eight hours of the program's hours of operation.

"Practitioner coach" means the staff member, identified by the program administrator, responsible for coaching classroom teachers on implementation of the EC-PBIS policies and practices.

"Professional development" means continuing education and career training offered by a department-approved training organization to child care and education providers to help the child care and education providers develop new skills, stay up to date on current trends, and advance the child care and education providers' careers.

"Professional development plan" means the individualized plan used to improve knowledge and skills.

"Program" refers to the complete operation of an eligible facility applying for an IQ4K rating.

"Program administrator or director" means a department-approved staff member responsible for overseeing the day-to-day operations of a child care program.

"Programwide PBIS training" or *"PW PBIS training"* means the training for leadership teams of classroom-based early childhood programs.

"Provider" means the person or program that applies for registration to provide child care and is approved as a child development home.

"School-aged only program" means an eligible facility providing care to children aged 5 through 12 when school is not in session, including before school, after school, out-of-school days during the school year, and summer break.

"Self-assessment" means an evaluation of current program policies, practices, and procedures in comparison to best-practice standards based on the most up-to-date research.

"Specialized track" means a modified IQ4K application for eligible applicants who have successfully provided adequate documentation of current verification and certification in one of the department's preapproved specialized track areas.

"Staff" means any individual employed by and working at the facility.

"Teacher" means any staff member working under the supervision of a lead teacher or other licensed personnel who has the ultimate responsibility for the design and implementation of education and related service programs. Other terms used may include paraprofessional, educational aide, associate, or instructional aide.

"Teaching staff" means all staff members who are considered persons counted as a part of the minimum ratio of staff to children as outlined in 441—subrule 109.8(2).

441—118.2(237A) IQ4K rating. Applicants shall apply for an IQ4K rating by completing the appropriate application and submitting all required supporting documentation.

118.2(1) *Eligibility.* All programs must meet and maintain all regulatory requirements in order to be eligible to apply for IQ4K. All programs must have, at minimum, one child regularly and actively enrolled in order to be eligible to apply for IQ4K.

118.2(2) *Application for IQ4K.* All applications must be accessed, completed, and submitted to the applicant's designated CCR&R representative through the IQ4K application located on the department's website.

441—118.3(237A) Application effective date. The effective date of an approved IQ4K application will be determined as listed in these subrules.

118.3(1) *New or nonrated applicant, levels 1 through 4.* The application effective date will be the day the department certifies the application is complete and makes the appropriate award determination.

118.3(2) *New or nonrated applicant, level 5.* The application effective date will be the day the department confirms the program's scores on the ERS and subsequently makes the appropriate award determination.

118.3(3) *Currently rated applicant, levels 1 through 4.* If the program's new application is submitted and approved prior to the IQ4K expiration date, the new application's effective date will be the first day of the month following the program's current expiration date.

118.3(4) *Currently rated applicant, level 5.* If the program's new application is submitted and approved 30 calendar days prior to the IQ4K expiration date, the new application's effective date will be the first day of the month following the program's current expiration date.

a. If the program's new application is not submitted 30 calendar days prior to the IQ4K expiration date, the new application effective date will be the day the department confirms the program's scores on the ERS and subsequently makes the appropriate award determination.

b. If the ERS process is not complete by the time of the program's IQ4K expiration date, the program's IQ4K rating will expire and the program will not have an IQ4K rating until the ERS process is complete and the program applies for a new IQ4K rating.

118.3(5) *Currently rated applicant, mid-rating increase to levels 2 through 4.* The application effective date will be the day the department certifies the application is complete and makes the appropriate award determination.

118.3(6) *Currently rated applicant, mid-rating increase to level 5.* The application effective date will be the day the department confirms the program's scores on the ERS and subsequently makes the appropriate award determination.

118.3(7) *Forfeited applications.* The effective date of a program whose assessment opportunity has been forfeited will be the date the department determined the assessment opportunity was forfeited.

441—118.4(237A) Approved program's expiration date. An approved program's IQ4K expiration date will be the last day of the month, two years from the application's effective date.

441—118.5(237A) Renewal application submission, levels 1 through 4. Eligible applicants may submit an application for IQ4K renewal up to 45 calendar days in advance of the current IQ4K expiration date.

441—118.6(237A) Renewal application submission, level 5. Eligible applicants may submit an application for IQ4K renewal up to 60 calendar days in advance of the current IQ4K expiration date.

441—118.7(237A) Increased rating. Currently rated IQ4K programs may submit an application for a higher quality rating no sooner than 12 months after the effective date of the current IQ4K certificate.

441—118.8(237A) Change in location of facility. If the location of a rated program changes, the program must notify the department. The program's current IQ4K rating will be invalid, and the program must submit a new application. The department will make a new determination of the appropriate rating for the new location.

441—118.9(237A) Ongoing eligibility. All applicants awarded an IQ4K certification level must continue to meet all eligibility requirements of the awarded level throughout the entire certification period. Noncompliance with regulatory requirements or with IQ4K criteria can result in revocation of rating and not being eligible to apply for or renew the program's rating. Provisionally licensed programs are not eligible to apply for IQ4K participation.

441—118.10(237A) Monitoring. Programs awarded an IQ4K rating shall agree to scheduled on-site and virtual program monitoring by the department or the department's designee to confirm and review compliance with criteria of awarded IQ4K rating.

441—118.11(237A) Professional development training. Only training taken from a department-approved training organization will be accepted toward professional training requirements. Secondary education credits will count as one secondary education credit equaling 15 training hours based on ages

of the children served in the program. Approved training must be verified in i-PoWeR to count toward professional development training requirements.

441—118.12(237A) Rating standards for a child care center, a preschool, or a program operating under the authority of an accredited school district or nonpublic school. To participate in IQ4K QRIS, a child care center, preschool, or program operating under the authority of an accredited school district or nonpublic school shall certify that the accredited school district's or nonpublic school's facility meets the applicable criteria as defined in these rules.

118.12(1) An eligible applicant providing adequate documentation of current verification or certification in one of the preapproved specialized track areas shall only be required to satisfy the criteria outlined in the application consistent with the eligible applicant's specialized track.

118.12(2) A program with more than one classroom shall not be eligible to apply using a specialized track application unless over 50 percent of the program's eligible classrooms meet the specialized track requirements.

118.12(3) An eligible applicant shall be able to earn credit for participation in more than one of the specialized track areas.

441—118.13(237A) Criteria for IQ4K—level 1 child care center, preschool, or program operating under the authority of an accredited school district or nonpublic school. To be rated at a level 1, an eligible facility must be in full compliance with department regulations and satisfy all the criteria in each of the seven designated categories listed in level 1 or complete all of the criteria designated in the eligible facility's respective specialized tracks.

118.13(1) *Nutrition and physical activity.*

a. All staff members who prepare meals shall complete one of the department-approved food safety trainings.

b. A department-approved self-assessment and action plan in the area of nutrition shall be completed for an eligible facility.

c. A department-approved self-assessment and action plan in the area of physical activity shall be completed for an eligible facility.

118.13(2) *Professional development.*

a. All staff shall complete a professional development plan within six months of each person's hiring date and shall update the plan annually.

b. All staff shall complete one of the department-identified new staff orientation courses and must provide a valid certificate of completion. Newly hired staff shall have nine months from date of hire to complete this requirement.

118.13(3) *Family and community partnerships.*

a. The program shall provide an orientation meeting for new families that meets department criteria.

b. The program shall complete one annual activity that promotes partnerships from the department's approved list.

118.13(4) *Teaching staff qualifications.* All lead teachers shall show participation in the Iowa early care and education teaching roles career pathway tier 1 within six months of starting employment.

118.13(5) *Teaching and learning.*

a. The program administrator and at least one lead teacher shall complete two hours of department-approved training on the Iowa early learning standards.

b. The program shall develop and implement a comprehensive discipline and behavior policy that promotes positive relationships that meet department criteria.

118.13(6) *Environment.*

a. The program shall develop and implement, as applicable to ages served, policies that meet department criteria for the following areas:

(1) Supervision.

(2) Safe sleep.

(3) Playground equipment stability and fall surfacing and inspection.

(4) Missing child.

(5) Sign in and out tracking system for children and visitors.

b. The program shall submit to the department one of the following annually:

(1) IQ4K Interaction and Relationship Self-Assessment form, which shall be completed by teaching staff.

(2) CLASS assessment form prescribed by the department for the age level being served, which shall be completed for each classroom by a trained observer.

(3) Teaching pyramid observation tool form prescribed by the department or teacher pyramid infant toddler observation scale assessment tools for infants and toddlers, which shall be completed for each classroom by a trained observer.

118.13(7) *Leadership and administration.*

a. All staff shall complete the IQ4K staff self-assessment annually.

b. The program administrator shall complete the IQ4K program assessment annually.

441—118.14(237A) Criteria for IQ4K—level 2 child care center, preschool, or program operating under the authority of an accredited school district or nonpublic school. To be rated at a level 2, an eligible facility must be in full compliance with department regulations and satisfy all of the criteria in each of the seven designated categories listed in levels 1 and 2 or complete all of the criteria designated in the eligible facility's respective specialized tracks for levels 1 and 2.

118.14(1) *Nutrition and physical activity.*

a. The program shall choose one of the following:

(1) The program shall actively participate in CACFP, NSLP, or another department-approved CNP.

(2) The program shall complete all of the following as applicable to ages served:

1. Program staff and their supervisor planning the menu shall complete the CACFP Steps to Success module 2 lessons as identified by the department that cover the CACFP meal pattern.

2. Infant lead teachers and their supervisor shall review the video "CACFP Child Care Center Infant Staff Training" or "Iowa CACFP Infant Training—Steps to Success module 15" as provided by the department.

3. All lead teachers and their supervisors responsible for mealtime supervision shall complete the CACFP child care center staff training or the Iowa CACFP wellness module—meaningful mealtimes.

b. The program shall identify and implement one physical activity goal from the completed action plan in level 1.

118.14(2) *Professional development.*

a. All staff who administer medication shall complete the medication administration skills competency course or other training as approved by the department and hold a valid certification of completion.

b. All staff who administer medication shall also successfully complete a competency skills evaluation assessment checklist or department-approved equivalent and hold a valid certification of completion. There shall be one person who meets these criteria present on site in the program at all times.

c. All teaching staff shall complete ten annual training hours of professional development.

118.14(3) *Family and community partnerships.*

a. The program shall offer one conference with each family per year to discuss each child's progress, strengths, and needs in all developmental areas and to share child assessment information with the child's family.

b. The program shall complete one additional department-approved activity annually that promotes partnerships.

118.14(4) *Teaching staff qualifications.* All lead teachers shall complete approved trainings toward a CDA or shall meet a higher tier qualification on the Iowa early care and education teaching roles career pathway.

118.14(5) *Teaching and learning.*

a. The program shall use a curriculum that is aligned with the Iowa early learning standards, addresses the multiple domain areas, and is specific to the ages of the children the program serves.

b. The program shall develop and implement a department-approved policy that eliminates or severely limits expulsion, suspension, and punitive or other exclusionary discipline.

c. The program shall develop and implement policies meeting department criteria regarding the use of an approved developmental screening tool for all children within 60 days of enrollment and at least annually to identify children who may need additional evaluation and intervention strategies.

118.14(6) *Environment.*

a. The program administrator shall complete one ERS training and provide a certificate of completion, choosing among:

(1) Compass—a guide to quality infant/toddler environments;

(2) Compass—a guide to quality preschool environments; or

(3) Compass—a guide to quality school age environments.

b. The program shall provide a welcoming environment to all children and families.

c. The program shall develop and implement a tobacco-free and nicotine-free policy that meets department criteria.

118.14(7) *Leadership and administration.*

a. The program administrator shall complete and annually update the IQ4K quality improvement action plan.

b. All staff shall receive a written evaluation at least once a year.

c. The program administrator shall have at least two years of full-time experience working in the field.

441—118.15(237A) Criteria for IQ4K—level 3 child care center, preschool, or program operating under the authority of an accredited school district or nonpublic school. To be rated at a level 3, an eligible facility must be in full compliance with department regulations and satisfy all of the criteria in each of the seven designated categories listed in levels 1, 2 and 3 or complete all of the criteria designated in the eligible facility's respective specialized tracks for levels 1, 2 and 3.

118.15(1) *Nutrition and physical activity.*

a. The program shall choose one of the following:

(1) The program shall actively participate in CACFP, NSLP, or another department-approved CNP.

(2) If exempt from CACFP or NSLP, the program shall identify and implement two nutrition goals from the completed department-approved action plan in level 1.

1. Programs providing adequate documentation that the programs provide care for four hours a day or less are exempt from the CACFP or NSLP participation requirement.

2. Nonprofit programs shall qualify for an exemption from the CACFP or NSLP requirement if the programs provide adequate documentation that meets one of the following criteria:

- The percentage of children enrolled in the program qualifying for free or reduced meals is 5 percent or less.
- The program's licensed capacity is 30 or less.
- The program serves two or fewer meals or snacks per day.
- The program is open and operating three days a week or less.

3. For-profit programs shall qualify for an exemption from the CACFP or NSLP requirement if the for-profit programs are able to provide adequate documentation that the percentage of children enrolled in the program qualifying for free or reduced meals is 25 percent or less.

b. The program shall identify and implement two physical activity goals from the completed action plan in level 1.

118.15(2) *Professional development.*

a. All teaching staff shall complete ten annual training hours of professional development.

b. Sixty percent or more of all lead teachers shall complete the universal practices EC-PBIS module trainings based on the age groups served.

118.15(3) *Family and community partnerships.*

a. The program shall promote culturally sensitive practices and procedures.

b. The program shall complete one additional activity annually that promotes partnerships from the approved department list.

118.15(4) *Teaching staff qualifications.* The average score for all lead teachers shall be three points or more on the IQ4K teaching staff qualifications worksheet.

118.15(5) *Teaching and learning.*

a. The program shall utilize an appropriate department-approved assessment tool throughout the year that aligns with the curriculum to gather information on each child's strengths, progress, and needs.

b. The program shall share community resources with families as needed based on the information gathered from the child's assessment.

c. The program shall develop and implement policies and procedures meeting department criteria for inclusive practices for children with diverse needs, including those with identified disabilities, language barriers, identified behavioral needs, or specialized health needs.

118.15(6) *Environment.*

a. Thirty percent or more of lead teachers shall complete an appropriate ERS training as applicable to ages served and provide a certificate of completion, choosing among:

(1) Compass—a guide to quality infant/toddler environments;

(2) Compass—a guide to quality preschool environments; or

(3) Compass—a guide to quality school age environments.

b. The program shall participate in the completion of the health and safety checklist for early care and education programs.

c. The program shall develop and implement a departmentally approved policy regarding oral health.

118.15(7) *Leadership and administration.*

a. The program administrator shall complete one of the following:

(1) NAC or another department-approved credential.

(2) A minimum of 30 training hours in early childhood and 10 training hours or more in leadership, administration, or management.

b. The program administrator shall have one of the following:

(1) Three years or more of full-time experience working in the field; or

(2) One year or more of full-time experience as a program administrator.

441—118.16(237A) Criteria for IQ4K—level 4 child care center, preschool, or program operating under the authority of an accredited school district or nonpublic school. To be rated at a level 4, an eligible facility must be in full compliance with department regulations and satisfy all of the criteria in each of the seven designated categories listed in levels 1, 2, 3 and 4 or complete all of the criteria designated in the eligible facility's respective specialized tracks for levels 1, 2, 3 and 4.

118.16(1) *Nutrition and physical activity.*

a. The program shall choose one of the following:

(1) The program shall actively participate in CACFP, NSLP, or another department-approved CNP and shall identify and implement one nutrition goal from the completed action plan in level 1.

(2) If exempt from CACFP or NSLP, the program shall identify and implement three nutrition goals from the completed action plan in level 1.

b. The program shall identify and implement three physical activity goals from the completed action plan in level 1.

118.16(2) *Professional development.*

a. All teaching staff shall complete 12 annual hours or more of professional development.

b. Sixty percent or more of all lead teachers shall complete the targeted strategies and individualized interventions EC-PBIS training modules based on the age groups served.

118.16(3) *Family and community partnerships.* The program shall complete one additional department-approved activity annually that promotes partnerships.

118.16(4) *Teaching staff qualifications.* The average score for all teaching staff shall be four points or more on the IQ4K teaching staff qualification worksheet.

118.16(5) *Teaching and learning.*

a. The teaching staff shall use assessment data and information gathered about children and families to make changes to further support the children's learning environment and activities.

b. The teaching staff shall participate in planning with families and outside experts, as needed, for children with diverse needs, including those with identified disabilities, language barriers, identified behavioral needs, and specialized health needs.

118.16(6) *Environment.*

a. Sixty percent or more of lead teachers shall complete an appropriate ERS training as applicable to ages served and provide a certificate of completion, choosing among:

(1) Compass—a guide to quality infant/toddler environments;

(2) Compass—a guide to quality preschool environments; or

(3) Compass—a guide to quality school age environments.

b. One-third of all classrooms shall complete the ERS scoresheet with self-assessment and improvement plan using a minimum of one classroom per scale, if applicable.

c. The program shall score an average of 2.5 or higher on the health and safety checklist for early care and education.

118.16(7) *Leadership and administration.*

a. The program administrator shall meet the Iowa early care and education program administrator roles career pathway tier 1 or higher.

b. The program administrator shall have two or more years of full-time experience as a program administrator.

441—118.17(237A) Criteria for IQ4K—level 5 child care center, preschool, or program operating under the authority of an accredited school district or nonpublic school.

118.17(1) *Criteria for each category.* To be rated at level 5, an eligible facility must be in full compliance with department regulations and satisfy all of the criteria in each of the seven designated categories listed in levels 1, 2, 3, 4 and 5 or complete all the criteria designated in the eligible facility's respective specialized tracks for levels 1, 2, 3, 4 and 5. To be rated at a level 5, an eligible facility must also meet the following criteria:

a. Minimum score. The facility must earn a minimum score of 5.0 in each assessed classroom on the appropriate ERS.

b. Approved assessor. An assessor approved by the department must perform an environment rating assessment.

c. Number of classrooms assessed. At least one-third of the facility's classrooms must be assessed, including at least one classroom in each age group served by the facility.

d. Time frame for assessment. Programs eligible for ERS assessment must undergo their assessment within 90 days of department approval unless an extension is requested and approved by the department.

e. Assessments not done timely. Programs that do not undergo their assessment within 90 days of approval by the department or do not receive an approved extension from the department will forfeit their opportunity for an assessment.

118.17(2) *Nutrition and physical activity.*

a. The program shall choose one of the following:

(1) The program shall actively participate in CACFP, NSLP, or another department-approved CNP and shall identify and implement two nutrition goals from the completed action plan in level 1.

(2) If exempt from CACFP or NSLP, the program shall identify and implement four nutrition goals from the completed action plan in level 1.

b. The program shall identify and implement four physical activity goals from the completed action plan in level 1.

118.17(3) *Professional development.* All teaching staff shall complete 12 annual hours or more of professional development.

118.17(4) *Family and community partnerships.*

a. The program shall complete one additional department-approved activity annually that promotes partnerships.

b. The program shall offer one additional conference with each family of preschool age children in care, per year, to discuss each child's progress, strengths, and needs in all developmental areas. Assessment information shall be shared with the family.

118.17(5) *Teaching staff qualifications.* The average score for all teaching staff shall be eight points or more on the IQ4K teaching staff qualification worksheet.

118.17(6) *Teaching and learning.*

a. The teaching staff shall work with families and other experts to implement instructional and environmental adaptations that support learning for each child, including those with diverse needs, identified disabilities, language barriers, identified behavioral health needs and specialized health needs.

b. The leadership team shall complete PW PBIS training. A leadership team must include an administrator, practitioner, coach, and teacher.

118.17(7) *Environment.*

a. Eighty percent or more of lead teachers shall complete an appropriate ERS training, as applicable to ages served, and provide a certificate of completion to the department, by choosing among:

(1) Compass—a guide to quality infant/toddler environments;

(2) Compass—a guide to quality preschool environments; or

(3) Compass—a guide to quality school age environments.

b. One-third of all classrooms shall receive an overall score of five or higher on each classroom's ERS assessment when using a minimum of one classroom per scale, if applicable.

c. The program shall score an average of 2.75 or higher on the health and safety checklist for early care and education.

118.17(8) *Leadership and administration.*

a. The program administrator shall meet the Iowa early care and education program administrator roles career pathway tier 2 or higher.

b. The program administrator shall have three or more years of full-time experience as a program administrator.

441—118.18(237A) Rating standards for school-aged only programs.

118.18(1) To participate in IQ4K QRIS, a school-aged only program shall certify that its facility meets the applicable criteria as defined in these rules.

118.18(2) The following program requirements apply:

a. Eligible applicants providing adequate documentation of current verification or certification in one of the preapproved specialized track areas shall only be required to satisfy the criteria outlined in the application consistent with the eligible applicants' specialized track.

b. Programs with more than one classroom shall not be eligible to apply using a specialized track application unless over 50 percent of their eligible classrooms meet the specialized track requirements.

c. Eligible applicants are able to earn credit for participation in more than one of the specialized track areas.

441—118.19(237A) Criteria for IQ4K—level 1 school-aged only programs. To be rated at a level 1, an eligible facility must be in full compliance with department regulations and satisfy all the criteria in each of the six designated categories listed in level 1 or complete all of the criteria designated in the eligible facility's respective specialized tracks.

118.19(1) *Nutrition and physical activity.*

a. The program administrator and any staff members who prepare meals shall complete one of the department-approved food safety trainings.

b. A department-approved self-assessment and action plan in the area of nutrition shall be completed for an eligible facility.

c. A department-approved self-assessment and action plan in the area of physical activity shall be completed for an eligible facility.

118.19(2) *Professional development.*

a. All staff shall complete a professional development plan within six months of each person's hiring date and update the plan annually.

b. All staff shall complete one of the department-identified new staff orientation courses and must provide a valid certificate of completion. Newly hired staff shall have nine months from date of hire to complete this requirement.

118.19(3) *Family and community partnerships.*

a. The program shall provide an orientation for new families meeting department criteria.

b. The program shall complete one annual activity that promotes partnerships from the department-approved list.

118.19(4) *Teaching and learning.*

a. The program shall provide assistance or access to tutors to support homework or students' learning needs.

b. The program shall develop and implement a comprehensive discipline and behavior policy that meets department criteria for promoting positive relationships.

c. The program shall develop and implement a comprehensive and age-appropriate schedule of activities.

118.19(5) *Environment.*

a. The program shall develop and implement policies that meet department criteria for the following areas:

(1) Supervision.

(2) Bullying prevention.

(3) Playground equipment stability and fall surfacing and inspection.

(4) Missing child.

(5) Sign in and out tracking system for children and visitors.

(6) Technology.

b. The program shall submit to the department one of the following annually:

(1) The IQ4K interaction and relationship self-assessment that shall be completed by teaching staff.

(2) CLASS assessment for the age level being served that shall be completed for each classroom by a trained observer.

118.19(6) *Leadership and administration.*

a. All staff shall complete the IQ4K staff self-assessment annually.

b. The program administrator shall complete the IQ4K program assessment annually.

c. Meetings for all staff shall be conducted two or more times per year.

441—118.20(237A) Criteria for IQ4K—level 2 school-aged only programs. To be rated at a level 2, an eligible facility must be in full compliance with department regulations and satisfy all the criteria in each of the six designated categories listed in levels 1 and 2 or complete all the criteria designated in the eligible facility's respective specialized tracks for levels 1 and 2.

118.20(1) *Nutrition and physical activity.*

a. The program shall choose one of the following:

(1) The program shall actively participate in CACFP, NSLP or another department-approved CNP.

(2) The program shall complete all of the following as applicable to ages served:

1. Program staff planning the meals and the program staff's supervisor shall complete the CACFP steps to success lessons as identified by the department that cover the CACFP meal pattern.

2. All lead staff and their supervisors responsible for mealtime supervision shall complete the CACFP school-age program staff training.

b. The program shall identify and implement one physical activity goal from the completed action plan in level 1.

118.20(2) *Professional development.*

a. All staff who administer medication shall complete the medication administration skills competency course or other training as approved by the department and hold a valid certification of completion.

b. All staff who administer medication shall also successfully complete a competency skills evaluation assessment checklist or department-approved equivalent and hold a valid certification of completion. There shall be one person who meets these criteria present on site in the program at all times.

c. All staff shall complete ten annual training hours of professional development.

118.20(3) *Family and community partnerships.*

a. The program shall offer one conference with each family per year to discuss each child's progress, strengths, and needs in all developmental areas.

b. The program shall complete one additional department-approved activity annually that promotes partnerships.

118.20(4) *Teaching and learning.*

a. The program shall develop and implement a curriculum that includes all of the following opportunities each day:

(1) Physical activity.

(2) Creative expression.

(3) Cooperative games.

(4) Free choice with a variety of materials.

(5) Academic support.

b. The program shall develop and implement a department-approved policy that eliminates or severely limits expulsion, suspension, and punitive or other exclusionary discipline.

118.20(5) *Environment.*

a. The program administrator or assistant administrator shall complete the compass—a guide to quality school age environments training and provide a certificate of completion.

b. The program shall provide a welcoming environment to all children and families.

c. The program shall develop and implement a tobacco-free and nicotine-free policy meeting department criteria.

118.20(6) *Leadership and administration.*

a. The program administrator shall complete and annually update the IQ4K quality improvement action plan.

b. All staff shall receive a written evaluation at least once a year.

c. The program administrator shall have two or more years of full-time experience working in the field.

441—118.21(237A) Criteria for IQ4K—level 3 school-aged only programs. To be rated at a level 3, an eligible facility must be in full compliance with department regulations and satisfy all the criteria in each of the six designated categories listed in levels 1, 2 and 3 or complete all the criteria designated in the eligible facility's respective specialized tracks for levels 1, 2 and 3.

118.21(1) *Nutrition and physical activity.*

a. The program shall choose one of the following:

(1) The program shall actively participate in CACFP, NSLP or another department-approved CNP.

(2) If exempt from CACFP or NSLP, the program shall identify and implement two nutrition goals from the completed action plan in level 1.

1. Programs providing adequate documentation that the programs provide care for four hours a day or less are exempt from the CACFP or NSLP participation requirement.

2. Nonprofit programs shall qualify for an exemption from the CACFP or NSLP requirement if the nonprofit programs provide adequate documentation that meets one of the following criteria:

- The percentage of children enrolled in the program qualifying for free or reduced meals is 5 percent or less.
- The program's licensed capacity is 30 children or fewer.
- The program serves two or fewer meals or snacks per day.
- The program is open and operating three days a week or less.

3. For-profit programs shall qualify for an exemption from the CACFP or NSLP requirement if the for-profit programs are able to provide adequate documentation that the percentage of children enrolled in the program qualifying for free or reduced meals is 25 percent or less.

b. The program shall identify and implement two department-approved physical activity goals from the completed action plan in level 1.

118.21(2) *Professional development.* All staff shall complete ten or more annual training hours of professional development.

118.21(3) *Family and community partnerships.*

a. The program shall promote culturally sensitive practices and procedures.

b. The program shall complete one additional department-approved activity annually that promotes partnerships.

118.21(4) *Teaching and learning.*

a. Program staff shall utilize an appropriate tool throughout the year to gather information about children's strengths, progress, and needs.

b. The program shall share community resources with families as needed based on the information gathered.

c. The program shall develop and implement department-approved policies and procedures for inclusive practices for children with diverse needs, including those with identified disabilities, language barriers, identified behavioral needs, or specialized health needs.

118.21(5) *Environment.*

a. The on-site supervisor shall complete the compass—a guide to quality school age environments training series and provide a certificate of completion.

b. The program shall participate in the completion of the health and safety checklist for early care and education programs.

118.21(6) *Leadership and administration.*

a. The program administrator shall complete:

(1) NAC or another department-approved credential; or

(2) Thirty training hours or more in a related field and ten training hours or more in leadership.

b. The program administrator shall have three years or more of full-time experience working in the field or one year or more of full-time experience as a program administrator.

c. The on-site supervisor shall have 30 training hours or more in a related field and two years or more of full-time experience working in the field.

441—118.22(237A) Criteria for IQ4K—level 4 school-aged only programs. To be rated at a level 4, an eligible facility must be in full compliance with department regulations and satisfy all the criteria in each of the six designated categories listed in levels 1, 2, 3 and 4 or complete all the criteria designated in the eligible facility's respective specialized tracks for levels 1, 2, 3 and 4.

118.22(1) *Nutrition and physical activity.*

a. The program shall choose one of the following:

(1) The program shall actively participate in CACFP, NSLP or another department-approved CNP and shall identify and implement one nutrition goal from the completed action plan in level 1.

(2) If exempt from CACFP or NSLP, the program shall identify and implement three nutrition goals from the completed action plan in level 1.

b. The program shall identify and implement three physical activity goals from the completed action plan in level 1.

118.22(2) *Professional development.*

a. All staff shall complete 12 or more annual training hours of professional development.

b. Thirty percent or more of all staff shall complete six or more hours of department or IQ4K-approved training in the areas of social, emotional, behavior and mental health.

118.22(3) *Family and community partnerships.* The program shall complete one additional department-approved activity annually that promotes family and community partnerships.

118.22(4) *Teaching and learning.*

a. Staff shall use information gathered about children and families to enhance the children's and family's learning environment and activities.

b. Staff shall participate in planning with families and outside experts as needed for children with diverse needs, including those with identified disabilities, language barriers, identified behavioral needs, or specialized health needs.

118.22(5) *Environment.*

a. One additional staff member or more, not including the on-site supervisor, shall complete the compass—a guide to quality school age environments training series and provide a certificate of completion.

b. One-third of classrooms shall complete the scoresheet with self-assessment and an improvement plan with a minimum of one classroom per scale if applicable.

c. The program shall score an average of 2.5 or higher on the health and safety checklist for early care and education.

118.22(6) *Leadership and administration.*

a. The program administrator shall have 120 training hours or more in a related field and 10 training hours or more in leadership, administration, or management.

b. The program administrator shall have two years or more of full-time experience as a program administrator.

c. The on-site supervisor shall have 90 training hours or more in a related field and one year or more of full-time experience as an on-site supervisor.

441—118.23(237A) Criteria for IQ4K—level 5 school-aged only programs.

118.23(1) *Criteria for each category.* To be rated at a level 5, an eligible facility must be in full compliance with department regulations and satisfy all of the criteria in each of the six designated categories listed in levels 1, 2, 3, 4 and 5 or complete all the criteria designated in the eligible facility's respective specialized tracks for levels 1, 2, 3, 4 and 5. To be rated at a level 5, an eligible facility must also meet the following criteria:

a. Minimum score. The facility must earn a minimum score of 5.0 in each assessed classroom on the assessment.

b. Approved assessor. An assessor approved by the department must perform the ERS assessment.

c. Number of classrooms assessed. At least one-third of the facility's classrooms must be assessed, including at least one classroom in each age group served by the facility.

d. Time frame for assessment. Programs eligible for an ERS assessment must undergo their assessment within 90 days of department approval unless an extension is requested and approved by the department.

e. Assessments not done timely. Programs that do not undergo their assessment within 90 days of approval by the department or do not receive an approved extension from the department will forfeit their opportunity for an assessment.

118.23(2) *Nutrition and physical activity.*

a. The program shall choose one of the following:

(1) The program shall actively participate in CACFP, NSLP or another department-approved CNP and shall identify and implement two nutrition goals from the completed action plan in level 1.

(2) If exempt from CACFP or NSLP, the program shall identify and implement four nutrition goals from the completed action plan in level 1.

b. The program shall identify and implement four physical activity goals from the completed action plan in level 1.

118.23(3) *Professional development.*

a. All staff shall complete 12 or more annual training hours of professional development.

b. Sixty percent or more of all staff shall complete six or more hours of department-approved or IQ4K-approved training in the areas of social, emotional, behavior, and mental health.

118.23(4) *Family and community partnerships.* The program shall complete one additional department-approved activity annually that promotes family and community partnerships.

118.23(5) *Teaching and learning.* The teaching staff shall work with families and other experts to implement instructional and environmental adaptations that support the learning for each child, including those with diverse needs, language barriers, identified behavioral needs, or specialized health needs.

118.23(6) *Environment.*

a. Eighty percent or more of lead teachers shall complete the compass—a guide to quality school age environments training series and provide a certificate of completion.

b. One-third of classrooms shall receive an overall score of 5.0 or higher on the assessment with a minimum of one classroom per scale if applicable.

c. The program shall score an average of 2.75 or higher on the health and safety checklist for early care and education.

118.23(7) *Leadership and administration.*

a. The program administrator shall have nine or more credit hours in a related field and 12 or more training hours in leadership, administration or management.

b. The program administrator shall have three or more years of full-time experience as a program administrator.

c. The on-site supervisor shall have six or more credit hours in a related field and two or more years of full-time experience as an on-site supervisor.

441—118.24(237A) Rating standards for registered child development homes. To participate in IQ4K QRIS, a registered child development home shall be in full compliance with department regulations and certify that the registered child development home meets the applicable criteria. In addition, the following program requirements apply:

1. For category C homes operating with an approved co-provider, both providers must satisfy the applicable criteria where designated.

2. Eligible applicants shall be able to earn credit for participation in more than one of the specialized track areas.

441—118.25(237A) Criteria for IQ4K—level 1 rating standards for registered child development homes. To be rated at level 1, an eligible registered child development home must be in full compliance with department regulations and satisfy all the criteria in each of the six designated categories listed in level 1 or complete all of the criteria designated in the eligible registered child development home's respective specialized tracks for levels 1 and 2.

118.25(1) *Nutrition and physical activity.*

a. The provider and co-provider, where applicable, shall each complete one of the department-approved food safety trainings.

b. The program shall complete a department-approved self-assessment and create an action plan in the area of nutrition.

c. The program shall complete a department-approved self-assessment and create an action plan in the area of physical activity.

118.25(2) *Professional development.* The provider and co-provider, where applicable, shall complete a professional development plan annually.

118.25(3) *Family and community partnerships.*

a. The program shall provide an orientation for new families meeting department criteria.

b. The program shall complete one annual activity that promotes partnerships from the department's approved list.

118.25(4) *Provider qualifications.* The provider and co-provider, where applicable, shall have one year or more of full-time child care experience.

118.25(5) *Teaching and learning.*

a. The provider and co-provider, where applicable, shall complete two hours of department-approved training on the Iowa early learning standards.

b. The program shall develop and implement a department-approved comprehensive discipline and behavior policy that promotes positive relationships.

118.25(6) *Environment.*

a. The program shall develop and implement, as applicable to ages served, policies for the following areas that meet department criteria:

(1) Supervision.

(2) Safe sleep.

(3) Missing child.

(4) Sign in and out tracking system for children and visitors.

b. The provider and co-provider, where applicable, shall complete the IQ4K Interaction and Relationship Self-Assessment form.

c. The program shall annually complete the IQ4K Program Assessment form.

441—118.26(237A) Criteria for IQ4K—level 2 rating standards for registered child development homes. To be rated at a level 2, an eligible registered child development home must be in full compliance with department regulations and satisfy all the criteria in each of the six designated categories listed in levels 1 and 2 or complete all the criteria designated in the eligible registered child development home's respective specialized tracks.

118.26(1) *Nutrition and physical activity.*

a. The program shall choose one of the following:

(1) The program shall actively participate in CACFP; or

(2) The provider and co-provider, where applicable, shall complete all of the following as applicable to ages served:

1. Iowa CACFP steps to success lessons as identified by the department that cover the CACFP meal pattern.

2. Iowa CACFP infant training—steps to success.

3. Iowa CACFP wellness module—meaningful mealtimes.

b. The program shall identify and implement one physical activity goal from the completed action plan in level 1.

118.26(2) *Professional development.* There shall be one person who meets the following criteria present on site in the program at all times.

a. The provider and co-provider, where applicable, shall complete ChildNet training.

b. The provider and co-provider, where applicable, shall complete 15 hours or more of annual training hours of professional development.

c. The provider and co-provider, where applicable, shall complete the medication administration skills competency course or other department-approved training and hold a valid certification of completion.

d. The provider and co-provider, where applicable, shall also successfully complete a competency skills evaluation assessment checklist or department-approved equivalent and hold a valid certification of completion.

118.26(3) *Family and community partnerships.*

a. The program shall offer one conference with each family annually to discuss each child's progress, strengths and needs in all developmental areas. Programs shall share child assessment information with the child's family.

b. The program shall complete one additional department-approved activity annually that promotes family and community partnerships.

118.26(4) *Provider qualifications.* The provider and co-provider, where applicable, shall meet one of the following:

a. Two years or more of full-time experience in child care; or

b. Six college credit hours or more in education specific to the age group for whom care is provided.

118.26(5) *Teaching and learning.*

a. The program shall develop and implement a daily schedule with predictable routines that are developmentally appropriate for all ages served.

b. The program shall develop and implement a department-approved policy that eliminates or severely limits expulsion, suspension, and punitive or other exclusionary discipline.

c. The program shall develop and implement department-approved policies regarding the use of an approved developmental screening tool for all children in care within 60 days of enrollment and at least annually to identify children who may need additional evaluation and intervention strategies.

118.26(6) *Environment.*

a. The program shall provide a welcoming environment to all children and families.

b. The program shall develop and implement a department-approved policy for playground equipment stability and fall surfacing and inspection.

c. The program shall develop and implement a department-approved tobacco-free and nicotine-free policy.

d. The program shall annually complete and update the IQ4K quality improvement action plan.

441—118.27(237A) Criteria for IQ4K—level 3 rating standards for registered child development homes. To be rated at a level 3, an eligible registered child development home must be in full compliance with department regulations and satisfy all of the criteria in each of the six designated categories listed in levels 1, 2 and 3 or complete all of the criteria designated in the eligible registered child development home's respective specialized tracks for levels 1, 2 and 3.

118.27(1) *Nutrition and physical activity.*

a. The program shall actively participate in CACFP.

b. The program shall identify and implement two physical activity goals from the completed action plan in level 1.

118.27(2) *Professional development.*

a. The provider and co-provider, where applicable, shall complete ChildNet certification.

b. The provider and co-provider, where applicable, shall choose one of the following trainings to complete their initial IQ4K rating:

(1) Complete one module of the program for infant and toddler care.

(2) Complete the universal practices EC-PBIS for family child care modules.

(3) Complete school age matters training.

c. The provider and co-provider, where applicable, shall choose one of the other trainings listed above for the provider's and co-provider's, where applicable, subsequent IQ4K ratings until all the trainings applicable per ages served have been completed.

d. Once the provider and co-provider, where applicable, have completed all the age-applicable trainings, the provider and co-provider, where applicable, shall complete 18 annual hours of approved professional development training on all subsequent IQ4K applications.

118.27(3) *Family and community partnerships.*

a. The program shall promote culturally sensitive practices and procedures.

b. The program shall complete one additional department-approved activity annually that promotes family and community partnerships.

118.27(4) *Provider qualifications.* The provider and co-provider, where applicable, shall meet one of the following:

a. Three years or more of child care experience; or

b. Nine or more college credit hours in education, specific to the age group for whom care is provided.

118.27(5) *Teaching and learning.*

a. The program shall utilize a department-approved assessment tool throughout the year that aligns with the curriculum to gather information on each child's strengths, progress, and needs.

b. The program shall share community resources with families as needed, based on the information gathered from the child's assessment.

c. The program shall develop and implement department-approved policies and procedures for inclusive practices for children with diverse needs, including those with identified disabilities, language barriers, identified behavioral needs, and specialized health needs.

118.27(6) *Environment.* The provider shall complete the compass—a guide to quality family child care environments training and provide a certificate of completion.

441—118.28(237A) Criteria for IQ4K—level 4 rating standards for registered child development homes. To be rated at level 4, an eligible registered child development home must be in full compliance with department regulations and satisfy all the criteria in each of the six designated categories listed in levels 1, 2, 3 and 4 or complete all the criteria designated in the eligible registered child development home's respective specialized tracks for levels 1, 2, 3 and 4.

118.28(1) *Nutrition and physical activity.*

a. The program shall actively participate in CACFP.

b. The program shall implement one nutrition goal from the completed action plan in level 1.

c. The program shall identify and implement three physical activity goals from the completed action plan in level 1.

118.28(2) *Professional development.*

a. The provider and co-provider, where applicable, shall choose one of the following trainings to complete for the provider's and co-provider's, where applicable, initial IQ4K rating:

(1) Complete two additional modules of the program for infant and toddler care.

(2) Complete the targeted strategies and individualized interventions EC-PBIS for family child care modules.

b. The provider and co-provider, where applicable, shall choose one of the other department-approved trainings for the provider's and co-provider's, where applicable, subsequent IQ4K ratings until all the trainings applicable per ages served have been completed.

c. Once the provider and co-provider, where applicable, have completed all the age-applicable trainings, the provider and co-provider, where applicable, shall complete 20 annual hours of approved professional development training on all subsequent IQ4K applications.

118.28(3) *Family and community partnerships.* The program shall complete one additional department-approved activity annually that promotes family and community partnerships.

118.28(4) *Provider qualifications.* The provider and co-provider, where applicable, shall meet one of the following:

a. The provider shall meet the Iowa early care and education teaching roles career pathway tier 2 or higher.

b. The provider shall have three or more years of full-time child care experience.

118.28(5) *Teaching and learning.*

a. The program shall use information gathered about children and families to make changes in the children's learning environment and activities.

b. The program shall participate in planning with families and other experts, as needed, for children with diverse needs, including those with identified disabilities, language barriers, identified behavioral health needs, and specialized health needs.

118.28(6) *Environment.*

a. The program shall complete the scoresheet with self-assessment and improvement plan.

b. The program shall score an average of 2.5 or higher on the health and safety checklist for early care and education programs.

441—118.29(237A) Criteria for IQ4K—level 5 rating standards for registered child development homes.

118.29(1) *Criteria for each category.* To be rated at a level 5, an eligible registered child development home must be in full compliance with department regulations and satisfy all the criteria

in each of the six designated categories listed in levels 1, 2, 3, 4 and 5 or complete all the criteria designated in the eligible registered child development home's respective specialized tracks for levels 1, 2, 3, 4 and 5. To be rated at a level 5, the following criteria must also be met:

a. Minimum score. The program must earn a minimum score of 5.0 on the assessment.

b. Approved assessor. An assessor approved by the department must perform the ERS assessment.

c. Time frame for assessment. Programs eligible for an ERS assessment must undergo their assessment within 90 days of department approval unless an extension is requested and approved by the department.

d. Assessments not done timely. Programs that do not undergo their assessment within 90 days of approval by the department or that do not receive an approved extension from the department will forfeit their opportunity for an assessment.

118.29(2) *Nutrition and physical activity.*

a. The program shall actively participate in CACFP.

b. The program shall identify and implement two nutrition goals from the completed action plan in level 1.

c. The program shall identify and implement four physical activity goals from the completed action plan in level 1.

118.29(3) *Professional development.*

a. The provider and co-provider, where applicable, shall complete one additional module of the program for infant and toddler care.

b. The provider and co-provider, where applicable, shall choose one of the department-approved trainings for the subsequent IQ4K ratings until all the trainings applicable per ages served have been completed.

c. Once the provider and co-provider, where applicable, have completed all the age-applicable trainings, the provider and co-provider, where applicable, shall complete 22 annual hours of approved professional development training on all subsequent IQ4K applications.

118.29(4) *Family and community partnerships.* The program shall complete one additional department-approved activity annually that promotes family and community partnerships.

118.29(5) *Provider qualifications.*

a. The provider and co-provider, where applicable, shall meet the Iowa early care and education teaching roles career pathway tier 2 or higher.

b. The provider and co-provider, where applicable, shall have four or more years of full-time child care experience.

118.29(6) *Teaching and learning.*

a. The program shall work with families and other experts to implement instructional and environmental adaptations that support the learning for each child, including those with diverse needs, identified disabilities, language barriers, identified behavioral health needs, and specialized health needs.

b. The provider shall complete programwide EC-PBIS training.

118.29(7) *Environment.*

a. The program shall achieve a score of 5.0 or higher on the assessment.

b. The program shall score an average of 2.75 or higher on the health and safety checklist for early care and education programs.

441—118.30(237A) Award of quality rating.

118.30(1) The facility shall display the IQ4K QRIS rating certificate in a conspicuous place within the facility.

118.30(2) Achievement bonuses may be awarded as funds are available at the discretion of the department.

441—118.31(237A) Adverse actions.

118.31(1) An eligible applicant will be notified of the right to appeal the rating decision in accordance with 441—Chapter 2506.

118.31(2) A participant's quality rating will be revoked if the facility no longer meets the definition of eligible applicant.

These rules are intended to implement Iowa Code section 237A.30.

ARC 0721D

HUMAN SERVICES DEPARTMENT[441]

Notice of Intended Action

Proposing rulemaking related to abuse of children and providing an opportunity for public comment

The Department of Health and Human Services hereby proposes to rescind Chapter 175, "Abuse of Children," Iowa Administrative Code, and to adopt a new Chapter 175 with the same title.

Legal Authority for Rulemaking

This rulemaking is proposed under the authority provided in Iowa Code sections 232.67 through 232.70, 232.71B through 232.73 and 232.74 through 232.77.

State or Federal Law Implemented

This rulemaking implements, in whole or in part, Iowa Code sections 232.67 through 232.70, 232.71B through 232.73 and 232.74 through 232.77 and 2026 Iowa Acts, Senate File 2416.

Purpose and Summary

This proposed chapter outlines the procedures required by the Iowa Code for accepting reports of child abuse, assessing those reports, and taking necessary steps to ensure a reported child's safety. Protection is provided through encouraging the reporting of suspected cases of abuse, conducting a thorough and prompt assessment of the reports, and providing rehabilitative services to abused children and their families.

This proposed chapter was reviewed pursuant to Executive Order 10. As a result of that review, the Department:

- Removed reserved rules and renumbered remaining rules;
- Added language in rule 441—175.2(232) to describe the safety plans developed by the Department that identify immediate actions to keep a child safe;
- Revised the requirement that the Department observe and evaluate the child subject of reported abuse within one hour if there is an immediate threat to the child's safety. Paragraph 175.6(1)"b" now requires that reasonable efforts be made to observe the alleged child victim and evaluate the child's safety within 24 hours of receipt of the report of suspected child abuse. The proposed change is not about delaying responses to children who are in danger but rather removing a one-hour physical response requirement as the mechanism for ensuring safety. Iowa Code section 232.70(3) already mandates that child abuse reporters make a report to law enforcement when they believe that immediate protection is advisable. In an actual emergency, law enforcement and emergency medical services may be capable of reaching the child far sooner than a child protection worker traveling across a large service area. The expectation remains that when a child is in imminent danger, immediate action and coordination with law enforcement occurs.
- Removed language surrounding referrals to community care organizations. Community care referrals were discontinued in 2020 and replaced with referrals to family-centered services under 441—Chapter 172.
- Removed language regarding procedures for requesting information for research. This process is covered by the Department's rules on fair information practices in 441—Chapter 2505.

Regulatory Analysis

A Regulatory Analysis for this rulemaking was published in the Iowa Administrative Bulletin on September 30, 2026. A public hearing was held on the following date(s):

- October 20, 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 December 1, 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

Public hearings at which persons may present their views orally or in writing will be held as follows:

December 1, 2026 10 to 10:30 a.m.	Microsoft Teams Meeting ID: 225 217 179 078 528 Passcode: Rw3KT9yE
December 1, 2026 2 to 2:30 p.m.	Microsoft Teams Meeting ID: 263 899 623 991 883 Passcode: qy9g7WW7

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 441—Chapter 175 and adopt the following **new** chapter in lieu thereof:

CHAPTER 175
ABUSE OF CHILDREN

441—175.1(232,235A) Definitions.

"Allegation" means a statement setting forth a condition or circumstance yet to be proven.

"Assessment" means the same as defined in Iowa Code section 232.68(5)*"a."*

"Assessment intake" means the process by which the department receives and records a report of suspected child abuse.

"Caretaker" means a person responsible for the care of a child.

"Case" means a report of suspected child abuse that has been accepted for assessment services.

"Child abuse assessment" means the same as set forth in Iowa Code section 232.68(5)*"b."*

"Custodial parent(s)" means a parent who has legal custody or physical care of the child and includes the parent with whom the child is residing at the relevant time of department involvement.

"Denial of critical care" means the failure on the part of a person responsible for the care of a child to provide for the adequate food, shelter, clothing, medical or mental health treatment, supervision or other care necessary for the child's health and welfare when financially able to do so, or when offered financial or other reasonable means to do so, and means any of the following:

1. Failure to provide adequate food and nutrition to the extent that there is danger of the child suffering injury or death.
2. Failure to provide adequate shelter to the extent that there is danger of the child suffering injury or death.
3. Failure to provide adequate clothing to the extent that there is danger of the child suffering injury or death.
4. Failure to provide adequate health care to the extent that there is danger of the child suffering injury or death. A parent or guardian legitimately practicing religious beliefs who does not provide specified medical treatment for a child for that reason alone will not be considered abusing the child and will not be placed on the child abuse registry. However, a court may order that medical service be provided where the child's health requires it.
5. Failure to provide the mental health care necessary to adequately treat an observable and substantial impairment in the child's ability to function.
6. Gross failure to meet the emotional needs of the child necessary for normal development.
7. Failure to provide for the adequate supervision of the child that a reasonable and prudent person would provide under similar facts and circumstances when the failure results in direct harm or creates a risk of harm to the child.
8. Failure to respond to the infant's life-threatening conditions (also known as withholding medically indicated treatment) by providing treatment (including appropriate nutrition, hydration and medication) that in the treating physician's reasonable medical judgment will be most likely to be effective in ameliorating or correcting all conditions, except that the term does not include the failure to provide treatment (other than appropriate nutrition, hydration, or medication) to an infant when, in the treating physician's reasonable medical judgment any of the following circumstances apply: the infant is chronically and irreversibly comatose; the provision of the treatment would merely prolong dying, not be effective in ameliorating or correcting all of the infant's life-threatening conditions, or otherwise be futile in terms of the survival of the infant; the provision of the treatment would be virtually futile in terms of the survival of the infant and the treatment itself under the circumstances would be inhumane.

"Facility providing care to a child" means any public or private facility, including an institution, hospital, health care facility, intermediate care facility for persons with an intellectual disability, residential care facility for persons with an intellectual disability, skilled nursing facility, group home, mental health facility, residential treatment facility, shelter care facility, detention facility, child care facility that includes licensed day care centers, all registered family and group day care homes, and

licensed family foster homes. A public or private school is not a facility providing care to a child, unless it provides overnight care.

"Family assessment" means the same as defined in Iowa Code section 232.68(5)*"c."*

"Home" means a permanent or temporary structure where one resides, including a licensed foster family home. For the purpose of this chapter, "home" will not be construed to include any public or private facility, such as an institution, hospital, health care facility, intermediate care facility for persons with an intellectual disability, residential care facility for persons with an intellectual disability, skilled nursing facility, group care, mental health facility, residential treatment facility, shelter care facility, detention facility, licensed day care center, or child foster care provided by an agency.

"Illegal drug" means any substance prohibited by law, or combinations or derivatives of illegal drugs that were not prescribed by a health practitioner.

"Immediate threat" or *"imminent danger"* means conditions that, if no response were made, would be more likely than not to result in sexual abuse, injury or death to a child.

"Infant," as used in the definition of "denial of critical care," numbered paragraph "8," means a child less than one year of age or an infant older than one year of age who has been hospitalized continuously since birth, who was born extremely prematurely, or who has a long-term disability.

"Nonaccidental physical injury" means an injury that was the natural and probable result of a caretaker's actions that the caretaker could have reasonably foreseen, or that a reasonable person could have foreseen in similar circumstances, or that resulted from an act administered for the specific purpose of causing an injury.

"Open service case" means a child welfare case that the department has opened for ongoing services and assigned to department staff for ongoing case management following a child protective assessment or a child in need of assistance adjudication that remains open until the department achieves case closure.

"Physical injury" means damage to any bodily tissue to the extent that the tissue must undergo a healing process in order to be restored to a sound and healthy condition or damage to any bodily tissue that results in the death of the person who has sustained the damage.

"Rejected intake" means a report of suspected child abuse that has not been accepted for assessment.

"Reporter" means the person making a verbal or written statement to the department alleging child abuse.

"Report of suspected child abuse" means a verbal or written statement made to the department by a person who suspects that child abuse has occurred.

"Reside" or *"resides"* means to habitually sleep or live. A person's subjective intent as to where the person resides is not relevant.

"Safety plan" means the same as defined in Iowa Code section 232.79B(1).

"Sex trafficking" means the same as defined in Iowa Code section 232.68(10).

"Sex trafficking victim" means the same as defined in Iowa Code section 232.68(11).

"Subject of a report of child abuse" means any of the following:

1. A child named in a report as having been abused, or the child's attorney or guardian ad litem.
2. A parent or the attorney for the parent of a child named in a child abuse assessment summary as having been abused.
3. A guardian or legal custodian, or that person's attorney, of a child named in a child abuse assessment summary as having been abused.
4. A person or the attorney for the person named in a child abuse assessment summary as having abused a child.

"Supervision" means supervision that a reasonable and prudent person would exercise under similar facts and circumstances, but in no event shall the person place a child in a situation that may endanger the child's life or health, or cruelly or unduly confine the child. Dangerous operation of a motor vehicle is a failure to provide proper supervision when the person responsible for the care of a child is driving recklessly, or driving while intoxicated with the child in the motor vehicle. The failure to restrain a child in a motor vehicle does not, by itself, constitute a cause to assess a child abuse report.

"Unduly" means improper or unjust, or excessive.

441—175.2(232) Safety plans.

175.2(1) *Use cases.* The department may enter into a safety plan with a family when the department determines that potential harm to a child may be mitigated by the development of a safety plan. A safety plan may be used when safety interventions and protective measures are necessary to manage imminent or impending danger, and the plan is developed to identify immediate actions to keep the child safe.

175.2(2) *Not a removal.* Absent a court order placing the child with someone other than a parent or guardian, a safety plan shall not be construed as a removal from parental or guardian custody.

a. Parents, guardians, and caretakers are encouraged to work with the department to identify appropriate strategies to ensure the child's safety in the home. Strategies may include bringing a safe and appropriate person into the home or identifying an alternative caregiver when safety cannot be assured within the family's home.

b. Entering into a safety plan will not, by itself, transfer custody, guardianship, or legal rights away from the parent.

175.2(3) *Time frames.* A safety plan must be reviewed within 20 business days from the date of a parent or guardian's signature unless the plan ends earlier. A date for review must be included on the safety plan.

a. A safety plan that places a child in the temporary care of someone other than the parent or guardian must be reviewed with the county attorney or the attorney general's office no later than 45 days from the date the safety plan is implemented.

b. No safety plan shall be implemented for longer than 90 days unless reviewed and approved by the county attorney or attorney general's office.

175.2(4) *Safety plan required content.* A safety plan must include the following:

a. The safety concerns identified and the specific danger to the child's well-being.

b. The specific actions needed to address the danger and provide safety for the child, including who will do what, by when, and how the action will be monitored.

c. The identity of all persons responsible for implementing or monitoring the plan, including informal supports, department staff, or service providers.

175.2(5) *Copies, documentation, and case records.* The department will provide a copy of the safety plan to each parent, guardian, caretaker and any other person involved in implementing or monitoring the safety plan. The department will maintain the safety plan and any modifications to a safety plan in the case record under the relevant assessment or service case.

175.2(6) *Modification, withdrawal, and escalation.* A safety plan may be reviewed or modified at any time due to a change in circumstance.

a. A parent or guardian may withdraw consent to the safety plan at any time by notifying the department.

b. If at any time a parent or guardian is unable or unwilling to implement a safety plan, or imminent or impending danger to a child cannot be adequately addressed by a safety plan, the department may take necessary protective action, including requesting court involvement and possible removal of the child from the home when it is determined necessary to protect the child.

175.2(7) *Duration and closure.*

a. A safety plan that occurs during a child protective assessment shall remain in effect until one of the following occurs:

(1) A subsequent safety decision indicates the child is safe without a plan; or

(2) The assessment closes; or

(3) The department initiates court action or obtains a court order that supersedes the safety plan.

b. When an assessment closes with a determination that an open service case will be initiated, a safety plan may be initiated at the close of the assessment. A safety plan initiated at the close of the assessment or during an open service case may remain in effect for up to 60 days from the date the safety plan is initiated.

441—175.3(232) Receipt of a report of suspected child abuse. Reports of suspected child abuse will be received by local department offices, the central abuse registry, or the child abuse hotline.

175.3(1) Any report made to the department that alleges child abuse, as defined in Iowa Code section 232.68, or constitutes a complaint that a child is a child in need of assistance, as defined in Iowa Code section 232.2(8), will be accepted for assessment.

175.3(2) Reports of suspected child abuse that do not meet the legal definition of child abuse will become rejected intakes.

a. If a report of suspected child abuse does not meet the legal definition of child abuse or is accepted as a family assessment, but a criminal act harming a child is alleged, the department will immediately refer the matter to the appropriate law enforcement agency.

b. If a report constitutes an allegation of child sexual abuse as outlined in Iowa Code section 232.68(2)*"a"*(3) except that the suspected abuse resulted from the acts or omissions of a person who was not a caretaker or was not a person who resides in a home with the child, the department will refer the report to law enforcement as soon as practicable and follow up in writing within 72 hours of receiving the report.

441—175.4(232) Sources of report of suspected child abuse.

175.4(1) *Reporting.* Any person reporting suspected child abuse shall make an oral report to the department. The department may accept and act upon written reports received, including by attempting to contact the reporter.

175.4(2) *Mandatory reporters.* Any person meeting the criteria of a mandatory reporter is required to make a report of the suspected child abuse to the department within 24 hours of becoming aware of the abusive incident. If the person making the report has reason to believe that immediate protection for the child is advisable, that person shall report the situation to an appropriate law enforcement agency.

175.4(3) *Others required to report.* In addition to mandatory reporters who are so designated by the Iowa Code, there are other classifications of persons who are required, either by administrative rule or department policy, to report suspected child abuse when this is a duty identified through the person's employment. Others required to report include:

a. Department community access and eligibility workers.

b. Certified adoption investigators.

175.4(4) *Permissive reporters.* Mandatory reporters may report as permissive reporters when they suspect abuse of a child outside the scope of their professions. A permissive reporter is not required by law to report abuse.

441—175.5(232) Assessment intake process. The primary purpose of intake is to obtain available and pertinent information regarding an allegation of child abuse and determine whether a report of suspected child abuse becomes accepted for assessment or is determined to be a rejected intake.

175.5(1) To result in an assessment, the report of suspected child abuse must include some information to indicate all of the following:

a. The alleged victim of child abuse is a child.

b. The alleged perpetrator of child abuse is:

(1) A caretaker; or

(2) A person who resides in a home with the child, if the allegation is sexual abuse as outlined in Iowa Code section 232.68(2)*"a"*(3); or

(3) A person who engages in or allows child sex trafficking as defined in Iowa Code section 232.68(2)*"a"*(11).

c. The alleged incident falls within the definition of child abuse.

175.5(2) If the report constitutes a child abuse allegation, a determination is made as to whether the assessment will be assigned as a child abuse assessment, to be commenced within 24 hours of receiving the report, or a family assessment, to be commenced within 72 hours of receiving the report.

a. A child abuse assessment is required for all accepted reports that allege child abuse as defined in Iowa Code section 232.68(2)*"a"*(1) through *"a"*(3) and *"a"*(5) through *"a"*(11); or that allege child

abuse as defined in Iowa Code section 232.68(2)*"a"*(4) that also allege imminent danger, death, or injury to a child. If one or more of the following factors are met, a child abuse assessment shall be required:

(1) The alleged abuse type includes a category other than denial of critical care.

(2) The allegation alleges imminent danger, death, or injury to a child.

(3) The child has been taken into protective custody as a result of the allegation.

(4) There is an open service case on the alleged child victim or any sibling or any other child who resides in the home or in the home of the noncustodial parent if the noncustodial parent is the alleged person responsible.

(5) The alleged person responsible is not a birth or adoptive parent, a legal guardian, or a member of the child's household.

(6) There has been a termination of parental rights in juvenile court on the alleged person responsible or on any caretaker who resides in the home.

(7) There has been prior confirmed or founded abuse within the past six months that lists any caretaker who resides in the home as the person responsible.

(8) It is alleged that illegal drugs are being manufactured or sold from the family home.

(9) The allegation is failure to thrive or that the caretaker has failed to respond to an infant's life-threatening condition.

(10) The allegation involves an incident for which the caretaker has been charged with a felony under Iowa Code chapter 726.

b. A family assessment is required for all accepted reports that allege child abuse but do not allege imminent danger, death, or injury to a child. If all of the following factors are met, a family assessment shall be required:

(1) The alleged abuse type is denial of critical care only.

(2) The allegation does not allege imminent danger, death, or injury to a child.

(3) The child has not been taken into protective custody as a result of the allegation.

(4) There is no current open service case on the alleged child victim or any sibling or any other child who resides in the home or in the home of the noncustodial parent if the noncustodial parent is the alleged person responsible.

(5) The alleged person responsible is a birth or adoptive parent, a legal guardian, or a member of the child's household.

(6) There has not been a termination of parental rights in juvenile court on the alleged person responsible or on any caretaker who resides in the home.

(7) There has been no prior confirmed or founded abuse within the past six months that lists any caretaker who resides in the home as the person responsible.

(8) It is not alleged that illegal drugs are being manufactured or sold from the family home.

(9) The allegation is not failure to thrive or that the caretaker has failed to respond to an infant's life-threatening condition.

(10) The allegation does not involve an incident for which the caretaker has been charged with a felony under Iowa Code chapter 726.

175.5(3) Only the person making a report of suspected abuse may be contacted during the intake process to expand upon or to clarify information in the report. Any contact with subjects of the report or with anyone outside the department, other than the original reporter(s), automatically causes the report of suspected child abuse to be accepted for assessment.

175.5(4) A report of suspected child abuse fails to constitute a child abuse allegation when:

a. It is determined that the report of suspected child abuse fails to constitute a child abuse allegation. The report of suspected child abuse will become a rejected intake and will be evaluated to determine whether the information reported constitutes a complaint that a child is a child in need of assistance.

b. It is determined that a report of a child needing the assistance of the court fails to meet the definition of a child in need of assistance. The report will become a rejected intake.

Rejected intake information will be maintained by the department for three years from the date the report was rejected and will then be destroyed.

175.5(5) Intake information shall be provided as set forth in Iowa Code section 232.70(4)*"b."*

441—175.6(232) Assessment process. A child abuse assessment will be initiated within 24 hours following the report of suspected child abuse. A family assessment will be initiated within 72 hours following the report of suspected child abuse. The primary purpose in conducting an assessment is to protect the safety of the child named in the report. The secondary purpose of the assessment is to engage the child's family in services in a culturally competent way, to enhance family strengths and to address needs, where this is necessary and desired.

175.6(1) *Observing and evaluating the child's safety.* A safety assessment and risk assessment will be completed during the course of a child abuse assessment or family assessment. When a child cannot remain safely in a parent's care, the least restrictive care must be secured for the child's placement with a preference for placement with the child's family or fictive kin.

a. During a child abuse assessment, when there is an immediate threat to the child's safety, the department will evaluate the threat and determine whether immediate response is needed to observe or evaluate safety of the child named in the report, consistent with the level of risk and the need to safeguard the child. The department will document the basis for determining any immediate threat, the protective actions taken, and the efforts made to observe the child.

b. Reasonable efforts will be made to observe the alleged child victim and evaluate the child's safety within 24 hours of receipt of the report of suspected child abuse.

(1) When the alleged perpetrator clearly does not have access to the alleged child victim, reasonable efforts will be made to observe the alleged child victim and evaluate the child's safety within 96 hours of receipt of the report of suspected child abuse.

(2) When reasonable efforts have been made to observe the alleged child victim within the specified time frames and the worker has established that there is no risk to the alleged child victim, the observation of the alleged child victim may be delayed or waived with supervisory approval.

c. During a family assessment, reasonable efforts will be made to observe the alleged child victim and evaluate the child's safety within 72 hours of receipt of the report of suspected child abuse.

(1) When reasonable efforts have been made to observe the alleged child victim within the specified time frame and the worker has established that there is no risk to the alleged child victim, the observation of the alleged child victim may be delayed or waived with supervisory approval.

(2) If at any time during a family assessment a child is determined to be unsafe or in imminent danger, it appears that the immediate safety or well-being of a child is endangered, it appears that the family may flee or the child may disappear, or that the facts otherwise warrant, the department will immediately commence a child abuse assessment according to Iowa Code section 232.71B.

(3) If the department determines that safety issues continue to require a child to reside outside of the child's home at the conclusion of a family assessment, the department will transfer the assessment to the child abuse assessment pathway for a disposition.

d. If the department has reasonable cause to believe that a child or youth for whom the department has responsibility for placement, care, or supervision is or is at risk of being a victim of sex trafficking or a severe form of trafficking in persons, the department will identify that child or youth as such, document it, and determine appropriate services, in accordance with 42 U.S.C. Section 671(c) as amended to August 1, 2026. Additionally, the department will report the child or youth immediately, and in no case later than 24 hours, to law enforcement authorities.

175.6(2) *Interviewing the alleged child victim.* The primary purpose of an interview with the child, during the course of a child abuse assessment or family assessment, is to gather information regarding the abuse allegation, the child's immediate safety, and risk of abuse. During a child abuse assessment, the child protection worker will also identify the person or persons responsible for the alleged abuse as well as the nature, extent, and cause of injuries, if any, to the child named in the report of suspected child abuse.

175.6(3) *Interviewing subjects of the report and other sources.*

a. During a child abuse assessment, attempts will be made to conduct interviews with subjects of the report and persons who have relevant information to share regarding the allegations. This may include contact with physicians to assess the child's condition. The child's custodial parents or guardians and the alleged perpetrator (if different) will be interviewed or offered the opportunity to be interviewed. The court may waive the requirement of the interview for good cause.

b. During a family assessment, the child's custodial parents or guardians will be interviewed or offered the opportunity to be interviewed. The child protection worker may request information from any person believed to have knowledge regarding a child named in an assessment. A family assessment requires the cooperation of the family; should a family choose not to participate, the department is required to transfer the assessment to the child abuse assessment pathway for a disposition.

175.6(4) *Gathering of physical and documentary evidence.* During a child abuse assessment, evidence may be gathered from interviews, observations, photographs, medical and psychological reports and records, reports from child protection centers, written reports, audiotapes and their transcripts or summaries, videotapes and their transcripts or summaries, or other electronic forms.

175.6(5) *Evaluating the home environment and relationships of household members.* An evaluation of the home environment will be conducted during the course of an assessment with the consent of the parent or guardian. If permission is refused, the juvenile court may authorize the worker to enter the home to observe or interview the child.

a. If protective concerns are identified, the child protection worker will evaluate the child named in the report and any other children in the same home as the parents or other persons responsible for their care.

(1) Each assessment will include a full description of observations and information gathered during the assessment process. This description will provide information that evaluates the safety of the child named in the report.

(2) If the child protection worker has concerns about a child's safety or a family's functioning, the worker will conduct a more intensive assessment until those concerns are addressed.

b. When an assessment is conducted at an out-of-home setting, an evaluation of the environment and relationships where the abuse allegedly occurred will be conducted.

c. The child abuse assessment will include a description of the name, age, and condition of other children in the same home as the child named in the report.

175.6(6) *Evaluating the information.* During a child abuse assessment, evaluation of information will include an analysis that considers the credibility of the physical evidence, observations, and interviews and will result in a conclusion of whether or not to confirm the report of suspected child abuse.

175.6(7) *Determining placement on central abuse registry.* During a child abuse assessment, a determination of whether the report data and disposition data of a confirmed case of child abuse is subject to placement on the central abuse registry pursuant to Iowa Code section 232.71D will be made on each assessment. Determining placement on the central abuse registry is not applicable in a family assessment.

175.6(8) *Service recommendations and referrals.* During or at the conclusion of a child abuse assessment or a family assessment, the department will consult with the child's family to offer services to the child and the child's family that address strengths and needs identified in the assessment. The department may recommend information, information and referral, community care referral, or services provided by the department. If it is believed that services are necessary for the protection of the abused child or other children in the home, juvenile court intervention will be sought.

a. Information or information and referral. Either information or information and referral will be offered when:

(1) A family assessment has identified the child to be at low risk of future abuse or neglect;

(2) A child abuse assessment has identified the abuse is not confirmed and the child is believed to be at low risk of future abuse or neglect; or

(3) A child abuse assessment has identified the abuse is confirmed and not placed on the registry and the child is believed to be at low risk of future abuse or neglect.

b. Recommendation options for information and information and referral.

(1) When no service needs are identified, the worker may recommend no service; or

(2) When service needs are identified, the worker may recommend new or continuing services to the family to be provided through informal supports; or

(3) When service needs are identified, the worker may recommend new or continuing services to the family to be provided through community organizations.

c. Referral for department services.

(1) The department will provide or arrange for and monitor services for abused children and their families on a voluntary basis or under a final or intermediate order of the juvenile court when:

1. A child abuse assessment has identified the abuse is confirmed and not placed on the registry and the child is believed to be at high risk of future abuse or neglect; or

2. A child abuse assessment has identified the abuse is founded.

(2) The worker will recommend new or continuing services to the family to be provided by the department, either directly or through contracted agencies.

(3) Families that refuse voluntary services will be referred for a child in need of assistance petition through juvenile court.

175.6(9) *Court action following assessment.* If, upon completion of an assessment performed under Iowa Code section 232.71B, the department determines that the best interests of the child require juvenile court action, the department will act appropriately to initiate the action.

a. If at any time during the assessment process the department believes court action is necessary to safeguard a child, the department will act appropriately to initiate the action.

b. The department will assist the juvenile court or district court during all stages of court proceedings involving an alleged child abuse case in accordance with Iowa Code section 232.71C.

441—175.7(232) Completion of a written assessment report. The child protection worker will complete a written assessment report as follows.

175.7(1) *Completion of a child abuse assessment report.* A child abuse assessment report will be completed within 20 business days of the receipt of the child abuse report. In most instances, a child abuse assessment report will be developed in conjunction with the child and family being assessed. A child abuse assessment report will consist of two parts as follows.

a. Report and disposition data. A child abuse assessment report will include report and disposition data as follows:

(1) Allegations: the report of suspected child abuse that caused the assessment to be initiated and additional allegations raised after the report of suspected child abuse becomes a case that have not been previously investigated or assessed. If the report of suspected child abuse was initially accepted as a family assessment, the reason why it was transferred to a child abuse assessment will be identified.

(2) Evaluation of the child's safety: evaluation of the child's safety and the risk for occurrence or reoccurrence of abuse. Criteria to be used in the evaluation of the child's safety include but are not limited to the severity of the incident or condition, chronicity of the incident or condition, age of the child, attitude of the person alleged responsible, current services or supports, access of the person alleged responsible for the abuse to the child, and protectiveness of the parent or caretaker who is not alleged responsible for the abuse.

(3) Findings and contacts: a description of the child's condition, including identification of the nature, extent, and cause of the injuries, if any, to the child named in the report; identification of the injury or risk to which the child was exposed; the circumstances that led to the injury or risk to the child; the identity of the person alleged to be responsible for the injury or risk to the child; an evaluation of the home environment; the name and condition of other children in the same home as the child named in the report if protective concerns are identified; a list of collateral contacts; and a history of confirmed or founded abuse.

(4) Determination regarding the allegations of child abuse: a statement of determination of whether the allegation of child abuse was founded, confirmed but not placed on the central abuse registry, or

not confirmed. The statement will include a rationale for placing or not placing the report on the central abuse registry.

(5) Recommendation for services and a statement describing whether services are necessary to ensure the safety of the child or to prevent or remedy other identified problems.

1. The statement will include the type of services recommended, if any, and whether these services are to be provided by the department, a child welfare service contractor, another community organization, other informal supports, or another source.

2. If services are already being provided, the statement will include a recommendation whether these services should continue.

(6) Juvenile court recommendation: a statement describing whether juvenile court action is necessary to ensure the safety of the child; the type of action needed, if any; and the rationale for the recommendation.

(7) Criminal court recommendation: a statement describing whether criminal court action is necessary and the rationale for the recommendation.

(8) Addendum: An addendum to a child abuse assessment report will be completed within 20 business days when any of the following occur:

1. New information becomes available that would alter the finding, conclusion, or recommendation of the report.

2. Substantive information that supports the finding becomes available.

3. A subject who was not previously interviewed requests an interview to address the allegations of the report.

4. A review or a final appeal decision modifies the report.

b. Use of assessment data. A safety assessment, family risk assessment, and safety plan, if applicable, may be used as part of the child's initial case plan for cases in which the department will provide services.

175.7(2) *Completion of a family assessment report.* A family assessment report will be completed within ten business days of the receipt of the report of suspected child abuse. A family assessment report will consist of assessment data only.

a. Assessment data. A family assessment report will include information pertaining to the department's evaluation of a family, which includes:

(1) Allegations: the report of suspected child abuse that caused the assessment to be initiated and additional allegations raised after the report of suspected child abuse becomes a case that have not been previously assessed.

(2) Evaluation of the child's safety: evaluation of the child's safety and the risk for occurrence or reoccurrence of abuse. Criteria to be used in the evaluation of the child's safety include but are not limited to the severity of the incident or condition, chronicity of the incident or condition, age of the child, attitude of the person alleged responsible, current services or supports, access of the person alleged responsible for the abuse to the child, and protectiveness of the parent or caretaker who is not alleged responsible for the abuse.

(3) Contacts: description of the circumstances that led to the allegations of abuse; strengths and needs of the child and of the child's parent, home, and family; any information obtained from others during the assessment; a history of confirmed or founded abuse; and an evaluation of the home environment and evaluation of any other children in the same home as the parents or other persons responsible for the children's care.

(4) Recommendation for services and a statement describing whether services are necessary to ensure the safety of the child or to prevent or remedy other identified problems.

1. The statement will include the type of services recommended, if any, and whether these services are to be provided by the department, a child welfare service contractor, another community organization, other informal supports, or another source.

2. If services are already being provided, the statement will include a recommendation whether these services should continue.

b. Use of assessment data. A safety assessment, family risk assessment, and safety plan may be used as part of the information referred for any services in which the family voluntarily agrees to participate.

441—175.8(232) Contact with juvenile court or the county attorney. The child protection worker may contact juvenile court or the county attorney, or both, as circumstances warrant.

175.8(1) *Report of intake.* When a report of suspected child abuse is accepted or rejected for assessment, the county attorney will be provided a child protective service intake form with information about the allegation of child abuse and with identifying information about the subjects of the report.

175.8(2) *Report of disposition.* The department will provide the juvenile court and the county attorney with a copy of the child abuse assessment report that pertains to the findings, determinations, and recommendations regarding the child abuse assessment.

175.8(3) *Report of assessment.* The department will provide the county attorney and the juvenile court with a copy of the family risk assessment, safety assessment, safety plan, and family assessment report when any of the following occur.

a. County attorney's or juvenile court's assistance necessary. The worker requires the court's or the county attorney's assistance to complete the assessment process.

b. Court's protection needed. The worker believes that the child requires the court's protection.

c. Child adjudicated. The child is currently adjudicated or pending adjudication under a child in need of assistance petition or a delinquency petition.

d. County attorney or juvenile court requests copy. The county attorney or juvenile court requests a copy of the child abuse assessment data. The child protection worker will document when the assessment data is provided to the county attorney or juvenile court and the rationale provided for the request.

441—175.9(232) Consultation with health practitioners or mental health professionals. The child protection worker may contact a health practitioner or a mental health professional as circumstances warrant and will contact a health practitioner or a mental health professional when the worker requires the assistance of the health practitioner or mental health professional in order to complete the assessment process or when the worker requires the opinion or advice of the health practitioner or mental health professional in order to determine whether the child requires or should have required medical, health or mental health care as a result of suspected abuse.

441—175.10(232) Consultation with law enforcement.

175.10(1) During the course of a child abuse assessment, the child protection worker may contact law enforcement as warranted and will contact law enforcement when the worker believes that:

a. The abuse reported is more likely than not to result in a criminal investigation and subsequent prosecution.

b. The child needs to be separated from the person responsible for the abuse.

c. Contact by the child protection worker with the family will result in a volatile and dangerous response by the child or family members.

175.10(2) During the course of a family assessment, the child protection worker will not involve law enforcement for the purposes of a joint investigation but will immediately refer any information regarding a criminal act harming a child to the appropriate law enforcement agency.

441—175.11(232) Information shared with law enforcement. When the department is jointly conducting a child abuse assessment with law enforcement personnel, the department may share information gathered during the child abuse assessment process when an assessment is conducted in conjunction with a criminal investigation. When the department has rejected an intake or an intake is accepted for a family assessment, only the information collected at intake (excluding reporter information) may be shared with law enforcement.

441—175.12(232) Completion of required correspondence.

175.12(1) *Notification to parents that an assessment is being conducted.* Written notice will be provided to the parents of a child who is the subject of an assessment within five working days of commencing an assessment. Both custodial and noncustodial parents will be notified, if their whereabouts are known. If it is believed that notification will result in danger to the child or others, an emergency order to prohibit parental notification will be sought from juvenile court.

175.12(2) *Notification of completion of assessment and right to request correction.* Written or electronic notice that indicates that the child abuse assessment is completed will be provided to all subjects of a child abuse assessment and to the mandatory reporter who made the report of child abuse. Both custodial and noncustodial parents will be notified if their whereabouts are known.

a. The notice will contain the following information pursuant to Iowa Code section 235A.19:

(1) A subject may request correction of the information contained within the child abuse assessment report if the subject disagrees with the information.

(2) A person named responsible for the abuse has the right to appeal if the department does not correct the data or findings as requested.

(3) A subject, other than the person named responsible for the abuse, has the opportunity to file a motion to intervene in an appeal hearing.

b. If the child abuse assessment results in a determination that abuse is confirmed, the notice will indicate the type of abuse, name of the child and name of the person responsible for the abuse and whether the report has been placed on the central abuse registry.

c. The department will provide written or electronic notice to the parent or guardian of each child listed in the family assessment report of the completion of the assessment and review any service recommendations. Because no determination concerning child abuse or neglect is made and nothing is reported to the central abuse registry, a subject of a family assessment will not be afforded the opportunity for a contested case hearing.

175.12(3) *Notification to relatives that a child has been removed.* The department will exercise due diligence in identifying and providing written or electronic notice to relatives within 30 days after an order removing a child from the custody of a parent or parents of the child pursuant to Iowa Code section 232.84.

175.12(4) *Notification to department staff.* When the department staff are the mandatory reporters to an assessment, the department will issue the following notices electronically:

a. Notice of intake decision as required under Iowa Code section 232.70.

b. Outcome notice pursuant to Iowa Code sections 232.71B, 235A.15, and 235A.17(2).

441—175.13(232,235A) Case records. The assessment case record will contain the assessment report and any related correspondence or information that pertains to the assessment or to the child and family. The name of the person who made the report of child abuse will not be disclosed.

175.13(1) *Child abuse assessment report.* A child abuse assessment report has two parts.

a. Report and disposition data. Subjects of the report have access to report and disposition data, including, where applicable, confirmation of placement on the central abuse registry for abuse reports meeting the criteria pursuant to Iowa Code section 232.71D. A child abuse assessment report will be submitted to the central abuse registry only if the abuse is confirmed and determined to meet the criteria pursuant to Iowa Code section 232.71D.

b. Assessment data will be available to subjects. Release of assessment data will be accomplished only when the parent or guardian approves the release. Assessment data will not be submitted to the central abuse registry.

175.13(2) *Family assessment report.* A family assessment report includes assessment data only. Assessment data will be available to subjects. Release of assessment data will be accomplished only when the parent or guardian of a child named in a family assessment report approves the release as provided in Iowa Code section 217.30 or as specified in Iowa Code section 235A.15. Assessment data will not be submitted to the central abuse registry.

175.13(3) *Child abuse assessments where abuse was confirmed but not placed on the central abuse registry.* The following conditions apply to case records for assessments in which abuse was confirmed but not placed on the central registry.

a. Access to the report data and disposition data is authorized only to the subjects of the report, the child protection worker, the law enforcement officer responsible for assisting in the assessment or for the temporary emergency removal of a child from the child's home, the multidisciplinary team assisting the department in the assessment of the abuse, the county attorney, juvenile court, a person or agency responsible for the care of the child if the department or juvenile court determines that access is necessary, the department or contract personnel necessary for official duties, the department of justice, and the attorney for the department.

b. The child abuse assessment is retained for five years from the date of intake or five years from the date of closure of the service record, whichever occurs later.

c. The child abuse assessment report is subject to the confidentiality provisions of Iowa Code section 217.30. No confidential information will be released without consent except where there is otherwise authorized access to information as specified in the provisions of Iowa Code section 235A.15.

175.13(4) *Child abuse assessments not placed on the central abuse registry where abuse was not confirmed.* The following conditions apply to case records for assessments in which abuse was not confirmed and not placed on the central registry:

a. Access to the assessment data on a child abuse assessment summary where abuse was not determined to have occurred and, therefore, the assessment was not placed on the central abuse registry is authorized only to the subjects of the assessment, the child protection worker, the county attorney, juvenile court, a person or agency responsible for the care of the child if the department or juvenile court determines that access is necessary, the department of justice, and department or contract personnel necessary for official duties.

b. Records are retained for five years from the date of intake or five years from the date of closure of the service record, whichever occurs later.

c. The child abuse assessment report is subject to the confidentiality provisions of Iowa Code section 217.30. No confidential information will be released without consent except where there is otherwise authorized access to information as specified in the provisions of Iowa Code section 235A.15.

175.13(5) *Family assessment.* The following conditions apply to case records for all family assessments:

a. Access to the assessment data on a family assessment report is authorized only to the subjects of the assessment, the child protection worker, a person or agency responsible for the care of the child if the department or juvenile court determines that access is necessary, the department of justice, and department or contract personnel necessary for official duties.

b. Records are retained for five years from the date of intake or five years from the date of closure of the service record, whichever occurs later.

c. The family assessment report is subject to the confidentiality provisions of Iowa Code section 217.30. No confidential information will be released without consent except where there is otherwise authorized access to information as specified in the provisions of Iowa Code section 235A.15.

441—175.14(232,235A) Child protection centers. The department may contract with designated child protection centers for assistance in conducting child abuse assessments. When a child who is the subject of an assessment is interviewed by staff at a child protection center, that interview may be used in conjunction with an interview conducted by the child protection worker. Written reports developed by the child protection center shall be provided to the child protection worker and may be included in the assessment case record. Video or audio records are considered to be part of the assessment process and shall be maintained by the child protection center under the same confidentiality provisions of Iowa Code section 217.30. Services or assistance from a child protection center will not be available through a family assessment.

441—175.15(232) Department-operated facilities. When an allegation of child abuse occurs at a department-operated facility, the allegation will be referred to the department of inspections, appeals, and licensing for investigation or assessment.

441—175.16(232,235A) Jurisdiction of assessments. Child protection workers serving the county in which the child's home is located have primary responsibility for completing the assessment except when the suspected abuse occurs in an out-of-home placement. Circumstances in which the department will conduct an assessment when another state is involved include the following.

175.16(1) *Child resides in Iowa but incident occurred in another state.* When the child who is the subject of a report of suspected abuse physically resides in Iowa but has allegedly been abused in another state, the worker will do all of the following:

a. Obtain available information from the reporter.

b. Make a report to the office of the other state's protective services agency and request assistance from the other state in completing the assessment.

c. Complete the assessment with assistance, as available, of the other state.

175.16(2) *Child resides in another state, but is present within Iowa.* When the child who is the subject of a report of abuse is a legal resident of another state, but is present within Iowa, the worker receiving the report will do all of the following:

a. Act to ensure the safety of the child.

b. Contact the child's state of legal residency to coordinate the assessment of the report.

c. Commence an assessment if the state of legal residency declines to conduct an investigation.

175.16(3) *Child resides in another state and perpetrator resides in Iowa.* When the child who is the subject of a report of abuse resides in another state and the perpetrator resides in Iowa, the worker receiving the report will do all of the following:

a. Contact the state where the child resides and offer assistance to that state in its completion of a child abuse assessment. This assistance will include an offer to interview the person allegedly responsible for the abuse and any other relevant source of information.

b. Commence an assessment if the child's state of legal residency declines to conduct an investigation.

441—175.17(235A) Multidisciplinary teams. Multidisciplinary teams will be developed in county or multicounty areas in which more than 50 child abuse cases are received annually. These teams may be used as an advisory group to assist the department in conducting child abuse assessments. Multidisciplinary teams consist of professionals practicing in the disciplines of medicine, public health, mental health, social work, child development, education, law, juvenile probation, law enforcement, nursing, and substance abuse counseling. Members of multidisciplinary teams shall maintain confidentiality of cases in which they provide consultation. Rejected intakes will not be shared with multidisciplinary teams since the rejected intakes are not considered to be child abuse information. During the course of a child abuse assessment, information regarding the initial report of child abuse and information related to the child and family functioning may be shared with the multidisciplinary team. After a conclusion is made, only report data and disposition data on confirmed cases of child abuse may be shared with the team members. When the multidisciplinary team is created, all team members shall execute an agreement, filed with the central abuse registry, that specifies:

175.17(1) *Consultation.* The team will be consulted solely for the purpose of assisting the department in the child abuse assessment and diagnosis of child abuse cases.

175.17(2) *Redissemination.* No team member shall redisseminate child abuse information obtained through the multidisciplinary team. This does not preclude redissemination of information as authorized by Iowa Code section 235A.17 when an individual team member has received information as a result of another authorized access provision of the Iowa Code.

175.17(3) *Department not bound.* The department will consider the recommendation of the team in a specific child abuse case but will not, in any way, be bound by the recommendation.

175.17(4) *Confidentiality provisions.* Any written report or document produced by the team pertaining to an assessment case shall be made a part of the file for the case and shall be subject to all confidentiality provisions unless the child abuse assessment results in placement on the central abuse registry, in which case the written report or document shall be subject to all confidentiality provisions of Iowa Code chapter 235A.

175.17(5) *Written records.* Any written records maintained by the team that identify an individual child abuse assessment case shall be destroyed when the agreement lapses.

175.17(6) *Compensation.* Consultation team members shall serve without compensation.

175.17(7) *Withdrawal from contract.* Any party to the agreement may withdraw with or without cause upon the giving of 30 days' notice.

175.17(8) *Expiration date.* The date on which the agreement will expire shall be included.

441—175.18(232) Publicity, education, and training. The department will conduct publicity, education, and training pursuant to Iowa Code section 232.76.

441—175.19(235) Written authorizations. Requests for information from members of the general public as to whether a person is named on the central abuse registry as having abused a child shall be submitted on the Authorization for Release of Child Abuse Information form to the county office of the department or the central abuse registry. The form shall be completed and signed by the person requesting the information and the person authorizing the check for the release of child abuse information.

441—175.20(232) Founded child abuse. Reports of child abuse where abuse has been confirmed will be placed on the central abuse registry as founded child abuse for either five or ten years under any of the circumstances specified by Iowa Code section 232.71D. When none of the placement criteria listed in Iowa Code section 232.71D(3)*"b"* are applicable, reports of denial of critical care by failure to provide adequate clothing or failure to provide adequate supervision and physical abuse where abuse has been confirmed and determined to be minor, isolated, and unlikely to reoccur will not be placed on the central abuse registry as a case of founded child abuse.

175.20(1) *Confidentiality of founded child abuse report and data.* The confidentiality of report and disposition data pertaining to founded child abuse will be maintained as provided in Iowa Code chapter 235A. Access to the report and disposition data on founded child abuse is authorized only as provided in Iowa Code section 235A.15.

175.20(2) *Sealing and expungement of founded child abuse report and data.* Report and disposition data pertaining to founded child abuse will be sealed and expunged as provided in Iowa Code section 235A.18.

441—175.21(235A) Access to child abuse information. Requests for child abuse information shall include sufficient information to demonstrate that the requesting party has authorized access to the information.

175.21(1) *Written requests.* Requests for child abuse information shall be submitted on a Request for Child Abuse Information form to the county office of the department. Requests made for the purpose of determining employability of a person in a department-operated facility will be submitted to the central abuse registry. Subjects of a report may submit a request for child abuse information to the county office of the department on a Request for Child Abuse Information form, a Notice of Child Abuse Assessment: Founded form, a Notice of Child Abuse Assessment: Confirmed Not Registered form, a Notice of Child Abuse Assessment: Not Confirmed form, or a Family Assessment Report form. The county office is granted permission to release child abuse information to the subject of a report immediately upon verification of the identity and subject status.

175.21(2) *Oral requests.* Oral requests for child abuse information may be made when a person making the request believes that the information is needed immediately and if the person is authorized to access the information. When an oral request to obtain child abuse information is granted, the person approving the request will document the approval to the central abuse registry through use of

a Request for Child Abuse Information form or a Notice of Child Abuse Assessment: Founded form. Upon approval of any request for child abuse information authorized by this rule, the department will withhold the name of the person who made the report of child abuse unless ordered by a juvenile court or district court after a finding that the person's name is needed to resolve an issue in any phase of a case involving child abuse. Written requests and oral requests do not apply to child abuse information that is disseminated to an employee of the department, to a juvenile court, or to the attorney representing the department as authorized by Iowa Code section 235A.15.

175.21(3) *Written authorizations.* Requests for information from members of the general public as to whether a person is named on the central abuse registry as having abused a child shall be submitted on an Authorization for Release of Child Abuse Information form to the county office of the department or the central abuse registry. The form shall be completed and signed by the person requesting the information and the person authorizing the check for the release of child abuse information. The department will not provide requested information when the authorization form is incomplete. Incomplete authorization forms are returned to the requester.

441—175.22(235A) Research. Access to child abuse information for bona fide research purposes is governed by Iowa Code section 235A.15 and the fair information practice standards of 441—Chapter 2505.

441—175.23(235A) Citizen review panels. The department will convene child protection services citizen review panels as set forth in the federal Child Abuse Prevention and Treatment Act as amended to August 1, 2026.

These rules are intended to implement Iowa Code sections 232.67 through 232.70, 232.71B, 232.71C, 232.71D, 232.72 through 232.77, and 232.79B and chapter 235A.

ARC 0714D

INSPECTIONS, APPEALS, AND LICENSING DEPARTMENT[481]

Notice of Intended Action

Proposing rulemaking related to professional licensing division fees, discipline for massage therapists, and licensure of massage therapy establishments and providing an opportunity for public comment

The Department of Inspections, Appeals, and Licensing hereby proposes to amend Chapter 507, "Professional Licensing Division Fees," Chapter 824, "Discipline for Massage Therapists," and to adopt a new Chapter 826, "Licensure of Massage Therapy Establishments," Iowa Administrative Code.

Legal Authority for Rulemaking

This rulemaking is proposed under the authority provided in Iowa Code chapters 147, 152C, and 272C.

State or Federal Law Implemented

This rulemaking implements, in whole or in part, Iowa Code chapters 147, 152C, and 272C and 2026 Iowa Acts, Senate File 2068.

Purpose and Summary

This proposed rulemaking updates the Board of Massage Therapy's rules to implement 2026 Iowa Acts, Senate File 2068. This rulemaking will allow the Board to issue a massage therapy establishment license. The Board may perform an inspection prior to issuing an establishment license. This rulemaking will allow the Board to deny an application if the applicant is a massage therapist who is not in good standing or holds a suspended license, or an applicant who is under criminal investigation or

has a disqualifying criminal history, as described in Senate File 2068. The rulemaking will allow the Board to revoke a license based on public complaint, upon receiving evidence of misconduct including disqualifying criminal acts, or upon a finding that the application was fraudulent, or to take emergency action to suspend a license upon discovery of pending criminal charges against an establishment owner or officer. This rulemaking also adds language regarding the model rules for discipline that was inadvertently removed from the discipline chapter for massage therapists.

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

The agency added definitions for the terms “grace period” and “license expiration date” and added subrules about massage therapy establishment license renewal regarding late renewal and renewal of an inactive license.

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 Board for a waiver of the discretionary provisions, if any.

Public Comment

Any interested person may submit written comments concerning this proposed rulemaking, which must be received by the Board no later than 4:30 p.m. on December 1, 2026. Comments should be directed to:

Emily DeRonde
Department of Inspections, Appeals, and Licensing
6200 Park Avenue
Des Moines, Iowa 50321
Email: emily.deronde@dia.iowa.gov

Public Hearing

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

Review by Administrative Rules Review Committee

The Administrative Rules Review Committee, a bipartisan legislative committee which oversees 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 507.8(11) to 507.8(13):

507.8(11) Initial application fee for massage establishment license is $400.

507.8(12) Triennial establishment license renewal fee is $400.

507.8(13) Establishment reactivation fee is $460.

ITEM 2. Renumber subrules **824.1(3)** to **824.1(5)** as **824.1(4)** to **824.1(6)**.

ITEM 3. Adopt the following **new** subrule 824.1(3):

824.1(3) Civil penalties may be imposed upon a person who operates an establishment without a license. Failure to follow the above may result in:

a. A civil penalty not to exceed $1,000 on a person or business that violates this rule.

(1) Each violation is a separate offense.

(2) Each day a continued violation occurs after citation by the board is a separate offense, with the maximum penalty not to exceed $10,000;

b. The board's inspection of any facility that advertises or offers services purporting to be delivered by massage therapists;

c. A citation sent to the alleged violator by certified mail, return receipt requested; and

d. The board's consideration of the following in determining civil penalties:

(1) Whether the amount imposed will be a substantial economic deterrent to the violation.

(2) The circumstances leading to or resulting in the violation.

(3) The severity of the violation and the risk of harm to the public.

(4) The economic benefits gained by the violator as a result of noncompliance.

(5) The welfare or best interest of the public.

ITEM 4. Renumber rule **481—824.1(152C)** as **481—824.2(152C)**.

ITEM 5. Adopt the following **new** rule 481—824.1(152C):

481—824.1(152C) Grounds for discipline. The board may impose any of the disciplinary sanctions provided in rule 481—504.3(272C) when the board determines that the licensee is guilty of any of the following acts or offenses or those listed in 481—Chapter 504 or Iowa Code chapter 152C.

ITEM 6. Adopt the following **new** 481—Chapter 826:

CHAPTER 826
LICENSURE OF MASSAGE THERAPY ESTABLISHMENTS

481—826.1(152C) Definitions.

"DCI" means the division of criminal investigation.

"Department" means the department of inspections, appeals, and licensing.

"Establishment" means the same as defined in Iowa Code section 152C.1.

"FBI" means the Federal Bureau of Investigation.

"Grace period" means the 30-day period following expiration of a license when the license is still considered to be active.

"License expiration date" means the fifteenth day of the anniversary month every three years.

"Owner" means any person, partner, member or corporate officer holding an equity or ownership interest of 10 percent or greater in a massage therapy establishment.

"Sole practitioner" means the same as defined in Iowa Code section 152C.1.

481—826.2(152C) Massage establishment license. Effective January 1, 2027, an establishment shall not operate unless the owner has obtained a license issued by the board.

826.2(1) Applicants shall submit the following:

a. A completed online application for licensure under the applicant's legal name. Aliases are prohibited.

b. Payment of the nonrefundable licensure fee specified in rule 481—507.8(147).

c. Required waivers and fingerprints pursuant to the board-approved process to facilitate a national criminal history background check by the DCI and the FBI. The cost of the criminal history background check by the DCI and the FBI shall be assessed to the applicant.

826.2(2) Multiple owners. If an establishment is owned by more than one person, all legal owners of the massage establishment must be listed on the application and each legal owner shall submit the fee and waiver for background check.

826.2(3) Massage establishment license transfer. The owner of an establishment will not transfer the establishment license with the purchase of the establishment. If an establishment changes ownership, the new owner will need to submit a new application for an establishment license as specified in this rule.

481—826.3(152C) License display. The license certificate and proof of active licensure will be displayed in a conspicuous public place.

481—826.4(152C) Massage therapy establishment license renewal.

826.4(1) The triennial license renewal period begins on the sixteenth day of the anniversary month and ends on the fifteenth day of the anniversary month three years later. The licensee is responsible for renewing the license prior to its expiration.

826.4(2) A licensee seeking renewal shall submit a completed renewal application and renewal fee specified in rule 481—507.8(147) before the license expiration date.

826.4(3) Late renewal. A license not renewed by the expiration date will be assessed a late fee as specified in 481—subrule 507.8(4). Completion of renewal requirements and submission of the late fee within the grace period are needed to renew the license.

826.4(4) Inactive license. An establishment that fails to renew the license by the end of the grace period has an inactive license. An establishment whose license is inactive continues to hold the privilege of licensure in Iowa but may not operate in Iowa until the license is reactivated. An establishment that operates in the state of Iowa with an inactive license may be subject to disciplinary action by the board, injunctive action pursuant to Iowa Code section 147.83, criminal sanctions pursuant to Iowa Code section 147.86, and other available legal remedies.

481—826.5(152C) License reactivation.

826.5(1) An establishment with an inactive license may apply to reactivate in accordance with this rule.

826.5(2) The licensee shall submit all of the following:

a. A completed online application for licensure and the nonrefundable licensure fee specified in rule 481—507.8(147).

b. If the establishment owner has not completed a background for two or more years, the required waivers and fingerprints pursuant to the board-approved process to facilitate a national criminal history background check. The cost for the evaluation of the fingerprint packet and the DCI and FBI criminal history background checks will be assessed to the licensee. The board may withhold reactivation of a license pending receipt of a report from the DCI and FBI.

481—826.6(152C) Establishment inspections. The board may perform a sanitary inspection of an establishment prior to the issuance of a license and may perform a sanitary inspection of each establishment biennially. An inspection of an establishment may also be conducted upon receipt of a complaint by the board.

826.6(1) Personnel requirements.

a. Massage therapists must hold a current massage therapist license from the board unless exempted by regulation or statute.

b. Massage therapists conducting massage at an establishment shall be deemed the responsibility of the operator of the establishment.

c. A person licensed or who purports to be licensed in the establishment shall, upon the request of any peace officer investigating a complaint of illegal services, present a copy of the person's valid

Iowa massage therapist license, a valid establishment license if applicable, and a government-issued identification to the peace officer. A person who violates this subrule commits a serious misdemeanor.

826.6(2) Facility requirements.

a. The establishment shall maintain a properly installed smoke detector and fire extinguisher.

b. Massage therapy may be conducted only in rooms that are adequately lighted and ventilated.

c. Floors, walls, ceilings and windows must be kept free of dust, soil, and other unclean substances.

d. Massage therapy rooms must have sufficient clearance for mobile carts and unobstructed practitioner movement during therapy.

e. Every establishment shall have accessible restroom facilities, including at least one toilet with toilet tissue provided, a hand sink with soap, disposable towels, single use linens, or air dryers provided.

f. Every establishment shall have handwashing facilities for therapist use. Said facilities shall provide an adequate supply of hot water.

g. Handwashing facilities for establishments shall be accessible for the practitioners.

h. Soap, disposable towels, single use linens or air dryers and adequate waste receptacles shall be provided at all times.

i. Toilet and handwashing facilities shall meet the requirements of the state plumbing code and shall be maintained in good repair, well-lighted and adequately ventilated, kept in a clean and sanitary condition and free of vermin.

j. Every establishment shall provide for safe and unobstructed passage in the public and private areas of the premises.

k. Facilities shall be provided for the storage and removal of garbage, waste and refuse.

l. Any flammable or hazardous materials in the establishment shall be stored in a safe manner in accordance with local and state regulations.

826.6(3) Equipment requirements.

a. All equipment and supplies used in the performance of massage shall be maintained in a safe and clean manner. All tables and other cleanable surfaces that come into contact with clients shall be cleaned by the regular application of a cleanser and sanitized with an EPA-registered sanitizer. Each client shall receive a separate, clean covering for use on the massage table, such as sheets or towels.

b. All reusable sheets, towels, and other cloth materials used in the conduct of a massage that come in contact with a client shall be laundered after each use.

c. Each establishment shall maintain a sufficient supply of clean linens, to include towels, gowns or sheets for the purpose of draping each client while the client is being massaged.

481—826.7(152C) Recordkeeping. An establishment shall keep records for a period of three years from the date the record is created that include all of the following:

826.7(1) The name and license number of each massage therapist who has worked at the establishment.

826.7(2) A calendar or schedule of appointments and receipts that shall include the name of each client and the name of each massage therapist who provided massage therapy to the client.

These rules are intended to implement Iowa Code chapter 152C.

ARC 0716D

INSPECTIONS, APPEALS, AND LICENSING DEPARTMENT[481]

Notice of Intended Action

Proposing rulemaking related to licensure of massage therapists and providing an opportunity for public comment

The Department of Inspections, Appeals, and Licensing hereby proposes to amend Chapter 821, "Licensure of Massage Therapists," Iowa Administrative Code.

Legal Authority for Rulemaking

This rulemaking is proposed under the authority provided in Iowa Code chapters 147, 152C, and 272C.

State or Federal Law Implemented

This rulemaking implements, in whole or in part, Iowa Code chapters 147, 152C, and 272C.

Purpose and Summary

This proposed rulemaking updates the Board of Massage Therapy's rules regarding reactivation of licenses and licensing of foreign-trained graduates. This rulemaking allows the Board to issue a massage therapy license to a foreign-trained graduate who has completed an equivalency evaluation at an approved agency, eliminates outdated agency information in the current rule, and clarifies and simplifies the rules for reactivation of a massage therapy license. New rules allow the applicant whose license has been inactive for more than five years to verify active practice and 16 hours of continuing education, complete 32 hours of continuing education, or retake the examination. This provides additional pathways to reactivation rather than just the examination.

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 Board 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 Board no later than 4:30 p.m. on December 1, 2026. Comments should be directed to:

Emily DeRonde
Department of Inspections, Appeals, and Licensing
6200 Park Avenue
Des Moines, Iowa 50321
Email: emily.deronde@dia.iowa.gov

Public Hearing

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

Review by Administrative Rules Review Committee

The Administrative Rules Review Committee, a bipartisan legislative committee which oversees 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 821.3(1) as follows:

821.3(1) Provide an equivalency evaluation of their educational credentials by ~~one of the following entities~~ a board-approved agency, demonstrating the curriculum is equivalent to that stated in these rules. The applicant bears the expense of the curriculum evaluation.

~~*a.* International Education Research Foundation, Inc., Credentials Evaluation Service, P.O. Box 3665, Culver City, CA 90231-3665; telephone 310.258.9451; website www.ierf.org.~~

~~*b.* International Credentialing Associates, Inc., 7245 Bryan Dairy Road, Bryan Dairy Business Park II, Largo, FL 33777; telephone 727.549.8555.~~

~~*c.* Josef Silny & Associates, Inc., 7101 SW 102nd Avenue, Miami, FL 33173; telephone 305.273.1616; website jsilny.org.~~

ITEM 2. Rescind subrule 821.9(2) and adopt the following **new** subrule in lieu thereof:

821.9(2) The licensee shall submit all of the following:

a. A completed online application for licensure and the nonrefundable licensure fee specified in rule 481—507.8(147).

b. If licensed in another state, verification of the license from the jurisdiction in which the applicant has most recently been practicing during the time period the Iowa license was inactive, sent directly from the jurisdiction to the board office. Web-based verification may be substituted for verification from a jurisdiction's board office if the verification includes:

(1) Licensee's name;

(2) Date of initial licensure;

(3) Current licensure status; and

(4) Any disciplinary action taken against the license.

c. If the license has been inactive for five years or less, proof of completion of 16 hours of continuing education within two years of application.

d. If the license has been on inactive status for more than five years:

(1) Proof of completion of 16 hours of continuing education within two years of application and proof of two years of active, licensed practice in another issuing jurisdiction immediately prior to submitting the application;

(2) Proof of completion of 32 hours of continuing education to include 16 hours of in-person, clinical training; or

(3) Proof of passing one of the following examinations within two years of submitting the application:

1. The National Certification Examination for Therapeutic Massage (NCETM);
2. The National Certification Examination for Therapeutic Massage and Bodywork (NCETMB);
3. The National Examination for States Licensing (NESL) option; or
4. The Massage and Bodywork Licensing Examination (MBLEx).

ARC 0709D

INSPECTIONS, APPEALS, AND LICENSING DEPARTMENT[481]

Notice of Intended Action

Proposing rulemaking related to licensure and exceptions and providing an opportunity for public comment

The Department of Inspections, Appeals, and Licensing hereby proposes to amend Chapter 1062, "Licensure," and Chapter 1065, "Exceptions," Iowa Administrative Code.

Legal Authority for Rulemaking

This rulemaking is proposed under the authority provided in Iowa Code chapter 272C and section 544A.29.

State or Federal Law Implemented

This rulemaking implements, in whole or in part, Iowa Code chapters 272C and 544A.

Purpose and Summary

This proposed rulemaking updates publication dates for guidelines incorporated by reference, refines parameters governing licensure status, promulgates necessary regulatory definitions, and removes matrices that conflict with the Iowa Code.

Regulatory Analysis

A Regulatory Analysis for this rulemaking was published in the Iowa Administrative Bulletin on September 16, 2026. A public hearing was held on the following date(s):

- October 6, 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 Architectural Examining Board 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 Board no later than 4:30 p.m. on December 1, 2026. Comments should be directed to:

Lori SchraderBachar
Department of Inspections, Appeals, and Licensing
6200 Park Avenue, Suite 100
Des Moines, Iowa 50321
Phone: 515.725.9030
Email: lori.schraderbachar@dia.iowa.gov

Public Hearing

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

Review by Administrative Rules Review Committee

The Administrative Rules Review Committee, a bipartisan legislative committee which oversees 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 **481—1062.1(544A,17A)**, definitions of "Inactive" and "NCARB Architect Registration Examination (ARE) Guidelines," as follows:

"Inactive" means that an architect is not engaged in Iowa in any practice for which a certificate of licensure is required~~, including architects who have retired from active practice~~.

"NCARB Architect Registration Examination (ARE) Guidelines" means the edition of a document by the same title published by the National Council of Architectural Registration Boards in ~~April~~ October 2026. The document outlines the requirements for examination.

ITEM 2. Adopt the following **new** definition of "Retired" in rule **481—1062.1(544A,17A)**:

"Retired" means that an architect is not engaged in the practice of architecture or earning monetary compensation by providing professional architectural services in any licensing jurisdiction of the United States or a foreign country.

ITEM 3. Amend subrule 1062.3(2) as follows:

1062.3(2) *Inactive status.* This subrule establishes a procedure under which a person issued a certificate of licensure as an architect may apply to the board to be licensed as inactive. Licensure under this subrule is available to a license holder who is not engaged in Iowa in any practice for which licensure as an architect is required. A person eligible to be licensed as inactive may, as an alternative to such licensure, allow the certificate of licensure to lapse. During any period of inactive status, a person may use the title "inactive architect" ~~or "retired architect,"~~ but may not use the sole title of "architect" or any other title that might imply that the person is offering services as an architect by such an action in violation of Iowa Code section 544A.15. The board will continue to maintain a database of persons licensed as inactive, including information that is not routinely maintained after a certificate has lapsed through the person's failure to renew. A person who is licensed as inactive will accordingly receive renewal applications, board newsletters and other mass communications from the board.

a. and *b.* No change.

c. Permitted practices. A person may, while licensed as inactive, perform for a client, business, employer, government body, or other entity those services that may lawfully be provided by a person to whom a certificate of licensure has never been issued. Such services may be performed as long as the person does not in connection with such services use the title "architect" or any other title restricted for use only by architects pursuant to Iowa Code section 544A.15 (without additional designations such as "inactive" ~~or "retired"~~). Restricted titles may be used only by active architects who are subject to continuing education requirements to ensure that the use of such titles is consistently associated with the maintenance of competency through continuing education.

d. and *e.* No change.

ITEM 4. Adopt the following **new** subrule 1062.3(3):

1062.3(3) *Retired status.* A person who held a license as an architect and who does not reasonably expect to return to the workforce in any capacity for which a certificate of licensure is required due to bona fide retirement or disability may apply to the board for retired status and, if granted, may use the title "architect retired" in the context of non-income-producing personal activities. If the board determines an applicant is eligible, the retired status would become effective on the first scheduled license renewal date. Applicants do not need to reinstate an expired license to be eligible for retired status. Applicants may apply for retired status on forms provided by the board. The board will not provide a refund of biennial license fees if an application for retired status is granted in a biennium in which the applicant has previously paid the biennial fees for either active or inactive status. Persons licensed in retired status are exempt from the renewal requirement.

a. Affirmation. The retired status application form shall contain a statement in which the applicant affirms that the applicant will not engage in any of the practices in Iowa that are listed in Iowa Code section 544A.16 without first complying with all rules governing reinstatement to active status. A person in retired status may reinstate to active status at any time pursuant to subrule 1062.3(3).

b. Permitted practices. Persons licensed in retired status may engage in the practices identified in paragraph 1062.3(2)*"c."* Such persons may also provide services as technical experts before a court, including prelitigation preparation, discovery, and testimony, on matters directly related to architectural services provided by such persons prior to being licensed with the board in retired status.

c. Exemption. A person whose license as an architect has been placed on probation, suspended, revoked, or voluntarily surrendered in connection with a disciplinary investigation or proceeding shall not be eligible for retired status unless, upon appropriate application, the board first reinstates the license to good standing.

ITEM 5. Amend rule 481—1062.5(544A) as follows:

481—1062.5(544A) Reinstatement from inactive status or retired status to active status.

1062.5(1) An individual may reinstate an inactive license to an active license as follows:

a. Pay one-half of the current active license fee.

b. Submit documented evidence of completion of 24 continuing education hours in compliance with requirements in 481—Chapter 1063. All continuing education hours must be completed in health, safety, and welfare subjects acquired in structured educational activities. The hours reported shall not have been earned more than four years prior to the date of the application to reinstate to active status. The hours used to reinstate to active status cannot again be used to renew.

(1) At the first biennial renewal date of July 1 that is less than 12 months from the date of the filing of the application to restore the certificate of licensure to active status, the person shall not be required to report continuing education hours.

(2) At the first biennial renewal date of July 1 that is 12 months or more, but less than 24 months, from the date of the filing of the application to restore the certificate of licensure to active status, the person shall report 12 hours of previously unreported continuing education hours.

c. Provide a written statement in which the applicant affirms that the applicant has not engaged in any of the practices in Iowa that are listed in Iowa Code section 544A.16 during the period of inactive licensure.

~~**1062.5(1)** Pay one-half of the current active license fee.~~

~~**1062.5(2)** Submit documented evidence of completion of 24 continuing education hours in compliance with requirements in 481—Chapter 1063. All continuing education hours must be completed in health, safety, and welfare subjects acquired in structured educational activities. The hours reported shall not have been earned more than four years prior to the date of the application to reinstate to active status. The hours used to reinstate to active status cannot again be used to renew.~~

~~*a.* At the first biennial renewal date of July 1 that is less than 12 months from the date of the filing of the application to restore the certificate of licensure to active status, the person shall not be required to report continuing education hours.~~

~~*b.* At the first biennial renewal date of July 1 that is 12 months or more, but less than 24 months, from the date of the filing of the application to restore the certificate of licensure to active status, the person shall report 12 hours of previously unreported continuing education hours.~~

~~**1062.5(3)** Provide a written statement in which the applicant affirms that the applicant has not engaged in any of the practices in Iowa that are listed in Iowa Code section 544A.16 during the period of inactive licensure.~~

1062.5(2) An individual may reinstate a retired license to an active license as follows:

a. Pay the current active license fee. If the individual is reinstating to active status at a date that is less than 12 months from the next biennial renewal date, one-half of the current active license fee shall be paid.

b. Submit documented evidence of completion of 24 continuing education hours in compliance with requirements in 481—Chapter 1063. All continuing education hours must be completed in health, safety, and welfare subjects acquired in structured educational activities. The hours used to reinstate to active status cannot again be used to renew.

(1) At the first biennial renewal date of July 1 that is less than 12 months from the date of the filing of the application to restore the certificate of licensure to active status, the person shall not be required to report continuing education hours.

(2) At the first biennial renewal date of July 1 that is 12 months or more, but less than 24 months, from the date of the filing of the application to restore the certificate of licensure to active status, the person shall report 12 hours of previously unreported continuing education hours.

c. Provide a written statement in which the applicant affirms that the applicant has not engaged in any of the practices in Iowa that are listed in Iowa Code section 544A.16 during the period of retired licensure.

ITEM 6. Amend rule 481—1062.9(544A,17A) as follows:

481—1062.9(544A,17A) Fee schedule. Under the authority provided in Iowa Code chapter 544A, the following fees are hereby adopted:

Examination fees:	
Fees for examination subjects shall be paid directly to the testing service selected by NCARB.	
Initial license fee	$50
(plus $5 per month until renewal)	
Reciprocal application and license fee	$200
Verification application and license fee	$200
Biennial renewal fee	$200
Biennial renewal fee (inactive)	$100
Retired status	None
Reinstatement of lapsed individual license	$100 + renewal fee + $25 per month or partial month of expired license
Reinstatement of inactive individual license	$100
Duplicate wall certificate fee	$50
License predetermination fee	$25
Fee for return of payment	$30
All fees are nonrefundable.	

ITEM 7. Amend rule **481—1065.1(544A)**, definitions of "Accessory buildings," "Commercial," "Educational use," "Hazardous use," "Industrial use," "Institutional use," "International Building Code," "Place of assembly of people or public gathering," "Residential use" and "Warehouses," as follows:

"Accessory buildings" means a building or structure of an accessory character and miscellaneous structures not classified in any specific occupancy or use. "Accessory buildings" are constructed, equipped and maintained to conform to the requirements corresponding to the fire and life hazard incidental to the buildings' occupancy. "Accessory buildings" is intended to encompass the uses listed in Group U of the ~~2015~~ 2024 International Building Code®.

"Commercial" or *"commercial use"* means the following:

1. The use of a building or structure, or a portion thereof, for office, professional, or service-type transactions, including storage of records and accounts,

2. The use of a building or structure, or a portion thereof, for the display and sale of merchandise, and involves stocks of goods, including wares or merchandise incidental to such purposes and accessible to the public.

"Commercial use" is intended to encompass the uses listed in Group B and Group M of the ~~2015~~ 2024 International Building Code®.

"Educational use" means the use of a building or structure, or a portion thereof used (1) by six or more persons at any one time for education purposes through twelfth grade; or (2) by six or more children for day care purposes. Rooms and spaces within places of religious worship providing such day care during religious functions and day cares serving five or fewer children are classified as part of the primary occupancy. "Educational use" is intended to encompass the uses listed in Group E of the ~~2015~~ 2024 International Building Code®.

"Hazardous use" means the use of a building or structure, or a portion thereof, that involves the manufacturing, processing, generation or storage of materials that constitute a physical or health hazard. "Hazardous use" is intended to encompass the uses listed in Group H of the ~~2015~~ 2024 International Building Code®.

"Industrial use" means the use of a building or structure, or a portion thereof, for assembling, disassembling, fabricating, finishing, manufacturing, packaging, repair, or processing operations that are not classified as hazardous use. "Industrial use" is intended to encompass the uses listed in Group F of the ~~2015~~ 2024 International Building Code®.

"Institutional use" means the use of a building or structure, or a portion thereof, in which persons are receiving custodial or medical care, in which persons are detained for penal or correctional purposes or in which the liberty of the occupants is restricted. Day care facilities as defined in educational use are not considered institutional uses. "Institutional use" is intended to encompass the uses listed in Group I of the ~~2015~~ 2024 International Building Code®. Facilities with five or fewer persons receiving custodial care may be considered a residential use or be considered part of the primary occupancy as listed in Group I of the ~~2015~~ 2024 International Building Code®.

"International Building Code" is a model building code developed by the International Code Council. The ~~2015~~ 2024 International Building Code® is available from the state library of Iowa or the board or online at codes.iccsafe.org.

"Place of assembly of people or public gathering" means the use of a building or structure, or a portion thereof, for the gathering of persons such as for civic, social, or religious functions; recreation, food or drink consumption; or awaiting transportation. "Place of assembly of people or public gathering" is intended to encompass the uses listed in Group A of the ~~2015~~ 2024 International Building Code®. Places of assembly with occupancy of fewer than 50 people are considered part of the primary occupancy.

"Residential use" means the use of a building or structure, or a portion thereof, for sleeping purposes when not classified as an institutional use. "Residential use" is intended to encompass the uses listed in Group R of the ~~2015~~ 2024 International Building Code®.

"Warehouses" or *"warehouse use"* means the use of a building or structure, or portion thereof, for storage that is not classified as a hazardous use. "Warehouse use" is intended to encompass the uses listed in Group S of the ~~2015~~ 2024 International Building Code®.

ITEM 8. Adopt the following **new** definitions of "Building" and "Building area," in rule **481—1065.1(544A)**:

"Building" means any structure utilized or intended for support or sheltering any occupancy.

"Building area" means the area included within surrounding exterior walls, or exterior walls and fire walls, exclusive of vent shafts and courts. Areas of a building not provided with surrounding walls shall be included in the building area if such areas are included within the horizontal projection of the roof or floor above.

ITEM 9. Rescind and reserve rule **481—1065.4(544A)**.

ARC 0710D

TRANSPORTATION DEPARTMENT[761]

Notice of Intended Action

Proposing rulemaking related to application for license and providing an opportunity for public comment

The Transportation Department hereby proposes to amend Chapter 601, "Application for License," Iowa Administrative Code.

Legal Authority for Rulemaking

This rulemaking is proposed under the authority provided in Iowa Code sections 307.12(1)"j," 321.182 and 321.195.

State or Federal Law Implemented

This rulemaking implements, in whole or in part, Iowa Code sections 321.182, 321.184 and 321.195.

Purpose and Summary

The purpose of these proposed amendments is to align the rules with 2026 Iowa Acts, Senate Files 2088 and 2187. These bills, respectively, amend the Iowa Code to authorize the Department to provide electronic driver's license replacement services through its new information technology system and to accept certain documents submitted electronically and require verification of United States citizenship and lawful status in the United States as a condition of driver's license and nonoperator's identification card issuance and renewal. These proposed amendments also make technical citation changes throughout the chapter.

References to Iowa Code section 321.183A are to that Iowa Code section as enacted by 2026 Iowa Acts, Senate File 2187. The reference to Iowa Code section 321.195 is to that section as amended by 2026 Iowa Acts, Senate File 2088.

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 13, 2026

The Department received no comments. The Department made two changes from the Regulatory Analysis. The first change authorizes the Department to establish a streamlined REAL ID exceptions process for children placed in foster care under Iowa Code chapter 232. This process will allow the Department, in coordination with the Department of Health and Human Services, to receive the necessary documentation to process these requests. The second change clarifies that the proof of identity document submitted by an applicant under paragraph 601.4(1)"k" must indicate the person's U.S. citizenship to meet the requirements set forth in 2026 Iowa Acts, Senate File 2187.

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 761—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 December 1, 2026. Comments should be directed to:

Ryan Pell
Department of Transportation
DOT Rules Administrator, Office of the Director
800 Lincoln Way
Ames, Iowa 50010
Phone: 515.239.1358
Email: ryan.pell@iowadot.us

Public Hearing

Public hearings at which persons may present their views orally will be held as follows:

December 1, 2026 9 to 9:30 a.m.	Microsoft Teams link Or dial: 515.817.6093 Conference ID: 447 760 327#
December 1, 2026 1 to 1:30 p.m.	Microsoft Teams link Or dial: 515.817.6093 Conference ID: 992 585 504#

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 impairments, should contact Ryan Pell 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 601.2(7) as follows:

601.2(7) *Surrender of license and nonoperator's identification card.* An applicant for a driver's license shall surrender all other driver's licenses and nonoperator's identification cards. This includes those issued by a state other than Iowa or a foreign jurisdiction unless otherwise provided in a letter of understanding or other written memorialization of reciprocity or understanding. An applicant who renews or replaces a driver's license or nonoperator's identification card electronically pursuant to ~~761—subrule 605.25(7)~~ 761—Chapter 605 or 630 shall destroy the previous driver's

license or nonoperator's identification card upon receipt of the renewed or replaced driver's license or nonoperator's identification card.

ITEM 2. Amend rule **761—601.2(321,321C)**, implementation sentence, as follows:

This rule is intended to implement Iowa Code sections 321.13, 321.177, 321.182, 321.186, 321.195, 321.196 and 321C.1 and 6 CFR Part 37.

ITEM 3. Amend paragraph **601.4(4)"a"** as follows:

a. If an applicant presents one of the identity documents listed under subrule ~~601.5(1)~~ 601.4(1), the department's verification of that identity document is satisfactory evidence of lawful status.

ITEM 4. Amend paragraph **601.4(5)"c"** as follows:

c. Social security records match. The applicant must establish that the applicant's Social Security Administration's account number is issued in the applicant's current legal name as verified by the department with the Social Security Online Verification (SSOLV) system in accordance with 6 CFR Section 37.13(b)(2) effective January 1, ~~2024~~ 2025.

ITEM 5. Amend subrule 601.4(8) as follows:

601.4(8) *Exception process.* As provided in 6 CFR Section 37.11(h) (REAL ID exceptions process) effective January 1, ~~2024~~ 2025, and notwithstanding any other provisions of this chapter or 761—Chapter 2504 to the contrary, an applicant who, for reasons beyond the applicant's control, is unable to present a necessary document under this rule may apply to the department for an exception as provided in this subrule.

a. To apply for an exception under this rule, an applicant is to submit a written request to the department at the address or email address listed in subrule 601.1(3) or in person at any driver's license service center containing all of the following:

(1) to (3) No change.

(4) Any alternate document or other proof that exists to verify the facts contained in the missing document, which may include an approved I-94 form documenting the applicant's most recent admittance into the United States as verified by the U.S. Department of Homeland Security in accordance with 6 CFR Section 37.13 effective January 1, ~~2024~~ 2025.

(5) No change.

b. to *d.* No change.

e. An alternate document accepted under this exception process to satisfy the provisions of subrule 601.4(4) is only allowed if the document demonstrates United States citizenship as required by 6 CFR Section 37.11(h) effective January 1, ~~2024~~ 2025.

f. No change.

g. Notwithstanding paragraph 601.4(8)*"a,"* a child placed in foster care pursuant to Iowa Code chapter 232 who requires an exception under this subrule is not required to submit a written request. The department may establish a separate exceptions process for foster children and may work directly with the department of health and human services or with the foster parent to obtain any documents or information necessary to determine eligibility for an exception under this subrule. Any exception considered or issued under this paragraph is subject to all applicable requirements and limitations in paragraphs 601.4(8)*"b"* through *"e."* The department may issue a driver's license or nonoperator's identification card or may issue a written denial, depending on whether the documentation obtained under this paragraph is determined by the department to be sufficient to meet the requirements of this subrule. The department will retain any documents or information obtained under this paragraph in the same manner as required for exception requests submitted under paragraph 601.4(8)*"a."*

~~*g.*~~ *h.* Nothing in this subrule requires the department to issue a driver's license or nonoperator's identification card if the applicant is not otherwise eligible. The department reserves the right to modify or cancel an exception at any time if the department finds that anything in the exception application or accompanying documentation was based on fraud or misrepresentation by the applicant or if the modification or cancellation is necessary based on a change in circumstances of the applicant.

~~*h.*~~ *i.* An applicant whose request for exception under this rule has been denied may contest the decision in accordance with Iowa Code chapter 17A and 761—Chapter 2506. The request for a hearing

may be submitted in writing to the motor vehicle division. The request is to include, as applicable, the applicant's name, driver's license or nonoperator's identification number, date of birth, complete address and telephone number. The request is to be submitted within 20 days after the date of the notice of exception denial.

ITEM 6. Renumber rules **761—601.5(321)** and **761—601.6(321)** as **761—601.6(321)** and **761—601.7(321)**.

ITEM 7. Adopt the following **new** rule 761—601.5(307,321):

761—601.5(307,321) Legal status authentication.

601.5(1) Except as provided in subrules 601.5(2) and 601.5(3), an applicant for an Iowa driver's license or nonoperator's identification card, including an applicant who currently holds an Iowa driver's license or nonoperator's identification card, for whom proof of the applicant's United States citizenship or lawful status in the United States under subrules 601.4(1) and 601.4(4) is not already contained in the applicant's file, shall, subject to the verification requirements of Iowa Code section 321.183A, submit proof of the applicant's United States citizenship, or, if not a United States citizen, proof of the applicant's lawful status in the United States by presenting a document in paragraphs 601.4(1)*"a"* through *"h"* or *"k."*

601.5(2) The department may utilize an applicant's name, date of birth and social security number, which shall be verified using the system identified in Iowa Code section 321.183A(2), to establish proof of the person's United States citizenship.

601.5(3) A document presented under paragraph 601.4(1)*"k"* shall indicate the person's United States citizenship to constitute acceptable proof under this subrule.

601.5(4) Subrule 601.4(5) applies to an applicant who presents a document in subrule 601.5(1) when the name listed on the document does not match the applicant's current legal name.

This rule is intended to implement Iowa Code sections 307.12(1)*"j,"* 321.13, 321.182, 321.183A, 321.189 and 321.190.

ITEM 8. Amend renumbered subrule 601.6(1) as follows:

601.6(1) Form 430018, Parent's, Guardian's or Custodian's Consent to Issue Driver's License or Permit, or its equivalent must be submitted to the department at the time of issuance or to the email address listed in subrule 601.1(3) or electronically submitted through the department's records system.

ITEM 9. Amend renumbered rule 761—601.7(321) as follows:

761—601.7(321) REAL ID driver's license. A person who seeks a driver's license that is compliant with the REAL ID Act of 2005, 49 U.S.C. Section 30301 note, as implemented in 6 CFR Part 37 ("REAL ID driver's license") effective January 1, ~~2024~~ 2025, must meet and comply with all lawful requirements for an Iowa driver's license and must also meet and comply with all application and documentation requirements set forth at 6 CFR Part 37, including but not limited to documentation of identity, date of birth, social security number, address of principal residence and evidence of lawful status in the United States. Documents and information provided will be verified pursuant to 6 CFR Section 37.13. An applicant for a REAL ID driver's license is subject to a mandatory facial image capture that meets the requirements of 6 CFR Section 37.11(a). A REAL ID driver's license may not be issued, reissued or renewed except as permitted in 6 CFR Part 37 and may not be issued, reissued or renewed by any procedure, in any circumstance, to any person or for any term prohibited under 6 CFR Part 37. The information on the front of any REAL ID driver's license must include all information and markings required by 6 CFR Section 37.17. Nothing in this rule requires a person to obtain a REAL ID driver's license.

This rule is intended to implement Iowa Code chapter 321; the REAL ID Act of 2005 (49 U.S.C. Section 30301 note) as amended by the REAL ID Modernization Act, H.R. 133, Division U, Title X; and 6 CFR Part 37.

ARC 0707D

VETERANS AFFAIRS, IOWA DEPARTMENT OF[801]

Notice of Intended Action

Proposing rulemaking related to Iowa veterans home and providing an opportunity for public comment

The Department of Veterans Affairs hereby proposes to rescind Chapter 10, "Iowa Veterans Home," Iowa Administrative Code, and to adopt a new Chapter 10 with the same title.

Legal Authority for Rulemaking

This rulemaking is proposed under the authority provided in Iowa Code sections 35A.5 and 35D.3 and Executive Order 10.

State or Federal Law Implemented

This rulemaking implements, in whole or in part, Iowa Code sections 35A.5 and 35D.3 and Executive Order 10.

Purpose and Summary

This proposed rulemaking is intended to update procedures, reduce unnecessary text, and eliminate obsolete information.

Regulatory Analysis

A Regulatory Analysis for this rulemaking was published in the Iowa Administrative Bulletin on September 16, 2026. A public hearing was held on the following date(s):

- October 9, 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 801—Chapter 1.

Public Comment

Any interested person may submit written comments concerning this proposed rulemaking, which must be received by the Department no later than 4:30 p.m. on December 3, 2026. Comments should be directed to:

Mike Olson
Iowa Department of Veterans Affairs
Legislative Liaison
1301 Summit Street
Marshalltown, Iowa 50158
Email: michael.olson@ivh.state.ia.us

Public Hearing

Public hearings at which persons may present their views orally or in writing will be held as follows:

December 3, 2026 11 a.m.	Video call link: meet.google.com/edu-ixxu-pay Or dial: 209.431.0222 Conference ID: 452 603 698#
December 3, 2026 2 p.m.	Video call link: meet.google.com/zqe-ouqt-amn Or dial: 432.698.1328 Conference ID: 448 895 214#

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 801—Chapter 10 and adopt the following **new** chapter in lieu thereof:

CHAPTER 10
IOWA VETERANS HOME

PREAMBLE

The Iowa Veterans Home is a long-term health care facility located in Marshalltown, Iowa, with oversight provided by the commission of veterans affairs.

801—10.1(35D) Definitions. The following definitions are unique to rules pertaining to the Iowa Veterans Home.

"Acute alcoholic" means any disturbance of emotional equilibrium caused by the consumption of alcohol resulting in behavior not currently controllable.

"Acutely mentally ill" means any disturbance of emotional equilibrium manifested in maladaptive behavior and impaired functioning caused by genetic, physical, chemical, biological, psychological, social or cultural factors that requires hospitalization.

"Addicted to drugs" means a state of dependency as medically determined resulting from excessive or prolonged use of drugs as defined in Iowa Code chapter 124.

"Admissions committee" means the committee appointed by the commandant to review applications to determine eligibility for admission and appropriate level and category of care.

"Admissions coordinator" means the individual responsible for the coordination of the admissions process.

"Applicant" means a person who is applying for admission into the Iowa Veterans Home.

"Assets" means items of value held by, or on behalf of, an applicant or member. Assets include but are not limited to cash, savings and checking accounts; stocks; bonds; contracts for sale of property; and homestead or nonhomestead property. Nonrecurring windfall payments such as but not limited to inheritances, death benefits, insurance or tort claim settlements, and cash payments received from the conversion of a nonliquid asset to cash shall be considered assets upon receipt.

"At once" or *"timely"* means within ten calendar days.

"Collaborative care plan" means the plan of care developed for a member by the resident care committee.

"Commandant" means the chief executive officer of the Iowa Veterans Home.

"Commission" means the Iowa commission of veterans affairs.

"Continuously disruptive" means any behavior, on a recurring basis, which has been documented by Iowa Veterans Home staff, that causes harm to a member or staff or conflicts with the member responsibilities set forth in subrule 10.12(1).

"Countable asset" means an asset to be considered in calculation of member support obligation.

"Dangerous to self or others" means any activity by a member that would result in injury to the member or others.

"Dependent" means a person for whose financial support an applicant or member is legally responsible or obligated.

"Diversion" means income that is transferred to a spouse before the member's support is determined.

"DVA" means the U.S. Department of Veterans Affairs.

"Expedited admission" means requests for readmission by former residents who were discharged from the Iowa Veterans Home solely due to the need for a temporary level of care that is not provided by IVH and who fully intend to immediately return to IVH upon no longer needing those services.

"Free time" means 12 days of leave time each calendar year for which the member is not charged for care during absence.

"Full support rate" means the maximum daily rate of support times the billable days of care received in any month less any offsets.

"Gold Star parent" means a parent of a deceased member of the United States armed forces who died while serving on active duty during a time of military conflict or who died as a result of such service.

"Honorable discharge" means separation or retirement from active military service. The veteran must be eligible for medical care in the DVA system (excluding financial eligibility). Honorable discharge includes general discharges under honorable conditions.

"Income" means money gained by labor or service or money paid periodically to an applicant or member. Income includes but is not limited to disability, retirement pensions or benefits; interest, dividends, payments from long-term care insurance, or other income received from investments; income from property rentals; certain moneys related to real estate contracts; earnings from regular employment or self-employment enterprises.

"IVH" means the Iowa Veterans Home.

"Legal representative" for purposes of applicant or member personal and care decisions means durable power of attorney for health care, guardian, or next of kin (spouse, adult children, parents, adult siblings). For applicant or member financial decisions, "legal representative" means conservator, power of attorney, fiduciary, representative payee or next of kin (spouse, adult children, parents, adult siblings).

"Licensed nursing home administrator" means a duly licensed nursing home administrator pursuant to Iowa Code chapter 147.

"Medical provider" means a doctor of medicine or osteopathic medicine who is licensed to practice in the state of Iowa. Except as defined by Iowa law, "medical provider" also means an advanced registered nurse practitioner or physician associate who is licensed to practice in the state of Iowa.

"Member" means a resident of IVH.

"Member support" means the dollar amount that is billed monthly to the member or legal representative for the member's care.

"PASRR" means preadmission screening and resident review.

"Personal needs allowance" is the nonbillable amount in which a member is allowed to retain for personal expenditures. This amount is comprised of a portion determined by the state of Iowa pursuant to rules 441—81.18(249A), 441—82.19(249A), and 441—85.47(249A) and a portion determined by the DVA pursuant to 38 U.S.C. Section 5503(d)(2) as effective on [effective date of this rulemaking].

"Resident care committee" or *"RCC"* means the member, family or legal representative, a social worker, a registered nurse, a clinical dietitian, a medical provider, a therapeutic recreation specialist and a unit resident treatment worker who are involved in reviewing a member's assessment data and developing a collaborative care plan for the individual member. For a member receiving mental health services, the RCC will also include the mental health provider.

"Resource" means assets and income.

"Spouse" means a person who is the legal or common law wife or husband of a veteran.

"Surviving spouse" means a person who is the legal or common law widow or widower of a veteran.

"Therapeutic activity" means an activity that is considered as treatment. A therapist shall determine that a particular activity is beneficial to the well-being of a member and shall include this determination in the member's plan of care.

"Veteran" means a person who served in the active military and who was discharged or released therefrom under honorable conditions. Honorable and general discharges qualify a person as a veteran. The veteran must be eligible for medical care in the DVA system (excluding financial eligibility). In addition, veteran includes a person who served in the merchant marine or as a civil service crew member between December 7, 1941, and August 15, 1945.

"Visitation" is considered part of the individual's therapeutic program. Visits are expected to benefit the individual's treatment goals while meeting the security needs of the facility and ensuring the safety of the individual and the visitor.

"Voluntary discharge" means a member wishes to terminate the member's association with IVH on a permanent basis. This includes discharge for medical reasons that have been approved by a qualified medical provider. All other discharges are involuntary.

801—10.2(35D) Eligibility requirements. Veterans, spouses, and Gold Star parents shall be eligible for admission to IVH in accordance with the following conditions:

10.2(1) Veterans.

a. The individual is disabled by reason of disease, injury or old age and meets the qualifications for nursing or residential level of care available at IVH.

b. The individual cannot be competitively employed on the day of admission or throughout the individual's residency.

c. The individual met the residency requirements of the state of Iowa on the date of admission to IVH.

d. An individual who has been diagnosed by a qualified health care professional as acutely mentally ill, as an acute alcoholic, as addicted to drugs, as continuously disruptive, or as dangerous to self or others shall not be admitted to or retained at IVH.

e. The individual is eligible for care and treatment at a DVA medical center (excluding financial eligibility).

f. When admitted to the domiciliary level of care, the individual met DVA criteria stated in Veterans Health Administration Directive 1601SH.01(1) as effective on [effective date of this rulemaking].

g. Homelessness does not disqualify persons otherwise eligible for admission to IVH.

10.2(2) Spouses and surviving spouses.

a. The spouse or surviving spouse was married to a veteran for at least one year preceding the date of application or date of death of the veteran.

b. The spouse is eligible only if the veteran is admitted.

c. The surviving spouse is eligible only if the deceased veteran would also be eligible if still living.

d. Spouses, surviving spouses and Gold Star parents admitted to IVH shall not exceed more than 25 percent of the total number of members at IVH as provided in U.S.C. Title 38.

10.2(3) Gold Star parents.

a. The parent's child died while serving on active duty in the armed forces of the United States during a time of military conflict or died as a result of such service.

b. The individual is disabled by reason of disease, injury or old age and meets the qualifications for nursing or residential level of care available at IVH.

c. The individual cannot be competitively employed on the day of admission or throughout the individual's residency.

d. The individual met the residency requirements of the state of Iowa on the date of admission to IVH.

e. An individual who has been diagnosed by a qualified health care professional as acutely mentally ill, as an acute alcoholic, as addicted to drugs, as continuously disruptive, or as dangerous to self or others shall not be admitted to or retained at IVH.

10.2(4) Gold Star parents, spouses and surviving spouses admitted to IVH shall not exceed more than 25 percent of the total number of members at IVH as provided in U.S.C. Title 38.

10.2(5) An individual who was not a member of the United States armed forces, in accordance with the limitations described in subrule 10.2(1), if the following conditions are met:

a. The individual was a member of the armed services of a nation with which the United States was allied during a time of conflict.

b. The individual is eligible for admission to a DVA medical center in accordance with U.S.C. Title 38, Part 17, Medical Care, Subchapter 2, Section 1710, as effective on [effective date of this rulemaking].

801—10.3(35D) Application. All applicants shall apply for admission to IVH in accordance with the following:

10.3(1) Application shall be made:

a. Through the county commission of veterans affairs in the applicant's county of residence.

b. On the appropriate Iowa Veterans Home Application for Admission form. An application may be obtained at:

(1) The county commission of veterans affairs office.

(2) DVA medical centers located in or serving veterans in the state of Iowa.

(3) IVH.

(4) Website: dva.iowa.gov.

10.3(2) The applicant shall provide a copy of the veteran's honorable discharge (DD-214) along with all other requested information to allow the determination of level of care and cost for care with the completed application.

10.3(3) The admissions committee shall determine which additional information it needs provided for an expedited admission with the completed application.

10.3(4) Once the requirements of subrules 10.3(1) through 10.3(3) have been met, the county commission of veterans affairs shall forward the completed application to the admissions office at IVH.

10.3(5) Eligibility determinations are subject to approval by the commandant or designee.

801—10.4(35D) Application processing.

10.4(1) Applications received by the admissions office shall be reviewed for completeness. Additional information shall be requested, if needed.

10.4(2) The admissions committee shall assign the level of care needed by the applicant. If there is a question regarding the level of care for which the applicant qualifies, one or more of the following will be completed in order to make an informed decision regarding appropriate level of care:

a. Prescreening call.

b. Preadmission visit to IVH.

c. Site visit.

10.4(3) Regardless of whether the applicant can be immediately admitted, the applicant and the county shall be notified of the applicant's acceptance based on the information provided at the time of review. The applicant's care needs will be reviewed prior to scheduling an admission date to ensure continued eligibility and appropriate placement.

10.4(4) When space is not immediately available, the applicant's name shall be placed on the appropriate waiting list for that level of care or special care unit in the order of the date the application was received. Expedited admissions shall move to the top of the list of the level of care assigned.

10.4(5) When space is available at time of application, or when space becomes available in accordance with the designated waiting list, the applicant shall be scheduled for admittance to IVH as follows:

a. An applicant whose physical examination or personal functional assessment was completed more than three months prior to the scheduled date of admittance may be required to obtain another physical examination by a medical provider or complete a current personal functional assessment, or both if applicable. This information shall be reviewed to determine that the applicant's previously determined level of care remains appropriate.

b. An applicant who requires a different level of care than previously determined shall be admitted to the level of care required, if a bed is available, or shall have the applicant's name placed on the waiting list for the appropriate level of care in accordance with the date the original application was received.

c. Prior to an applicant's admission to a nursing care unit, the PASRR shall be received.

801—10.5(35D) Applicant's responsibilities. Prior to admission to IVH, the applicant or a person acting on the applicant's behalf shall:

10.5(1) Report any change in the applicant's condition that could affect the previously determined level of care.

10.5(2) Report changes in mailing address, county or state of residency.

10.5(3) Provide additional information, verification or authorization for verification concerning the applicant's circumstances, condition of health, and financial resources, if requested.

10.5(4) Participate in a preadmission evaluation for level of care, if requested.

801—10.6(35D) Admission to IVH.

10.6(1) The applicant shall be notified by the admissions coordinator to appear for admission to IVH.

10.6(2) An applicant becomes a member at that point in time when the applicant or legal representative, and the commandant or designee, sign and date the Contractual Agreement, Form 475-1833, or otherwise authorize, in writing, acceptance of the terms of admittance specified in the Contractual Agreement.

10.6(3) Each member shall be placed on a unit providing the appropriate level of care based on individual needs.

a. A member requiring a subsequent change in placement based on individual care needs shall be transferred to a unit that provides the appropriate level of care within the scope of its licensure.

b. Members shall have priority over new admissions for placement on a unit when a vacant bed becomes available.

10.6(4) Care at IVH shall be provided in accordance with Iowa Code chapter 135C; 481—Chapter 57, Residential Care Facilities; 481—Chapter 58, Nursing Facilities; and DVA State Veterans Homes, Veterans Health Administration, M-5, Part 8, Chapter 2, Procedure for Obtaining Recognition of a State Veterans Home and Applicable Standards, 2.07, Standards for Nursing Care, and 2.08, Standards for Domiciliary Care, November 4, 1992.

801—10.7 to **10.10** Reserved.

801—10.11(35D) Member rights.

10.11(1) Member rights shall be in accordance with those listed in 481—Chapter 57 for members residing in the residential care facility level of care, those listed in 481—Chapter 58 for members residing in the nursing facility level of care, and those noted in Department of Veterans Affairs, State Veterans Homes, Veterans Health Administration, pertaining to residents of state veterans homes.

10.11(2) A member has the right to share a room with the member's spouse when both members consent to the arrangement.

10.11(3) If a member is incompetent and not restored to legal capacity, or if the medical provider determines that a member is incapable of understanding and exercising these rights, the rights devolve to the member's legal representative.

10.11(4) In some cases, a member may be determined to be in need of an agent by the DVA, the Social Security Administration or a similar funding source. In these cases, the commandant or designee may serve as agent subject to Iowa Code section 35D.11. All rights and responsibilities regarding the financial awards shall devolve to the commandant or designee.

801—10.12(35D) Member responsibilities.

10.12(1) The member or legal representative has the responsibility:

a. To timely report the existence of or changes in the member's income, spouse's income, assets or marital status, including the conversion of nonliquid assets to liquid assets.

b. To apply for all benefits due (e.g., Medicaid, DVA pension, DVA compensation, Social Security, private pension programs, or any combination) and accept the available billing programs offered at IVH.

c. To provide information concerning the physical condition and, to the best of the member's knowledge, accurate and complete information concerning present physical complaints, past illnesses, hospitalizations, medications and other matters related to the member's health.

d. To report unexpected changes in the member's condition to the attending medical provider or other clinician.

e. To participate in treatment planning, cooperate with the treatment team in carrying out the treatment plan, and participate in the evaluation of the member's care.

f. To be considerate of the rights of other members and staff and control behavior in respect to smoking, noise, and number of visitors.

g. To treat other members and staff with dignity and respect.

h. To respect the property of other members, staff, and IVH. A member or legal representative may be held financially responsible for any property damaged or destroyed by the member.

i. To ask questions about anything that the member may not understand about the member's care or IVH.

j. To accept the consequences of the member's actions if the member refuses treatment or fails to follow prescribed care.

k. To follow the rules and regulations of IVH regarding member care and conduct as set out in subrule 10.40(1).

l. To keep scheduled appointments with staff and, if unable to do so, to notify appropriate staff.

m. To maintain personal hygiene, including clothing, and maintain personal living area based on the member's physical and mental capabilities.

n. To follow all fire, safety and sanitation regulations as established by IVH and applicable regulatory agencies.

o. To provide information and verification of resources. A member or legal representative must fulfill the member support obligation for member health care.

p. To carry Medicare Part B and Medicare Part D insurance, if eligible. If the member is not eligible to receive Medicare under social security, IVH shall pay the medical insurance premiums for Medicare Part B and Medicare Part D.

q. To delegate to IVH the authorization to enroll the member in Medicare Part B and Medicare Part D. The premium shall be deducted from the member's social security or paid monthly with the member's funds.

r. To assign the benefits of Medicare Part B, Medicare Part D and other medical insurances to IVH. The cost of Medicare Part B, Medicare Part D and other medical insurances shall be used as an offset to the aggregate semiannual per diem rate calculation according to the level of care as calculated in January and July of each year for the preceding six months and effective March 1 and September 1.

10.12(2) The member or legal representative is responsible for the full payment of the member's support charges within the calendar month that the monthly support bill is received. Failure to pay a monthly support bill within 30 days of issuance may result in discharge from IVH unless prior arrangements have been made.

10.12(3) In those instances when a legal representative is responsible for the handling of the member's resources, the legal representative shall keep any records necessary and provide all information or verification required for the computation of member support as set out in rule 801—10.14(35D). Failure of the legal representative to do so may result in the discharge of the member. In some cases, IVH may act to have the commandant or designee established as the member's fiduciary or agent as set out in subrule 10.11(4). In those cases when a guardian or conservator of a member fails to keep necessary records or provide needed information or verification or to meet the member support obligation, IVH may notify the court of problems and request to establish another individual as guardian or conservator. The conservator of a member shall submit a copy of the annual conservatorship report to IVH.

10.12(4) When a member temporarily needs a level of care that is not offered by IVH, the member shall be referred by IVH medical staff to a DVA medical center or other medical facility.

a. If a member who is treated at a DVA medical center has coinsurance to supplement Medicare, this coinsurance shall be used for the DVA medical center charges. IVH shall be responsible for all DVA medical center charges if the member does not carry coinsurance supplement.

b. If a member chooses a medical facility other than a DVA medical center or other medical facility as referred by IVH medical staff, the member is responsible for costs resulting from care at the medical facility chosen.

801—10.13 Reserved.

801—10.14(35D) Computation of member support. As a condition of admittance to and residency in IVH, each member is required to contribute toward the cost of that member's care based on that member's resources and ability to pay.

10.14(1) A monthly member support bill shall be sent to the member or legal representative charging the member for care in the previous month with any necessary adjustment for prior months. A member shall be required to pay member support charges from the member's liquid assets, long-term care insurance benefits and income. The monthly member support charge shall be the billable days, as set out in subrule 10.14(3), multiplied by the appropriate per diem from rule 801—10.15(35D). This amount shall be reduced by any offsets as set out in subrules 10.15(2) and 10.15(3). The member or legal representative shall pay an amount not to exceed the amount calculated based on the resources available for the cost of care as set out in this chapter.

10.14(2) Medicaid residents. If a member is certified as eligible and participating in the Medicaid program, the amount of payment shall be determined by the department of health and human services income maintenance worker.

10.14(3) Billable days (non-Medicaid). Billable days for members not participating in the Medicaid program shall be counted as follows:

a. All days in the month for which the member received care (in-house).

b. All leave days in excess of the 12 credit days up through the fifty-ninth leave day. Any leave days in excess of 59 days shall be considered billable, and the member must pay the full support rate, not the amount determined by resources.

c. The first ten days of each hospitalization. After ten days, IVH assumes the authority to discharge the resident but reserves the right to negotiate an extension to the bed hold, if warranted, in the best interest of the resident and family, at the discretion of the commandant or designee. A hospital stay may occur more than once in a calendar year.

801—10.15(35D) Per diems.

10.15(1) For members not participating in the Medicaid program, the per diem by which the billable days shall be multiplied shall be established as follows:

a. Nursing level of care.

(1) The charge for care is the per diem rate calculated in January and July of each year for the preceding six-month period and is submitted by IVH to the Iowa Medicaid enterprise of the department of health and human services.

(2) The updated per diem rate shall be effective semiannually on March 1 and September 1 of each year.

(3) Members or financial legal representatives shall be sent a notice one month in advance of the rate change.

b. Domiciliary level of care.

(1) The total cost of care per member shall be determined in January and July of each year for the preceding six-month period and calculated in a manner similar to the nursing level of care. This cost shall be the updated per diem rate.

(2) The per diem rate shall be adjusted semiannually on March 1 and September 1 of each year.

(3) Members or financial legal representatives shall be sent a notice one month in advance of the rate change.

10.15(2) Veteran members for whom IVH receives a per diem from the DVA (under Title 38). IVH shall consider this per diem as a third-party reimbursement to the charge for care and shall be an offset to the member support bill. The offset of the per diem received (billed to DVA) shall be shown as an offset for the month billed. The provisions of 38 U.S.C. 1745(a), which were established by Section 211 of the Veterans Benefits, Health Care, and Information Technology Act of 2006 (Public Law 109-461), set forth a mechanism for paying a higher per diem rate for certain veterans who have service-connected disabilities and are receiving nursing home care in state homes. Except as otherwise provided in statute or regulation, if IVH receives this higher per diem rate from the DVA, the member will not have a support charge from IVH.

10.15(3) The daily per diem charge shall be reduced by an amount equal to the appropriate Medicare Part B and Medicare Part D premiums paid by the enrolled member.

10.15(4) For members carrying other medical insurance upon admission and continuing to carry other medical insurance after admission, the member support charge shall be reduced by an amount equal to the other medical insurance premium.

10.15(5) For members not eligible for Medicaid medical assistance, the member support charge shall be reduced in accordance with subrules 10.15(2), 10.15(3) and 10.15(4), if applicable. The member shall then contribute all remaining available resources up to the charge for care. Members receiving DVA pension and aid and attendance shall be considered as having used the amount equal to aid and attendance first in payment for their care at IVH.

10.15(6) Payment of support is due within ten business days after the monthly support bill is received or ten business days after the member's last income deposit for that month.

a. If payment is not received by IVH within 30 days following the due date, a notice of discharge may be issued.

b. If there are extenuating circumstances, the member or legal representative should meet with the commandant or designee to work out a schedule of payments.

801—10.16(35D) Assets. The following rules specify the treatment of assets, as defined in rule 801—10.1(35D), in the payment of member support as described in rule 801—10.14(35D). Only liquid assets shall be considered in the payment of member support.

10.16(1) For members who have applied for and are eligible to receive Medicaid facility assistance, rule 441—75.82(249A) shall apply. Financial eligibility for Medicaid shall be determined by the department of health and human services income maintenance worker.

10.16(2) For members not eligible for Medicaid medical assistance, the following rules apply.

a. Assets considered. The assets considered shall include all assets owned by the member or if married, both the member and the spouse living in the community, except for the following:

(1) The homestead. The exempt homestead is defined as the house, used as a home, and may contain one or more contiguous lots or tracts of land, including buildings and appurtenances. Contiguous

means that portions of the homestead cannot be separated from the home by intervening property owned by others. However, the homestead is considered contiguous if portions of it are separated from the home only because of roads or other public rights-of-way. Property that is not exempt as part of the homestead shall be treated in accordance with this chapter. The homestead, as defined, can retain its exempt status for a period of time not to exceed 36 months, while the member, spouse and dependents are temporarily absent, provided the following conditions are met:

1. There is a specific purpose for the absence.

2. The member, spouse or dependents intend to return to the homestead when the reason for the absence has been accomplished.

3. The member, spouse or dependents can reasonably be expected to return to the home during the 36-month time limitation.

4. If a person is an applicant at the time the homestead becomes vacant due to the absence of the applicant, spouse or dependents, the first month of the 36-month period is the month of admission to IVH.

5. If a person is a member when the homestead becomes vacant due to the absence of the member, spouse or dependents, the first month of the 36-month period is the month following the month in which the homestead is vacated.

6. Any homestead that does not qualify for this exemption or any homestead that is vacant for a period of time exceeding the 36-month limit shall be treated in accordance with subrule 10.16(3).

(2) Household goods, personal effects and one motor vehicle.

(3) The value of any burial spaces held for the purpose of providing a place for the burial of the member, spouse or any other member of the immediate family.

(4) Exempt income-producing property includes but is not limited to tools, equipment, livestock, inventory and supplies, and grain held in storage.

(5) Other property essential to the means of self-support of either the member or spouse as to warrant its exclusion under the Supplemental Security Income program.

(6) Assets of a blind or disabled person who has a plan for achieving self-support as determined by the division of vocational rehabilitation or the department of health and human services.

(7) Assets of Native Americans belonging to certain tribes arising from judgment funds and payments from certain land and subsurface mineral rights. This does not include per capita payments from casino proceeds.

(8) Any amounts arising from Public Law 101-239, which provides assistance to veterans under the Agent Orange product liability litigation.

(9) Assistance under the Disaster Relief Act and Emergency Assistance Act or other assistance provided pursuant to federal statute as a result of a presidential disaster declaration and interest earned on these funds for the nine-month period beginning on the date these funds are received or for a longer period where good cause is shown.

(10) An amount that is irrevocable and separately identifiable, having a principal amount not in excess of a predetermined amount set by the department of health and human services, without an itemized billing, for the member or spouse to meet the burial and related expenses of that person.

(11) Federal assistance paid for housing occupied by the spouse living in the community.

(12) Assistance from a fund established by a state to aid victims of crime for nine months from receipt when the client demonstrates that the amount was paid as compensation for expenses incurred or losses suffered as a result of a crime.

(13) Relocation assistance provided by a state or local government to a member or spouse comparable to assistance provided under Title II of the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970, which is subject to the treatment required by Section 216 of the Act.

(14) Any other asset excluded by statute.

b. Assets of a single member. When liquid assets not exempted in paragraph 10.16(2)*"a"* are equal to or exceed $2,000, those liquid assets shall be considered an available resource for the payment of member support. These assets shall be considered available for payment of member support until

such time that the remaining liquid assets total less than $500, but leaving at least the personal needs allowance.

c. Assets of a married member with spouse in a care facility. If a member's spouse is residing in a nursing facility, the member shall be treated as a single member for asset determination purposes. If the member and the spouse become members of IVH on the same day, all resources of both members shall be added together and split one-half to each member for asset determination purposes. If the spouse is residing in a residential care facility, the rules pertaining to a spouse living in the community apply.

d. Assets of a married member with a spouse living in the community. When liquid assets not exempted in paragraph 10.16(2)*"a"* are equal to or exceed $2,000, those liquid assets shall be considered an available resource for the payment of member support. The assets attributed to the member shall be determined from the documented assets of both the member and spouse living in the community as of the first day of admission to IVH. All resources of both the member and the spouse shall be added together. If the total resources are less than the predetermined amount set by the department of health and human services, then that amount is awarded to the community spouse. The amount in excess of this predetermined figure, up to an equal amount, if applicable, shall be awarded to the member. Any resources over this combined amount shall be split one-half to the member and one-half to the spouse up to a predetermined maximum set by the department of health and human services. All resources over the predetermined amount shall be awarded to the member. These assets shall be considered available for payment of member support until such time that the remaining liquid assets total less than $500, but leaving at least the personal needs allowance.

(1) If the member has transferred assets to the spouse living in the community under a court order for the support of the spouse, the amount transferred shall be the amount attributed to the spouse to the extent it exceeds the specified limits above.

(2) After the month in which the member is admitted, no attributed resources of the spouse living in the community shall be deemed available to the member during the continuous period in which the member is at IVH. Resources that are owned wholly or in part by the member and that are not transferred to the spouse living in the community shall be counted in determining member support. The assets of the member shall not count for member support to the extent that the member intends to transfer and does transfer the assets to the spouse living in the community within 90 days.

(3) Report of results. The department of health and human services shall provide the member and spouse and legal representative, if applicable, a report of the results of the attribution. The report shall state that either has a right to appeal the attribution in accordance with rule 801—10.45(35D).

e. Exception based on estrangement. When it is established by a disinterested third-party source and confirmed by the commandant or designee that the member is estranged from the spouse living in the community, member support shall be determined on the basis of resources of a single member.

10.16(3) When a member owns an available, nonliquid, nonexempt asset, the value of which would affect the computation of member support as described in rule 801—10.14(35D), the asset shall be liquidated. The value of that asset shall be considered in the computation of member support. The following paragraphs are to be considered when liquidating assets:

a. Net market value, or equity value, is the gross price for which property or an item can be sold on the open market less any legal debts, claims or liens against the property or item. IVH shall consider the condition and location of an item or property and local market conditions in determining the gross sales price of the item or property. In order for a loan or claim to be considered a lien or encumbrance against an asset, the loan or claim must be made under circumstances that result in the creditors having a recorded legal right to satisfy the debt.

b. An asset must be available in order for it to be treated in accordance with this chapter. An asset is considered available when:

(1) The member owns the property in part or in full and has control over it, i.e., it can be occupied, rented, leased, sold or otherwise used and disposed of at the member's discretion; and

(2) The member has a legal interest in a liquidated sum and has the legal ability to make the sum available for member support.

c. A member must take all appropriate action to gain title and control of any asset of which the value would affect the computation of member support.

d. The value of the asset may be adjusted if the member or legal representative:

(1) Advertises the asset for sale, through appropriate methods, on a continual basis.

(2) Lists the asset with a real estate broker or other agent appropriate to the asset.

(3) Asks a reasonable price that is consistent with the asking price of similar items of property in the community.

(4) Does not refuse a reasonable offer.

(5) Does not sell the asset for an unreasonably low price.

e. Cash proceeds from the sale of an asset, conversion of an asset to cash, or receipt of any cash asset as defined in rule 801—10.1(35D) shall be used in the computation of member support beginning with the calendar month of receipt.

801—10.17(35D) Divestment of assets.

10.17(1) "Intentional divestment of assets" means:

a. To knowingly sell, give or transfer by member or legal representative for less than fair market value, any asset, the value of which would affect member support; or

b. To knowingly and voluntarily place an asset, the value of which would affect member support, under a trust or other legal instrument that ends or limits the availability of that asset.

10.17(2) Transfers of resources shall be presumed to be divestiture unless the individual furnishes convincing evidence to establish that the transaction was exclusively for some other purpose. In addition to giving away or selling assets for less than fair market value, examples of transferring resources include but are not limited to establishing a trust, contributing to a charity or other organization, removing a name from a joint bank account, or decreasing the extent of ownership interest in a resource or any other transfer as defined in the Supplemental Security Income program.

a. Convincing evidence to establish that the transaction was not a divestiture may include documents, letters, and contemporaneous writings, as well as other circumstantial evidence.

b. In rebutting the presumption that the transfer was a divestiture, the burden of proof is on the individual to establish:

(1) The fair market value of the compensation;

(2) That the compensation was provided pursuant to an agreement, contract, or expectation in exchange for the resource; and

(3) That the agreement, contract, or expectation was established at the time of transfer.

10.17(3) An applicant or legal representative shall not knowingly and intentionally divest an asset, as set out in subrule 10.17(1), within the period established by Medicaid statute prior to admission, with the intention of reducing the applicant's member support or of obtaining admission to IVH. When it is determined by the commandant or designee that an applicant did intentionally divest an asset, that applicant may be charged member support as if divestment did not occur.

801—10.18(35D) Commencement of civil action. The commandant or designee may file a civil action for money judgment against a member or discharged member or the member's legal representative for support charges when the member or discharged member fails to pay member support in accordance with this chapter.

801—10.19(35D) Income. This rule describes the treatment of income, as defined in rule 801—10.1(35D), in the computation of member support as described in rule 801—10.14(35D).

10.19(1) For members who are eligible for Medicaid medical assistance, rule 441—75.82(249A) shall apply. For those members participating in the Medicaid medical assistance program, the difference between the IVH personal needs allowance and the Medicaid personal needs allowance shall be returned to the member out of individual member participation.

10.19(2) For members who are not eligible for Medicaid, the following shall apply:

a. The following types of income are exempt in the computation of member support:

(1) The earned income of the spouse or dependents.

(2) Unearned income restricted to the needs of the spouse or dependents (social security, DVA, etc.).

(3) Any other income that can be specifically identified as accruing to the spouse or dependents.

(4) Nonrecurring gifts, contributions or winnings, not to exceed $60 in a calendar quarter.

(5) Interest income of less than $20 per month from any one source.

(6) State bonus for military services.

(7) Any earnings received by a member for that member's participation in money-raising activities administered by veterans' organizations or auxiliaries (i.e., poppies).

(8) Any money received by a member from the sale of items resulting from a therapeutic activity (must be documented in the resident's care plan).

(9) The first $150 received by a member in a month for participation in the incentive therapy or other programs as described in rule 801—10.30(35D), for members in the domiciliary level of care. For members in the nursing level of care, the first $75 shall be exempted.

(10) Personal loans.

(11) In-kind contributions to the member.

(12) Medicaid quarterly payments.

(13) Yearly DVA compensation clothing allowance for those who qualify.

(14) Other income as specifically exempted by statute.

(15) Any income similar in its origin to the assets excluded in subparagraphs 10.16(2)*"a"*(6) and *"a"*(7).

(16) Wages from paid community employment for 30 days prior to a resident's planned discharge; however, if during the 30 days the decision is made not to discharge, the resident must terminate the community employment by the end of the 30 days. In that event, moneys earned during the period of employment would be subject to support calculations on the same basis as incentive therapy earnings.

b. Personal needs allowance. All members shall have an amount exempted, determined by the legislature, from their monthly income intended to cover the purchase of clothing and incidentals.

(1) The personal needs allowance shall be subtracted from the member's income prior to determination of money to which the spouse may be entitled.

(2) Reserved.

c. Any type of income not specifically exempted shall be considered for the payment of member support as provided in rule 801—10.14(35D).

d. Determining income from property.

(1) Nontrust property. Where there is nontrust property, income paid in the name of one person shall be available only to that person unless the document providing income specifies differently. If payment of income is in the name of two persons, one-half is attributed to each. If payment is in the name of several persons, the income shall be considered in proportion to their ownership interest. If the member or spouse can establish different ownership by a preponderance of evidence, the income shall be divided in proportion to the ownership.

(2) Trust property. Where there is trust property, the payment of income shall be considered available as provided in the trust. In the absence of specific provisions in the trust, the income shall be considered as stated above for nontrust property.

e. The amount of income to consider in the computation of member support shall be as follows:

(1) Regular monthly pensions and entitlements. The amount of income to be considered is the gross amount of the monthly entitlement or pension received less any medical insurance premium deductions.

(2) Investments or nonrecurring lump sum payments. Net unearned income from investments or nonrecurring lump sum payments shall be determined by deducting income-producing costs from the gross unearned income. Income-producing costs include but are not limited to brokerage fees, property manager's salary, maintenance costs and attorney fees.

(3) Property sold on contract. The amount of income to consider shall be the amount received minus any payments for mortgage, taxes, insurance or assessments still owed on the property and payable by the contract holder.

(4) Earned income from a rental, sole or partnership enterprise. The amount of income to consider shall be the net profit figure as determined for the Internal Revenue Service on the member's income tax return.

EXCEPTION: The deductions of the previous year's state and federal taxes and depreciation on the income tax return are not allowable deductions for the purpose of the computation of member support. If a tax return is not available, the member or legal representative shall provide all information and verification needed in order to correctly compute member support.

(5) Partnership income. The member's share of the net profit shall be determined in the same manner as the partnership percentage as determined for the Internal Revenue Service's purposes.

10.19(3) Member income diversion to dependent spouse not living at IVH. A portion of the member's income shall be diverted to the spouse according to the following:

a. Spouse living in the community. One-half the income in exclusion of an amount equal to aid and attendance and after reduction of personal needs allowance.

b. Spouse permanently in another nursing home. Member shall be treated as single. If the member is in receipt of a DVA pension, the only amount of income provided to the spouse would be the DVA pension dependency amount.

c. Spouses living in a residential care facility. Spouses shall be treated under the same rules as a spouse living in the community in accordance with paragraph 10.19(3)*"a."*

d. All current court order proceedings and guardian/conservatorship appointments regarding financial obligations shall be honored.

10.19(4) Income disbursements.

a. All diversions to spouse or valid court orders shall be mailed or sent electronically as designated or on a monthly basis.

b. All checks or electronic payments shall be sent to the proper recipient no later than the eighth day of any given month or, at IVH's option, five business days after the member's last income deposit for that month.

c. Monthly income disbursements to a community spouse may be delayed or canceled if there is an overdue amount owed for support payments.

801—10.20(35D) Other income.

10.20(1) When a member receives regular monthly payments of unearned income, it shall be included in the calculation of member support.

10.20(2) When a member receives periodic recurring income that is received less frequently than monthly, this countable income, after the deduction of any allowable income-producing expenses, shall be considered in the month received.

10.20(3) When a member receives a nonrecurring retroactive payment from a specific entitlement source for a prior period of time, it shall be considered as income in the month received. The aid and attendance amount of the DVA pension shall be computed as a manual adjustment (only available to members residing in nursing care).

10.20(4) Income from a particular source is considered terminated as of the date the member receives the last income payment from that source or the date that a sole or partnership enterprise ends, whichever is later.

10.20(5) When income from a particular source decreases in a calendar month, the decrease in income shall be considered in the computation of that month's member support. Income from a particular source is considered to be decreased as of the date the member receives the first income payment in the decreased amount.

10.20(6) When income from a particular source increases in a month, the increase in income shall be considered in the computation of that month's member support. Income from a particular source is considered to be increased as of the date the member receives the first income payment in the increased amount.

10.20(7) Recurring lump sum payments shall be treated as income in the month received.

10.20(8) Nonrecurring lump sum payments earned prior to admission, regardless of when received, shall not be counted as income but may be considered as an available liquid asset.

10.20(9) Any income as defined in rule 801—10.20(35D) that exceeds the member support billing for that month shall thereafter be considered a liquid asset available under rule 801—10.16(35D).

10.20(10) A resident who is planning to discharge may take on paid community employment for 30 days prior to discharge and not have the resident's wages subject to IVH support billing; however, if during the 30 days the decision is made not to discharge, the resident must terminate the community employment by the end of the 30 days. In that event, moneys earned during the period of employment would be subject to support calculations on the same basis as incentive therapy earnings.

801—10.21(35D) Fraud. Applicants, members or legal representatives who knowingly conceal the existence of resources may be subject to the billing of full member support, discharge for failure to pay for member's care or denial of admission. Further, members who knowingly conceal liquid assets or income that would have affected member support shall be charged for the amount not previously billed due to the fraudulent act. If upon admission it is determined that medical or other pertinent information provided during the application process was fraudulent, notice of discharge may be issued. In addition, any applicant, member or legal representative suspected of fraud may be referred to the department of inspections, appeals, and licensing division of investigations for possible criminal or civil action. The attorney general's office shall conduct the investigation.

801—10.22(35D) Overcharges. When it is discovered that a member was charged for support in excess of the amount actually due, the member shall receive a refund or credit to the member's account. If the member is discharged or deceased, a refund shall be conveyed to the member or legal representative.

801—10.23(35D) Penalty.

10.23(1) All members who have resources in excess of the full support rate shall be charged the full support rate. If any member does not apply for all benefits due (e.g., Medicaid, DVA pension, DVA compensation, social security, or any combination), fails to report resources accurately in order to not pay full support, or refuses to accept the available billing programs offered at IVH, that member shall be charged up to full support rate as if these responsibilities had been followed. Failure to comply with these rules may result in discharge from IVH.

10.23(2) If a member is required to pay full member support under these rules, the monthly charge shall be calculated as the per diem in paragraph 10.15(1)*"a"* or *"b"* times the billable days less any offsets. If a member is required to pay member support based on additional resources, these figures shall be obtained from the appropriate agencies.

801—10.24 to **10.29** Reserved.

801—10.30(35D) Incentive therapy and nonprofit rehabilitative programs. Members may be offered the opportunity to perform services for IVH through the incentive therapy program as part of their plan of care. Participating members shall be compensated at the state's minimum wage for their involvement in the incentive therapy program. If members enrolled in nonprofit rehabilitative programs receive an income from such programs, that income shall be treated in the same manner as the incentive therapy program or IVH policy.

This rule is intended to implement Iowa Code section 35D.7(3).

801—10.31 to **10.34** Reserved.

801—10.35(35D) Handling of pension money and other funds. Each member who has not been assigned a guardian, conservator, fiduciary or representative payee or has not designated a power of attorney while having adequate decision-making capacity or as otherwise specified may manage that member's own personal financial affairs. Upon the receipt of written authorization from the member or

legal representative by the commandant or designee, the commandant or designee may assist the member in the management of the member's financial affairs.

10.35(1) Pension money or other funds deposited with IVH are not assignable, except as specified in subrule 10.19(3) or subparagraph 10.40(2)*"b"*(1).

10.35(2) If authorized by a member, the commandant or designee may act on behalf of that member in receiving, disbursing, and accounting for personal funds of the member received from any source subject to the requirements of Iowa Code section 135C.24. The authorization may be given or withdrawn in writing by the member or legal representative at any time. The authorization shall not be a condition of admission to or retention at IVH.

10.35(3) IVH shall maintain a commercial account with a federally insured bank for the personal deposits of its members. The account shall be known as the IVH membership account/rep payee for social security/VA beneficiaries. The commandant or designee shall record each member's personal deposits individually and shall deposit the funds in the membership account where the members' deposits shall be held in the aggregate. Interest shall accrue on those accounts that are on deposit at the end of each month. IVH may withdraw moneys from the account maintained pursuant to this subrule to establish certificates of deposit for the benefit of all members.

10.35(4) If authorized in writing by the member or legal representative, the commandant or designee may make withdrawals against that member's personal account to pay regular bills and other expenses incurred by the member. The authorization may be given or withdrawn in writing by the member or legal representative at any time. The authorization shall not be a condition of admission to or retention at IVH.

10.35(5) The commandant or designee shall maintain a written record of each member's funds that are received by or deposited with IVH. The member or legal representative shall receive a monthly statement showing deposits, withdrawals, disbursements, interest and current balances. If the commandant or designee is made representative payee or fiduciary for the member's financial transactions, this statement shall be maintained in the member's administrative file.

10.35(6) Except as otherwise specified and unless the commandant or designee has been appointed representative payee or fiduciary, funds deposited with IVH shall be released to the member or legal representative upon request. A statement will be provided showing deposits, disbursements, interest, and the final balance at the time the funds are withdrawn. When the member continues to maintain residency at IVH, the funds shall be released and a statement provided within three working days following the request. When a member is being discharged from IVH, the funds shall be released and a statement provided no later than the tenth day of the month following the month of discharge.

801—10.36(35D) Leave, bed holds and 96-hour passes.

10.36(1) *Non-Medicaid members.*

a. Members are free to leave IVH grounds unless contraindicated by medical determination. In cases where it is determined to be medically contraindicated and a member chooses to leave, the member or legal representative must sign Discharge Against Medical Advice, Form 475-0940.

b. Leaves are required if the member expects to be absent past midnight.

c. All leaves other than free time shall require payment of member support charges as though the member were in residency. Failure to pay regular member support charges may result in discharge of the member. Leave length may be changed by notification from the member or legal representative to the nursing unit social worker or domiciliary office.

d. Hospital leaves. Leaves spent in approved medical facilities away from IVH shall not be counted against the 59-day leave time limit as set out in paragraph 10.14(3)*"b."* Hospital leaves shall be granted and the charges for such leaves shall be as follows:

During the first ten consecutive days of any hospital stay, the member shall pay the regular and usual assessed charge for the member's level of care. Beginning on the eleventh day through the remainder of the hospitalization, the member shall not be charged. Each monthly member support bill shall reflect any adjustments related to hospitalization. Leaves to other medical facilities for the purpose of treatment shall be treated as hospital leaves.

e. General leaves.

(1) Twelve days of leave time each calendar year shall be free time.

(2) The member shall be charged the usual support charge for leave time over 12 days up to and including 59 days.

(3) The member shall be charged the full support rate for the level of care in which the member resides for leave time over 59 days.

(4) Leave time is not cumulative from one calendar year to another calendar year.

(5) Leave time the member has not utilized or cannot utilize shall not be credited toward the member's support.

(6) Support charges for the member on leave who wishes to retain the member's bed shall be due and payable as though the member were in residency as set forth in paragraph 10.36(1)*"c."*

f. When the nursing care member is on leave, the member shall remain on in-house status for the first 12 leave days per calendar year for DVA per diem purposes and IVH shall be financially responsible for medical expenses, which include deductibles, copays and the member's share after all insurance has been filed and paid to the medical facility, unless the medical expenses are assumed by the member or legal representative in relation to choice of medical facility.

g. When a member has used 12 non-hospital leave days, IVH is not financially responsible for any medical charges for the member while on leave.

10.36(2) *Members who are receiving Medicaid benefits.*

a. Members are free to leave IVH grounds unless contraindicated by medical determination. In cases where it is determined to be medically contraindicated and a member chooses to leave, the member or legal representative must sign Discharge Against Medical Advice, Form 475-0940.

b. A leave as set out in paragraph 10.36(1)*"b"* is required if a member expects to be absent past midnight.

c. The member's bed shall be held while the member is visiting away from IVH for a period not to exceed 18 days in any calendar year. There is no restriction as to the amount of days taken in any one month or during any one visit, as long as the days taken in the calendar year do not exceed 18. Additional days shall be allowed if the member's medical provider recommends in the plan of care that additional days would be rehabilitative.

d. A member or a legal representative who wishes to exceed the 18 visitation days and retain the member's bed, but does not have medical provider recommendation for an extension, must make arrangements with the operations division administrator or designee for payment of the rate determined by the department of health and human services income maintenance worker for all days in excess of the 18 visitation days. If prior arrangements and payment are not made, a member may be discharged in accordance with subrule 10.12(2).

e. A bed shall be held for a hospitalized member. The member's client participation shall be paid according to the department of health and human services income maintenance worker for all hospitalized days until member returns or is discharged.

f. While on leave, IVH shall be financially responsible for medical expenses, which include deductibles, copays and the member's share after all insurance has been filed and paid to the medical facility, unless the medical expenses are assumed by the member or legal representative in relation to choice of medical facility.

10.36(3) *Ninety-six-hour passes for domiciliary members.*

a. A pass shall not exceed 96 hours. If a member expects to be gone for more than 96 hours, a leave is required.

b. Upon return from a pass, the member must remain in residence for 24 hours before another pass is issued.

c. When a member is on pass, the member shall remain on in-house status for DVA per diem purposes; IVH shall be financially responsible for medical expenses, which include deductibles, copays and the member's share after all insurance has been filed and paid to the medical facility, unless the medical expenses are assumed by the member or legal representative in relation to choice of medical facility.

801—10.37(35D) Mail.

10.37(1) Each member or legal representative shall be afforded a choice in the methods of handling the member's business mail and in meeting the member's responsibilities for reporting resources for the purpose of computation of member support. A member found to be inadequate at financial decision making shall have that member's business mail handled in a manner as to respect that member's dignity and still meet the needs of IVH for complete information regarding resources.

10.37(2) Each member or legal representative shall be allowed to handle that member's business mail to the degree of responsibility chosen by the member or legal representative. A member may:

a. Elect to receive all business mail personally and provide the resident finance office with financial documentation, or

b. Designate that the member shall receive personal mail items but that business mail received at IVH from entitlement sources or concerning assets shall be routed to the resident finance office, cashier's office, budget office, or purchasing office, whichever is appropriate.

801—10.38 and **10.39** Reserved.

801—10.40(35D) Requirements for member conduct. The commandant or designee shall administer and enforce all requirements for member conduct. Subject to these rules and Iowa Code section 135C.23, the commandant or designee may transfer or discharge any member from IVH when the commandant or designee determines that the health, safety or welfare of the members or staff is in immediate danger and other reasonable alternatives have been exhausted.

10.40(1) In addition to the member responsibilities as set out in rule 801—10.12(35D), each member shall also comply with the following requirements:

a. The use of intoxicants or alcoholic beverages on IVH premises is prohibited unless prescribed by a medical provider.

b. The bringing of alcoholic beverages or illicit substances on IVH premises is prohibited. Any illicit substances or drug paraphernalia or both found in the member's possession shall be grounds for immediate discharge.

c. The use of illegal substances while a member of IVH is prohibited. A urinalysis shall confirm the presence of illegal substances. A member's refusal to submit to a urinalysis in response to a request based on probable cause shall be considered a positive result and is grounds for discharge.

d. Firearms or weapons of any nature shall be turned in to the commandant or designee for safekeeping. The commandant or designee shall decide if an instrument is a weapon. Firearms or weapons in the possession of a member that constitute a hazard to self or others shall be removed and stored in a place provided and controlled by the facility or sent with family members for safekeeping.

e. Smoking in members' rooms is prohibited. Members who smoke shall do so within designated smoking areas so as not to endanger self or others.

f. Continuously disruptive behavior on the part of a member is grounds for transfer or discharge.

g. Members shall comply with legal requests and orders of the commandant or designee.

h. Members shall not violate state and federal statutes.

i. Members shall report to the resident finance supervisor or designee any changes in assets/income and pay support within ten business days after the monthly support bill is received or ten business days after the member's last income deposit for the month.

10.40(2) When a member is found in violation of the requirements of conduct established in subrule 10.40(1), the following steps may be taken:

a. For a first offense, a member is counseled by an appropriate staff person and options for correcting the behavior are considered. Options may include but are not limited to:

(1) Funds restriction.

(2) Substance use treatment.

(3) Mental health services.

b. IVH control of the member's personal funds as follows:

(1) The pension money and other incomes and available liquid assets shall be deposited by the commandant or designee in a separate account for and on behalf of the member. The commandant or designee shall, under the procedures established in subrules 10.35(3) and 10.35(4), make withdrawals and disbursements to meet the regular bills and other expenses of the member.

(2) If, after a period of up to six months, the member's behavior is deemed appropriate by the facility, the handling of funds will be reviewed and funds may be returned to the control of the member.

(3) If the member is discharged from IVH, the balance of the funds in the IVH membership account shall be paid to the member or financial legal representative no later than the tenth day of the month following the month of discharge.

c. For a second offense, a member is offered the services above and is placed on probation that warns a third offense may lead to discharge.

d. For a third offense, discharge from IVH in accordance with subrule 10.40(3).

10.40(3) The steps described in subrule 10.40(2) shall generally be followed in that order. However, if the member's violation is of an extreme nature and the member is not amenable to counseling, the commandant or designee shall choose to discharge the member after the expiration of a 30-day written notification period that begins when the notice is personally delivered. If the RCC, in conjunction with the medical provider and mental health personnel, deems that the member's behavior poses a threat of imminent danger, the commandant or designee may issue notice of an immediate involuntary discharge. In such an emergency situation, a written notice shall be given prior to or within 48 hours following the discharge. The member's county commission of veterans affairs and the legal representative shall be informed in writing of the decision to discharge. Written notification shall also be issued to appropriate governmental agencies including the commission; the department of inspections, appeals, and licensing; and the department on aging's long-term care ombudsman to ensure that the member's health, safety or welfare shall not be in danger upon the member's release.

10.40(4) A member who has been previously discharged under the provisions of subrule 10.40(2) or 10.40(3) shall be readmitted to IVH only upon the approval of the commandant or designee. If not approved, the applicant shall receive written notice of the denial. A copy of the denial notice shall be forwarded to the commission and the appropriate county commission of veterans affairs. Any decision to deny readmittance is subject to the review of the commission.

801—10.41(35D) County of settlement upon discharge. A member does not acquire residency in Marshall County, the county in which IVH is located, unless the member is voluntarily or involuntarily discharged from IVH and the member meets county of residence requirements. For purposes of this rule, "county of residence" means the same as defined in Iowa Code section 331.190.

801—10.42(35D) Disposition of personal property and funds.

10.42(1) A discharged member shall remove all personal property at the time of discharge or within 30 days. Personal property not removed within 30 days after discharge shall become the property of IVH to dispose of as the commandant or designee directs. Personal property may be forwarded at the member's expense to the member's last-known address. When the member is discharged from IVH, the member's funds shall be released to the member or legal representative with a statement provided no later than the tenth day of the month following the month of discharge.

10.42(2) Following written notification to the legal representative or next of kin, a deceased member's personal property remaining at IVH 30 days after written notification shall become the property of IVH to dispose of as the commandant or designee directs. If there is a known legal representative or next of kin, the property may be shipped to the legal representative or next of kin at the expense of the estate, legal representative, or next of kin.

10.42(3) Upon the death of a member with personal funds deposited at IVH, any final funeral expenses must be paid first. If there are no outstanding funeral expenses, then pending account charges and the IVH final bill will be collected. Upon receipt of notification from the estate recovery program that release of funds is approved, IVH shall convey the member's funds along with a final statement to the legal representative administering the member's estate. When an estate is not opened or in cases

where no executor is appointed, IVH shall attempt to locate the deceased member's heirs and deliver the funds to the heirs equally or according to the terms of the last will and testament within one year after the date of death.

801—10.43(35D) Rule enforcement—power to suspend and discharge members. The commandant or designee shall administer and enforce all rules adopted by the commission including rules of discipline and, subject to these rules, may immediately suspend the membership of and discharge any member from IVH for infraction of the rules when the commandant or designee determines that the health, safety or welfare of the members of IVH is in immediate danger and other reasonable alternatives have been exhausted. The suspension and discharge are temporary pending action by the commission. Judicial review of the action of the commission may be sought in accordance with Iowa Code chapter 17A.

10.43(1) The commandant or designee shall, with the input and recommendation of the RCC, involuntarily discharge a member for any of the following reasons:

a. The member has been diagnosed with a substance use disorder but continues to abuse alcohol or an illegal drug in violation of the member's conditional or provisional agreement entered into at the time of admission, or at any time thereafter, and all of the following conditions are met:

(1) The member has been provided sufficient notice of any changes in the member's collaborative care plan.

(2) The member has been notified of the member's commission of three offenses and has been given the opportunity to correct the behavior through either of the following options:

1. Being given the opportunity to receive the appropriate level of treatment in accordance with best practices for standards of care.

2. By having been placed on probation by IVH for a second offense. Notwithstanding the member meeting the criteria for discharge under paragraph 10.43(1)*"a,"* if the member has demonstrated progress toward the goals established in the member's collaborative care plan, the RCC and the commandant or designee may exercise discretion regarding the discharge. Notwithstanding any provision to the contrary, the member may be immediately discharged under paragraph 10.43(1)*"a"* if the member's actions or behavior jeopardizes the life or safety of other members or staff.

b. The member refuses to utilize the resources available to address issues identified in the member's collaborative care plan and all of the following conditions are met:

(1) The member has been provided sufficient notice of any changes in the member's collaborative care plan.

(2) The member has been notified of the member's commission of three offenses and the member has been placed on probation by IVH for a second offense. Notwithstanding the member meeting the criteria for discharge under paragraph 10.43(1)*"b,"* if the member has demonstrated progress toward the goals established in the member's collaborative care plan, the RCC and the commandant or designee may exercise discretion regarding the discharge. Notwithstanding any provision to the contrary, the member may be immediately discharged if the member's actions or behavior jeopardizes the life or safety of other members or staff.

c. The member no longer meets the requirements for residential or nursing level of care, as determined by the RCC or medical provider.

d. The member requires a level of licensed care not provided at IVH.

10.43(2) Provisions for members following discharge from IVH.

a. If a member is discharged under this rule, the discharge plan shall include placement in a suitable living situation that may include but is not limited to a transitional living program approved by the commission or a living program provided by DVA.

b. If a member is involuntarily discharged under this rule, the commission shall, to the greatest extent possible, ensure against the member being homeless and ensure that the domicile to which the member is discharged is fit and habitable and offers a safe and clean environment that is free from health hazards and provides appropriate heating, ventilation and protection from the elements.

10.43(3) Discharge notice, including right to appeal. An involuntary discharge of a member under this rule shall be preceded by a written notice to the member. The notice shall state that, unless the discharge is an immediate discharge due to the member's actions or behavior that jeopardizes the life or safety of other members or staff, the effective date of the discharge is 30 calendar days from the date of receipt of the discharge notice and that the member has the right to appeal the discharge. In addition, the discharge notice shall contain:

a. The stated reason for the proposed discharge or transfer.

b. The actual effective date of the proposed discharge or transfer.

c. A statement in not less than 12-point type that reads: "You have a right to appeal the facility's decision to transfer or discharge you. If you think you should not have to leave this facility, you may request a hearing in writing or verbally with the Commission of Veterans Affairs (hereinafter referred to as "Commission") within five (5) calendar days after receiving this notice. You have a right to be represented at the hearing by an attorney or any other individual of your choice at your own expense. If you request a hearing, it will be held, and a decision rendered within ten (10) calendar days of the filing of the appeal. Provision may be made for extension of the ten (10) day requirement upon request to the Commission designee. If you lose the hearing, you will not be discharged or transferred before the expiration of 30 days following receipt of the original notice of the discharge or transfer, or no sooner than five (5) days following final decision of such hearing. To request a hearing or receive further information, call the Commission or write to the Commission to the attention of: Chairperson, Commission of Veterans Affairs."

10.43(4) Emergency discharge. In the case of an emergency transfer or discharge relating to a threat of imminent harm, the resident must still be given a written notice prior to or within 48 hours following transfer or discharge. A copy of this notice must be placed in the resident's file, and it must contain all the information required by subrule 10.43(3). In addition, the notice must contain a statement in not less than 12-point type (elite) that reads: "You have a right to appeal the facility's decision to transfer or discharge you on an emergency basis. If you think you should not have to leave this facility, you may request a hearing in writing or verbally with the Commission of Veterans Affairs (hereinafter referred to as 'Commission') within 5 calendar days after receiving this notice. If you request a hearing, it will be held and a decision rendered within 10 calendar days of the filing of the appeal no later than 14 days after receipt of your request by the Commission. You may be transferred or discharged before the hearing is held or before a final decision is rendered. If you win the hearing, you have the right to be transferred back into the facility. To request a hearing or receive further information, you may call the Commission or write to the Commission to the attention of: Chairperson, Commission of Veterans Affairs."

10.43(5) Appeal by member.

a. If a member appeals the discharge under this rule, the member shall be provided with the information relating to the appeals process as specified in rule 801—10.47(35D).

b. If a member appeals the discharge under this rule, the involuntary discharge appeal process in rule 801—10.47(35D) shall apply.

10.43(6) By the fourth Monday of each session of the Iowa general assembly, the commandant shall submit a report annually to the senate veterans affairs committee and the house veterans affairs committee specifying the number, circumstances and placement of each member involuntarily discharged from IVH under this rule during the previous calendar year.

10.43(7) Any involuntary discharge by the commandant or designee under this rule shall comply with the rules adopted by the commission and by the department of inspections, appeals, and licensing in accordance with Iowa Code section 35D.15.

801—10.44 Reserved.

APPEAL PROCESS

801—10.45(35A,35D) Applicant appeal process. An applicant who believes that any of the provisions of this chapter have not been upheld, or have been upheld unfairly, may file an appeal directly with the

commandant or designee containing a statement of the grievance and requested action. The commandant or designee shall investigate and may hold an informal hearing with the applicant and other involved individuals. Subrules 10.46(4) through 10.46(8) apply subsequently. The commandant or designee shall notify the applicant of the decision in writing within ten working days of receipt of the grievance.

801—10.46(35A,35D) Member appeal process. A member who believes that any of the provisions of this chapter have not been upheld or have been upheld unfairly may file an appeal.

10.46(1) A member shall discuss the problem and action desired with the assigned social worker within five working days of the incident that caused the problem. The social worker shall investigate the situation and attempt to resolve the problem within five working days of the discussion with the member. If the assigned social worker has allegedly caused the grievance, the member may file the grievance directly with the social work supervisor.

10.46(2) If unable to resolve the problem, or if the member is dissatisfied with the solution, the social worker shall assist the member with filing a formal grievance and shall submit a report of the facts and recommendations to the administrator of nursing within five working days of the discussion with the member. The administrator of nursing shall inform the member of the decision in writing within five working days of receipt of the social worker's report.

10.46(3) If the member is not satisfied with the decision of the administrator of nursing, or if no decision is given within the time specified in subrule 10.46(2), the member may appeal to the commandant or designee within ten working days of the decision of the administrator of nursing or, if no decision is given, within ten working days of the time limit specified in subrule 10.46(2). The grievance shall be submitted in writing and contain a statement of the cause of the grievance and requested action. A copy of the decision of the administrator of nursing shall be attached to the grievance statement, if applicable. The commandant or designee shall investigate the grievance and may hold an informal hearing with the member, administrator of nursing, and other involved individuals. The commandant or designee shall notify the member and the administrator of nursing of the decision in writing within ten working days of receipt of the grievance.

10.46(4) If the member is not satisfied with the decision of the commandant, or if no decision is given within the time limits specified in subrule 10.46(3), the member may appeal to the commission within ten working days of the commandant's decision. The member and commandant shall be notified in writing within five working days of the commission's receipt of the appeal. The commission shall schedule a hearing with the member, commandant, and other involved individuals to determine the facts and make a final decision.

10.46(5) The member may appoint any individual to represent the member in the appeal process, at the member's expense.

10.46(6) No reprisals of any kind shall be taken against a member for filing an appeal.

10.46(7) The member may obtain judicial review of the commission's final decision in accordance with Iowa Code chapter 17A.

10.46(8) The time limits specified in the above subrules may be extended when mutually agreed upon by the persons involved in the appeal process.

Rules 801—10.45(35A,35D) and 801—10.46(35A,35D) are intended to implement Iowa Code section 35A.3(4) and chapter 35D.

801—10.47(35D) Involuntary discharge appeal. When a member appeals an involuntary discharge, the following provisions shall apply:

10.47(1) The member shall file the appeal with the commission within five calendar days of receipt of the discharge notice.

10.47(2) The commission shall conduct a contested case proceeding in accordance with the uniform rules on contested case proceedings found in 7—Chapter 2506, adopted by reference with the following amendment: The presiding officer must be a member of the commission and cannot be an administrative law judge with the department of inspections, appeals, and licensing.

10.47(3) The commission shall render a decision on the appeal and notify the member of the decision in writing within ten calendar days of the filing of the appeal.

10.47(4) If the member is not satisfied with the decision of the commission, the member may appeal the commission's decision by filing an appeal with the department of inspections, appeals, and licensing within five calendar days of being notified in writing of the commission's decision.

10.47(5) The department of inspections, appeals, and licensing shall render a decision on the appeal of the commission's decision and notify the member of the decision in writing within 15 calendar days of the filing of the appeal with the department.

10.47(6) The maximum time period that shall elapse between receipt by the member of the discharge notice and actual discharge shall not exceed 55 days, which includes the 30-day discharge notice period and any time during which any appeals to the commission or the department of inspections, appeals, and licensing are pending.

10.47(7) If a member is not satisfied with the decision of the department of inspections, appeals, and licensing, the member may seek judicial review in accordance with Iowa Code chapter 17A. A member's discharge under rule 801—10.43(35D) shall not be stayed while judicial review is pending.

801—10.48 Reserved.

801—10.49(35D) Licensed nursing home administrator. The commandant shall employ a licensed nursing home administrator and convey the authority for compliance with all applicable laws and rules.

This rule is intended to implement Iowa Code chapter 135C.

GROUNDS AND FACILITY ADMINISTRATION

801—10.50(35D) Visitors. Visitors are welcome to IVH subject to the following conditions:

10.50(1) Visitors are subject to the policies and procedures as established by IVH, including the tobacco-free policy.

10.50(2) Tours of IVH may be arranged by contacting the commandant or designee.

10.50(3) Weapons, illegal substances or alcoholic beverages are not permitted on IVH grounds.

10.50(4) Any disruptive behavior on the part of a visitor shall result in modification, denial or termination of visiting privileges.

10.50(5) Trespass. Visitors shall not enter IVH grounds with the intent to commit a public offense, remain upon the grounds or in IVH buildings without justification after being notified or requested to abstain from entering, or to remove or vacate therefrom by any peace officer, magistrate, or public employee whose duty it is to supervise the use or maintenance of IVH and its grounds.

10.50(6) Any visitor violating any of the rules within this chapter may be restricted from IVH for a period of time to be determined by the commandant or designee.

10.50(7) Visitors who bring pets must comply with IVH rules regarding pet health and safety. Pets shall be kept on a leash while on IVH grounds.

801—10.51 Reserved.

801—10.52(35D) Interviews and statements.

10.52(1) Releases to the news media shall be the responsibility of the commandant or designee. Authority for dissemination and release of information shall be designated to other persons at the discretion of the commandant or designee.

10.52(2) Interviews of members within IVH by the news media or other outside groups are permitted only with prior consent of the member to be interviewed or the member's legal representative. At the request of the person or group who wishes to conduct an interview, the commandant or designee shall seek to obtain the required consent from the member or the member's legal representative.

801—10.53(35D) Donations. Donations of money, new clothing, books, games, recreational equipment or other gifts shall be made directly to the commandant or designee. The commandant or designee shall

evaluate the donation in terms of the nature of the contribution to the facility program. The commandant or designee shall be responsible for accepting the donation and reporting the gift to the commission. All monetary gifts shall be acknowledged in writing to the donor and reported to the Iowa ethics and campaign disclosure board.

801—10.54(35D) Photographing and recording of members and use of cameras.

10.54(1) Photographs and recordings of members within IVH by news media or other outside groups are permitted only with prior consent of the member to be photographed or recorded or the member's legal representative. At the request of the person or group who wishes to make photographs or recordings, the commandant or designee shall seek to obtain the required consent from the member or the member's legal representative.

10.54(2) Every effort shall be made to preserve the inherent dignity of the member and to preclude exploitation or embarrassment of the member or the family of the member.

801—10.55(35D) Use of grounds and facilities.

10.55(1) Persons wishing to use the facilities and grounds for civic purposes, programs for members, meetings, and similar purposes must contact the commandant or designee at least two weeks in advance of the requested date. The commandant or designee may disapprove a request when the requested facilities are scheduled for use by or for the members or when the activity would disrupt the normal operation of IVH. Previous arrangements to use the facilities or grounds may be canceled by the commandant or designee in the event of an emergency or when changes in the schedule require the use of the facilities or grounds for the members. Persons who use the facilities or grounds shall be held responsible for leaving the facilities or grounds in satisfactory condition and for any damages caused by or resulting from use.

10.55(2) Outside organizations permitted to use facilities or grounds shall observe the same rules as visitors to the facility.

801—10.56(35D) Nonmember use of cottages. Cottages may be made available to IVH staff or to other members of the public with the commandant's or designee's approval and at the established rate.

10.56(1) Expenses incurred as a result of damage or need for exceptional cleaning/sanitizing procedures, or both, may result in additional charges as determined by IVH.

10.56(2) Posted occupancy capacities shall not be exceeded and, if exceeded, may be grounds for denial of use.

10.56(3) Pets are only allowed inside the cottages as outlined in the IVH cottage occupancy policy.

801—10.57(35D) Operating motor vehicles on grounds.

10.57(1) The operator of a motor vehicle shall have a valid license for the type of vehicle being driven upon IVH grounds.

10.57(2) All persons operating a motor vehicle on IVH grounds shall comply with the applicable state and local laws and IVH policies.

10.57(3) No driver of a motor vehicle or motorcycle shall disobey the instructions of any traffic-control device, warning, or sign placed.

10.57(4) No person shall drive any vehicle in such a manner as to indicate either a willful or wanton disregard for the safety of person or property. The person operating the motor vehicle or motorcycle shall maintain control and shall reduce the speed to 20 miles per hour on IVH grounds and reduce the speed to a lower, reasonable rate when approaching and passing a person walking in the traveled portion of a street.

10.57(5) No person shall stop, park, or leave any type of vehicle in established fire lanes, emergency vehicle areas, and other essential lanes. No person shall park any type of vehicle on roadways.

10.57(6) No person shall leave any type vehicle unattended by not locking doors or removing keys.

10.57(7) Failure to comply with rules may cause limitation or curtailment of driving privileges on IVH grounds for an indefinite period.

10.57(8) Motor vehicles belonging to members may be parked in member-designated parking on IVH grounds.

10.57(9) Members wishing to operate a motor vehicle on campus must adhere to the IVH Driving Safety policy.

These rules are intended to implement Iowa Code section 35A.3(4) and chapter 35D.

ARC 0708D

VETERANS AFFAIRS, IOWA DEPARTMENT OF[801]

Notice of Intended Action

Proposing rulemaking related to veterans commemorative property and providing an opportunity for public comment

The Iowa Department of Veterans Affairs hereby proposes to rescind Chapter 15, "Veterans Commemorative Property," Iowa Administrative Code, and to adopt a new Chapter 15 with the same title.

Legal Authority for Rulemaking

This rulemaking is proposed under the authority provided in Iowa Code sections 35A.5 and 37A.1 and Executive Order 10.

State or Federal Law Implemented

This rulemaking implements, in whole or in part, Iowa Code sections 35A.5 and 37A.1 and Executive Order 10.

Purpose and Summary

This proposed rulemaking is intended to update procedures, reduce unnecessary text, and eliminate obsolete information.

Regulatory Analysis

A Regulatory Analysis for this rulemaking was published in the Iowa Administrative Bulletin on September 16, 2026. A public hearing was held on the following date(s):

- October 9, 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 801—Chapter 1.

Public Comment

Any interested person may submit written comments concerning this proposed rulemaking, which must be received by the Department no later than 4:30 p.m. on December 3, 2026. Comments should be directed to:

Mike Olson
Iowa Department of Veterans Affairs
Legislative Liaison
1301 Summit Street
Marshalltown, Iowa 50158
Email: michael.olson@ivh.state.ia.us

Public Hearing

Public hearings at which persons may present their views orally or in writing will be held as follows:

December 3, 2026 11 a.m.	Video call link: meet.google.com/edu-ixxu-pay Or dial: 209.431.0222 Conference ID: 452 603 698#
December 3, 2026 2 p.m.	Video call link: meet.google.com/zqe-ouqt-amn Or dial: 432.698.1328 Conference ID: 448 895 214#

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 801—Chapter 15 and adopt the following **new** chapter in lieu thereof:

CHAPTER 15
VETERANS COMMEMORATIVE PROPERTY

801—15.1(37A) Notification procedure.

15.1(1) *Notification.* Prior to the sale, trade or transfer of veterans commemorative property as defined by Iowa Code chapter 37A, a person who owns or controls a property where veterans commemorative property has been placed shall provide notice to the department at least 60 days prior to the proposed transaction date.

15.1(2) *Notification forms.* Notification forms may be obtained from the Iowa Department of Veterans Affairs, Camp Dodge, Bldg. 3465, 7105 NW 70th Avenue, Johnston, Iowa 50131-1824, or from the department's website at va.iowa.gov.

801—15.2(37A) Transaction approval. Upon receipt of transaction notification and supporting documentation, the department will review the request within 60 days under the criteria prescribed by Iowa Code section 37A.1(2).

These rules are intended to implement Iowa Code section 37A.1.

REVENUE DEPARTMENT

Interest Rates

Starting January 1, 2027, the interest rate for taxpayers with overdue payments will be:

- 9.0% annually
- 0.8% monthly
- 0.024658% daily

Iowa Code section 421.7 specifies the procedures for calculating the Department's annual and monthly interest rates. The annual rate is based on the average monthly prime rate during the preceding 12-month period (October through September). Iowa law requires that this average be rounded to the nearest whole percent and two percentage points to be added to it. The prime rate averaged 6.83 percent over the past 12 months. Rounded to the nearest whole percent, this average is 7.0 percent. Adding two percentage points results in the Department annual rate of 9.0 percent. The monthly rate is the annual rate divided by 12, rounded to the nearest one-tenth of a percentage point. The daily rate for 2027 is the annual rate divided by 365. (The average monthly bank prime rate is published by the United States Federal Reserve at www.federalreserve.gov/datadownload/Choose.aspx?rel=H15.)

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 November is 7.00%.

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 November 10, 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 1.65%
180-364 days	Minimum 1.65%
One year to 397 days	Minimum 1.90%
More than 397 days	Minimum 2.05%

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 0724D

EDUCATION DEPARTMENT[281]

Adopted and Filed

Rulemaking related to general accreditation standards

The State Board of Education hereby amends Chapter 12, "General Accreditation Standards," Iowa Administrative Code.

Legal Authority for Rulemaking

This rulemaking is adopted under the authority provided in Iowa Code sections 256.7 and 256.11.

State or Federal Law Implemented

This rulemaking implements, in whole or in part, Iowa Code section 256.11.

Purpose and Summary

This rulemaking conforms the requirements to offer and teach fine arts at the secondary level to the enabling statutory text and modernizes language regarding reporting for students based on student groups.

Public Comment and Changes to Rulemaking

Notice of Intended Action for this rulemaking was published in the Iowa Administrative Bulletin on September 2, 2026, as **ARC 0551D**. A public hearing was held on the following date(s):

- September 22, 2026

No one attended the public hearing. No public comments were received. No changes from the Notice have been made.

Adoption of Rulemaking

This rulemaking was adopted by the State Board on October 15, 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.

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 16, 2026.

The following rulemaking action is adopted:

ITEM 1. Rescind the definition of "Subgroups" in rule **281—12.2(256)**.

ITEM 2. Adopt the following **new** definition of "Student groups" in rule **281—12.2(256)**:

"Student groups" (formerly known as "subgroups") means a subset of the student population that has a common characteristic. Student groups include but are not limited to gender, race, students with disabilities, and socioeconomic status.

ITEM 3. Amend paragraph **12.5(5)"g"** as follows:

g. Fine arts (two units). Fine arts instruction ~~will~~ may include ~~at least two~~ any of the following:

(1) to (4) No change.

ITEM 4. Amend subparagraph **12.8(1)"b"(5)** as follows:

(5) Annual improvement goals. The board, with input from its school improvement advisory committee, will adopt annual improvement goals based on data from at least one districtwide assessment. The goals will describe desired annual increase in the curriculum areas of, but not limited to, mathematics, reading, and science achievement for all students, for particular ~~subgroups of students~~ student groups, or both. Annual improvement goals may be set for the early intervention program as described in subrule 12.5(18), other state indicators, locally determined indicators, locally established student learning goals, other curriculum areas, future student employability, or factors influencing student achievement.

ITEM 5. Amend paragraph **12.8(2)"a"** as follows:

a. State indicators. A school or school district will collect data on the following indicators for reporting purposes:

(1) The percentage of all ~~fourth~~ fourth-, ~~eighth~~ eighth-, and ~~eleventh grade~~ eleventh-grade students achieving proficient or higher reading status using at least three achievement levels and by gender, race, socioeconomic status, students with disabilities, and other ~~subgroups~~ student groups as required by state or federal law.

(2) The percentage of all ~~fourth~~ fourth-, ~~eighth~~ eighth-, and ~~eleventh grade~~ eleventh-grade students achieving proficient or higher mathematics status using at least three achievement levels and for gender, race, socioeconomic status, students with disabilities, and other ~~subgroups~~ student groups as required by state or federal law.

(3) The percentage of all ~~eighth~~ eighth- and ~~tenth grade~~ tenth-grade students achieving proficient or higher science status using at least three achievement levels.

(4) The percentage of students considered as dropouts for grades 7 to 12 by gender, race, students with disabilities, and other ~~subgroups~~ student groups as required by state or federal law.

(5) to (7) No change.

ITEM 6. Amend subparagraph **12.8(2)"b"(1)** as follows:

(1) Baseline data on at least one districtwide assessment for the state indicators described in subrule 12.8(3). Every year thereafter the school or school district will compare the annual data collected with the baseline data. A school or school district is not to report to the community about ~~subgroup~~ student group assessment results when a ~~subgroup~~ student group contains fewer than ten students at a grade level. A school or school district will report districtwide assessment results for all enrolled and tuitioned-in students.

[Filed 10/20/26, effective 12/16/26]
[Published 11/11/26]

EDITOR'S NOTE: For replacement pages for IAC, see IAC Supplement 11/11/26.

ARC 0725D

EDUCATION DEPARTMENT[281]

Adopted and Filed

Rulemaking related to community colleges

The State Board of Education hereby amends Chapter 21, "Community Colleges," Iowa Administrative Code.

Legal Authority for Rulemaking

This rulemaking is adopted under the authority provided in Iowa Code section 256.139.

State or Federal Law Implemented

This rulemaking implements, in whole or in part, 2026 Iowa Acts, House File 2610.

Purpose and Summary

This rulemaking implements portions of 2026 Iowa Acts, House File 2610, by establishing a statewide common course numbering system and a statewide lower division general education framework for Iowa community colleges. This rulemaking establishes processes for identifying equivalent courses, assigning common course numbers, developing common course descriptions and learning outcomes through a faculty process, and implementing a common lower division general education framework.

Public Comment and Changes to Rulemaking

Notice of Intended Action for this rulemaking was published in the Iowa Administrative Bulletin on September 2, 2026, as **ARC 0550D**. A public hearing was held on the following date(s):

- September 22, 2026

No one attended the public hearing.

The Department of Education received two thoughtful and well-written public comments, one from a community college president and one from the chief executive of an association representing Iowa's community colleges.

One public comment requests that this rulemaking be delayed until after the study of the general education framework and common course numbering system called for in section 15 of House File 2610. The commenter raised concerns that the rules adopted by the State Board would not be coordinated with the educational opportunities offered by the three Regents universities. Section 15 provides the following:

"By December 31, 2026, the department of education, in consultation with the state board of regents, shall submit to the general assembly a study on the systemic implementation considerations of statewide lower division general education framework and common course numbering systems across public institutions of higher education, including Iowa community colleges and the institutions governed by the state board of regents."

The Department is taking no action in response to this comment. The State Board is required to adopt rules implementing both the general education framework and the common course numbering system, and that statutory requirement is not contingent on the completion or the results of the study described above. Additionally, the commenter's concerns were addressed in the Notice. The rules provide for Department-issued guides for both the lower division framework and the common course numbering system. Both guides will provide for criteria and timelines and will be developed in collaboration with the Regents institutions and Iowa's community colleges, and when issued the rules will be amended to

add the date certain required by Iowa Code section 17A.6(5). No purpose would be served by delaying the present rulemaking.

One public comment requests clarification that not all career and technical education (CTE) coursework needs to be included in the common course numbering system. The commenter asserted that including all CTE coursework in the common course numbering system would "create significant operational challenges and could undermine the flexibility that is core to these programs." The commenter provided the example of a CTE course that is "intentionally designed" to meet a particular community college's local workforce need. After due consideration, no action will be taken because the plain language of the rules addresses the commenter's concerns. A community college's course, CTE or otherwise, needs to be included in the common course numbering system only if it, in fact, is common. A course offered by only one community college need not be included in the common course numbering framework (although nothing would prohibit that community college from voluntarily following the structural elements in paragraph 21.4(7)"a" in assigning a local course number).

No changes from the Notice have been made.

Adoption of Rulemaking

This rulemaking was adopted by the State Board on October 15, 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.

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 16, 2026.

The following rulemaking action is adopted:

ITEM 1. Rescind subrule 21.4(1) and adopt the following **new** subrule in lieu thereof:

21.4(1) *General education.* General education is intended to provide breadth of learning to the community college experience. General education imparts common knowledge, promotes intellectual inquiry, and stimulates the examination of different perspectives, thus enabling people to function effectively in a complex and changing world. General education courses are not intended to be developmental in nature. Each community college is responsible for local implementation, publication, and assessment of student learning of its general education courses while ensuring ongoing compliance with the statewide lower division general education framework.

a. Uniform framework. Effective July 1, 2027, all community colleges will implement the statewide lower division general education framework for associate of arts (AA) and associate of science (AS) awards pursuant to Iowa Code section 256.139 as enacted by 2026 Iowa Acts, House File 2610.

b. Core disciplinary categories. The statewide lower division general education framework shall be established by the department and consist of the following four core disciplinary categories: communications, humanities, social science, and mathematics and science. To ensure seamless systemwide transferability, the department will collaborate with community colleges and consult with the liaison advisory committee on transfer students and the board of regents on the administration of the framework. The department has final administrative authority over the inclusion and modification of these categories within the statewide lower division general education framework.

c. Credit allocation guidelines. The specific credit allocation and credit distribution rules in the core disciplinary categories identified in paragraph 21.4(1)*"b"* will be broadly aligned with the transfer standards developed pursuant to the statutory articulation pathways authorized by Iowa Code section 262.9(31). The department shall coordinate with the community colleges and the board of regents to integrate these standards into the statewide lower division general education framework. The department-issued Iowa General Education Lower Division Framework Operational Guide will establish the administrative workflows necessary to submit, audit, and add courses, as well as the collaborative processes for updating credit allocations.

d. Statewide common course numbering integration. All courses approved to fulfill a distribution category requirement within the statewide lower division general education framework will follow the structural elements of paragraph 21.4(7)*"a."*

ITEM 2. Adopt the following **new** subrule 21.4(7):

21.4(7) *Statewide common course numbering system.* To ensure statewide transfer and alignment, all credit-bearing community college courses shall comply with requirements of the statewide common course numbering system pursuant to Iowa Code section 256.139 as enacted by 2026 Iowa Acts, House File 2610.

a. Structural elements. A common course entry within the centralized statewide common course numbering directory consists of the following standardized elements:

(1) Course prefix.
(2) Course number.
(3) Course name.
(4) Course credit hours.
(5) Course description.
(6) Course learning outcomes.

b. Central registry and system maintenance. The department will maintain a centralized statewide common course numbering directory. Procedural guidance, submission timelines and administrative workflows will be established within the Iowa Common Course Numbering Operational Guide.

c. Equivalent course identification. The department will maintain a centralized statewide common course numbering directory. New courses will be submitted by institutions for department approval prior to adoption by a community college.

d. Statewide integration. Standardized course identifiers from the statewide common course numbering system will be utilized universally across all community college course catalogs, registration systems, and official student transcripts.

e. Rule of construction. Individual community colleges retain the autonomy to include additional learning outcomes to fulfill unique regional or transfer needs, provided the course includes all common course outcomes.

[Filed 10/20/26, effective 12/16/26]
[Published 11/11/26]

EDITOR'S NOTE: For replacement pages for IAC, see IAC Supplement 11/11/26.

ARC 0726D

EDUCATION DEPARTMENT[281]

Adopted and Filed

Rulemaking related to special education

The State Board of Education hereby amends Chapter 41, "Special Education," Iowa Administrative Code.

Legal Authority for Rulemaking

This rulemaking is adopted under the authority provided in Iowa Code sections 256.7 and 256B.3.

State or Federal Law Implemented

This rulemaking implements, in whole or in part, Iowa Code chapter 256B and 34 CFR Part 300.

Purpose and Summary

These technical corrections provide additional support for students with disabilities who are placed outside of their building or district of residence.

Public Comment and Changes to Rulemaking

Notice of Intended Action for this rulemaking was published in the Iowa Administrative Bulletin on September 2, 2026, as **ARC 0547D**. A public hearing was held on the following date(s):

- September 22, 2026

No one attended the public hearing. No public comments were received. No changes from the Notice have been made.

Adoption of Rulemaking

This rulemaking was adopted by the State Board on October 15, 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.

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 16, 2026.

The following rulemaking action is adopted:

ITEM 1. Amend paragraph **41.116(4)"b"** as follows:

b. Additional questions concerning special school placement. When some or all of an eligible individual's special education is to be provided in a special school (which, for purposes of this rule, is defined as an educational environment for students with disabilities, including anything labeled as a special school, special program, or separate location, outside of the public school building that the child would otherwise attend), the individual's IEP, or an associated or attached document, shall include specific answers to the following additional four questions:

(1) to (4) No change.

ITEM 2. Amend paragraph **41.903(2)"a"** as follows:

a. Ensuring that all the requirements related to the development of each eligible individual's IEP are met, including attending or otherwise participating in each eligible individual's IEP team meetings.

[Filed 10/20/26, effective 12/16/26]
[Published 11/11/26]

EDITOR'S NOTE: For replacement pages for IAC, see IAC Supplement 11/11/26.

ARC 0727D

LAW ENFORCEMENT ACADEMY[501]

Adopted and Filed

Rulemaking related to organization and administrative processes

The Iowa Law Enforcement Academy Council hereby rescinds Chapter 1, "Organization and Administration," and adopts a new Chapter 1, "Organization and Administrative Processes," Iowa Administrative Code.

Legal Authority for Rulemaking

This rulemaking is adopted under the authority provided in Iowa Code chapters 17A, 80B and 80D.

State or Federal Law Implemented

This rulemaking implements, in whole or in part, Iowa Code chapters 80B and 80D.

Purpose and Summary

Chapter 1 describes the organization and administrative processes of the Council, including the definitions for the remainder of the Council's administrative rules. This chapter was reviewed as a part of the Red Tape Review required by Executive Order 10. The Council deleted redundant language and eliminated restrictive terms.

Public Comment and Changes to Rulemaking

Notice of Intended Action for this rulemaking was published in the Iowa Administrative Bulletin on September 2, 2026, as **ARC 0534D**. Public hearings were held on the following date:

- September 22, 2026

No one attended the public hearings. No public comments were received.

Rule 501—1.1(80B,80D) was revised to include a new definition for "instructor endorsement" and to include a passing assessment score in the definition of "successfully complete." Subrule 1.3(3) was revised to make a word change. Subrule 1.6(4) was revised to clarify that investigative referrals are only made if make-up credit is not completed. New rule 501—1.9(80B,80D) was added to clarify that the Council's rules have both prospective and retrospective application.

Adoption of Rulemaking

This rulemaking was adopted by the Council on October 7, 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 Council for a waiver of the discretionary provisions, if any, pursuant to 7—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 January 1, 2027.

The following rulemaking action is adopted:

ITEM 1. Rescind 501—Chapter 1 and adopt the following **new** chapter in lieu thereof:

CHAPTER 1
ORGANIZATION AND ADMINISTRATIVE PROCESSES

501—1.1(80B,80D) Definitions. As used in this chapter and 501—Chapters 2 through 6 and 8 through 10:

"Academy" means the Iowa law enforcement academy.

"Applicant" means an individual filing an application for consideration before the council.

"Area school" means a training school approved by the council that provides noncertifying courses for more than one law enforcement agency.

"Basic training course" means the initial training course completed by a jail administrator, jailer, temporary holding facility administrator, or public safety telecommunicator within the required time frame from the individual's date of hire.

"Break in service" means a gap in employment in the state of Iowa.

"Certification" means the license issued to a law enforcement officer or a reserve officer upon documentation that the law enforcement or reserve officer is employed and has successfully completed the training requirements for the specific license.

"Code of professional conduct" means a set of ethical principles governing the conduct of all law enforcement officers and reserve officers.

"Conviction" means a conviction in any federal, military, tribal, state, county, municipal, or juvenile court; a voluntary forfeiture of bail, bond, or collateral deposited to secure a defendant's appearance in court as final disposition; the payment of a fine or civil penalty; a plea of guilty or nolo contendere; or a finding of guilt, even if the adjudication of guilty is deferred, withheld, not entered, sealed, or expunged; whether the plea or conviction is set aside or withdrawn, or the case or charge is dismissed or reduced

where the setting aside, withdraw, dismissal, or reduction is based upon lenity or rehabilitation rather than upon a defect in the legality or factual basis of the plea, finding of guilt or conviction; and any conviction for which the person is pardoned.

"Core competency" means the effective and successful application of combined skills, knowledge, and behaviors in a given situation.

"Core concept" means an element of understanding through education or study that forms a foundation. Concepts are the building blocks for skills.

"Core skill" means a specific, trainable ability that is gained by applying concepts. Skills are the building blocks of competencies.

"Council" means the Iowa law enforcement academy council.

"Director" means the director of the Iowa law enforcement academy.

"Discipline" means the process of sanctioning a certification, license, endorsement, or waiver issued by the council.

"Employing agency" means any state, county, municipal, or tribal government or governmental body that employs an individual under the academy's statutory authority.

"Feasibility study" means a comprehensive assessment that determines the viability of a proposed regional training center identifying the technical, economic, operational, and logistical challenges to ensure the proposed regional training center will align with the council's mission. A feasibility study includes a preliminary analysis, market research, financial assessment, technical and organizational needs, and risk analysis.

"Instructor endorsement" means a practical or content endorsement awarded by the council to an eligible individual to instruct or qualify another in a specific area. An instructor endorsement will be active and in good standing for the instructor to conduct mandatory training or qualifications.

"Jail" means any place administered by the county sheriff and designed to hold inmates for as long as lawfully required but not to exceed one year pursuant to Iowa Code chapters 356 and 356A.

"Jail administrator" means the sheriff, sheriff's designee, or the executive head of any agency operating a jail.

"Law enforcement practice" means experience gained by a certified law enforcement officer whose primary job function is the enforcement of criminal laws and the prevention and detection of crime.

"Local school" means a training school approved by the council that provides noncertifying courses for its own employees.

"Professional development" means relevant training that will maintain, improve, or expand skills and knowledge to satisfy annual training and certification requirements.

"Psychologically suitable" means possessing the psychological characteristics, emotional stability, judgment, impulse control, integrity, stress tolerance, interpersonal functioning, behavioral reliability, and decision-making capacity necessary to safely and effectively perform the essential duties and exercise the authority of a law enforcement or reserve officer.

"Qualified licensed provider" means a health care provider with the necessary education, training, and state-mandated license to perform professional services within the provider's scope of practice.

"Reciprocity" means a pathway to certification that includes certification through examination, military reciprocity, or federal reciprocity.

"Regional training center" means a training center approved by the council that provides courses for level I academies, level II academies, or reserve officers.

"Regional training center coordinator" means the individual who is responsible for overseeing, implementing, and assessing course curriculum and instruction standards at a council-approved regional training center.

"Revocation" means the process by which the council removes an individual's certification.

"Service in the uniformed services" means the performance of duty on a voluntary or involuntary basis in a uniformed service as defined by the federal Uniformed Services Employment and Reemployment Rights Act of 1994 as amended to January 1, 2027.

"Successfully complete" means to demonstrate the ability to perform all practical skills safely, effectively, and within the standards outlined by the academy or to pass an academic assessment at 80 percent.

"Temporary holding facility" means the same as defined in 201—Chapter 51.

"Weapon" means any firearm, striking instrument, conductive energy device, or chemical agent authorized for use as a weapon by the employing agency.

This rule is intended to implement Iowa Code sections 80B.3, 80B.11, 80B.13, 80D.7, and 321.52.

501—1.2(80B,80D) Purpose of council. The council administers and enforces the provisions of Iowa Code chapters 80B and 80D and 501—Chapters 1 through 10 and 2504 through 2506. The mission of the council is to protect the health, safety, and welfare of the public by certifying qualified individuals as law enforcement officers and reserve officers. Responsibilities of the council include but are not limited to the following.

1.2(1) *Licensing and training.* Licensing qualified law enforcement officers and reserve officers who successfully complete a pathway to certification and providing basic training programs for jailers and public safety telecommunicators.

1.2(2) *Professional development.* Developing and administering a program of annual professional development requirements to ensure the continued competency of individuals certified and trained by the council.

1.2(3) *Discipline.* Imposing discipline on law enforcement officers and reserve officers as provided by statute and rule.

This rule is intended to implement Iowa Code sections 80B.2, 80B.11, 80B.11A, 80B.11C, 80B.13, and 80D.4A.

501—1.3(80B) Council proceedings.

1.3(1) *Meetings.* The majority of the council's meetings will be held at the academy, Camp Dodge, 7105 NW 70th Avenue, Building A41, Johnston, Iowa.

a. The council will annually, at its regularly scheduled meeting in June, elect a chair and vice chair from its membership to begin serving upon election.

b. The council will approve annual meeting dates by at least June 30.

c. The council may schedule special meetings called by the chair, upon request to the chair by six members of the council, or upon request of the director.

d. To be placed on the agenda, completed materials will be received at least ten days prior to a scheduled council meeting. Materials from emergency or unusual circumstances may be added to the agenda with the chair's approval.

e. Persons in attendance at council meetings may be granted an opportunity to speak on an issue before the council at the discretion of the chair. The length and frequency of public comment will be at the discretion of the chair.

f. The council will govern its meetings in accordance with Iowa Code chapter 21 and its proceedings by Robert's Rules of Order, Revised.

1.3(2) *Quorum and majority vote.* A quorum will consist of two-thirds of the currently appointed voting members of the council. Action of the council must be approved by a simple majority of the voting members present.

1.3(3) *Authority.* The council has the authority to:

a. Establish committees of the council.

b. Establish fees.

c. Hold a closed session if the council votes to do so in a public roll-call vote with an affirmative vote of at least two-thirds if the full council is present or a unanimous vote if fewer are present. The council will keep minutes of all discussion, persons present, and actions occurring at a closed session. The records will be stored securely at the academy.

d. Investigate alleged violations of statutes or rules that relate to the practice of licensees upon receipt of a complaint or upon the council's own initiation.

e. Initiate and impose licensee discipline.

f. Monitor licensees that are restricted by council order.

g. Approve curriculum for certifying law enforcement and reserve officers and approve curriculum for basic training of jailers and public safety telecommunicators.

h. Approve the operational standards of the academy's certifying courses, local and area schools, and regional training centers.

i. Develop and implement annual professional development requirements to ensure the continued competency of individuals certified by the council.

j. Perform any other functions authorized by a provision of law.

This rule is intended to implement Iowa Code sections 80B.7 and 80B.9 and chapter 21.

501—1.4(80B) Information, submissions or requests. General inquiries regarding the council, and all submissions to or requests of the council, will be made through the Director, Iowa Law Enforcement Academy, P.O. Box 130, Johnston, Iowa 50131 or at ileacouncil@iowa.gov.

This rule is intended to implement Iowa Code section 80B.9.

501—1.5(80B) Exigent action required. In the event exigent action is required by the council, the director or academy legal counsel may poll individual council members concerning the needed action. The vote of each member will be recorded and the agreement of a majority of voting members will constitute official action by the council. The action will be confirmed at the next scheduled council meeting and the reason for the action reflected in the minutes.

This rule is intended to implement Iowa Code sections 80B.9 and 80B.13.

501—1.6(80B) Audit of professional development. The council may select officers, jailers, or public safety telecommunicators for audit of professional development on an annual basis.

1.6(1) *Audit.* If selected for audit, the individual will provide documentation for professional development within 30 days of notice. The documentation will contain a training overview, instructor name, length of training, training date and location, and any training scores achieved. An extension of time may be granted on an individual basis.

1.6(2) *Record retention.* Professional development documentation will be maintained for three full calendar years.

1.6(3) *Incomplete or unsatisfactory documentation.* If the submitted documentation is incomplete or unsatisfactory, the individual may submit make-up credit to cover the deficit. The deadline for make-up credit is 90 days from the date of notice of deficit.

1.6(4) *Deficit.* Any remaining deficit after the 90-day make-up period will result in an investigative referral.

This rule is intended to implement Iowa Code sections 80B.11, 80B.11A, 80B.11C, 80B.13, 80B.13A, and 80D.4A.

501—1.7(80B,80D) Time tolled. Time requirements for obtaining certification, completing required training, renewing endorsements, and completion of mandatory professional development are tolled during the period an individual is absent from employment because of service in the uniformed services.

This rule is intended to implement Iowa Code sections 80B.11, 80B.11A, 80B.11C, 80B.13, 80B.13A, and 80D.4A and 38 U.S.C. §4301 through 4335.

501—1.8(17A,80B,80D) Uniform rules. 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 chapters are found in 501—paragraphs 2504.1(1)*"a"* through *"d,"* rules 501—2505.9(22,80B,80D) through 501—2505.12(22,80B,80D), and rule 501—2506.8(17A).

This rule is intended to implement Iowa Code section 17A.24.

501—1.9(80B,80D) Retrospective application. The council's rules, 501—Chapters 1 through 10 and 2504 through 2506, apply prospectively and retrospectively to all applications, violations, complaints, hearings, and dispositions, except where an informal or formal Council hearing has already begun.

This rule is intended to implement Iowa Code sections 80B.2, 80B.11, 80B.11A, 80B.11C, 80B.13, 80B.13A, and 80D.4A.

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ARC 0728D

LAW ENFORCEMENT ACADEMY[501]

Adopted and Filed

Rulemaking related to minimum standards for law enforcement and reserve officers

The Iowa Law Enforcement Academy Council hereby rescinds Chapter 2, "Minimum Standards for Iowa Law Enforcement Officers," and adopts a new Chapter 2, "Minimum Standards for Law Enforcement and Reserve Officers," Iowa Administrative Code.

Legal Authority for Rulemaking

This rulemaking is adopted under the authority provided in Iowa Code chapters 17A, 80B and 80D.

State or Federal Law Implemented

This rulemaking implements, in whole or in part, Iowa Code chapters 80B and 80D.

Purpose and Summary

Chapter 2 consolidates prior 501—Chapter 10 and describes the minimum standards that all law enforcement officers and reserve officers must meet before serving in a law enforcement capacity, as well as the hiring standards for certified officers with a break in law enforcement service or a change in level of service. As a part of the Red Tape Review required by Executive Order 10, this chapter was reviewed and revised.

Public Comment and Changes to Rulemaking

Notice of Intended Action for this rulemaking was published in the Iowa Administrative Bulletin on September 2, 2026, as **ARC 0535D**. Public hearings were held on the following date:

- September 29, 2026

No one attended the public hearings.

Changes from the Notice have been made. A clarification was made to subrule 2.1(9) to ensure it was clear that reserve officers were also required to meet the color vision standard.

Dr. Paul Ascheman provided suggestions for revisions to rules 501—2.2(80B,80D) and 501—2.3(80B,80D) based upon the training and licensure requirements for psychologists in Iowa and clarifications to the process for preemployment psychological evaluations. This also included a revision to subrule 2.1(5) to allow for approval of more than one background investigation form. Revisions to paragraph 2.2(3)"f" and subrule 2.4(1) were made to use a consistent, defined term.

Subrules 2.5(2), 2.5(3), and 2.5(4) were clarified to ensure the requirement to file a report of hire was clear. Paragraph 2.5(4)"a" was revised to require an officer to meet all minimum hiring standards, except for the cognitive test, after a break in service of more than three years before serving in a law enforcement capacity. Paragraph 2.5(4)"b" was revised to highlight the required attendance at the in-person skills course.

New rule 501—2.7(80B,80D) was added to clarify the process for the transition from a law enforcement certification to a reserve certification upon reaching 65 years of age due to Iowa Code provisions that indicate law enforcement officers cannot work past that age. The remaining rules were renumbered to retain organization.

Rule 501—2.8(80B,80D) was clarified by adding "actively employed" to the rule to ensure minimum standards are met by any officers without active employment.

Adoption of Rulemaking

This rulemaking was adopted by the Council on October 7, 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 Council for a waiver of the discretionary provisions, if any, pursuant to 7—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 January 1, 2027.

The following rulemaking action is adopted:

ITEM 1. Rescind 501—Chapter 2 and adopt the following **new** chapter in lieu thereof:

CHAPTER 2
MINIMUM STANDARDS FOR LAW ENFORCEMENT AND RESERVE OFFICERS

501—2.1(80B,80D) Minimum hiring standards for non-Iowa certified law enforcement and reserve applicants. All non-Iowa certified law enforcement and reserve applicants must meet the following minimum standards before serving in a law enforcement capacity or attending a certifying course:

2.1(1) Be a United States citizen.

2.1(2) Be 18 years of age.

2.1(3) Hold a valid driver's license.

2.1(4) Not be addicted to drugs or alcohol. An individual who has been convicted of a crime involving drugs or alcohol within two years or who has been charged more than once of operating a motor vehicle while intoxicated (OWI) does not meet this standard.

2.1(5) Be of good moral character as determined by a background investigation approved by the academy. A person is not of good moral character when:

a. Legally prohibited from possessing a firearm.

b. Convicted or adjudicated delinquent of:

(1) A sex offense or any offense that could result in placement on the sex offender registry; or

(2) Any offense in which a dangerous or offensive weapon was used in the commission.

c. Convicted of a serious misdemeanor, or higher, that caused physical or emotional harm to another.

d. Convicted of possessing with the intent to deliver or manufacture, delivering, or manufacturing a controlled substance.

e. Convicted of a crime involving dishonesty. This provision excludes convictions for:

(1) Purchasing or possessing alcohol or tobacco while underage; or

(2) Unlawfully possessing or controlling a driver's license or nonoperator ID card while under 21 years of age.

f. Charged with a felony regardless of disposition.

g. Engaged in any act of domestic violence or other domestic abuse, including other offenses or lesser included offenses stemming from domestic abuse.

h. Engaged in any act involving threats, harassment, or stalking of another person.

i. Placed on the child or dependent adult abuse registries.

2.1(6) Be free of personal conscience or belief that would oppose the use of reasonable force, including deadly force, when necessary for law enforcement duties.

2.1(7) Be eligible to secure a professional permit to possess a firearm.

2.1(8) Possess a high school diploma, general education development (GED), high school equivalency diploma (HSED), or a home school certificate of completion.

2.1(9) Have vision of, or corrected to, 20/20 and pass a color vision test without the aid of color corrective lenses as determined by a qualified licensed provider. As determined through testing, individuals with anomalous trichromatism or monochromasy color vision are not eligible to be hired as law enforcement or reserve officers.

2.1(10) Have normal hearing, or aided hearing that meets the hearing standard, in each ear as determined by a qualified licensed provider.

a. Normal hearing. Hearing is normal when, tested by an audiometer, hearing sensitivity thresholds are within 25 dB measured at 500 Hz, 1,000 Hz, 2,000 Hz and 3,000 Hz averaged together.

b. Aided hearing. An individual who fails to meet the hearing standard will have an evaluation by a qualified licensed provider to determine if the individual meets the hearing standard with the use of a prescribed hearing aid. The hearing standard is met if the individual demonstrates pure tone average of 25 dB hearing loss aided and is determined to have acceptable functional hearing.

2.1(11) Have not had any of the following occur:

a. A revocation or suspension of a certification or license;

b. Any action taken impacting a certification or license;

c. Denial of a path to certification or license; or

d. Dismissal from a basic training program due to a violation of the program handbook or an academic or skill failure.

2.1(12) Have not been charged with any criminal offense while certified or licensed as a law enforcement or reserve officer.

This rule is intended to implement Iowa Code sections 80B.11(1)*"a"* and *"f"* and 80D.2.

501—2.2(80B,80D) Minimum standards of physical fitness, cognitive testing, and psychological evaluation for non-Iowa certified law enforcement and reserve applicants. All non-Iowa certified law enforcement and reserve applicants must meet the following minimum standards before serving in a law enforcement capacity or attending a certifying course:

2.2(1) Physical fitness. Achieve a passing score on a physical test approved by the council for certification.

2.2(2) Cognitive test.

a. Achieve a validated, passing score on a cognitive test approved by the council.

b. The cognitive test is administered by an approved academy proctor or by the academy consistent with the testing protocols detailed by the cognitive test.

c. A cognitive test score is valid for one year from the date of testing.

2.2(3) Psychological evaluation.

a. Be determined to be psychologically suitable based on a psychological evaluation approved by the council.

b. An agency will order an evaluation through the academy and select an academy-approved psychologist. The academy will forward the request to the selected psychologist.

c. The psychologist will conduct a council-approved psychological evaluation that will include a review of an academy-approved background questionnaire, the psychological test results, and any prior evaluations and a clinical interview.

d. The psychologist will submit the completed clinic results form and evaluation report directly to the academy.

e. A psychological evaluation determination specific to a position as a law enforcement or reserve officer stands for one year from the date of the report unless stated otherwise.

f. An employing agency may request one second opinion from a psychological evaluation. To be valid, the second opinion will be provided by an approved psychologist who has reviewed the background questionnaire, the psychological test results, any prior evaluations, and the report from which the second opinion is requested.

This rule is intended to implement Iowa Code sections 80B.11(1)*"f"* and *"g"* and 80D.2.

501—2.3(80B,80D) Psychologist approval and evaluation administration.

2.3(1) Approval process for psychologists.

a. A psychologist will submit the academy's application for approval providing evidence of all of the following:

(1) An active Iowa license to independently practice psychology and an active Iowa certification as a health service provider in psychology;

(2) Approval as a qualified user by the assessment source;

(3) A description of training and supervised experience in conducting preemployment psychological evaluations for law enforcement service; and

(4) A signed attestation that the psychologist is competent to conduct preemployment psychological evaluations for law enforcement service, including familiarity with applicable research and laws, and uses the American Psychological Association professional practice guidelines for occupationally mandated psychological evaluations to guide professional practice.

b. To maintain approval, a psychologist will complete at least four hours of continuing education biannually relevant to the competencies needed for law enforcement psychological evaluations and provide verification to the academy upon request. Psychologists may choose from activities approved by the academy or continuing education consistent with licensing board requirements.

2.3(2) Test administration.

a. The academy will have prescheduled cognitive and supervised psychological testing dates. Nonscheduled testing may also be provided. Psychological testing may be performed by the approved psychologist when test results are shared with the academy's designated psychologist.

b. Cognitive test or psychological evaluation results will be provided by the academy to a hiring authority upon request as long as the applicant is not the hiring authority.

2.3(3) Cost of tests. The academy will establish and post fee schedules for testing services it delivers.

2.3(4) Test integrity.

a. Any issues related to testing integrity must be immediately reported to the director.

b. Test integrity violations will result in the invalidation of scores, the revocation of proctor status, and the revocation of academy approval for test administration.

c. Applicants will not have the right to inspect psychological evaluation reports, test results, or test materials.

This rule is intended to implement Iowa Code sections 80B.11(1)*"f"* and *"g"* and 80D.2.

501—2.4(80B,80D) Status forms.

2.4(1) *Report of hire.* The academy will be provided with a fully completed report of hire once all requirements have been met. Upon receipt of the signed attestation, the employing agency will be notified if the hire meets minimum hiring standards.

2.4(2) *Notice of election.* Consistent with Iowa Code chapter 80B and section 331.651(2)*"c,"* the academy will be provided with a fully completed notice of election prior to a sheriff taking office. Upon confirmation by the academy that minimum standards have been met, the sheriff will be notified that the sheriff's Iowa peace officer certification is approved for service.

2.4(3) *Separation.* The academy will be provided with the approved form within ten days of separation.

This rule is intended to implement Iowa Code sections 80B.11(1)*"a," "f,"* and *"g"*; 80B.13A(4); 80D.2; and 331.651(2)*"c."*

501—2.5(80B,80D) Minimum hiring standards for an individual with an Iowa law enforcement or reserve certification. An individual with an Iowa law enforcement or reserve certification must meet the following minimum standards before using the individual's certification when moving to a new or additional law enforcement agency.

2.5(1) If the break from Iowa law enforcement service is 180 days or less, complete a timely report of hire attesting there has not been a break in service of more than 180 days.

2.5(2) If the break from Iowa law enforcement service is more than 180 days but less than one year:

a. Be of good moral character as determined by a background investigation approved by the academy;

b. Complete a psychological evaluation consistent with the protocols detailed in rule 501—2.2(80B,80D); and

c. Complete a timely report of hire.

2.5(3) If the break from Iowa law enforcement service is between one and three years:

a. Complete the requirements of rule 501—2.1(80B,80D) and paragraph 2.5(2)*"b"*;

b. Complete all professional development training requirements of 501—subrule 4.1(4) within one year of hire; and

c. Complete a timely report of hire.

2.5(4) If the break from Iowa law enforcement service is longer than three years:

a. Complete the requirements of rules 501—2.1(80B,80D) and 501—2.2(80B,80D), excluding subrule 2.2(2), before serving in a law enforcement capacity;

b. Complete all professional development training requirements in 501—subrule 4.1(4), including the in-person skills course, within one year of hire; and

c. Complete a timely report of hire.

2.5(5) A certified law enforcement officer who left active Iowa law enforcement service to work at the academy will not be deemed to have a break in service if the individual complies with all annual professional development requirements beginning January 1, 2027, during the law enforcement officer's employment at the academy.

This rule is intended to implement Iowa Code sections 80B.11(1)*"b," "f,"* and *"g"* and 80D.2.

501—2.6(80B) Minimum hiring standards for an Iowa-certified reserve officer applying to become a law enforcement officer. A certified reserve officer who has not previously met the requirements of rules 501—2.1(80B,80D) and 501—2.2(80B,80D) must meet the minimum requirements of both rules before serving as a law enforcement officer.

This rule is intended to implement Iowa Code section 80B.11(1)*"b," "f,"* and *"g."*

501—2.7(80B,80D) Law enforcement officers reaching maximum age. A law enforcement officer's certification becomes inactive when the law enforcement officer reaches 66 years of age unless the law enforcement officer is an elected sheriff. The law enforcement officer's certification will reactivate if the law enforcement officer is later elected as a sheriff and complies with any break-in-service requirements from rule 501—2.5(80B,80D).

2.7(1) *Issuance of reserve officer certification.* The council may issue a reserve officer certification to a law enforcement officer who submits a request on the approved form. The law enforcement officer will submit the request after reaching 65 years of age but no later than 180 days after reaching 66 years of age.

2.7(2) *Requirement for reserve officer training.* A law enforcement officer who fails to request the certification within the time frame established in subrule 2.7(1) will be required to complete reserve officer training to obtain the certification.

2.7(3) *Officers having attained 66 years of age.* As of January 1, 2027, law enforcement officers having already reached 66 years of age may submit a request for a reserve officer certification on the approved form by July 1, 2027, without having to complete reserve officer training.

This rule is intended to implement Iowa Code sections 321.477, 330A.8(16), 331.903(6), and 362.10.

501—2.8(80B,80D) Officers in agencies under intergovernmental agreements. A jurisdiction entering into an intergovernmental agreement under the provisions of Iowa Code chapter 28E for the sharing of law enforcement services and personnel does not need to verify minimum hiring standards for actively employed law enforcement personnel if an agreement is filed and recorded as required by Iowa law and a certified copy is provided to the director. Minimum hiring standards must be met when a unified law enforcement district is established as defined in Iowa Code section 28E.21.

This rule is intended to implement Iowa Code sections 80B.11(1)*"i"* and 80D.1(1).

501—2.9(80B,80D) Higher standards permitted. Although an individual may not serve in a law enforcement capacity without meeting these minimum standards, civil service commissions or agencies may establish additional standards.

This rule is intended to implement Iowa Code sections 80B.11(1)*"i"* and 80D.2.

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EDITOR'S NOTE: For replacement pages for IAC, see IAC Supplement 11/11/26.

ARC 0729D

LAW ENFORCEMENT ACADEMY[501]

Adopted and Filed

Rulemaking related to certification of law enforcement and reserve officers

The Iowa Law Enforcement Academy Council hereby rescinds Chapter 3, "Certification of Law Enforcement Officers," and adopts a new Chapter 3, "Certification of Law Enforcement and Reserve Officers," Iowa Administrative Code.

Legal Authority for Rulemaking

This rulemaking is adopted under the authority provided in Iowa Code chapters 17A, 80B and 80D.

State or Federal Law Implemented

This rulemaking implements, in whole or in part, Iowa Code chapters 80B and 80D.

Purpose and Summary

Chapter 3 describes the certification standards and timelines for law enforcement officers and reserve officers, the various pathways to obtain certification and eligibility requirements for each, and the curriculum for each pathway. As part of the Red Tape Review required by Executive Order 10, this chapter was reviewed and revised.

Public Comment and Changes to Rulemaking

Notice of Intended Action for this rulemaking was published in the Iowa Administrative Bulletin on September 2, 2026, as **ARC 0521D**. Public hearings were held on the following date:

- September 29, 2026

No one attended the public hearings. No public comments were received.

Changes from the Notice have been made. Subrules 3.1(2) and 3.1(4) and paragraph 3.16(1)"c" were revised to use a consistent, defined term. Subrule 3.4(2) was revised to increase the minimum academic examination average from 70 to 80 percent. This change aligns testing standards with the complex legal and operational demands of modern law enforcement, ensuring candidates demonstrate subject-matter proficiency and competency prior to licensure. Rules 501—3.7(80B) and 501—3.8(80B) were clarified because the current physical test is normed. Subrule 3.11(1) was revised to increase the time in which a sponsored applicant needs to file an application to attend basic academy to ensure there is enough time to complete and verify minimum hiring standards. Subrule 3.13(2) was revised to rename the in-person skills week to a course. Rule 501—3.14(80B,80D) was revised to ensure the required curriculum for reserve officers is consistent with rule 501—3.6(80B,80D). Subparagraph 3.16(1)"a"(2) was revised to require an updated fingerprint check prior to the submission of reserve weapons applications.

Adoption of Rulemaking

This rulemaking was adopted by the Council on October 7, 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 Council for a waiver of the discretionary provisions, if any, pursuant to 7—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 January 1, 2027.

The following rulemaking action is adopted:

ITEM 1. Rescind 501—Chapter 3 and adopt the following **new** chapter in lieu thereof:

CHAPTER 3
CERTIFICATION OF LAW ENFORCEMENT AND RESERVE OFFICERS

501—3.1(80B,80D) Certification timeline for law enforcement and reserve officers.

3.1(1) *Certification.* All law enforcement and reserve officers must be certified through the successful completion of training through a certifying course in order to remain eligible for employment. Law enforcement and reserve officers must be certified within one year of their initial employment.

a. A person elected or appointed sheriff must complete a basic training course as provided by Iowa Code section 331.651(2)*"c"* within one year of taking office.

b. A sheriff who does not complete the physical training requirements will be awarded a qualification for service in the county in which the sheriff was elected or appointed upon completion of the basic training course.

3.1(2) *Extension of time.* The council may, at its discretion, extend the one-year time period in which a law enforcement or reserve officer must become certified for up to 180 days after a showing of undue hardship by the law enforcement or reserve officer or the law enforcement or reserve officer's employing or appointing agency. Extensions will not be liberally granted and will only be granted after a showing that all other alternatives to an extension have been considered and rejected.

3.1(3) *Automatic extension.* The one-year time period in which a law enforcement officer must become certified is automatically extended for 180 days for a law enforcement officer who is enrolled in a level I or level II training course within 12 months of initial appointment. For purposes of this subrule, "enrolled" means physically present in and currently attending the certifying course.

3.1(4) *Time calculation.* The time period within which a person must obtain certification as a law enforcement or reserve officer begins on the day a person is first employed as a law enforcement officer or appointed as a reserve officer in the state of Iowa. Subsequent changes to employment status, including transfers to a different employing or appointing agency, will not toll or otherwise extend the certification period.

3.1(5) *Failure to obtain certification.* Should a person employed as a law enforcement or reserve officer fail to obtain certification within the time period or any extensions allowed, that person will not be eligible for employment as and will not serve as a law enforcement or reserve officer in the state of Iowa for a period of not less than 12 months. The period of ineligibility begins on the date the person last worked as a law enforcement officer or reserve officer.

This rule is intended to implement Iowa Code sections 80B.11(1)*"b,"* 80B.17, 80D.4, 80D.4A, and 331.651(2).

501—3.2(80D) State certification for reserve officers appointed prior to July 1, 2007. If a reserve officer appointed prior to July 1, 2007, with agency certification only transfers to another agency, the reserve officer will be considered a new reserve officer and subject to the 12-month training requirement and minimum hiring standards for state certification.

This rule is intended to implement Iowa Code section 80D.3(3)*"b."*

501—3.3(80B,80D) Minimum standards for certifying courses. The level I and level II academies will meet the requirements of nondegree programs under the federal veterans educational assistance Acts.

3.3(1) The standard certifying courses at an approved law enforcement training facility are:

a. Level I academy, consisting of at least 640 hours, with a minimum of 224 hours practical application including real world scenario-based training led by approved instructors or delivered through academy-approved online training modules; and

b. Level II academy, consisting of at least 440 hours, with a minimum of 154 hours practical application including real world scenario-based training led by approved instructors or delivered through academy-approved online training modules.

3.3(2) Alternative certifying courses at an approved law enforcement training facility consist of written assessments and skills proficiency led by approved instructors, including:

a. Certification through examination (out-of-state reciprocity);

b. Military or federal reciprocity; and

c. Reserve officer training.

This rule is intended to implement Iowa Code sections 80B.11(1)*"a," "b," "d,"* and *"e"*; 80D.4A; and 80B.11B(4).

501—3.4(80B) Minimum standards for Iowa law enforcement certification upon completion of level I or level II academy. An individual will meet all of the following minimum standards to earn an Iowa law enforcement officer certification upon completion of a level I academy or a level II academy:

3.4(1) Successfully complete 100 percent of the course curriculum hours unless otherwise approved in advance by the director;

3.4(2) Attain an average of 80 percent or greater on academic examinations;

3.4(3) Successfully complete the firearms curriculum, including a qualifying score of not less than 80 percent on three of four handgun qualification courses of fire, the approved low-light handgun course of fire, the approved shotgun course of fire, and three of four rifle courses of fire;

3.4(4) Successfully complete the vehicle operations curriculum, including all courses and scenarios;

3.4(5) Successfully complete the defensive tactics curriculum, including all evaluations of techniques and scenarios;

3.4(6) Actively participate and progress in the physical training program and pass the physical training test at the required standard;

3.4(7) Actively participate in all practical skills and life skills applications; and

3.4(8) Successfully complete all evaluated assignments, scenarios, and exercises.

This rule is intended to implement Iowa Code sections 80B.11(1)*"a," "b," "d,"* and *"e"* and 80B.13(3).

501—3.5(80B) Minimum standards for Iowa law enforcement certification upon completion of a reciprocity course. An individual will successfully complete the standards in rule 501—3.4(80B), excluding subrule 3.4(6) and pass the physical training test at the required standard, in order to earn an Iowa law enforcement officer certification upon completion of a reciprocity course.

This rule is intended to implement Iowa Code sections 80B.11(1)*"a," "b," "d,"* and *"e"* and 80B.13(3).

501—3.6(80B,80D) Minimum standards for Iowa certification for reserve officers. An individual will successfully complete the standards in rule 501—3.4(80B), excluding subrules 3.4(3) and 3.4(6), to earn an Iowa reserve officer certification upon completion of the reserve officer course. Weapons certification(s) are issued consistent with rule 501—3.16(80D).

This rule is intended to implement Iowa Code sections 80B.13(3), 80D.3, 80D.4, and 80D.4A.

501—3.7(80B) Qualifications for attendance at level I academy. An individual meeting the requirements of Iowa Code section 80B.11E may apply for attendance at a level I academy. Approval may be granted when an individual provides confirmation of meeting all minimum standards and passes the physical test approved by the council.

This rule is intended to implement Iowa Code sections 80B.11(1)*"a"* and 80B.11E.

501—3.8(80B) Qualifications for attendance at level II academy. An individual may apply for attendance at a level II academy when the individual provides confirmation of meeting all minimum standards, passes the physical test approved by the council, and meets one of the following.

3.8(1) *Police science or criminal justice degree.* The individual obtains at least 20 credit hours dedicated to police science or criminal justice coursework in which a grade no lower than C- is reflected on the submitted transcript from which a degree is awarded within three years of applying.

3.8(2) *Reciprocity application.* The individual is granted approval by the council after consideration of a reciprocity application under Iowa Code section 80B.11H(4).

This rule is intended to implement Iowa Code sections 80B.11(1)*"a,"* 80B.11D, and 80B.11H.

501—3.9(80B) Qualifications for out-of-state reciprocity. Law enforcement officers certified by another state may apply for out-of-state reciprocity or extended reciprocity. The council will consider evidence of meeting the requirements of Iowa Code section 80B.11F and information received by the council in granting approval of the application.

3.9(1) *Eligibility criteria.* The following minimum criteria will be met for the council to consider an applicant for certification through reciprocity:

a. Successful completion of a minimum 440-hour certifying basic law enforcement training course, for which certification has not been withdrawn or suspended by the certifying state.

b. One year of employment as a full-time certified law enforcement officer in the three-year period preceding the application.

3.9(2) *Application and testing periods.* Failure to apply for reciprocity prior to beginning employment in Iowa may result in the applicant being required to attend a standard certifying course.

3.9(3) *Extended reciprocity.* The council may authorize an individual meeting all reciprocity qualifications to complete an extended reciprocity course at the academy or an approved regional training center.

This rule is intended to implement Iowa Code section 80B.11F.

501—3.10(80B) Evaluation of applications for military or federal reciprocity. The council will evaluate an applicant's accredited police training by comparing training hours for each functional area of the academy's approved curriculum to those completed by the applicant via a training equivalency form. Course descriptions, lesson plans, curriculum overview, or any combination will be used to determine the equivalency comparison.

3.10(1) An applicant's failure to provide the necessary information for the council to determine equivalency for any training may result in credit being denied for that training.

3.10(2) An applicant approved for military or federal reciprocity will successfully complete the curriculum identified in rule 501—3.13(80B).

3.10(3) If an applicant is not approved for entry into the military or federal reciprocity program, or if requested by the applicant, the council will evaluate an applicant for entry into a level II academy based upon completed training and relevant experience to Iowa law enforcement practice.

This rule is intended to implement Iowa Code section 80B.11H.

501—3.11(80B) Training of a sponsored individual.

3.11(1) An individual not yet hired as an Iowa sworn law enforcement officer will submit a complete application packet provided by the academy, with the established administrative fee, at least 60 days in advance of the start of the certifying course.

a. The fees to attend a standard certifying course at the academy will be collected as follows:

(1) 25 percent at the end of week one.

(2) 25 percent at the end of week two.

(3) 25 percent at the end of week three.

(4) The remaining fees are due by the end of the fourth week or the individual will be dismissed from the academy.

b. The fees to attend a certifying course at an approved law enforcement regional training center will be collected as determined by that entity.

3.11(2) Once employed by an Iowa law enforcement agency and having all minimum hiring requirements confirmed by the academy, the individual will complete firearms qualifications with their duty weapon at the academy.

3.11(3) Certification will be granted if, within 18 months of successful completion of the approved certifying course, the individual successfully completes the firearms qualification.

This rule is intended to implement Iowa Code sections 80B.11D and 80B.11E.

501—3.12(80B) Level I and level II curriculum. An academy-aligned training curriculum for a level I academy and level II academy will be initially approved by the director and confirmed by the council.

3.12(1) The curriculum will be derived from the academy's Iowa job task analysis not more than seven years old and includes:

a. Core concepts.

(1) American policing and community.

(2) Officer development and wellness.

(3) Investigative procedures.

(4) Legal knowledge and applications.

(5) Patrol procedures.

(6) Use of force.

b. Core skills.

(1) Communication and report writing.

(2) Life skills, including physical training, basic first aid, and interacting with people in crisis.

(3) Practical skills, including chemical spray, defensive tactics, firearms, vehicle operations, vehicle stops, and standardized field sobriety testing.

c. Core competencies.

(1) Critical thinking.

(2) Deliberation and decision making.

(3) Self-awareness and management.

(4) Observation and perception.

(5) Verbal influence and de-escalation.

3.12(2) Training will include course materials, written assignments, formative and summative assessments, and relevant performance tasks or practical exercises where recruits are assessed over a variety of criteria.

3.12(3) Changes to the council-approved curriculum or completion standards will be approved by the director and confirmed by the council.

This rule is intended to implement Iowa Code sections 80B.11(1)*"a," "b," "d," "e"* and 80B.13(3).

501—3.13(80B) Reciprocity curriculum. An academy-aligned training curriculum for reciprocity will be initially approved by the director and confirmed by the council.

3.13(1) The curriculum will include:

a. Core concepts of legal knowledge and application.

b. Core skills to include firearms, standardized field sobriety testing, defensive tactics, vehicle operations, physical training, and basic first aid.

c. Core competencies from paragraph 3.12(1)*"c."*

3.13(2) Training will include course materials, formative and summative assessments, and relative performance tasks or practical exercises where law enforcement officers are assessed over a variety of criteria at an in-person skills course at the academy.

3.13(3) Changes to the council-approved curriculum or completion standards will be approved by the director.

This rule is intended to implement Iowa Code sections 80B.11F(2), 80B.11H, and 80B.13(3).

501—3.14(80B,80D) Reserve officer curriculum.

3.14(1) An academy-aligned training curriculum for reserve officers will be initially approved by the director and confirmed by the council. The curriculum will include the following.

a. Core concepts from paragraph 3.12(1)*"a."*

b. Core skills from paragraph 3.12(1)*"b,"* excluding physical training and training for standardized field sobriety testing and any identified weapons or chemical spray the reserve officer will not be authorized to carry.

c. Core competencies from paragraph 3.12(1)*"c."*

3.14(2) Training will include course materials, written assignments, formative and summative assessments, and relative performance tasks or practical exercises where reserve officers are assessed over a variety of criteria.

This rule is intended to implement Iowa Code sections 80B.13(3), 80D.3, 80D.4, 80D.4A, and 80D.7.

501—3.15(80B,80D) Special certification. In consideration of the varying factors and special requirements of law enforcement agencies, special certifying training courses may be initially developed and approved by the director and confirmed by the council.

This rule is intended to implement Iowa Code sections 80B.11(1)*"a"* and *"b,"* 80B.13(1), 80B.13(3), 80B.13(5), 80D.4, and 80D.4A.

501—3.16(80B,80D) Weapons certification.

3.16(1) Weapons certification for reserve officers. Weapons training is not required for any weapons a reserve officer is not authorized to carry. The process to apply for a weapons certification from the council is as follows.

a. Application process. The reserve officer will submit a complete application for weapons certification to the council.

(1) The application will be on the approved form.

(2) The application will include confirmation that the applicant is of good moral character as defined in 501—subrule 2.1(5), verified by a fingerprint-based criminal history record check completed within 30 days of receipt of the application.

b. Temporary weapons certification. A temporary weapons certification may be granted upon completion of the approved curriculum taught by a qualified instructor for each authorized weapon. A qualified instructor will hold the correct practical skills endorsement or be an approved instructor for a third-party vendor when an endorsement is not offered by the council.

(1) The director may grant initial approval for a temporary weapons certification if the reserve officer meets the eligibility criteria, which will be confirmed by the council.

(2) The temporary weapons certification will expire on the earliest of the following dates:

1. The date the reserve officer successfully completes reserve officer training;

2. The deadline by which the reserve officer is required to complete reserve officer training including any council-approved extensions;

3. The end of the reserve officer's appointment; or

4. The council approves a permanent weapons certification.

c. Permanent weapons certification. A permanent weapons certification expires when a reserve officer ends their employment with the employing agency and begins on the date:

(1) The reserve officer successfully completes reserve officer training and a reserve officer certification is issued; or

(2) The council confirms the weapons certification for a certified reserve officer.

3.16(2) Weapons certifications for law enforcement officers serving as reserve officers. Certified law enforcement officers may be certified to carry weapons as reserve officers without repeating the required weapons training. The process to apply for a weapons certification from the council is as follows.

a. Application process. The law enforcement officer will submit a complete application for weapons certification on the approved form to the council.

(1) The application will include confirmation that the academy has approved the law enforcement officer's report of hire as a reserve officer.

(2) The application will include confirmation that the law enforcement officer has successfully completed the training curriculum for each weapon for which approval is requested.

(3) A law enforcement officer seeking approval for firearms will also provide the following:

1. Confirmation that the law enforcement officer has fired a qualifying score of 80 percent or higher on an academy-approved course of fire within the past 12 months that was conducted by another law enforcement officer having a firearms instructor endorsement; and

2. Confirmation that firearms training was successfully completed under the law enforcement officer's Iowa certifying course; and

3. Confirmation that the individual is serving as a law enforcement officer for another department at the time of appointment as a reserve officer, or served as a law enforcement officer within 12 months immediately preceding appointment as a reserve officer.

b. Temporary weapons certification. The director may grant initial approval for a temporary weapons certification if the law enforcement officer meets the eligibility criteria.

c. Final weapons certification. A final weapons certification will be issued upon confirmation by the council.

3.16(3) A certified reserve officer with a weapons certification transferring to a new law enforcement agency with a less than 180-day break in service will complete an application to carry weapons for the new agency and file the application with the academy within 30 days of the transfer. Failure to timely complete the weapons application will require weapons certification training and qualification.

3.16(4) A certified reserve officer with a break in service greater than 180 days will complete weapons certification training and provide confirmation as provided in paragraph 3.16(1)*"a."*

3.16(5) A reserve officer serving more than one Iowa law enforcement agency at the same time will be certified by the council to carry weapons for each agency in compliance with Iowa Code section 80D.7. The reserve officer need not complete weapons training for each agency, but all agencies will maintain duplicate training records for the reserve officer.

This rule is intended to implement Iowa Code sections 80B.13(3), 80D.3, 80D.4, 80D.4A, and 80D.7.

501—3.17(80B,80D) More extensive certifying course curricula not prohibited. Approved local and area schools and regional training centers may exceed the approved curriculum.

This rule is intended to implement Iowa Code sections 80B.11, 80B.11F, 80B.11H, 80D.4, and 80D.4A.

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EDITOR'S NOTE: For replacement pages for IAC, see IAC Supplement 11/11/26.

ARC 0730D

LAW ENFORCEMENT ACADEMY[501]

Adopted and Filed

Rulemaking related to professional development

The Iowa Law Enforcement Academy Council hereby rescinds Chapter 4, "Instructor Certification Criteria for the Training of Peace Officers, Reserve Officers, Jailers and Public Safety Telecommunicators," and adopts a new Chapter 4, "Professional Development," Iowa Administrative Code.

Legal Authority for Rulemaking

This rulemaking is adopted under the authority provided in Iowa Code chapters 17A, 80B and 80D.

State or Federal Law Implemented

This rulemaking implements, in whole or in part, Iowa Code chapters 80B and 80D.

Purpose and Summary

Chapter 4 describes the professional development that all employed law enforcement and reserve officers must complete each year and the documentation requirements for their records. As a part of the

Red Tape Review required by Executive Order 10, this chapter was reviewed and revised. The former content from this chapter was moved to a revised 501—Chapter 5 in **ARC 0731D** (IAB 11/11/26).

Public Comment and Changes to Rulemaking

Notice of Intended Action for this rulemaking was published in the Iowa Administrative Bulletin on September 2, 2026, as **ARC 0522D**. Public hearings were held on the following date:

- September 22, 2026

No one attended the public hearings. No public comments were received.

Changes from the Notice have been made. Paragraph 4.1(3)"c" was removed and the content moved to new rule 501—4.2(80B,80D) to clarify that the professional development for emergency vehicle operations statutory immunity is optional but provides the standards for officers who wish to be eligible for that immunity. Paragraph 4.1(4)"c" was clarified to make clear an officer with a break in service of more than three years will be required to complete all elements of the in-person skills course and will earn professional development credit for those hours. Rule 501—4.3(80B,80D) was added to clarify the requirements for officers wanting to be eligible to perform pursuit intervention techniques, and the remaining rules were renumbered.

Adoption of Rulemaking

This rulemaking was adopted by the Council on October 7, 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 Council for a waiver of the discretionary provisions, if any, pursuant to 7—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 January 1, 2027.

The following rulemaking action is adopted:

ITEM 1. Rescind 501—Chapter 4 and adopt the following **new** chapter in lieu thereof:

CHAPTER 4
PROFESSIONAL DEVELOPMENT

501—4.1(80B,80D) Professional development requirements. The agency administrator will ensure compliance with professional development requirements for all agency law enforcement and reserve officers. All employed law enforcement and reserve officers will comply with the following professional development requirements.

4.1(1) *Mandatory annual professional development and certification requirements.* Annual courses include:

a. Two firearms training sessions with passing qualifications, to include one daylight qualification and one low-light qualification, on the academy-approved courses of fire for issued or authorized duty weapon(s), both of which are conducted by another law enforcement officer having a firearms instructor endorsement.

(1) Qualifications and any remediation will be conducted consistent with the academy course of fire guidelines.

(2) Handgun qualification on an academy-approved course of fire must be completed when a law enforcement or reserve officer has a change of issued or authorized duty weapon prior to carrying the handgun while on duty.

(3) This subrule does not apply to reserve officers who are not authorized to carry a firearm.

b. Ethical decision making.

c. De-escalation/communication with people in crisis.

d. Mental health.

e. Fair policing.

f. Human trafficking.

g. Officer resiliency and wellness.

4.1(2) *Mandatory annual general professional development.* A minimum of 12 additional hours of law enforcement-related professional development approved by the employing agency administrator.

4.1(3) *Mandatory additional professional development.*

a. Mandatory reporter core training curriculum for child and dependent adult abuse consistent with the time frames set forth in Iowa Code section 232.69(3)*"b."*

b. Cardiopulmonary resuscitation (CPR), automated external defibrillator (AED) and foreign body airway obstruction for all age groups consistent with nationally recognized standards.

4.1(4) *Professional development for officers with a break in service.* A certified law enforcement or reserve officer with a break in service from Iowa law enforcement will complete the following professional development within one year of hire:

a. If the break in service is more than one year, all professional development outlined in subrules 4.1(1) and 4.1(2) and any additional professional development needed from subrule 4.1(3).

b. If the break in service is from one to three years, the professional development in paragraph 4.1(4)*"a"* and a minimum of 30 additional general professional development hours.

c. If the break in service is more than three years, the professional development in paragraph 4.1(4)*"a"* and a minimum of 60 additional general professional development hours.

(1) The law enforcement or reserve officer is required to attend the in-person skills course from 501—paragraph 2.5(4)*"b"* and successfully complete any prerequisites, skill checks, practical skills, and assessments included in the course.

(2) The law enforcement or reserve officer will receive credit for participation in the skills course toward the 60 general professional development hours and any mandatory professional development covered from paragraph 4.1(4)*"a."*

d. General professional development completed for a break in service will be related to the duties the law enforcement or reserve officer is performing.

This rule is intended to implement Iowa Code sections 80B.11(1)*"b," "c,"* and *"d"*; 80B.11G; 80D.3; and 80D.4A.

501—4.2(80B,80D) Professional development for emergency vehicle operations. To be eligible for the immunity granted by Iowa Code section 321.231B, the law enforcement or reserve officer will complete the following.

4.2(1) *Initial emergency vehicle operations curriculum.* The academy-approved initial emergency vehicle operations curriculum includes education on emergency vehicle operation legal issues, vehicle control, and emergency and pursuit driving, and practical courses with a law enforcement officer having a driving instructor endorsement.

4.2(2) *Ongoing training.* An academy-approved qualification course is required every three years with a law enforcement officer having a driving instructor endorsement.

This rule is intended to implement Iowa Code sections 80B.11(1)*"b"* and *"c"* and 321.231B.

501—4.3(80B,80D) Professional development for pursuit intervention technique. To be eligible to perform the pursuit intervention techniques as set forth in Iowa Code section 321.231(4), the law enforcement or reserve officer will complete curriculum approved by the academy with a law enforcement officer having a driving instructor endorsement.

This rule is intended to implement Iowa Code sections 80B.11(1)*"b"* and *"c"* and 321.231.

501—4.4(80F) Professional development on interviewing/investigating an officer subject to a complaint. An individual who performs or supervises an investigation of a law enforcement or reserve officer who is the subject of a complaint will receive a minimum of two hours of professional development on each of the following areas before performing or supervising an investigation:

1. The fundamentals of interviewing; and
2. Peace officer, public safety, and emergency personnel bill of rights; Garrity warning; and peace officer disciplinary hearing with applicable agency policy, conducted by a licensed attorney familiar with Iowa law.

This rule is intended to implement Iowa Code section 80F.1(21).

501—4.5(80B,80D) Instructors.

4.5(1) Unless otherwise indicated, professional development may be developed and instructed by any individual deemed qualified by the law enforcement agency administrator.

4.5(2) An instructor providing instruction for a law enforcement-related training area, as determined by the law enforcement agency administrator, may receive the credit for the professional development.

This rule is intended to implement Iowa Code sections 80B.11(1)*"c," "d,"* and *"e"*; 80D.3; and 80D.4A.

501—4.6(80B,80D) Recordkeeping. The law enforcement agency administrator will ensure that professional development and qualification records are regularly maintained and that the records are made available for inspection upon request of the council. Professional development records will include the following:

1. An overview of the training;
2. The name of the instructor who conducted the training;
3. The name of the individual who completed the training;
4. The length of the training;
5. The date and location where the training took place; and
6. The scores, if any, achieved by the law enforcement or reserve officer to show proficiency in or understanding of the subject matter.

This rule is intended to implement Iowa Code sections 80B.11(1)*"b," "c,"* and *"k"* and 80D.4A.

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EDITOR'S NOTE: For replacement pages for IAC, see IAC Supplement 11/11/26.

ARC 0731D

LAW ENFORCEMENT ACADEMY[501]

Adopted and Filed

Rulemaking related to endorsements

The Iowa Law Enforcement Academy Council hereby rescinds Chapter 5, "Approved Regional Law Enforcement Training Facility," and adopts a new Chapter 5, "Endorsements," Iowa Administrative Code.

Legal Authority for Rulemaking

This rulemaking is adopted under the authority provided in Iowa Code chapters 17A, 80B and 80D.

State or Federal Law Implemented

This rulemaking implements, in whole or in part, Iowa Code chapters 80B and 80D.

Purpose and Summary

Chapter 5 describes the practical skills endorsements, content endorsements, and other endorsements that the Council will issue to eligible law enforcement officers, reserve officers, jail administrators, jailers, public safety telecommunicators, Academy staff instructors, and other professional partners who meet the qualifications for the endorsement. As part of the Red Tape Review required by Executive Order 10, this chapter was reviewed and revised. The former content from this chapter was moved to a revised 501—Chapter 8 in **ARC 0734D** (IAB 11/11/26).

Public Comment and Changes to Rulemaking

Notice of Intended Action for this rulemaking was published in the Iowa Administrative Bulletin on September 2, 2026, as **ARC 0523D**. Public hearings were held on the following date:

- September 22, 2026

No one attended the public hearings. No public comments were received.

Changes from the Notice have been made. Firearms was moved from a Practical Skills Instructor Endorsement level I to level II, resulting in the restructuring of this chapter to separate the practical skills endorsement levels into separate divisions, include prerequisite and professional development requirements, and renumber the remaining rules.

Adoption of Rulemaking

This rulemaking was adopted by the Council on October 7, 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 Council for a waiver of the discretionary provisions, if any, pursuant to 7—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 January 1, 2027.

The following rulemaking action is adopted:

ITEM 1. Rescind 501—Chapter 5 and adopt the following **new** chapter in lieu thereof:

CHAPTER 5
ENDORSEMENTS

PRACTICAL SKILLS INSTRUCTOR ENDORSEMENTS

501—5.1(80B,80D) Practical skills instructor endorsements. All individuals providing practical instruction at the academy or through approved local and area schools and regional training centers will have the necessary practical instructor endorsement as determined by the director.

5.1(1) *Academy staff instructor endorsement.* Academy staff instructors are eligible for endorsements in the areas of instruction for which they are qualified and will meet the minimum experience and training for each endorsement area except active employment by a law enforcement agency.

5.1(2) *Practical skills instructor endorsement level I.* Certified Iowa law enforcement officers are eligible for specialty endorsements for rifle, standard field sobriety testing, driving, RADAR/LiDAR, and bicycle.

5.1(3) *Practical skills instructor endorsement level II.* Certified Iowa law enforcement officers, Iowa correctional officers, Iowa jailers, and Iowa jail administrators are eligible for endorsements for firearms (handgun/shotgun), defensive tactics, and chemical spray.

This rule is intended to implement Iowa Code sections 80B.11(1)*"k,"* 80B.11A, and 80D.4A.

PRACTICAL SKILLS INSTRUCTOR ENDORSEMENTS LEVEL I

501—5.2(80B,80D) Minimum qualifications for practical skills instructor endorsements level I. Minimum experience and training includes:

5.2(1) Three years of experience as a certified law enforcement officer with specialized knowledge or skill in the subject area to be instructed;

5.2(2) Being actively employed in good standing by an Iowa law enforcement agency, the Iowa department of corrections, or a council-approved regional training center; and

5.2(3) Successful completion of the applicable endorsement training course, including instructor development.

This rule is intended to implement Iowa Code sections 80B.11(1)*"k,"* 80B.11A, and 80D.4A.

501—5.3(80B,80D) Prerequisites for practical skills instructor endorsements level I. Before enrolling in a rifle instructor endorsement course, a law enforcement officer will hold a firearms instructor endorsement and score at least 90 percent on an academy-approved course of fire within the preceding 12 months. The firearms instructor endorsement must be maintained to retain the rifle instructor endorsement.

This rule is intended to implement Iowa Code sections 80B.11(1)*"k,"* 80B.11A, and 80D.4A.

501—5.4(17A,80B,80D) Award of practical skills instructor endorsements.

5.4(1) *Awarding of endorsement.* Applicants meeting all minimum qualifications may register for a practical skills instructor endorsement training course. The practical skills instructor endorsement will be awarded upon the successful completion of the instructor endorsement course.

5.4(2) *Denial of endorsement.* If an applicant fails to earn a practical skills instructor endorsement after completion of the instructor endorsement course and any allowed remediation, the applicant

may file a written notice of appeal to the council within 30 days of the denial as set forth in rule 7—2506.4(17A). A hearing will be held by the council within 90 days of the receipt of the appeal.

This rule is intended to implement Iowa Code sections 17A.12, 80B.11(1)*"k,"* 80B.11A, and 80D.4A.

501—5.5(80B,80D) Practical skills instructor endorsement period. All endorsements will be issued through the end of the third calendar year. An endorsement may be renewed if an applicant is actively employed by an Iowa law enforcement agency, the Iowa department of corrections, or a council-approved regional training center; remains in good standing; and successfully completes the applicable instructor renewal course prior to the expiration of the endorsement. Failure to renew prior to expiration will require an applicant to earn a new endorsement.

This rule is intended to implement Iowa Code sections 80B.11(1)*"k,"* 80B.11A, and 80D.4A.

PRACTICAL SKILLS INSTRUCTOR ENDORSEMENTS LEVEL II

501—5.6(80B,80D) Minimum qualifications for practical skills instructor endorsements level II. Minimum experience and training includes:

5.6(1) Three years of experience as a certified law enforcement officer or three years post-basic training course as an Iowa correctional officer, Iowa jailer, or Iowa jail administrator with specialized knowledge or skill in the subject area to be instructed;

5.6(2) Being actively employed in good standing by an Iowa law enforcement agency, the Iowa department of corrections, or a council-approved regional training center; and

5.6(3) Successful completion of the applicable endorsement training course, including instructor development.

This rule is intended to implement Iowa Code sections 80B.11(1)*"k,"* 80B.11A, and 80D.4A.

501—5.7(80B,80D) Prerequisites for practical skills instructor endorsements level II. The following prerequisites will be met before enrollment in a practical skills instructor endorsement level II course.

5.7(1) *Firearms instructor endorsement.* A qualification score of at least 90 percent on an academy-approved course of fire in the last 12 months. Iowa correctional officers, Iowa jailers, and Iowa jail administrators will also meet the following prerequisites:

a. The minimum hiring standards in rules 501—2.1(80B,80D) and 501—2.2(80B,80D); and

b. Successful completion of the academy-approved curriculum for firearms from an instructor with a firearms instructor endorsement.

5.7(2) *Defensive tactics instructor endorsement.* Iowa correctional officers, Iowa jailers, and Iowa jail administrators will successfully complete the academy-approved curriculum for defensive tactics from an instructor with a defensive tactics endorsement.

This rule is intended to implement Iowa Code sections 80B.11(1)*"k,"* 80B.11A, and 80D.4A.

501—5.8(17A,80B,80D) Award of practical skills instructor endorsements level II.

5.8(1) *Awarding of endorsement.* Applicants meeting all minimum qualifications may register for a practical skills instructor endorsement training course. The practical skills instructor endorsement will be awarded upon the successful completion of the instructor endorsement course.

5.8(2) *Denial of endorsement.* If an applicant fails to earn a practical skills instructor endorsement after completion of the instructor endorsement course and any allowed remediation, the applicant may file a written notice of appeal to the council within 30 days of the denial as set forth in rule 7—2506.4(17A). A hearing will be held by the council within 90 days of the receipt of the appeal.

This rule is intended to implement Iowa Code sections 17A.12, 80B.11(1)*"k,"* 80B.11A, and 80D.4A.

501—5.9(80B,80D) Practical skills instructor endorsement period. All endorsements will be issued through the end of the third calendar year. An endorsement may be renewed if an applicant is actively employed by an Iowa law enforcement agency, the Iowa department of corrections, or a council-

approved regional training center; remains in good standing; successfully completes the applicable instructor renewal course prior to the expiration of the endorsement; and completes any applicable professional development below.

5.9(1) *Firearms endorsement for Iowa correctional officers, Iowa jailers, and Iowa jail administrators.* Instructors will provide evidence of the following annual professional development: two firearms training sessions with passing qualifications, to include one daylight qualification and one low-light qualification, on the academy-approved courses of fire for issued or authorized duty weapon(s), both of which are conducted by another instructor having a firearms instructor endorsement.

a. Qualifications and any remediation will be conducted consistent with the academy course of fire guidelines.

b. Handgun qualification on an academy-approved course of fire must be completed when an instructor has a change of issued or authorized duty weapon prior to carrying the handgun while on duty.

5.9(2) *Failure to timely renew.* Failure to renew prior to expiration will require an applicant to earn a new endorsement.

This rule is intended to implement Iowa Code sections 80B.11(1)*"k,"* 80B.11A, and 80D.4A.

CONTENT INSTRUCTOR ENDORSEMENTS

501—5.10(80B,80D) Content instructor endorsements. Certified law enforcement officers, jailers, jail administrators, public safety telecommunicators, or other individuals providing instruction at the academy or through approved local or area schools, regional training centers, or a basic training course on subjects requiring a specialized academic degree, training, licensure, or experience will have the necessary instructor endorsement as determined by the director, subject to council approval.

This rule is intended to implement Iowa Code sections 80B.11(1)*"j"* and *"k,"* 80B.11A, and 80D.4A.

501—5.11(80B,80D) Minimum qualifications for content instructor endorsements. Minimum experience by profession includes successful completion of an instructor development course through the academy and the following:

5.11(1) Certified law enforcement officer. Three years of certified experience, aptitude or experience in the subject area to be instructed, and confirmation from the academy or a current license or training entity endorsement, if relevant.

5.11(2) Jail administrator or jailer. Three years of experience postcompletion of the basic training course, aptitude or experience in the subject area to be instructed, and confirmation from the academy or a current license or training entity endorsement, if relevant.

5.11(3) Public safety telecommunicator. Three years of experience postcompletion of the basic training course and aptitude or experience in the subject area to be instructed.

5.11(4) Professionals. Successful completion of relevant training or at least a baccalaureate degree in the subject area or a related field unless further education is required; confirmation by the academy of a current license or certification in the subject area; and appropriate reputation, conduct, stability and ability.

This rule is intended to implement Iowa Code sections 80B.11(1)*"j"* and *"k,"* 80B.11A, and 80D.4A.

501—5.12(80B,80D) Prerequisites for certain content instructor endorsements. The following prerequisites will be met before the award of a content instructor endorsement in the following subject areas:

5.12(1) Arson and bombing content instructor endorsement. Completion of a specialty school in police/military explosives handling and a recognized arson school.

5.12(2) Collision investigation content instructor endorsement. Completion of a two-week collision investigation school at the academy or an equivalent training approved by the academy.

5.12(3) Fingerprint content instructor endorsement. Completion of the basic and advanced Federal Bureau of Investigation fingerprint schools or an equivalent training approved by the academy.

5.12(4) Drug recognition content instructor endorsement. Identified as an instructor in the Iowa drug recognition experts and instructor directory.

5.12(5) Evidentiary breath testing device content instructor endorsement. Completion of a training program that results in trainer designation in the technology to be taught in the course.

5.12(6) Tactical medicine instructor endorsement. Completion of a course in tactical medicine approved by the academy or maintenance of a current emergency medical care provider or higher level of medical certification.

5.12(7) Less lethal instructor endorsement. Completion of a course approved by the academy in less lethal training.

This rule is intended to implement Iowa Code sections 80B.11(1)*"j"* and *"k,"* 80B.11A, and 80D.4A.

501—5.13(17A,80B,80D) Application for content instructor endorsement. Applicants seeking a content instructor endorsement(s) will submit an application to the council.

5.13(1) *Granting of endorsement.* Approval for a content instructor endorsement will be granted at the discretion of the council and evaluated on meeting minimum education, background, training, and experience.

5.13(2) *Denial of endorsement.* If the council denies an application for a content instructor endorsement, the applicant may file a written notice of appeal to the council within 30 days of the denial as set forth in rule 7—2506.4(17A). A hearing will be held by the council within 90 days of the receipt of the appeal.

This rule is intended to implement Iowa Code sections 17A.12, 80B.11(1)*"j"* and *"k,"* 80B.11A, and 80D.4A.

501—5.14(80B,80D) Content instructor endorsement period. All endorsements will be issued for a period of three years. An endorsement may be renewed if an applicant remains in good standing; completes a one-hour, in-person or online instructor development course; and submits a renewal application to the council. Failure to renew prior to expiration will require an applicant to earn a new endorsement.

This rule is intended to implement Iowa Code sections 80B.11(1)*"j"* and *"k,"* 80B.11A, and 80D.4A.

OTHER ENDORSEMENTS

501—5.15(80B,80D) Other endorsements. Other endorsements include the following.

5.15(1) *Salvage theft examiner endorsement.* The endorsement for certified Iowa law enforcement officers performing salvage theft examinations.

5.15(2) *H.R. 218 qualification endorsement.* The endorsement for federal law enforcement agents or officers performing H.R. 218 qualifications for retired qualified law enforcement officers.

5.15(3) *Law Enforcement Officers Safety Act (LEOSA)/H.R. 218 endorsement.* The endorsement for retired qualified law enforcement officers to carry concealed firearms.

This rule is intended to implement Iowa Code sections 80B.11(1)*"k,"* 80B.11A, 80D.4A, and 321.52(4)*"d."*

501—5.16(80B,80D) Minimum qualifications for other endorsements.

5.16(1) *Salvage theft examiner endorsement.* Minimum qualifications include certification as a law enforcement officer employed by an agency participating in the salvage vehicle theft examination program.

5.16(2) *H.R. 218 qualification endorsement.* Minimum qualifications include having an academy firearms instructor endorsement or active approval as a firearms instructor from a federal law enforcement agency or the federal law enforcement training center.

5.16(3) *LEOSA/H.R. 218 endorsement.* Minimum qualifications include a signed academy questionnaire and successful completion of the academy qualification course.

This rule is intended to implement Iowa Code sections 80B.11(1)*"k,"* 80B.11A, 80D.4A, and 321.52(4)*"d."*

501—5.17(80B,80D) Award of other endorsements.

5.17(1) *Salvage theft examiner endorsement.* Applicants meeting minimum qualifications for the endorsements may register for an approved salvage vehicle theft examination training course. The endorsement will be awarded upon the successful completion of the course.

5.17(2) *H.R. 218 qualification endorsement.* Applicants meeting the minimum qualifications will receive the endorsement upon confirmation by the academy.

5.17(3) *LEOSA/H.R. 218 endorsement.* Applicants meeting the minimum qualifications will receive the endorsement upon the presentation of an approved academy questionnaire and successful completion of the academy qualification course.

This rule is intended to implement Iowa Code sections 80B.11(1)*"k,"* 80B.11A, 80D.4A, and 321.52(4)*"d."*

501—5.18(17A,80B,80D) Denial of other endorsements. If an applicant fails to earn an endorsement for which they meet minimum qualifications and have successfully completed all requirements, the applicant may file a written notice of appeal to the council within 30 days of the denial as set forth in rule 7—2506.4(17A). A hearing will be held by the council within 90 days of the receipt of the appeal.

This rule is intended to implement Iowa Code sections 17A.12, 80B.11(1)*"k,"* 80B.11A, 80D.4A, and 321.52(4)*"d."*

501—5.19(80B,80D) Other endorsement period.

5.19(1) *Salvage theft examiner endorsement.*

a. The endorsement will be issued for a period of three years.

b. An endorsement may be renewed if an applicant remains in good standing and successfully completes an approved four-hour salvage vehicle theft refresher course prior to expiration of the endorsement. Failure to renew prior to expiration will require an applicant to earn a new endorsement.

5.19(2) *H.R. 218 qualification endorsement.*

a. The endorsement will be issued for a corresponding time period as the active firearms instructor approval or a maximum period of three years.

b. An endorsement may be renewed if an applicant remains in good standing and submits documentation of active firearms instructor approval prior to expiration of the endorsement.

5.19(3) *LEOSA/H.R. 218.* The endorsement will be issued for a period of one year.

This rule is intended to implement Iowa Code sections 80B.11(1)*"k,"* 80B.11A, 80D.4A, and 321.52(4)*"d."*

ALL ENDORSEMENTS

501—5.20(17A,80B,80D) Revocation or suspension of any endorsement. Any endorsement may be revoked or suspended in writing at the discretion of the council or director, subject to subsequent council approval. The individual may file a written notice of appeal to the council within 30 days of the revocation or suspension as set forth in rule 7—2506.4(17A). A hearing will be held by the council within 90 days of the receipt of the appeal.

5.20(1) *Good standing.* Good standing determination is at the sole discretion of the council or director, subject to subsequent council approval. A person who has been dismissed for good cause from previous employment; who leaves, voluntarily quits, or whose position is eliminated when disciplinary action was imminent or pending that could have resulted in removal for good cause; who has had a probable cause finding in the disciplinary process; who has engaged in dishonorable conduct; or who has been disciplined for a concern involving the subject area of the endorsement is not considered to be in good standing for purposes of this chapter.

5.20(2) *Responsibility for areas of instruction and proper endorsement.* It is the personal responsibility of the instructor to ensure that the instructor is only providing instruction for topics that

the instructor is endorsed to instruct. Failure to adhere to this provision is a basis for revocation or suspension of instructor endorsements.

5.20(3) *Contested cases.* If the revocation or suspension of an endorsement relates to a contested case, the matters will be heard together.

This rule is intended to implement Iowa Code sections 17A.12, 80B.11(1)*"k,"* 80B.11A, 80D.4A, and 321.52(4)*"d."*

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EDITOR'S NOTE: For replacement pages for IAC, see IAC Supplement 11/11/26.

ARC 0732D

LAW ENFORCEMENT ACADEMY[501]

Adopted and Filed

Rulemaking related to code of professional conduct

The Iowa Law Enforcement Academy Council hereby rescinds Chapter 6, "Decertification," and adopts a new Chapter 6, "Code of Professional Conduct," Iowa Administrative Code.

Legal Authority for Rulemaking

This rulemaking is adopted under the authority provided in Iowa Code chapters 17A, 80B and 80D.

State or Federal Law Implemented

This rulemaking implements, in whole or in part, Iowa Code chapters 80B and 80D.

Purpose and Summary

Chapter 6 describes the process for licensing investigations, the ethical standards for licensed law enforcement and reserve officers, and possible licensing sanctions for violations of those standards. As part of the Red Tape Review required by Executive Order 10, this chapter was reviewed and revised.

Public Comment and Changes to Rulemaking

Notice of Intended Action for this rulemaking was published in the Iowa Administrative Bulletin on September 2, 2026, as **ARC 0537D**. Public hearings were held on the following date:

- September 30, 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 Council on October 7, 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 Council for a waiver of the discretionary provisions, if any, pursuant to 7—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 January 1, 2027.

The following rulemaking action is adopted:

ITEM 1. Rescind 501—Chapter 6 and adopt the following **new** chapter in lieu thereof:

CHAPTER 6
CODE OF PROFESSIONAL CONDUCT

501—6.1(80B,80D) Authority. The council has the authority to impose discipline for any violations of Iowa Code chapter 80B or the rules promulgated thereunder.

This rule is intended to implement Iowa Code sections 80B.11(1)*"h,"* 80B.13, 80B.13A, and 80D.4A.

501—6.2(80B,80D) Complaints. The council may, upon receipt of a notice of separation, upon receipt of a written or verbal complaint, or upon its own action, review and investigate alleged acts or omissions that may violate the council's rules or that are related to the professional conduct of a certified law enforcement or reserve officer. In instances where it is unclear if there is a potential violation, the director has the authority to conduct a preliminary inquiry to determine the existence or nonexistence of potential violations.

This rule is intended to implement Iowa Code sections 80B.11(1)*"h,"* 80B.13, 80B.13A, and 80D.4A.

501—6.3(80B,80D) Officer reports to council. A law enforcement or reserve officer will report any of the following to the council within 30 days of the occurrence:

6.3(1) A change in personal contact information where the law enforcement or reserve officer can be contacted by the council;

6.3(2) Any disciplinary action taken by a certifying authority in another state or jurisdiction;

6.3(3) Any criminal conviction for a serious misdemeanor or above; or

6.3(4) Any finding that the law enforcement or reserve officer is not suitable for law enforcement service.

This rule is intended to implement Iowa Code sections 80B.11(1)*"h,"* 80B.13, 80B.13A, and 80D.4A.

501—6.4(80B,80D) Agency administrator reports to council. An agency administrator report to the council will include the name and contact information of the involved law enforcement or reserve officer and the date, time, and place of the incident. An agency administrator who has knowledge of the following will make a report to the council within ten days of the occurrence:

6.4(1) A rule violation subject to a mandatory revocation under subrule 6.7(1);

6.4(2) A finding that a law enforcement or reserve officer is not fit for law enforcement service under paragraph 6.7(2)*"h"*; or

6.4(3) A determination that a law enforcement or reserve officer is unable to practice with reasonable skill and safety by reason of mental or physical impairment under paragraph 6.7(2)*"h."*

This rule is intended to implement Iowa Code sections 80B.11(1)*"h,"* 80B.13, 80B.13A, and 80D.4A.

501—6.5(80B,80D) Investigation of complaints or reports. The council's investigatory staff may request additional information, solicit a response from the law enforcement or reserve officer, subpoena records, conduct interviews, gather evidence, and perform other investigatory duties to sufficiently conduct a licensing investigation.

6.5(1) *Confidentiality of investigative files.* Complaint, report, and investigative files in the possession of the council or its agents that relate to law enforcement or reserve officer discipline are confidential under Iowa Code section 80B.13A(5).

6.5(2) *Council consideration.* The council will consider all investigations and may take any of the following actions.

a. Administrative closure. If a determination is made that the case is without merit, the council may close the case without further investigation.

b. Further inquiry. If a determination is made to order further inquiry, the council will return the investigation to the investigator with a statement specifying the information requested.

c. Finding of no probable cause. If a determination is made that the evidence does not substantiate a violation of the code of professional conduct, the council may find it does not have probable cause to proceed and close the case.

d. Accepting the case. If a determination is made that probable cause exists to conclude the code of professional conduct has been violated, the council may direct the academy's counsel to negotiate a combined statement of charges and settlement agreement or to file a statement of charges on behalf of the council. In determining whether to pursue formal discipline, the council may consider:

(1) Whether the alleged violation was an isolated incident;

(2) Whether the alleged violation was serious enough to warrant a hearing by the council;

(3) Whether there is sufficient evidence to support the complaint; or

(4) Whether adequate steps have been taken to remedy the violation and to ensure that incidents of a similar nature do not occur in the future.

This rule is intended to implement Iowa Code sections 80B.11(1)*"h,"* 80B.13, 80B.13A, and 80D.4A.

501—6.6(17A,80B,80D) Issuance of investigatory subpoenas.

6.6(1) *Issuance.* The director may issue investigatory subpoenas on behalf of the council, in accordance with the provisions of Iowa Code section 17A.13, for evidence that is necessary for the council to decide whether to initiate a contested case proceeding.

6.6(2) *Contents of subpoena.* Each subpoena will contain:

a. The name and address of the person to whom the subpoena is directed;

b. A description of the books, papers, records, or other real evidence requested;

c. The date, time, and location for production or inspection and copying;

d. The deadline for a motion to quash or modify the subpoena to be filed;

e. The signature, address, and telephone number of the director;

f. The date of issuance;

g. A return of service.

6.6(3) *Motion to quash or modify.* A person can challenge the subpoena by filing a motion to quash that describes the legal justification for the motion and includes a legal brief or factual affidavits within 14 days after service of the subpoena.

6.6(4) *Timely filing of motion.* Upon receipt of a timely filed motion to quash or modify a subpoena, the council will issue a decision. The council may quash or modify the subpoena, deny the motion, or issue an appropriate protective order.

6.6(5) *Judicial review.* If the person contesting the subpoena is not the person under investigation, the council's decision is final for purposes of judicial review. If the person contesting the subpoena is the person under investigation, the council's decision is not final for purposes of judicial review until either:

a. The person is notified that the investigation has been concluded with no formal action, or

b. There is a final decision in the contested case.

This rule is intended to implement Iowa Code sections 17A.13, 80B.11(1)*"h,"* 80B.13(9), 80B.13A, and 80D.4A.

501—6.7(80B,80D) Code of professional conduct.

6.7(1) *Mandatory revocation.* The council must revoke a law enforcement officer or reserve officer's certification for:

a. A conviction for a felony or an offense that would be a felony if committed in Iowa;

b. Manufacturing, selling, or conspiring to manufacture or sell an illegal drug other than as an authorized act in connection with official duties;

c. A conviction for a misdemeanor crime of domestic violence or other domestic abuse including other offenses or lesser included offenses stemming from domestic abuse;

d. A conviction for any offense classified as a tier I, tier II, or tier III sex offense in Iowa Code chapter 692A or an offense that would be classified as a sex offense subject to registry placement if committed in Iowa;

e. Being discharged for serious misconduct, as defined by Iowa Code section 80B.13A(1)*"b,"* from employment as a law enforcement officer or from appointment as a reserve officer;

f. Leaving, voluntarily quitting, or being laid off when a disciplinary investigation or action was imminent or pending that could have resulted in the law enforcement officer being discharged or the reserve officer being removed for serious misconduct;

g. A conviction for any offense under prior laws of this state or another jurisdiction that is comparable to an offense listed in paragraphs 6.7(1)*"a"* through *"d."*

6.7(2) *Discretionary revocation.* The council, at its discretion, may revoke or suspend a law enforcement officer or a reserve officer's certification for the following.

a. Fraud in procuring a certification. Fraud in procuring a certification is falsifying or omitting any material information to obtain certification.

b. Dishonorable conduct. Dishonorable conduct is conduct that lacks integrity, betrays public trust, and brings discredit to the profession whether committed on duty or off, in this state or elsewhere. Dishonorable conduct includes but is not limited to:

(1) Criminal conduct whether charged or not. A conviction for a crime is conclusive evidence of dishonorable conduct but is not required.

(2) Sexual misconduct while on duty.

(3) An inappropriate relationship, sexual or otherwise, with a person who the law enforcement or reserve officer knows or should have known is a victim, defendant, or informant in an ongoing investigation or case.

(4) Unauthorized use or unlawful conversion of the employing agency's property, equipment, or funds.

(5) Intentional and unauthorized disclosure of confidential information or information that may compromise an official investigation.

(6) Harassment or intimidation.

(7) Civil rights violations or abuse of law enforcement powers.

c. Dishonesty. Dishonesty includes making an untrue, misleading, deceptive, or fraudulent verbal or written communication, whether in connection with official duties or not. Proof of actual injury does not need to be shown.

d. Under the influence on duty. Presenting for duty or being on duty while under the influence of, possessing, using, or consuming alcohol, illegal or unauthorized drugs, or abusing legal drugs other than in connection with official duties.

e. Employing agency recommendation. Receiving a recommendation that revocation or suspension of the law enforcement officer or reserve officer's certification would be appropriate from the law enforcement or reserve officer's current or former employing agency. The recommendation will be in writing and will set forth the reasons why the action is being recommended, the findings of the employing agency concerning the matter, the action taken by the employing agency, and that the action by the agency is final.

f. Attorney general recommendation. Receiving a recommendation that revocation or suspension of the law enforcement officer or reserve officer's certification would be appropriate from the attorney general pursuant to Iowa Code section 13.12.

g. Discipline. Failing to notify the council within 30 days after a criminal conviction of a serious misdemeanor or above or a final decision entered by the licensing authority of another state, territory, or country which decision resulted in a certification revocation, suspension, or other disciplinary sanction even if such action was taken voluntarily.

h. Not suitable or fit for law enforcement. Being found not suitable or fit for law enforcement service on a psychological evaluation or the inability of a law enforcement or reserve officer to practice with reasonable skill and safety by reason of mental or physical impairment.

i. Professional development compliance. Failing to comply with the requirements of 501—Chapter 4 relative to professional development.

j. Mandatory report. Failing to file a report with the council concerning the acts or omissions committed by another law enforcement or reserve officer in violation of rule 501—6.4(80B,80D).

k. Council order. Failing to comply with a council order.

l. Child support obligations. Failing to comply with 501—Chapter 7 concerning child support obligations.

m. State or local debt. Failing to comply with 501—Chapter 7 concerning payment of debt to state or local governments.

This rule is intended to implement Iowa Code sections 80B.11(1)*"h,"* 80B.13, 80B.13A, 80D.4A, 252J.8, 252J.9, 272D.8, and 252D.9.

501—6.8(80B,80D) Nondisciplinary relinquishment of certification. A certified law enforcement officer or reserve officer may voluntarily relinquish their certification when a complaint is not pending or likely to be forthcoming. In relinquishing a certification, the law enforcement or reserve officer must waive the right to a hearing before the council and notify the council of the intent to relinquish the certification. The council may issue an order accepting the nondisciplinary relinquishment. A nondisciplinary relinquishment is a permanent relinquishment of a certification.

This rule is intended to implement Iowa Code sections 80B.13 and 80D.4A.

501—6.9(17A,80B,80D) Settlement agreements.

6.9(1) *Combination agreements.* Upon a finding that probable cause exists to take public disciplinary action, the council and the law enforcement or reserve officer may enter into a combined statement of charges and settlement agreement. Combination agreements are voluntary, and a law enforcement or reserve officer is not entitled to be offered a combination agreement. A combination agreement will include a brief statement of the charges, the circumstances that led to the charges, and the terms of settlement. By electing to sign a combined agreement, the law enforcement or reserve officer waives the right to a contested case hearing. A combined agreement is a public record under Iowa Code chapter 22.

6.9(2) *Contested case settlement.* Any contested case may be resolved by a settlement agreement prior to hearing.

6.9(3) *Settlement approval.* All settlements will be submitted to the council for approval. By signing the combination or settlement agreement, the law enforcement or reserve officer authorizes the

council's representative or the prosecuting attorney to have ex parte communications with the council related to the agreement.

6.9(4) *Disapproval of settlement.* If the council fails to approve a settlement, it will be of no force or effect to either party and will not be admissible at hearing. Upon rejecting a proposed agreement, the council may suggest alternative terms that the law enforcement or reserve officer is free to accept or reject.

This rule is intended to implement Iowa Code sections 17A.10, 17A.17, 80B.11(1)*"h,"* 80B.13, 80B.13A, and 80D.4A.

501—6.10(80B,80D) Reinstatement. A law enforcement officer or reserve officer whose certification has been suspended and wants to be reinstated must apply to the council for reinstatement once the terms and conditions of the order of suspension have been met. A law enforcement or reserve officer whose certification has been revoked is not eligible for reinstatement.

6.10(1) All proceedings for reinstatement will be initiated by the law enforcement officer or reserve officer by filing an application for reinstatement with the council.

6.10(2) An application for reinstatement must allege facts that, if established, will be sufficient to enable the council to determine that the basis for the suspension of the law enforcement or reserve officer's certification no longer exists and that it is in the public interest for the certification to be reinstated. The burden of proof to establish such facts will be on the law enforcement or reserve officer.

6.10(3) An order denying or granting reinstatement that incorporates findings of fact and conclusions of law will be issued by the council. The council may grant reinstatement with or without conditions.

This rule is intended to implement Iowa Code sections 80B.11(1)*"h,"* 80B.13, 80B.13A, and 80D.4A.

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ARC 0733D

LAW ENFORCEMENT ACADEMY[501]

Adopted and Filed

Rulemaking related to child support noncompliance and nonpayment of state and local debt

The Iowa Law Enforcement Academy Council hereby rescinds Chapter 7, "Public Records and Fair Information Practices," and adopts a new Chapter 7, "Child Support Noncompliance and Nonpayment of State and Local Debt," Iowa Administrative Code.

Legal Authority for Rulemaking

This rulemaking is adopted under the authority provided in Iowa Code chapters 80B and 80D and section 17A.1.

State or Federal Law Implemented

This rulemaking implements, in whole or in part, Iowa Code chapters 80B and 80D.

Purpose and Summary

Chapter 7 describes the process for revocation, suspension, or denial of a license for child support noncompliance or nonpayment of State and local debt as required by Iowa Code chapters 252J and

272D. As part of the Red Tape Review required by Executive Order 10, this chapter was reviewed and revised. The former content from this chapter was revised and moved to 501—Chapter 2505.

Public Comment and Changes to Rulemaking

Notice of Intended Action for this rulemaking was published in the Iowa Administrative Bulletin on September 2, 2026, as **ARC 0524D**. Public hearings were held on the following date:

- September 22, 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 Council on October 7, 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 Council for a waiver of the discretionary provisions, if any, pursuant to 7—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 January 1, 2027.

The following rulemaking action is adopted:

ITEM 1. Rescind 501—Chapter 7 and adopt the following **new** chapter in lieu thereof:

CHAPTER 7
CHILD SUPPORT NONCOMPLIANCE AND NONPAYMENT OF STATE AND LOCAL DEBT

501—7.1(252J,272D) Definitions. For the purposes of this chapter, the following definitions apply:

"Certification" means a license as defined in Iowa Code sections 252J.1 and 272D.1.

"Officer" means a law enforcement officer or reserve officer.

This rule is intended to implement Iowa Code sections 252D.9, 252J.8, 252J.9, and 272D.8.

CHILD SUPPORT NONCOMPLIANCE

501—7.2(252J) Definition. For the purposes of this division, the following definition applies:

"Certificate of noncompliance" means the same as defined in Iowa Code section 252J.1.

This rule is intended to implement Iowa Code sections 252J.8 and 252J.9.

501—7.3(252J) Child support certificates of noncompliance. The council will revoke, suspend, or deny the issuance of an officer's certification upon the receipt of a certificate of noncompliance from the child support recovery unit consistent with Iowa Code chapter 252J. In addition to the procedures set forth in Iowa Code chapter 252J, the rules in this chapter apply.

7.3(1) Notice required by Iowa Code section 252J.8 will be served upon the officer by restricted certified mail, return receipt requested, or personal service in accordance with Iowa Rule of Civil Procedure 1.305; or the acceptance of service by the officer personally or through authorized counsel.

7.3(2) The effective date of the revocation, suspension, or denial is 60 days following service of the notice upon the officer.

7.3(3) The director is authorized to prepare and serve the notice required by Iowa Code section 252J.8 upon the officer.

7.3(4) Officers are responsible for keeping the council informed of all court actions and all child support recovery unit actions taken under or in connection with Iowa Code chapter 252J, including providing the council copies, within seven days of filing or issuance, of applications filed with the district court pursuant to Iowa Code section 252J.9, court orders entered in such actions, and withdrawals of certificates of noncompliance by the child support recovery unit.

7.3(5) All council fees for applications or certification training must be paid by the officer before an officer's certification will be issued or reinstated after the council has denied the issuance or reinstatement of a certification pursuant to Iowa Code chapter 252J.

7.3(6) An officer may file an application with the district court within 30 days of service of a council notice pursuant to Iowa Code sections 252J.8 and 252J.9. The filing of the application stays the council's action until the council receives a court order lifting the stay, dismissing the action, or otherwise directing the council to proceed. For purposes of determining the effective date of the revocation, suspension, or denial, the council 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.

7.3(7) The council will notify the officer in writing within ten days of the effective date of the revocation, suspension, or denial of a certification, and will similarly notify the officer when the certification is issued or reinstated following the council's receipt of a withdrawal of the certificate of noncompliance.

This rule is intended to implement Iowa Code sections 252J.8 and 252J.9.

NONPAYMENT OF STATE OR LOCAL DEBT

501—7.4(272D) Definition. For the purposes of this division, the following definition applies:

"Certificate of noncompliance" means the same as defined in Iowa Code section 272D.1.

This rule is intended to implement Iowa Code sections 252D.9 and 272D.8.

501—7.5(272D) State or local debt certificates of noncompliance. The council will revoke, suspend, or deny the issuance of an officer's certification upon the receipt of a certificate of noncompliance from the centralized collection unit of the department of revenue consistent with Iowa Code chapter 272D. In addition to the procedures set forth in Iowa Code chapter 272D, the rules in this chapter apply.

7.5(1) Notice required by Iowa Code section 272D.8 will be served upon the officer by restricted certified mail, return receipt requested, or personal service in accordance with Iowa Rule of Civil Procedure 1.305; or the acceptance of service by the officer personally or through authorized counsel.

7.5(2) The effective date of the revocation, suspension, or denial is 60 days following service of the notice upon the officer.

7.5(3) The director is authorized to prepare and serve the notice required by Iowa Code section 272D.8 upon the officer.

7.5(4) Officers are responsible for keeping the council informed of all court actions and all actions of the department of revenue taken under or in connection with Iowa Code chapter 272D, including providing the council copies, within seven days of filing or issuance, of applications filed with the district court pursuant to Iowa Code section 272D.9, court orders entered in such actions, and withdrawals of certificates of noncompliance by the centralized collection unit.

7.5(5) All council fees for applications or certification training must be paid by the officer before an officer's certification will be issued or reinstated after the council has denied the issuance or reinstatement of a certification pursuant to Iowa Code chapter 272D.

7.5(6) An officer may file an application with the district court within 30 days of service of a council notice pursuant to Iowa Code sections 272D.8 and 272D.9. The filing of the application stays the council's action until the council receives a court order lifting the stay, dismissing the action, or otherwise directing the council to proceed. For purposes of determining the effective date of the revocation, suspension, or denial, the council 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.

7.5(7) The council will notify the officer in writing within ten days of the effective date of the revocation, suspension, or denial of a certification, and will similarly notify the officer when the certification is issued or reinstated following the council's receipt of a withdrawal of the certificate of noncompliance.

This rule is intended to implement Iowa Code sections 252D.9 and 272D.8.

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EDITOR'S NOTE: For replacement pages for IAC, see IAC Supplement 11/11/26.

ARC 0734D

LAW ENFORCEMENT ACADEMY[501]

Adopted and Filed

Rulemaking related to local schools, area schools, and regional training centers

The Iowa Law Enforcement Academy Council hereby rescinds Chapter 8, "Mandatory In-Service and Specialty Training Requirements," and adopts a new Chapter 8, "Local Schools, Area Schools, and Regional Training Centers," Iowa Administrative Code.

Legal Authority for Rulemaking

This rulemaking is adopted under the authority provided in Iowa Code chapters 17A, 80B and 80D.

State or Federal Law Implemented

This rulemaking implements, in whole or in part, Iowa Code chapters 80B and 80D.

Purpose and Summary

Chapter 8 replaces prior content that was moved to 501—Chapter 4 in **ARC 0730D** herein and describes the general provisions, application processes, and responsibilities for local schools, area schools, and regional training centers. As part of the Red Tape Review required by Executive Order 10, this chapter was reviewed and revised.

Public Comment and Changes to Rulemaking

Notice of Intended Action for this rulemaking was published in the Iowa Administrative Bulletin on September 2, 2026, as **ARC 0525D**. Public hearings were held on the following date:

- September 30, 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 Council on October 7, 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 Council for a waiver of the discretionary provisions, if any, pursuant to 7—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 January 1, 2027.

The following rulemaking action is adopted:

ITEM 1. Rescind 501—Chapter 8 and adopt the following **new** chapter in lieu thereof:

CHAPTER 8
LOCAL SCHOOLS, AREA SCHOOLS, AND REGIONAL TRAINING CENTERS

501—8.1(80B,80D) General provisions.

8.1(1) *General standards.* All aspects of the local school, area school, or regional training center will be in compliance with these rules before any request from a school or regional training center is eligible for consideration.

8.1(2) *Course approval.* Each scheduled course will be approved by the council prior to the start of instruction.

This rule is intended to implement Iowa Code sections 80B.11(1)*"a"* and *"k,"* 80B.13(1), 80B.13(5), and 80D.4A.

501—8.2(17A,80B) Application for approval of local school for jailers.

8.2(1) *Application.* Applications for a local school for jailers will be accepted when a fully completed application is submitted to the council on the approved form.

8.2(2) *Evaluation considerations.* The council will consider standardization of training, academic qualifications (including but not limited to training schedule, curriculum, structure, instructor credentials, and experience), facilities and equipment, and any other relevant factors.

8.2(3) *Denial.* The council will issue a written decision if the application for the local school for jailers is denied within 90 days of receipt of the application.

8.2(4) *Appeal.* If the council denies an application for a local school for jailers, a written appeal may be filed according to rule 7—2506.28(17A) or Iowa Code section 17A.19.

This rule is intended to implement Iowa Code sections 17A.19, 80B.11(1)*"k,"* 80B.11A, 80B.13(1), and 80B.13(5).

501—8.3(17A,80B) Application for approval of area school for jailers.

8.3(1) *Application.* Applications for an area school for jailers will be accepted when a fully completed application is submitted to the council on the approved form.

8.3(2) *On-site inspection.* An inspection of a proposed area school may be conducted by designated members of the council, with or without advance notice to the school. Any visit will include inspection of facilities, equipment, training procedures, instructional materials, and program materials and discussion of the proposed training philosophy with key personnel.

8.3(3) *Informal hearing.* An application for an area school will be heard by the council within 90 days of the facility inspection or receipt of the complete application, whichever is later. The provisions in Iowa Code chapter 17A concerning contested cases are not applicable to the informal hearing on the application.

8.3(4) *Evaluation considerations.* The council will consider the organization of the area school, standardization of training, academic qualifications (including but not limited to training schedule, curriculum, structure, instructor credentials, and experience), facilities and equipment, and any other relevant factors.

8.3(5) *Written decision.* The council will issue a written decision approving or denying the application for an area school for jailers within 90 days of the informal hearing.

8.3(6) *Appeal.* A denial may be appealed under Iowa Code section 17A.19.

This rule is intended to implement Iowa Code sections 17A.19, 80B.11(1)*"k,"* 80B.11A, 80B.13(1), and 80B.13(5).

501—8.4(80B) Responsibilities of local and area schools for jailers after approval.

8.4(1) *Certificate of completion.* Documentation of completed hours and scores for all attendees will be submitted to the academy within five days of the award of certificates of completion.

8.4(2) *Facility visits.* Facility visits may be conducted at a local or area school by council designees, with or without advance notice to the school. Visits will include inspections of facilities, equipment, training procedures, instructional materials, and program materials and discussion of training philosophy with key personnel. Findings will be reported to the council.

8.4(3) *Notice of deficiency.* The council will issue a notice of deficiency to a local or area school for any documented area of deficiency and request a plan for correction of the deficiencies. Failure to correct noted deficiencies according to a plan approved by the council may impact eligibility for consideration of future applications.

This rule is intended to implement Iowa Code sections 80B.11(1)*"k,"* 80B.11A, 80B.13(1), and 80B.13(5).

501—8.5(17A,80B,80D) Preliminary application for approval of new regional training center.

8.5(1) *Preliminary application.* Preliminary applications for approval of a new regional training center will be accepted when a fully completed preliminary application is submitted to the council on the approved form. The preliminary application will include a feasibility study that demonstrates the proposed regional training center's potential for success, the need for a new center, and that its implementation will not create an operational burden for academy staff.

8.5(2) *Preliminary application hearing.* An informal hearing will be heard by the council within 60 days of the receipt of the fully completed preliminary application. The provisions of Iowa Code chapter 17A concerning contested cases are not applicable to the informal hearing on the preliminary application.

8.5(3) *Evaluation considerations.* The council will consider anticipated annual and five-year enrollment for the program, collaboration the center has with law enforcement agencies, any special need for the center in the state, information regarding program saturation, and any other relevant factors. The council will also consider a regional training center's willingness to coordinate with the academy and the impact a new center would have on the academy's resources.

8.5(4) *Denial.* The council will issue a written decision if the preliminary application for the new regional training center is denied within 90 days of an informal hearing.

8.5(5) *Appeal.* A denial may be appealed under Iowa Code section 17A.19.

This rule is intended to implement Iowa Code sections 17A.19, 80B.11(1)*"a"* and *"k,"* 80B.13(1), 80B.13(2), 80B.13(5), and 80D.4A.

501—8.6(17A,80B,80D) Application for approval of regional training center.

8.6(1) *Application.* Upon approval of a preliminary application or at the time for renewal of regional training center approval, an application will be accepted when a fully completed application is submitted to council on the approved form. As of January 1, 2027, existing regional training centers will submit renewal applications on a schedule approved by the council.

8.6(2) *On-site inspection.* An inspection of a proposed regional training center may be conducted by designated members of the council, with or without advance notice to the facility. The inspection will be conducted within 45 days of the council meeting following receipt of the application. The visit will include inspection of facilities, equipment, training procedures, instructional materials, and program materials and discussion of the proposed training philosophy with key personnel.

8.6(3) *Informal hearing.* An application for approval or renewal of a regional training center will be heard by the council within 90 days of the facility inspection or receipt of the complete application, whichever is later. The provisions in Iowa Code chapter 17A concerning contested cases are not applicable to the informal hearing on the application.

8.6(4) *Evaluation considerations.* The council will consider standardization of training, impact on existing training programs, academic qualifications (including but not limited to training schedule, curriculum, structure, handbooks, director/coordinator credentials and experience, and instructor credentials and experience), facilities and equipment, the on-site inspection report, financial qualifications, and any other relevant factors. The council will also consider a regional training center's willingness to coordinate with the academy and will provide the director evidence of ongoing progress and successful completion for each recruit enrolled in the course on the academy's approved form.

8.6(5) *Written decision.* The council will issue a written decision approving or denying approval of the regional training center within 90 days of the informal hearing.

8.6(6) *Approval.* Initial and subsequent regional training center approvals are valid for five years.

8.6(7) *Appeal.* A denial may be appealed under Iowa Code section 17A.19.

This rule is intended to implement Iowa Code sections 17A.19, 80B.11(1)*"a"* and *"k,"* 80B.13(1), 80B.13(2), 80B.13(5), and 80D.4A.

501—8.7(80B,80D) Responsibilities of regional training centers after approval.

8.7(1) *Curriculum approval.* Regional training facilities will submit a curriculum application for council approval prior to each specific course.

8.7(2) *Attendee approval.* The academy approves eligibility for attendance at regional training centers.

8.7(3) *Physical readiness entrance test.* A physical readiness entrance test will be conducted within 30 days prior to the start of a level I or level II training course.

8.7(4) *Final roster.* A roster will be submitted to the academy five days prior to the physical readiness entrance test for the training course to determine the final roster.

8.7(5) *Recruit progress.* Regional training centers will provide access to specific ongoing progress data and metrics of attendees to the academy through a designated platform.

8.7(6) *Award of certification or certificate of completion.* Documentation of completed hours and scores for all attendees will be submitted to the academy for approval prior to the award of law enforcement certifications or certificates of completion.

8.7(7) *Coordinator visits.*

a. Regional training center coordinators will visit the academy for one training day annually to observe training that includes at least two of the following:

(1) Instruction,
(2) Scenarios,
(3) Performance tasks, or
(4) Practical skills.

b. Coordinators will complete a training analysis form that will be shared with the council, the academy, and administrators for the regional training center.

8.7(8) *Annual meeting with council curriculum committee.* Regional training center coordinators will attend an annual meeting with the council's curriculum committee and the academy to ensure curriculum alignment.

8.7(9) *Facility visits.* At a minimum, annual facility visits will be conducted at each regional facility by designated members of the council, with or without advance notice to the facility. Visits will include inspections of facilities, equipment, training procedures, instructional materials, and program materials and discussion of training philosophy with key personnel. Findings will be reported to the council.

8.7(10) *Notice of concern.* The council will issue a notice of concern to a regional training center for any documented area of concern and request a plan for correction. Failure to correct noted concerns according to a plan approved by the council may result in the issuance of a notice of intent to revoke approval.

This rule is intended to implement Iowa Code sections 80B.11(1)*"a"* and *"k,"* 80B.11D, 80B.11E, 80B.11H, 80B.13(1), 80B.13(2), 80B.13(5), and 80D.4A.

501—8.8(17A,80B,80D) Revocation of approval.

8.8(1) *Notice of intent to revoke.* The council may issue a notice of intent to revoke approval when it determines a regional training center is deficient.

8.8(2) *Notice of appeal.* The regional training center may file a written notice of appeal to the council within 30 days of notification of the action. The appeal notice should be addressed consistent with the procedures set forth in rule 7—2506.4(17A).

8.8(3) *Hearing procedures.* A contested case proceeding will be held before the council consistent with the procedures set forth in 7—Chapter 2506 and rule 501—2506.8(80B,80D).

8.8(4) *Written decision.* The council will issue a written decision within 90 days of the contested case hearing.

8.8(5) *Appeal.* A revocation of approval of a regional training center may be appealed under Iowa Code section 17A.19.

This rule is intended to implement Iowa Code sections 17A.12, 17A.19, 80B.11(1)*"a"* and *"k,"* 80B.13(1), 80B.13(2), 80B.13(5), and 80D.4A.

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ARC 0735D

LAW ENFORCEMENT ACADEMY[501]

Adopted and Filed

Rulemaking related to jailer standards

The Iowa Law Enforcement Academy Council hereby rescinds Chapter 9, "Jailer Training," and adopts a new Chapter 9, "Jailer Standards," Iowa Administrative Code.

Legal Authority for Rulemaking

This rulemaking is adopted under the authority provided in Iowa Code chapters 17A and 80B.

State or Federal Law Implemented

This rulemaking implements, in whole or in part, Iowa Code chapter 80B.

Purpose and Summary

Chapter 9 describes the minimum hiring and training standards and required professional development for jailers and temporary holding facility personnel. As a part of the Red Tape Review required by Executive Order 10, this chapter was reviewed and revised.

Public Comment and Changes to Rulemaking

Notice of Intended Action for this rulemaking was published in the Iowa Administrative Bulletin on September 2, 2026, as **ARC 0536D**. Public hearings were held on the following date:

- September 23, 2026

No one attended the public hearings. No public comments were received.

Changes from the Notice have been made. Rule 501—9.1(80B) was revised to use a consistent, defined term. Rules 501—9.2(80B) and 501—9.7(80B) were revised to clarify that the time period for basic training starts at the time of initial employment. Rule 501—9.7(80B) was revised to fix internal citations due to renumbering in rule 501—9.2(80B). Rule 501—9.13(80B) was added to require the filing of status forms to ensure the Academy's records are accurate.

Adoption of Rulemaking

This rulemaking was adopted by the Council on October 7, 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 Council for a waiver of the discretionary provisions, if any, pursuant to 7—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 January 1, 2027.

The following rulemaking action is adopted:

ITEM 1. Rescind 501—Chapter 9 and adopt the following **new** chapter in lieu thereof:

CHAPTER 9
JAILER STANDARDS

501—9.1(80B) Minimum standards for jail and temporary holding facility personnel.

9.1(1) *Minimum hiring standards.* Applicants must meet the following minimum standards before serving as a jail administrator, jailer, or temporary holding facility personnel:

a. Be 18 years of age or older.

b. Be able to read and write in English.

c. Be of good moral character as determined by a thorough background investigation, including a fingerprint search conducted of local, state and national fingerprint files.

d. Be not by reason of conscience or belief opposed to the use of force when appropriate or necessary to fulfill the person's duties.

e. Have the ability to perform the essential elements of the position as defined in the employing agency's job specifications.

f. Be an appropriate candidate for employment as determined by the employing agency's review of a qualified psychological screening.

9.1(2) *Minimum retention standards.* An employee who has demonstrated inappropriate action beyond a reasonable degree, who is not psychologically fit for jail employment, or who has repeatedly failed to observe these rules will not be retained.

9.1(3) *Conflict of interest.* A person working in a jail will not transact any business with a prisoner, nor arrange any business transaction with a prisoner through another party. The jail will have a written code of ethics that the jail provides to all employees. At a minimum, the code will:

a. Prohibit staff from using their official positions to secure privileges for themselves or others.

b. Prohibit staff from engaging in activities that constitute a conflict of interest.

This rule is intended to implement Iowa Code sections 80B.11A and 80B.13(3).

501—9.2(80B) Basic training for jailers.

9.2(1) The following training will be successfully completed by all jail administrators within six months of initial appointment and all jailers within one year of initial employment or assignment.

a. Basic training course. Jail administrators and jailers will successfully complete an approved basic training course.

b. Basic life support. Jail administrators and jailers will successfully complete courses in cardiopulmonary resuscitation (CPR), automated external defibrillator (AED) use, and foreign body airway obstruction treatment for all age groups consistent with nationally recognized standards.

c. First aid. Jail administrators and jailers will successfully complete a first aid course or have status as an emergency medical responder, licensed practical nurse, registered nurse, or medical practitioner or hold other similar certification in the state of Iowa.

9.2(2) Should a jail administrator or jailer fail to complete all training within the time period or any extensions allowed, that person will not be eligible for employment as and will not serve as a jail administrator or jailer in the state of Iowa for a period of not less than 12 months. The period of ineligibility begins on the date the person last worked as a jail administrator or jailer.

This rule is intended to implement Iowa Code section 80B.11A and 80B.13.

501—9.3(80B) Qualifications for reciprocity. An individual employed within the 12-month period immediately preceding application, working full-time in a jail or a prison for one year, may apply for reciprocity. In determining whether to grant reciprocity, the council will consider whether the individual completed a comparable training course and any other relevant information received by the council.

This rule is intended to implement Iowa Code section 80B.11A.

501—9.4(80B) Minimum standards for jailer basic training course. A basic training course will consist of at least 40 hours, including a summative written assessment and a minimum of 8 hours of practical application, and will be provided by approved instructors.

This rule is intended to implement Iowa Code sections 80B.11(1)*"k"* and 80B.11A.

501—9.5(80B) Jailer basic training curriculum. An academy-aligned training curriculum for a basic training course will be initially approved by the director and confirmed by the council. The curriculum will include but is not limited to:

9.5(1) Core concepts.

a. Roles and responsibilities.

b. Legal concepts, including references to the Iowa Code, jail standards, and relevant case law.

c. Suicide prevention/mental illness.

d. Prison Rape Elimination Act (PREA).

9.5(2) Core skills.

a. Communication.

b. Report writing.

9.5(3) Core competencies.

a. Safety procedures.

b. Supervision duties.

c. Specialized services.

9.5(4) Curriculum changes. Changes to the council-approved curriculum or completion standards will be approved by the director.

This rule is intended to implement Iowa Code sections 80B.11(1)*"k"* and 80B.11A.

501—9.6(80B) Jailer professional development requirements. The agency administrator will ensure compliance with professional development requirements for all jail personnel. All jail administrators and jailers will complete the following professional development:

9.6(1) Annual professional development.

a. Annual courses include a minimum of eight hours in:

(1) Suicide prevention/mental illness.

(2) PREA.

(3) Emergency evacuation plan.

(4) Legal concepts, including references to the Iowa Code, jail standards, and relevant case law on:

1. Constitutional rights of inmates;
2. Iowa criminal law as applicable to a jail setting;
3. Affirmative duty to intervene/intercede; and
4. Use of force.

(5) Cultural awareness.

(6) Communication skills, including de-escalation.

b. Twelve hours of additional professional development to be selected by the jail administrator or sheriff, including methods of restraining violent inmates, intake procedures, and grievance and disciplinary procedures.

9.6(2) Biennial professional development.

a. CPR.

b. AED use.

c. Foreign body airway obstruction management.

This rule is intended to implement Iowa Code section 80B.11A.

501—9.7(80B) Time to complete the basic training course for temporary holding facilities. All appointed temporary holding facility administrators and designees will successfully complete an approved basic training course, a basic life support course consistent with paragraph 9.2(1)*"b,"* and a first aid course consistent with paragraph 9.2(1)*"c"* within one year of initial employment or assignment.

This rule is intended to implement Iowa Code section 80B.11A.

501—9.8(80B) Temporary holding facility minimum standards for basic training course. The basic training course will consist of at least ten hours, including a summative written assessment, and will be provided by approved instructors.

This rule is intended to implement Iowa Code sections 80B.11(1)*"k"* and 80B.11A.

501—9.9(80B) Temporary holding facility basic training curriculum. An academy-aligned training curriculum for the ten-hour basic training course will be initially approved by the director and confirmed by the council. The curriculum will include but is not limited to:

9.9(1) Core concepts.

a. Roles and responsibilities.
b. Legal concepts, including references to the Iowa Code, jail standards, and relevant case law.
c. Suicide prevention/mental illness.
d. PREA.

9.9(2) Core competencies. Safety procedures.

This rule is intended to implement Iowa Code sections 80B.11(1)*"k"* and 80B.11A.

501—9.10(80B) Temporary holding facility professional development requirements. Administrators and supervisors of holding facilities will complete five hours of professional development, not including hours to maintain certification or proficiency in first aid, CPR, AED use, airway obstruction management, use of chemical agents, or handling of firearms. Annual professional development must be completed in the following areas:

1. Suicide prevention/mental illness.
2. Emergency evacuation plan.
3. PREA.

This rule is intended to implement Iowa Code section 80B.11A.

501—9.11(80B) Professional development records. The agency administrator will ensure that professional development records are regularly maintained and that the records are made available for inspection upon request of the council. Professional development records will include the following:

1. An overview of the training.
2. The name of the instructor who conducted the training.
3. The name of the individual who completed the training.
4. The length of the training.
5. The date and location where the training took place.
6. The scores achieved, if any, to show proficiency in or understanding of the subject matter.

This rule is intended to implement Iowa Code section 80B.11A.

501—9.12(80B) Break in service. A jail administrator or jailer who has had a break in service from employment as an Iowa jail administrator, jailer, or law enforcement officer will complete the following professional development within one year of hire:

9.12(1) If the break in service is from 12 months to three years, a minimum of 30 hours of professional development.

9.12(2) If the break in service is more than three years, a minimum of 40 hours of professional development.

This rule is intended to implement Iowa Code sections 80B.11(1)*"k"* and 80B.11A.

501—9.13(80B) Status forms. The academy will be provided with the approved report of hire or separation within ten days of the event.

This rule is intended to implement Iowa Code section 80B.13(3).

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EDITOR'S NOTE: For replacement pages for IAC, see IAC Supplement 11/11/26.

ARC 0736D

LAW ENFORCEMENT ACADEMY[501]

Adopted and Filed

Rulemaking related to public safety telecommunicator standards

The Iowa Law Enforcement Academy Council hereby rescinds Chapter 10, "Reserve Peace Officers," and adopts a new Chapter 10, "Public Safety Telecommunicator Standards," Iowa Administrative Code.

Legal Authority for Rulemaking

This rulemaking is adopted under the authority provided in Iowa Code chapters 17A and 80B.

State or Federal Law Implemented

This rulemaking implements, in whole or in part, Iowa Code chapter 80B.

Purpose and Summary

Chapter 10 describes the minimum training standards for public safety telecommunicators and required professional development. As a part of the Red Tape Review required by Executive Order 10, this chapter was reviewed and revised.

Public Comment and Changes to Rulemaking

Notice of Intended Action for this rulemaking was published in the Iowa Administrative Bulletin on September 2, 2026, as **ARC 0526D**. Public hearings were held on the following date:

- September 23, 2026

No one attended the public hearings.

Chris Collins on behalf of the Iowa Chapter of the National Emergency Number Association (NENA); Tony Keefe, the Director of LeeComm in Lee County; Todd Malone on behalf of the Iowa Association of Public Safety Communications Officials (APCO); Erin Froning, Communications Supervisor from Clear Lake Police Department; and Jason Hoffman, Communications Director and 911 Coordinator for Carroll County, sent in written comments concerning the change in rule 501—10.1(80B) naming the group established by Iowa Code section 80B.11C a training committee in lieu of a training board and providing structure as to its formation. Their concern was essentially that Iowa Code section 80B.11C should be followed. Their second comment was that organizations such as National Emergency Number Association, Association of Public Safety Communications Officials International and their Iowa chapters should be recognized as qualifying professional development.

Todd Malone on behalf of the Iowa APCO and Chris Collins on behalf of Iowa NENA sent in a second written comment asking that the organizations included in Iowa Code section 80B.11C be added to rule 501—10.1(80B) despite the goal to reduce duplication from the Iowa Code in the Iowa Administrative Code. They also requested that the appointment process be included in the rule. They again requested that recognized organizations such as Iowa APCO and Iowa NENA be recognized as qualifying professional development.

Jennifer Ackerman, a Winnebago County Supervisor and 911 Coordinator, sent in written comments supporting the proposed rulemaking and the restructuring of the public safety telecommunicator training board into a committee with formally appointed members. Jennifer Ackerman further supported agency administrators having the flexibility to implement professional development as they deem applicable to their duties.

Robert Johannesen from Cedar Rapids State Radio sent in a written comment that the rules should be left as written despite APCO and NENA's efforts to circumvent the Academy's basic training.

Changes from the Notice have been made. Rule 501—10.1(80B) was revised to clarify that the members of the public safety telecommunicator training committee would be comprised of the entities listed in Iowa Code section 80B.11C because the public comments suggested that intent was not clear. Subrule 10.2(2) was revised to clarify that agency administrators are responsible for ensuring their public safety telecommunicators complete the basic training course. Rule 501—10.9(80B) was added to require the filing of status forms to ensure the Academy's records are accurate.

Adoption of Rulemaking

This rulemaking was adopted by the Council on October 7, 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 Council for a waiver of the discretionary provisions, if any, pursuant to 7—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 January 1, 2027.

The following rulemaking action is adopted:

ITEM 1. Rescind 501—Chapter 10 and adopt the following **new** chapter in lieu thereof:

CHAPTER 10
PUBLIC SAFETY TELECOMMUNICATOR STANDARDS

501—10.1(80B) Public safety telecommunicator training committee. A training committee for public safety telecommunicators comprised of the entities identified in Iowa Code section 80B.11C is established to consult with the director on minimum training standards. Members of the committee will be appointed by the director to serve a term of three years and will meet at the call of the director.

This rule is intended to implement Iowa Code sections 7E.3, 7E.4, and 80B.11C.

501—10.2(80B) Time to complete basic training course.

10.2(1) *Basic training required.* All persons employed primarily as public safety telecommunicators will successfully complete the academy basic training course within one year of their date of hire.

10.2(2) *Agency administrator responsibility.* It is the responsibility of the agency administrator to ensure that all telecommunicators under the agency administrator's direction complete the academy basic training course within one year of employment.

This rule is intended to implement Iowa Code section 80B.11C.

501—10.3(80B) Qualifications for reciprocity. An individual employed as a full-time public safety telecommunicator within the 12-month period immediately preceding application, with two years of experience, may apply for reciprocity. In determining whether to grant reciprocity, the council will consider whether the telecommunicator completed a comparable training course and any other relevant information received by the council.

This rule is intended to implement Iowa Code section 80B.11C.

501—10.4(80B) Minimum standards for academy basic training course. The academy basic training course will consist of at least 40 hours, including a summative written assessment and a minimum of 8 hours practical application, and will be provided by council-approved instructors.

This rule is intended to implement Iowa Code sections 80B.11(1)*"j"* and 80B.11C.

501—10.5(80B) Public safety telecommunicator academy basic training curriculum. The council-approved curriculum for the academy basic training course will include but is not limited to:

10.5(1) Core concepts.

a. Roles and responsibilities.

b. Legal concepts, including Iowa law.

c. Resource awareness.

d. Quality assurance.

10.5(2) Core competencies.

a. Call processing.

b. Emergency communications technology.

c. Radio communication.

d. Interpersonal communications.

e. Emergency management.

f. Stress management and motivation.

This rule is intended to implement Iowa Code sections 80B.11(1)*"j"* and 80B.11C.

501—10.6(80B) Professional development requirements. The agency administrator will ensure compliance with professional development for all employed public safety telecommunicators. All employed telecommunicators will complete a minimum of 16 hours of telecommunicator-related professional development annually. The agency administrator will determine whether training is telecommunicator related.

This rule is intended to implement Iowa Code sections 80B.11(1)*"j"* and 80B.11C.

501—10.7(80B) Professional development records. The agency administrator will ensure that professional development records are regularly maintained and that the records are made available for inspection upon request of the council. Professional development records will include the following:

1. An overview of the training.
2. The name of the instructor who conducted the training.
3. The name of the individual who completed the training.
4. The length of the training.
5. The date and location where the training took place.
6. The scores, if any, achieved by the telecommunicator to show proficiency in or understanding of the subject matter.

This rule is intended to implement Iowa Code sections 80B.11(1)*"j"* and 80B.11C.

501—10.8(80B) Break in service. A public safety telecommunicator who has had a break in service as an Iowa public safety telecommunicator will complete the following training within one year of hire:

10.8(1) If the break in service is from 12 months to three years, a minimum of 24 hours of professional development.

10.8(2) If the break in service is more than three years, a minimum of 40 hours of professional development.

This rule is intended to implement Iowa Code sections 80B.11(1)*"j"* and 80B.11C.

501—10.9(80B) Status forms. The academy will be provided with the approved report of hire or separation within ten days of the event.

This rule is intended to implement Iowa Code section 80B.11C.

[Filed 10/9/26, effective 1/1/27]
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EDITOR'S NOTE: For replacement pages for IAC, see IAC Supplement 11/11/26.

ARC 0737D

LAW ENFORCEMENT ACADEMY[501]

Adopted and Filed

Rulemaking related to salvage vehicle theft examinations

The Iowa Law Enforcement Academy Council hereby rescinds Chapter 11, "Salvage Vehicle Theft Examinations," Iowa Administrative Code.

Legal Authority for Rulemaking

This rulemaking is adopted under the authority provided in Iowa Code chapters 17A and 80B.

State or Federal Law Implemented

This rulemaking implements, in whole or in part, Iowa Code chapter 80B.

Purpose and Summary

This rulemaking rescinds Chapter 11, the content of which has been consolidated as a part of new 501—Chapter 5 in **ARC 0731D** herein.

Public Comment and Changes to Rulemaking

Notice of Intended Action for this rulemaking was published in the Iowa Administrative Bulletin on September 2, 2026, as **ARC 0527D**. Public hearings were held on the following date:

- September 22, 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 Council on October 7, 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 Council for a waiver of the discretionary provisions, if any, pursuant to 7—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 January 1, 2027.

The following rulemaking action is adopted:

ITEM 1. Rescind and reserve **501—Chapter 11**.

[Filed 10/9/26, effective 1/1/27]
[Published 11/11/26]
EDITOR'S NOTE: For replacement pages for IAC, see IAC Supplement 11/11/26.

ARC 0738D

LAW ENFORCEMENT ACADEMY[501]

Adopted and Filed

Rulemaking related to child support

The Iowa Law Enforcement Academy Council hereby rescinds Chapter 12, "Child Support," Iowa Administrative Code.

Legal Authority for Rulemaking

This rulemaking is adopted under the authority provided in Iowa Code chapters 17A, 80B and 252J.

State or Federal Law Implemented

This rulemaking implements, in whole or in part, Iowa Code chapters 80B and 252J.

Purpose and Summary

This rulemaking rescinds Chapter 12, the content of which has been moved to a new 501—Chapter 7 in **ARC 0733D** herein.

Public Comment and Changes to Rulemaking

Notice of Intended Action for this rulemaking was published in the Iowa Administrative Bulletin on September 2, 2026, as **ARC 0528D**. Public hearings were held on the following date:

- September 22, 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 Council on October 7, 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 Council for a waiver of the discretionary provisions, if any, pursuant to 7—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 January 1, 2027.

The following rulemaking action is adopted:

ITEM 1. Rescind and reserve **501—Chapter 12**.

[Filed 10/9/26, effective 1/1/27]
[Published 11/11/26]
EDITOR'S NOTE: For replacement pages for IAC, see IAC Supplement 11/11/26.

ARC 0739D

LAW ENFORCEMENT ACADEMY[501]

Adopted and Filed

Rulemaking related to public safety telecommunicator training standards

The Iowa Law Enforcement Academy Council hereby rescinds Chapter 13, "Public Safety Telecommunicator Training Standards," Iowa Administrative Code.

Legal Authority for Rulemaking

This rulemaking is adopted under the authority provided in Iowa Code chapters 17A and 80B.

State or Federal Law Implemented

This rulemaking implements, in whole or in part, Iowa Code chapter 80B.

Purpose and Summary

This rulemaking rescinds Chapter 13, the content of which has been moved to a new 501—Chapter 10 in **ARC 0736D** herein.

Public Comment and Changes to Rulemaking

Notice of Intended Action for this rulemaking was published in the Iowa Administrative Bulletin on September 2, 2026, as **ARC 0529D**. Public hearings were held on the following date:

- September 23, 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 Council on October 7, 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 Council for a waiver of the discretionary provisions, if any, pursuant to 7—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 January 1, 2027.

The following rulemaking action is adopted:

ITEM 1. Rescind and reserve **501—Chapter 13**.

[Filed 10/9/26, effective 1/1/27]
[Published 11/11/26]
EDITOR'S NOTE: For replacement pages for IAC, see IAC Supplement 11/11/26.

ARC 0740D

LAW ENFORCEMENT ACADEMY[501]

Adopted and Filed

Rulemaking related to Iowa law enforcement emergency care provider

The Iowa Law Enforcement Academy Council hereby rescinds Chapter 14, "Iowa Law Enforcement Emergency Care Provider," Iowa Administrative Code.

Legal Authority for Rulemaking

This rulemaking is adopted under the authority provided in Iowa Code chapters 17A and 80B.

State or Federal Law Implemented

This rulemaking implements, in whole or in part, Iowa Code chapter 80B.

Purpose and Summary

This rulemaking rescinds Chapter 14 because the Council decided to transition from the Iowa Law Enforcement Emergency Care Provider (ILEECP) program to a standardized national curriculum, tactical medicine, utilized by law enforcement agencies nationwide and currently used in many parts of the State for ongoing professional development. The ILEECP program caused confusion for the law enforcement community, and constituents signaled a desire to move to a first aid training better aligned to law enforcement duties and responsibilities.

Public Comment and Changes to Rulemaking

Notice of Intended Action for this rulemaking was published in the Iowa Administrative Bulletin on September 2, 2026, as **ARC 0530D**. Public hearings were held on the following date:

- September 30, 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 Council on October 7, 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 Council for a waiver of the discretionary provisions, if any, pursuant to 7—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 January 1, 2027.

The following rulemaking action is adopted:

ITEM 1. Rescind and reserve **501—Chapter 14**.

[Filed 10/9/26, effective 1/1/27]
[Published 11/11/26]

EDITOR'S NOTE: For replacement pages for IAC, see IAC Supplement 11/11/26.

ARC 0741D

UTILITIES COMMISSION[199]

Adopted and Filed

Rulemaking related to service supplied by rate-regulated gas utilities

The Utilities Commission hereby rescinds Chapter 19, "Service Supplied by Rate-Regulated Gas Utilities," Iowa Administrative Code, and adopts a new Chapter 19 with the same title.

Legal Authority for Rulemaking

This rulemaking is adopted under the authority provided in Iowa Code chapter 476.

State or Federal Law Implemented

This rulemaking implements, in whole or in part, Iowa Code sections 476.2, 476.6, 476.8, 476.20, 476.54, 476.66, 476.86 and 476.87.

Purpose and Summary

Chapter 19 contains the Commission's rules regulating services supplied by rate-regulated gas utilities in Iowa. The purpose of the rulemaking is largely to remove provisions in the rule related to municipal and certain other gas utilities, to facilitate the creation of a new 199—Chapter 28.

The order adopting amendments to Chapter 19 is available on the Commission's electronic filing system, efs.iowa.gov, under Docket No. RMU-2025-0019.

Public Comment and Changes to Rulemaking

Notice of Intended Action for this rulemaking was published in the Iowa Administrative Bulletin on May 27, 2026, as **ARC 0306D**. A public hearing was held on the following date(s):

- June 18, 2026

On June 18, 2026, the Commission held a public hearing, which was attended by Office of Consumer Advocate (OCA), a division of the Iowa Department of Justice; MidAmerican Energy Company (MidAmerican); Interstate Power and Light Company (IPL); Iowa Association of Municipal Utilities (IAMU); and Iowa Association of Electric Cooperatives. Stakeholders choosing to speak stood by and/or repeated the content of their written comments.

The Commission received written comments from IPL, OCA, MidAmerican, and IAMU. IAMU filed comments in a companion 199—Chapter 28 rulemaking, requesting changes to several rules detailing requirements for testing equipment and incident and quarterly reporting, which have similar provisions to Chapter 19. MidAmerican filed a statement that it supports IAMU's comments and otherwise stood by its previously filed comments. IPL supported many of IAMU's suggestions and recommended several suggestions for 199—Chapter 28 be incorporated into Chapter 19. OCA also filed a response to IAMU's comments, supporting or suggesting changes to the same rules.

The Commission incorporated changes based on stakeholder comments into the rulemaking related to requiring utilities to submit quarterly reports of excavation damages, even when there has been no loss of gas, on a form provided by the Commission and removing the requirement for utilities to provide quarterly reports of Iowa One Call ticket volumes.

Adoption of Rulemaking

This rulemaking was adopted by the Commission on September 29, 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 Commission for a waiver of the discretionary provisions, if any.

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 16, 2026.

The following rulemaking action is adopted:

ITEM 1. Rescind 199—Chapter 19 and adopt the following **new** chapter in lieu thereof:

CHAPTER 19
SERVICE SUPPLIED BY RATE-REGULATED GAS UTILITIES

199—19.1(476) General information.

19.1(1) *Purpose and application of rules.* The rules shall apply to any rate-regulated gas utility operating within the state of Iowa as defined in Iowa Code chapter 476 and shall supersede any tariff on file with this commission that is in conflict with these rules. These rules are intended to promote safe and adequate service to the public, to provide standards for uniform and reasonable practices by utilities, and to establish a basis for determining the reasonableness of such demands as may be made by the public upon the utilities.

19.1(2) *Definitions.* The following words and terms shall have the meaning indicated below:

"Appliance" means any device that utilizes gas fuel to produce light, heat, or power.

"CFR" means the Code of Federal Regulations in effect as of December 16, 2026, unless a separate effective date is identified in a specific rule.

"Complaint," as used in these rules, means a statement or question by anyone, whether a utility customer or not, alleging a wrong, grievance, injury, dissatisfaction, illegal action or procedure, dangerous condition or action, or utility failure to fulfill an obligation.

"Cubic foot" of gas means:

1. Where gas is supplied and metered to customers at the pressure (as defined in subrule 19.7(2)) normally used for domestic customers' appliances, a cubic foot of gas shall be that quantity of gas which, at the temperature and pressure existing in the meter, occupies one cubic foot, except that where a temperature compensated meter is used, the temperature base shall be 60°F.

2. When gas is supplied to customers at other than the pressure in "1" above, the utility shall specify in its rules the base for measurement of a cubic foot of gas (subparagraph 19.2(3)*"c"*(1)). Unless otherwise stated by the utility, such cubic foot of gas shall be that quantity of gas which, at a temperature of 60°F and a pressure of 14.73 pounds per square inch absolute, occupies one cubic foot.

3. The standard cubic foot of gas for testing the gas itself for heating value shall be that quantity of gas, saturated with water vapor, which, at a temperature of 60°F and a pressure of 30 inches of mercury,

occupies one cubic foot. (Temperature of mercury = 32°F acceleration due to gravity = 32.17 ft. per second per second density = 13.595 grams per cubic centimeter.)

"Customer" means any person, firm, association, or corporation; any agency of the federal, state or local government; or any legal entity responsible by law for payment for the gas service or heat from the gas utility, including a guarantor of service for another customer.

"Delinquent" or *"delinquency"* means an account for which a service bill or service payment agreement has not been paid in full on or before the last day for timely payment.

"Gas," unless otherwise specifically designated, means manufactured gas, natural gas, other hydrocarbon gases, or any mixture of gases produced, transmitted, distributed or furnished by any gas utility.

"Gas plant" means all facilities including all real estate, fixtures and property owned, controlled, operated or managed by a gas utility for the production, storage, transmission or distribution of gas and heat.

"Interruption of service" means any disturbance of the gas supply whereby gas service to a customer cannot be maintained.

"Main" means a gas pipe, excluding a service line, that is owned, operated, or maintained by a utility and is used for the purpose of distribution of gas.

"Master meter" means a single meter used in determining the amount of gas provided to a multitenant building or to multiple buildings.

"Meter," without other qualification, means any device or instrument used by a utility in measuring a quantity of gas.

"Meter shop" means a shop where meters are inspected, repaired and tested, and may be at a fixed location or may be mobile.

"Plant addition" means any additional plant, other than a distribution main or service line, required to be constructed to provide service to a customer.

"Pressure," unless otherwise stated, is expressed in pounds per square inch above atmospheric pressure, i.e., gauge pressure (abbreviation: psig).

"Rate-regulated utility" means any utility that is subject to rate regulation as provided in Iowa Code chapter 476.

"Rates" means the per-unit or per-occurrence amounts billed to customers for a recurring or nonrecurring service or commodity rendered or offered by the utility and any charge, schedule, or regulation that a utility includes in a tariff approved by the commission.

"Service line" means a distribution gas pipe that transports gas from a main or source of supply to a customer meter or the connection to a customer's piping, whichever is farther downstream, or the connection to a customer's piping if there is not a customer meter. A customer meter is the meter that measures the transfer of gas from a utility to a customer.

"Tap" or *"town border station"* means the delivery point or measuring station at which a gas utility receives gas from a natural gas transmission company.

"Tariff" means the entire body of rates, tolls, rentals, charges, classifications, rules, procedures, policies, etc., adopted and filed with the commission by a gas utility in fulfilling its role of furnishing gas service.

"Therm" means 100,000 British thermal units.

"Timely payment" means a payment on a customer's account made on or before the date shown on a current bill for service or on a form that records an agreement between the customer and a utility for a series of partial payments to settle a delinquent account, as the date that determines application of a late payment charge.

"Utility" means any person, partnership, business association, or corporation, domestic or foreign, owning or operating any gas plant for furnishing gas or heat to the public for compensation, and is a rate-regulated utility subject to this chapter.

19.1(3) *Abbreviations.* The abbreviations used, and their meanings, are as follows:

"Btu"—British thermal unit

"LP gas"—liquefied petroleum gas

199—19.2(476) Records, reports, and tariffs.

19.2(1) *Tariffs to be filed with the commission.* The schedules of rates and rules of gas utilities shall be filed with the commission in accordance with this chapter. Tariff provisions will be definite and clear.

19.2(2) *Form and identification.* All tariffs shall conform to the following rules:

a. The tariff shall conform to the following requirements:

(1) Be on 8½ by 11-inch pages so as to result in a clear and permanent record.

(2) Be filed electronically in compliance with 199—Chapter 14.

(3) The first page is the title page, which will show the name of the utility, the type of utility service being provided, the words "Filed with Iowa Utilities Commission" and the date.

(4) When a tariff is to be superseded or replaced in its entirety, the replacing tariff will show on the upper right corner of its title page that it is a revision of a tariff on file and the number being superseded or replaced.

(5) When a tariff sheet in a tariff is revised, amended, or eliminated, the tariff sheet will indicate in the upper right corner the number of the revision to that tariff sheet.

(6) Any tariff sheet modifications will be marked in the right margin with symbols as described below to indicate the place, nature, and extent of the change in text. The marked version will show all added language marked with underlined text and all deleted language with strike-through.

1. (C)—Change in regulation.
2. (D)—Discontinued rate or regulation.
3. (I)—Increase in rate or new treatment resulting in increased rate.
4. (L)—Changed text location.
5. (N)—New rate, treatment, or regulation.
6. (R)—Reduction in rate or new treatment resulting in reduction in rate.
7. (T)—Change in text only.

(7) All sheets except the title page will have the following information located at the upper left corner of the tariff sheet:

1. Company name.
2. Type of utility tariff.
3. The words "Filed with commission."

(8) All sheets except the title page will have the following information located at the upper right corner of the tariff sheet:

1. Tariff part identification, if any.
2. Tariff sheet number, original or revised.
3. Canceled tariff sheet number, original or revised.

(9) All sheets except the title page will have the following information located at the lower left corner of the tariff sheet:

1. The issued date.
2. The name of the person responsible for the issuance.

(10) All sheets except the title page will have the following information located at the lower right corner of the tariff sheet:

1. An effective date field.
2. Proposed effective date.

b. The issued date is the date the tariff or the revised sheet content was filed by the utility in the commission's electronic filing system.

c. The effective date is to be left blank by the utility and will be determined by the commission.

19.2(3) *Content of tariffs.* A tariff filed with the commission shall contain:

a. A table of contents containing a list of rate schedules and other sections in the order in which they appear that indicates the first page of each section.

b. All rates for each type of gas as they apply to each class of customer. Tariffs will also include the prices per unit of service, the number of units per billing period to which the prices apply, the period of billing, the minimum bill, the method of measuring demands and consumptions, including the method of calculating or estimating loads or minimums, delivery pressure, and any special terms or conditions

applicable. All rates, books, and records should be separated into "gas" and "nongas" components. Books and records shall be available to the commission for audits upon request. The gas components will be the result of the utility's periodic review of gas procurement practices (rule 199—19.10(476)) and PGA (rule 199—19.9(476)) proceeding. The nongas components will be established through rate case proceedings under Iowa Code section 476.3 or 476.6. The period during which the net amount may be paid before the account becomes delinquent shall be specified. In any case where net and gross amounts are billed, the difference between net and gross is a late payment charge and shall be so specified.

Customer charges for all special services relating to providing the basic utility service, including disconnection, reconnection, and service or trip charges, shall be specified.

c. A copy of the utility's rules, or terms and conditions, describing the utility's policies and practices in providing service shall include:

(1) A statement as to the equivalent total heating value of the gas in Btus per cubic foot on which the customers are billed. If necessary, this may be listed by district, division or community.

(2) A list of the items that the utility furnishes, owns, and maintains on the customer's premises, such as service pipe, meters, regulators, vents, and shut-off valves.

(3) A general statement indicating the extent to which the utility will provide service in the adjustment of customer appliances at no additional customer charge.

(4) A general statement of the utility's policy in making adjustments for wastage of gas when such wastage occurs without the knowledge of the customer.

(5) A statement indicating the minimum number of days allowed for payment after the due date of the customer's bill before service will be discontinued for nonpayment.

(6) A statement indicating the volumetric measurement base to which all sales of gas at other than standard delivery pressure are corrected.

(7) Forms of standard contracts required of customers for the various types of service available.

(8) A statement indicating that all rates and charges contained in this tariff or contract with reference thereto may be modified at any time by a subsequent filing made pursuant to the provisions of Iowa Code chapter 476.

(9) A copy of each type of customer bill.

(10) Definitions of classes of customers.

(11) Rules for extending service in accordance with subrule 19.3(7).

(12) Rules with which prospective customers must comply as a condition of receiving service, and the terms of contracts required.

(13) Rules governing the establishment and maintenance of credit by customers for payment of service bills.

(14) Rules governing disconnecting and reconnecting service.

(15) Notice required from customer for having service discontinued.

(16) Rules covering temporary, emergency, auxiliary, and stand-by service.

(17) Rules that address any limitations on loads or the type of equipment that may or may not be connected.

(18) A list of service areas and the applicable rates in such form as to facilitate ready determination of the rates available in each municipality and in such unincorporated communities as have service.

(19) Rules on meter reading, billing periods, bill issuance, timely customer payment, notice of delinquency and service disconnection for nonpayment of bill.

(20) Rules on how a customer or prospective customer should file a complaint with the utility, and how the complaint will be processed.

(21) Rules on how a customer, disconnected customer or potential customer for residential service may negotiate for a payment agreement on amount due, determination of even payment amounts, and time allowed for payments.

(22) If a sliding scale or automatic adjustment is applicable to regulated rates or charges of billed customers, the manner and method of such adjustment calculation through a detailed explanation.

19.2(4) *Annual, periodic and other reports to be filed with the commission.*

a. System map verification. A utility shall file annually with the commission a verification that it has a correct set of utility system maps for each operating or distribution area. The maps are to be available to commission personnel upon request. The maps shall show:

(1) Peak shaving facility location(s).

(2) Feeder and distribution mains indicating size and pressure.

(3) System metering (town border stations and other supply points).

(4) Regulator stations in system indicating inlet and outlet pressures.

(5) Calorimeter location.

(6) State boundary crossing.

(7) Franchise area.

(8) Names of all communities (post offices) served.

b. Reports of gas service. Each utility shall compile a monthly record of gas service, which will be available to the commission upon request. The record shall be completed within 30 days after the end of the month covered. Such record shall contain:

(1) The daily and monthly average of total heating values of gas in accordance with subrule 19.7(6).

(2) The monthly acquisition and disposition of gas.

(3) Interruptions of service occurring during the month in accordance with subrule 19.7(7). If there were no interruptions, then it should be so stated.

(4) The number of customer pressure investigations made and the results.

(5) The number of customer meters tested and test results tabulated as follows: The number that falls into limits 0 to + 2%, + 2 to + 4%, 0 to - 2%, - 2 to - 4%, over + 4%, under - 4%, and "Does Not Register" in accuracy.

(6) Progress on leak survey programs including the number of leaks found classified as to hazard and nature, and if known, the cause and type of pipe involved.

(7) Number of district regulators checked and nature of repairs required.

(8) Number of house regulators checked and nature of repairs required.

(9) Description of any unusual operating difficulties.

(10) Type of odorant and monthly average pounds per million cubic feet used in each individual distribution system.

c. Filing published meter and service installation rules. A copy of the utility's current rules, if any, published or furnished by the utility for use by engineers, architects, plumbing contractors, etc., covering meter and service installation shall be filed with the commission.

d. Filing customer bill forms. A copy of each type of customer bill form in current use shall be filed with the commission.

e. Reports to federal agencies. Copies of reports submitted to the U.S. Department of Transportation pursuant to 49 CFR Part 191, 192, 193, or 199 shall be filed with the commission no later than ten days following the submission. Utilities operating in other states shall provide data to the commission for Iowa only.

f. Change in rate. A notification to the commission shall be made of any planned change in rate of service by a utility. This information shall reflect the amount of increase or decrease and the effective date of application. An up-to-date tariff sheet shall be supplied to the commission showing the current rates.

g. Residential customer statistics. Each utility shall file with the commission on or before the fifteenth day of each month one copy of the following residential customer statistics for the preceding month:

(1) Number of accounts;

(2) Number of accounts certified as eligible for energy assistance since the preceding October 1;

(3) Number of accounts past due;

(4) Number of accounts eligible for energy assistance and past due;

(5) Total revenue owed on accounts past due;

(6) Total revenue owed on accounts eligible for energy assistance and past due;

(7) Number of disconnection notices issued;

(8) Number of disconnection notices issued on accounts eligible for energy assistance;

(9) Number of disconnections for nonpayment;

(10) Number of reconnections;

(11) Number of accounts deemed uncollectible; and

(12) Number of accounts eligible for energy assistance and deemed uncollectible.

h. Monthly, periodic and annual reports. Each utility shall file such other monthly, periodic and annual reports as are requested by the commission. Monthly and periodic reports shall be due in the commission's office within 30 days after the end of the reporting period. All annual reports shall be filed with the commission by April 1 of each year for the preceding calendar year.

This rule is intended to implement Iowa Code section 476.2.

199—19.3(476) General service requirements.

19.3(1) *Disposition of gas.* The meter and any service line pressure regulator shall be owned by the utility. The utility shall place a visible seal on all meters and service line regulators in customer use, such that the seal must be broken to gain entry.

a. All gas sold by a utility shall be on the basis of meter measurement except:

(1) Where the consumption of gas may be readily computed without metering; or

(2) For temporary service installations.

b. The amount of all gas delivered to multitenant buildings shall be measured on the basis of individual meter measurement for each unit, except in the following instances:

(1) Where gas sold by a utility is used as the primary energy source in centralized heating, cooling, or water-heating systems;

(2) Where a facility is designated for elderly or handicapped persons;

(3) Where submetering or resale of service was permitted prior to 1966; or

(4) Where individual metering is impractical. "Impractical" means:

1. Where conditions or structural barriers exist that would make individual meters unsafe or physically impossible to install; or

2. Where the cost of providing individual metering exceeds the long-term benefits of individual metering.

(5) Where the benefits of individual metering (reduced or controlled energy consumption) are more effectively accomplished through a master meter arrangement.

1. A new multitenant building qualifies for master metering under this subparagraph if the predicted annual gas use would result in at least a 30 percent savings compared to the predicted annual gas use of a new building meeting the requirements of the state of Iowa energy code and operating with equipment, fixtures, and appliances meeting federal gas standards for manufactured devices for a new building.

2. An existing multitenant building qualifies for master metering under this subparagraph when the predicted annual gas use would result in at least a 20 percent gas savings compared to the building's current annual gas usage levels.

3. In determining whether a building's predicted annual gas use would result in at least a 20 or 30 percent savings, all relevant factors that decrease the building's gas usage may be considered, so long as each factor is relevant to why master metering more effectively reduces or controls the building's gas consumption. This includes but is not limited to new or more efficient equipment, materials, or appliances; improved operating practices; changes in fuel type; or structural improvements. This does not affect the determination made for buildings approved prior to July 16, 2025.

4. A report from a qualified independent third party stating that the proposed building or renovation will meet the gas savings requirements of this subparagraph shall establish a rebuttable presumption of eligibility for master metering. "Qualified, independent third party" means a licensed architect or engineer, a certified residential energy services network home energy rating system (RESNET HERS) rater, or any other professional deemed qualified by the commission.

c. If a multitenant building is master metered, the end user occupants may be charged for natural gas as an unidentified portion of the rent, condominium fee, or similar payment, or, if some other method

of allocating the cost of the gas service is used, the total charge for gas service shall not exceed the total gas bill charged by the utility for the same period.

d. Master metering to multiple buildings is prohibited, except for multiple buildings owned by the same person or entity. Multitenant premises within a multiple building complex may be master-metered pursuant to this paragraph only if the requirements of paragraph 19.3(1)*"b"* have been met.

e. All gas consumed by the utility shall be on the basis of meter measurement except where consumption may be readily computed without metering or where metering is impractical.

19.3(2) *Meter reading records.* The meter reading records shall show:

a. Customer's name, address, rate schedule, or identification of rate schedule.

b. Identifying number or description of the meter(s).

c. Meter readings.

d. Whether the reading has been estimated.

e. Any applicable multiplier or constant.

19.3(3) *Meter register.* If it is necessary to apply a multiplier to the meter readings, the multiplier must be marked on the face of the meter register or stenciled in weather-resistant paint upon the front cover of the meter. Customers shall have continuous visual access to meter registers as a means of verifying the accuracy of bills presented to them and for implementing energy conservation initiatives as they desire. Where remote meter reading is used, whether outdoor on premises or off-premises-automated, the customers shall have a readable meter register at the meter as a means of verifying the accuracy of bills presented to them. A utility may comply with the requirements of this subrule by making the required information available via the internet or other equivalent means.

19.3(4) *Prepayment meters.* Prepayment meters shall not be geared or set so as to result in the charge of a rate or amount higher than would be paid if a standard type meter were used, except under tariffs approved by the commission.

19.3(5) *Meter reading and billing interval.*

a. Readings of all meters used for determining charges and billings to customers shall be scheduled at least monthly and for the beginning and termination of service. Bills to larger customers may, for good cause, be provided weekly or daily for a period not to exceed one month. Intervals other than monthly shall not be applied to smaller customers, or to larger customers after the initial month provided above, without a waiver from the commission. If the commission denies a waiver, or if a waiver is not sought with respect to a large-volume customer after the initial month, that customer's bill shall be provided monthly for the next 12 months. The group of larger customers to which shorter billing intervals may be applied shall be specified in the utility's tariff sheets, but shall not include residential customers.

b. Utilities should obtain readings of the meters on corresponding days of each meter reading period when possible. Unless the utility has a plan to test check meter readings, a utility representative shall physically read the meter at least once each 12 months and when the utility is notified there is a change of customer.

19.3(6) *Readings and estimates.*

a. When a customer is connected or disconnected or the meter reading date causes a given billing period to deviate by more than 10 percent (counting only business days) from the normal meter reading period, such bill shall be prorated on a daily basis.

b. When access to a meter cannot be gained, the utility may, at its discretion, leave with the customer a meter reading form. The customer may provide the meter reading by telephone, email (if it is allowed by the utility), or mail. If the meter reading information is not obtained in time for the billing operation, an estimated bill may be provided. If an actual meter reading cannot be obtained, the utility may provide an estimated bill without reading the meter or supplying a meter reading form to the customer. Only in unusual cases or when approval is obtained from the customer shall more than three consecutive estimated bills be provided.

c. Utilities will file with the commission procedures for calculating bill estimates, which incorporate normalized weather data, as well as procedures for determining the reasonable heating

degree day data to use in the calculations. Utilities shall inform the commission when changes are made to the procedures for calculating estimated bills.

19.3(7) *Plant additions, distribution main extensions, and service lines.*

a. Definitions. The following definitions apply to the terms in this subrule:

"Advance for construction" means cash payments or equivalent surety made to the utility by an applicant for an extensive plant addition or a distribution main extension, portions of which may be refunded depending on any subsequent service line attached to the extensive plant addition or distribution main extension. Cash payments or equivalent surety shall include a grossed-up amount for the income tax effect of such revenue. The amount of tax shall be reduced by the present value of the tax benefits to be obtained by depreciating the property in determining the tax liability.

"Agreed-upon attachment period" means a period of no less than 30 days nor more than one year mutually agreed upon by the utility and the applicant within which the customer will attach. If no time period is mutually agreed upon, the agreed-upon attachment period shall be deemed to be 30 days.

"Contribution in aid of construction" means a nonrefundable cash payment grossed-up for the income tax effect of such revenue covering the costs of a service line that are in excess of costs paid by the utility. The amount of tax shall be reduced by the present value of the tax benefits to be obtained by depreciating the property in determining the tax liability.

"Distribution main extension" means a segment of pipeline installed to convey gas to individual service lines or other distribution mains.

"Estimated base revenues" means an amount calculated by subtracting the cost of purchased gas and energy efficiency charges from estimated annual revenues.

"Estimated construction costs" means an amount calculated using average current costs in accordance with good engineering practices and upon the following factors: amount of service required or desired by the customer requesting the distribution main extension or service line; size, location, and characteristics of the distribution main extension or service line, including appurtenances; and whether the ground is frozen or whether other adverse conditions exist. Estimated construction costs shall not include costs associated with facilities built for the convenience of the utility. The customer shall be charged actual permit fees in addition to estimated construction costs. Permit fees are to be paid regardless of whether the customer is required to pay an advance for construction or a nonrefundable contribution in aid of construction, and the cost of any permit fee is not refundable.

"Similarly situated customer" means a customer whose annual consumption or service requirements, as defined by estimated annual revenue, are approximately the same as the annual consumption or service requirements of other customers.

b. Plant additions. The utility shall provide all gas plant at its cost and expense without requiring an advance for construction from customers or developers, except in those unusual circumstances where extensive plant additions are required before the customer can be served. A written contract between the utility and the customer that requires an advance for construction by the customer to make plant additions shall be available for commission inspection.

c. Distribution main extensions. Where the customer will attach to the distribution main extension within the agreed-upon attachment period after completion of the distribution main extension, the following shall apply:

(1) The utility shall finance and make the distribution main extension for a customer without requiring an advance for construction if the estimated construction costs to provide a distribution main extension are less than or equal to six times estimated base revenue calculated on the basis of similarly situated customers. If the utility uses a feasibility model to determine an advance for construction, the utility will file a summary explaining the model's inputs and a description of the model as part of the utility's tariff. The utility may charge customers for actual permit fees and additional costs associated with construction during adverse conditions, which are not refundable.

(2) If the estimated construction cost to provide a distribution main extension is greater than six times estimated base revenue calculated on the basis of similarly situated customers, the applicant for a distribution main extension shall contract with the utility and make, no more than 30 days prior to commencement of construction, an advance for construction based upon the following formula:

(estimated construction cost – 6 x estimated base revenues)

If a utility uses a feasibility model to determine if an advance for construction is necessary, it will file a summary explaining the model's inputs and a description of the model as part of the utility's tariff. A written contract between the utility and the customer shall be available for commission inspection upon request. The utility will provide the customer with a cost estimate that details the costs and credits, by category. The utility may charge customers for actual permit fees, which are not refundable.

(3) Where the customer will not attach within the agreed-upon attachment period after completion of the distribution main extension, the applicant for the distribution main extension shall contract with the utility and make, no more than 30 days prior to the commencement of construction, an advance for construction equal to the estimated construction cost. The utility may use a feasibility model to determine the amount of the advance for construction. The utility shall file a summary explaining the inputs into the feasibility model and a description of the model as part of the utility's tariff. A written contract between the utility and the customer shall be available for commission inspection upon request. Whether or not the construction of the distribution main extension would otherwise require a payment from the customer, the utility shall charge the customer for actual permit fees and additional costs associated with construction during adverse conditions, and the permit fees are not refundable.

(4) Advances for construction may be paid by cash or equivalent surety, unless the customer has failed to comply with the conditions of surety in the past, and shall be refundable for ten years.

(5) When the customer is required to make an advance for construction, the utility shall refund the advance in aid of construction to the depositor for a period of ten years from the date of the original advance a pro rata share for each service line attached to the distribution main extension no less than four times per year.

1. The utility will provide the customer receiving the refund with a statement detailing the refund calculation.

2. Any amounts subject to refund shall be paid by the utility without interest.

(6) The utility shall keep a record of each work order under which the distribution main extension was installed, to include the estimated revenues, the estimated construction costs, the amount of any payment received, and any refunds paid.

d. Service lines.

(1) The utility shall finance and construct a service line without requiring a contribution in aid of construction or any payment by the applicant where the length of the service line to the riser is up to 50 feet on private property or 100 feet on private property if polyethylene plastic pipe is used.

(2) Where the length of the service line exceeds 50 feet on private property or 100 feet if polyethylene plastic pipe is used, the applicant shall provide a nonrefundable contribution in aid of construction for that portion of the service line on private property in excess of 50 feet or in excess of 100 feet if polyethylene plastic pipe is used, exclusive of the riser, within 30 days after completion. The contribution in aid of construction for that portion of the service line shall be computed as follows:

(Estimated Construction Costs) ×

$$\frac{\text{(Total Length in Excess of 50 Feet) or (Total Length in Excess of 100 Feet)}}{\text{(Total Length of Service Line)}}$$

(3) A utility may adopt a tariff or rule that allows the utility to finance and construct a service line of more than 50 feet, or 100 feet if polyethylene plastic pipe is used, without requiring a contribution in aid of construction from the customer if the tariff or rule applies equally to all customers.

(4) Whether or not the construction of the service line would otherwise require a payment from the customer, the utility may charge the customer for actual permit fees and additional costs associated with construction during adverse conditions.

e. Extensions. Utilities are not required to make distribution main extensions or attach service lines as described in this subrule unless the distribution main extension or service line shall be of a permanent nature. When the utility provides a temporary service to a customer, the utility may require that the customer bear all of the cost of installing and removing the service in excess of any salvage realized.

f. Different payment arrangement. Utilities may make a contract with a customer using a different payment arrangement than provided in this subrule, if the contract provides a more favorable payment arrangement to the customer, so long as no discrimination is practiced among similarly situated customers.

g. Areas without service or with constrained service.

(1) A utility may finance and expand natural gas service into an area of the state with no natural gas service or where capacity constraints limit the expansion of service. A utility expanding service under this paragraph may do so without requiring an advance for construction from a customer or group of customers if a standard feasibility model approved by the commission shows the expansion is economically justified over a period not to exceed 20 years. The approved model will be adopted following a commission proceeding in which interested parties will have the opportunity to review and comment on a model jointly proposed by the regulated gas utilities. The approved model will be made available on the commission's website. The utility shall charge the customer or customers for actual permit fees, and the permit fees are not refundable.

(2) If the feasibility model does not show the expansion is economically justified without an advance for construction, a customer or group of customers may contract with the utility and make, no more than 30 days prior to commencement of construction, an advance for construction in an amount that would make the expansion economically justified.

(3) Upon making a determination that it intends to move forward with an expansion pursuant to this paragraph, the utility shall notify the commission by filing the inputs and results of the feasibility model and any associated contract or contracts with the commission. The utility shall maintain separate books and records for any expansion made pursuant to this paragraph until the utility's next general rate case proceeding.

19.3(8) *Cooperation and advance notice.* In order that full benefit may be derived from this chapter and in order to facilitate its proper application, all utilities shall observe the following cooperative practices:

a. A utility will provide all other public utilities in the same general territory advance notice of any construction or change in construction or in operating conditions of its facilities concerned or likely to be concerned in situations of proximity.

b. All utilities will assist in promoting conformity with this chapter. An arrangement should be set up among all utilities whose facilities may occupy the same general territory, providing for the interchange of pertinent data and information including that relative to proposed and existing construction and changes in operating conditions concerned or likely to be concerned in situations of proximity.

This rule is intended to implement Iowa Code section 476.3.

199—19.4(476) Customer relations.

19.4(1) *Customer information.* Each utility shall:

a. Maintain up-to-date maps, plans or records of its entire transmission and distribution systems, with such other information as may be necessary to enable the utility to advise prospective customers, and others entitled to the information, as to the facilities available for serving customers in its service area.

b. Assist customers or prospective customers in selecting the most economical rate schedule available for the proposed type of service.

c. Notify customers affected by a change in rates or schedule classification in the manner provided in the rules of practice and procedure before the commission (rule 199—26.4(476A)).

d. Post a notice in a conspicuous place in each office of the utility where applications for service are received, informing the public that copies of the rate schedules and rules relating to the service of the utility, as filed with the commission, are available for public inspection. If the utility provides access to its rate schedules and rules for service on its website, the notice shall include the website address.

e. Upon request, inform its customers as to the method of reading meters.

f. State, on the bill form, that tariff and rate schedule information is available upon request at the utility's local business office. If the utility provides access to its tariff and rate schedules on its website, the statement shall include the website address.

g. Upon request, transmit a statement of either the customer's actual consumption, or degree day adjusted consumption, at the company's option, of natural gas for each billing period during the prior 12 months.

h. Furnish such additional information as the customer may reasonably request.

19.4(2) *Customer contact employee qualifications.* Utilities will promptly and courteously resolve inquiries for information or complaints. Employees who receive customer telephone calls, emails, and office visits shall be qualified and trained in screening and resolving complaints to avoid a preliminary recitation of the entire complaint to employees without ability and authority to act. The employee shall provide identification to the customer that will enable the customer to reach that employee again if needed.

Each utility will notify their customers, by bill insert or notice on the bill form, of the address and telephone number where a utility representative qualified to assist in resolving the complaint can be reached. The bill insert or notice shall also include the following statement: "If (utility name) does not resolve your complaint, you may request assistance from the Iowa Utilities Commission by calling 515.725.7300 or toll-free 877.565.4450, or by writing to 1375 E. Court Ave., Des Moines, IA 50319-0069, or by email to customer@iuc.iowa.gov."

The bill insert or notice on the bill form shall be provided monthly. Any utility that does not use the standard statement described in this subrule will file its proposed statement in its tariff for approval.

19.4(3) *Customer deposits.*

a. Each utility may require from any customer or prospective customer a deposit intended to guarantee partial payment of bills for service. Each utility will allow a person other than the customer to pay the customer's deposit. In lieu of a cash deposit, the utility may accept the written guarantee of a surety or other responsible party as surety for an account. Upon termination of a guarantee contract, or whenever the utility deems the contract insufficient as to amount or surety, a cash deposit or a new or additional guarantee may be required for good cause upon reasonable written notice.

b. A new or additional deposit may be required from a customer when a deposit has been refunded or is found to be inadequate. Written notice shall be mailed advising the customer of any new or additional deposit requirement. The customer will have no less than 12 days from the date of mailing to comply. The new or additional deposit shall be payable at any of the utility's business offices or local authorized agents. An appropriate receipt shall be provided. The utility does not need to provide written notice of a deposit required as a prerequisite for commencing initial service.

c. No deposit shall be required as a condition for service other than determined by application of either credit rating or deposit calculation criteria, or both, of the filed tariff.

d. The total deposit for any residential or commercial customer for a place that has previously received service shall not be greater than the highest billing of service for one month for the place in the previous 12-month period. The deposit for any residential or commercial customer for a place that has not previously received service or for an industrial customer shall be the customer's projected one-month usage for the place to be served as determined by the utility or as may be reasonably required by the utility in cases involving service for short periods or special occasions.

19.4(4) *Interest on customer deposits.* Interest will be paid by each utility to each customer required to make a deposit. Utilities will compute interest on customer deposits at 7.5 percent per annum, compounded annually. Interest is to be paid for the period beginning with the date of deposit to the date of refund or to the date that the deposit is applied to the customer's account, or to the date the customer's bill becomes permanently delinquent. The date of refund is that date on which the refund or the notice of deposit refund is forwarded to the customer's last-known address. The date a customer's bill becomes permanently delinquent, relative to an account treated as an uncollectible account, is the most recent date the account became delinquent.

19.4(5) *Customer deposit records.* Each utility shall keep records to show:

a. The name and address of each depositor.

b. The amount and date of the deposit.

c. Each transaction concerning the deposit.

19.4(6) *Customer's receipt for a deposit.* Utilities will issue a receipt of deposit to each customer from whom a deposit is received and provide means whereby a depositor may establish claim if the receipt is lost.

19.4(7) *Deposit refund.* A deposit shall be refunded after 12 consecutive months of prompt payment (which may be 11 timely payments and one automatic forgiveness of late payment) unless the utility is entitled to require a new or additional deposit. For refund purposes, accounts will be reviewed after 12 months of service following the making of the deposit and for each 12-month interval terminating on the anniversary of the deposit. However, deposits received from customers subject to the waiver provided by subrule 19.3(5), including surety deposits, may be retained by the utility until final billing. Upon termination of service, the deposit plus accumulated interest, less any unpaid utility bill of the customer, shall be reimbursed to the person who made the deposit.

19.4(8) *Unclaimed deposits.* Utilities will make reasonable efforts to return each unclaimed deposit and accrued interest after the termination of the services for which the deposit was made. The utility shall maintain a record of deposit information for at least two years or until such time as the deposit, together with accrued interest, escheats to the state pursuant to Iowa Code section 556.4, at which time the record and deposit, together with accrued interest less any lawful deductions, will be sent to the state treasurer pursuant to Iowa Code section 556.11.

19.4(9) *Customer bill forms.* Each customer shall be informed as promptly as possible following the reading of the customer's meter, on bill form or otherwise, of the following:

a. The reading of the meter at the beginning and at the end of the period for which the bill is provided.

b. The dates on which the meter was read at the beginning and end of the billing period.

c. The number and kind of units metered.

d. The applicable rate schedule with the identification of the applicable rate classification.

e. The account balance brought forward and the amount of each net charge for rate-schedule-priced utility service, sales tax, other taxes, late payment charge, and total amount currently due. In the case of prepayment meters, the amount of money collected shall be shown.

f. The last date for timely payment, which will not be less than 20 days after the bill is provided.

g. A distinct marking to identify an estimated bill, when applicable.

h. A distinct marking to identify a minimum bill.

i. Any conversions from meter reading units to billing units, or any calculations to determine billing units from recording or other devices, or any other factors, such as sliding scale or automatic adjustment and amount of sales tax adjustments used in determining the bill.

19.4(10) *Payment agreements.*

a. Availability of a first payment agreement. When a residential customer cannot pay in full a delinquent bill for utility service or has an outstanding debt to a utility for residential utility service and is not in default of a payment agreement with the utility, the utility shall offer the customer an opportunity to enter into a reasonable payment agreement. The offer of a payment agreement is to be made prior to disconnection.

b. Reasonableness. Whether a payment agreement is reasonable will be determined by considering the current household income, ability to pay, payment history including prior defaults on similar agreements, the size of the bill, the amount of time and the reasons why the bill has been outstanding, and any special circumstances creating extreme hardships within the household. The utility may require the person to confirm financial difficulty with an acknowledgment from the department of health and human services or another agency.

c. Terms of payment agreements.

(1) First payment agreement. The utility shall offer the following conditions to customers who have received a disconnection notice or who have been previously disconnected and are not in default of a payment agreement:

1. For customers who received a disconnection notice or who have been disconnected less than 120 days and are not in default of a payment agreement, the utility shall offer an agreement with at least 12 even monthly payments. For customers who have been disconnected more than 120 days and are not in default of a payment agreement, the utility shall offer an agreement with at least six even monthly payments. Utilities will inform customers they may pay off the delinquency early without incurring any prepayment penalties.

2. The agreement shall also include provision for payment of the current account.

3. The utility may also require the customer to enter into a budget billing plan to pay the current bill.

4. When the customer makes the agreement in person, a signed copy of the agreement shall be provided to the customer.

5. The utility may offer the customer the option of making the agreement over the telephone or through electronic transmission.

6. When the customer makes the agreement over the telephone or through electronic transmission, the utility shall provide to the customer a written document reflecting the terms and conditions of the agreement within three days of the date the parties entered into the oral agreement or electronic agreement.

7. The document will be considered provided to the customer when addressed to the customer's last-known address and deposited in the U.S. mail with postage prepaid. If delivery is by other than U.S. mail, the document is considered provided to the customer when delivered to the last-known address of the customer or sent via electronic delivery with customer consent. Such consent shall be deemed given when the customer consents to or requests electronic billing.

8. The document shall state that unless the customer notifies the utility otherwise within ten days from the date the document is provided, it will be deemed that the customer accepts the terms as reflected in the written document. The document stating the terms and agreements shall include the address and a toll-free or collect telephone number where a qualified representative can be reached.

9. Once the first payment required by the agreement is made by the customer or on behalf of the customer, the oral or electronic agreement is deemed accepted by the customer.

10. Each customer entering into a first payment agreement shall be granted at least one late payment that is four days or less beyond the due date for payment, and the first payment agreement shall remain in effect.

11. The initial payment is due on the due date for the next regular bill.

12. A customer shall not be charged interest, or a late payment charge, on a payment agreement where the customer is making payments consistent with the terms of the payment agreement.

(2) Second payment agreement. The utility shall offer a second payment agreement to a customer who is in default of a first payment agreement if the customer has made at least two consecutive full payments under the first payment agreement.

1. The second payment agreement shall be for a term at least as long as the term of the first payment agreement.

2. The customer shall pay for current service in addition to the monthly payments under the second payment agreement and may be required to make the first payment up-front as a condition of entering into the second payment agreement.

3. The utility may also require the customer to enter into a budget billing plan to pay the current bill.

(3) Additional payment agreements. The utility may offer additional payment agreements to the customer.

d. Refusal by utility.

(1) A customer may offer the utility a proposed payment agreement. If the utility and the customer do not reach an agreement, the utility may refuse the offer orally, but the utility must provide a written refusal of the customer's final offer, stating the reason for the refusal, within three days of the oral notification. The written refusal shall be considered provided to the customer when addressed to the customer's last-known address and deposited in the U.S. mail with postage prepaid. If delivery is by

other than U.S. mail, the written refusal shall be considered provided to the customer when handed to the customer, delivered to the last-known address of the customer, or sent via electronic delivery with customer consent. Such consent shall be deemed given when the customer consents to or requests electronic billing.

(2) A customer may ask the commission for assistance in working out a reasonable payment agreement within ten days after the written refusal is provided. During the review of this request, the utility shall not disconnect the service.

19.4(11) *Bill payment terms.* The bill is considered provided to the customer when deposited in the U.S. mail with postage prepaid. If delivery is by other than U.S. mail, the bill is considered provided when delivered to the last-known address of the customer or sent via electronic delivery with customer consent. Such consent shall be deemed given when the customer consents to or requests electronic billing. An account shall not be delinquent until 20 days have passed since the bill was provided to the customer. For customers on more frequent billing intervals, an account shall not be delinquent until five days have passed since the bill was provided to the customer. A late payment charge will not be assessed if payment is received within 20 days of the date the bill is provided.

a. The date of delinquency for all residential customers or other customers whose consumption is less than 250 ccf per month shall be changeable for cause, such as but not limited to 15 days from the approximate date each month upon which income is received by the person responsible for payment. Utilities are not required to delay the date of delinquency more than 30 days beyond the date of preparation of the previous bill.

b. In any case where net and gross amounts are billed to customers, the difference between net and gross is a late payment charge and is valid only when part of a delinquent bill payment. A utility's late payment charge shall not exceed 1.5 percent per month of the past due amount. No collection fee may be levied in addition to this late payment charge. This rule does not prohibit cost-justified charges for disconnection and reconnection of service.

c. If the customer makes partial payment in a timely manner, and does not designate the service or product for which payment is made, the payment shall be credited pro rata between the bill for utility services and related taxes.

d. Each account shall be granted not less than one complete forgiveness of a late payment charge each calendar year. The utility's rules shall be definitive that on one monthly bill in each period of eligibility, the utility will accept the net amount of such bill as full payment for such month after expiration of the net payment period. The rules shall state how the customer is notified that the eligibility has been used. Complete forgiveness means no effect upon the credit rating of the customer and no collection of late payment charge.

e. Budget billing plan. Utilities shall offer a budget billing plan to all residential customers or other customers whose consumption is less than 250 ccf per month. A budget billing plan should be designed to limit the volatility of a customer's bill and maintain reasonable account balances and will include at least the following:

(1) Be offered to each eligible customer when the customer initially requests service. The plan may be estimated if there is insufficient usage history to create a budget billing plan based on actual use.

(2) Allow for entry into the budget billing plan anytime during the calendar year.

(3) Provide that a customer may request termination of the plan at any time. If the customer's account is in arrears at the time of termination, the balance shall be due and payable at the time of termination. If there is a credit balance, the customer may obtain a refund or apply the credit to future charges. A utility is not required to offer a new budget billing plan to a customer for six months after the customer has terminated from a budget billing plan.

(4) Use a computation method that produces a reasonable monthly budget billing amount, which may take into account forward-looking factors such as fuel price and weather forecasts, and that complies with requirements in this subrule. The computation method used by the utility shall be described in the utility's tariff. The utility shall give notice to customers when it changes the type of computation method in the budget billing plan.

1. The amount to be paid at each billing interval by a customer on a budget billing plan shall be computed at the time of entry into the plan and be recomputed at least annually. The budget billing amount may be recomputed monthly, quarterly, when requested by the customer, or whenever price, consumption, or a combination of factors results in a new estimate differing by 10 percent or more from that in use.

2. When the budget billing amount is recomputed, the utility shall divide the budget billing plan account balance by 12, and add the resulting amount to the estimated monthly budget billing amount. Except when a utility has a budget billing plan that recomputes the budget billing amount monthly, the customer may apply any credit to payments of subsequent months' budget billing amounts due or obtain a refund of any credit in excess of $25.

3. Except when a utility has a budget billing plan that recomputes the budget billing amount monthly, the customer shall be notified of the recomputed payment amount not less than one full billing cycle prior to the date of delinquency for the recomputed payment. The notice may accompany the bill prior to the bill that is affected by the recomputed payment amount.

4. Irrespective of the account balance, a delinquency in payment is subject to the same collection and disconnection procedures as other accounts, with the late payment charge applied to the budget billing amount. If the account balance is a credit, the budget billing plan may be terminated by the utility after 30 days of delinquency.

19.4(12) *Customer records.* The utility shall retain customer billing records for the length of time necessary to permit the utility to comply with subrule 19.4(13) but not less than five years. Customer billing records shall show, where applicable:

a. Therm consumption.

b. Meter reading.

c. Total amount of bill.

19.4(13) *Adjustment of bills.* Bills that are incorrect due to billing errors or faulty metering installation are to be adjusted as follows:

a. Fast metering. Whenever a metering installation is tested and found to have overregistered more than 2 percent, the utility shall recalculate the bills for service.

(1) The bills for service shall be recalculated from the time at which the error first developed or occurred if that time can be definitely determined.

(2) If the time at which the error first developed or occurred cannot be definitely determined, it shall be assumed that the overregistration has existed for the shortest time period calculated as one-half the time since the meter was installed or one-half the time elapsed since the last meter test unless otherwise ordered by the commission.

(3) If the recalculated bills indicate that $5 or more is due an existing customer or $10 or more is due a person no longer a customer of the utility, the tariff shall provide for refunding of the full amount of the calculated difference between the amount paid and the recalculated amount. Refunds shall be made to the two most recent customers who received service through the metering installation during the time the error existed. In the case of a previous customer who is no longer a customer of the utility, a notice of the amount subject to refund shall be mailed to such previous customer at the last-known address, and the utility shall, upon demand made within three months thereafter, refund the same.

Refunds shall be completed within six months following the date of the metering installation test.

b. Slow metering. Whenever a meter is found to be more than 2 percent slow, the tariff may provide for back billing the customer for the amount the test indicates has been undercharged for the period of inaccuracy.

When the average error cannot be determined by test because of failure of part or all of the metering equipment, the tariff may provide for use of the registration of check metering installation, if any, or for estimating the quantity consumed based on available data. The utility will advise the customer of the failure and of the basis for the estimate of quantity billed.

(1) The utility may not back bill due to underregistration unless a minimum back bill amount is specified in its tariff. The minimum amount specified for back billing shall not be less than $5 for an

existing customer or $10 for a former customer. All recalculations resulting in an amount due equal to or greater than the tariff specified minimum shall result in issuance of a back bill.

(2) The period for back billing shall not exceed the last six months the meter was in service unless otherwise ordered by the commission.

(3) Back billings shall be provided no later than six months following the date of the metering installation test.

c. Billing adjustments due to fast or slow meters shall be calculated on the basis that the meter should be 100 percent accurate. For the purpose of billing adjustment, the meter error shall be one-half of the algebraic sum of the error at full-rated flow plus the error at check flow.

d. Overcharges. When a customer has been overcharged as a result of incorrect reading of the meter, incorrect application of the rate schedule, incorrect connection of the meter, or other similar reasons, the amount of the overcharge shall be adjusted, refunded, or credited to the customer. The utility shall not be required to adjust, refund, or credit the customer's bill for a period of more than five years unless a different time period is ordered by the commission.

e. Undercharges. When a customer has been undercharged as a result of incorrect reading of the meter, incorrect application of the rate schedule, incorrect connection of the meter, or other similar reasons, the amount of the undercharge may be billed to the customer. The period for which the utility may adjust for the undercharge shall not exceed five years unless otherwise ordered by the commission. The maximum back bill will not exceed the dollar amount equivalent to the tariffed rate for like charges (e.g., usage-based, fixed, or service charges) in the 12 months preceding discovery of the error unless otherwise ordered by the commission.

f. Credits and explanations. Credits due to a customer because of meter inaccuracies, errors in billing, or misapplication of rates shall be separately identified.

19.4(14) *Refusal or disconnection of service.* A customer, as defined in subrule 19.1(2), may be refused or disconnected from service in accordance with tariffs that are consistent with these rules.

a. The utility shall give written notice of pending disconnection except as specified in paragraph 19.4(14)*"b."* The notice shall set forth the reason for the notice and final date by which the account is to be settled or specific action taken. The notice is considered provided to the customer when addressed to the customer's last-known address and deposited in the U.S. mail with postage prepaid. If delivery is by other than U.S. mail, the notice is considered provided when delivered to the last-known address of the customer or sent via electronic delivery with customer consent. Such consent shall be deemed given when the customer consents to or requests electronic billing. The date for disconnection of service shall be not less than 12 days after the notice is provided. The date for disconnection of service for customers on shorter billing intervals under subrule 19.3(5) shall not be less than 24 hours after the notice is posted at the service premises.

One written notice, including all reasons for the notice, shall be given where more than one cause exists for disconnection of service. In determining the final date by which the account is to be settled or other specific action taken, the days of notice for the causes shall be concurrent.

b. Service may be disconnected without notice:

(1) In the event of a condition determined by the utility to be hazardous.

(2) In the event of customer use of equipment in a manner that adversely affects the utility's equipment or the utility's service to others.

(3) In the event of tampering with the equipment furnished and owned by the utility. For the purposes of this subrule, a broken or absent meter seal alone shall not constitute tampering.

(4) In the event of unauthorized use.

c. Service may be disconnected or refused after proper notice:

(1) For violation of or noncompliance with the utility's rules on file with the commission.

(2) For failure of the customer to furnish the service equipment, permits, certificates, or rights-of-way that are specified to be furnished, in the utility's rules filed with the commission, as conditions of obtaining service, or for the withdrawal of that same equipment, or for the termination of those same permissions or rights, or for the failure of the customer to fulfill the contractual obligations imposed as

conditions of obtaining service by any contract filed with and subject to the regulatory authority of the commission.

(3) For failure of the customer to permit the utility reasonable access to the utility's equipment.

d. Service may be refused or disconnected after proper notice for nonpayment of a bill or deposit, except as restricted by subrules 19.4(15) and 19.4(16), provided that the utility has complied with the following provisions when applicable:

(1) Given the customer a reasonable opportunity to dispute the reason for the disconnection or refusal;

(2) Given the customer, and any other person or agency designated by the customer, written notice that the customer has at least 12 days in which to make settlement of the account to avoid disconnection and a written summary of the rights and responsibilities available. Customers billed more frequently than monthly pursuant to subrule 19.3(5) shall be given posted written notice that they have 24 hours to make settlement of the account to avoid disconnection and a written summary of the rights and responsibilities. All written notices shall include a toll-free or collect telephone number where a utility representative qualified to provide additional information about the disconnection can be reached. Each utility representative must provide the representative's name and have immediate access to current, detailed information concerning the customer's account and previous contacts with the utility.

(3) The summary of the rights and responsibilities must be approved by the commission. Any utility that does not use the standard form set forth below for customers billed monthly shall submit to the commission electronically its proposed form for approval. A utility billing a combination customer for both gas and electric service may modify the standard form to replace each use of the word "gas" with the words "gas and electric" in all instances.

CUSTOMER RIGHTS AND RESPONSIBILITIES TO AVOID SHUTOFF OF GAS SERVICE FOR NONPAYMENT

1. What can I do if I receive a notice from the utility that says my gas service will be shut off because I have a past due bill?

a. Pay the bill in full;

b. Enter into a reasonable payment plan with the utility (see #2 below);

c. Apply for and become eligible for low-income energy assistance (see #3 below);

d. Give the utility a written statement from a doctor or public health official stating that shutting off your gas service would pose an especial health danger for a person living at the residence (see #4 below); or

e. Tell the utility if you think part of the amount shown on the bill is wrong. However, you must still pay the part of the bill you agree you owe the utility (see #5 below).

2. How do I go about making a reasonable payment plan? (Residential customers only)

a. Contact the utility as soon as you know you cannot pay the amount you owe. If you cannot pay all the money you owe at one time, the utility may offer you a payment plan that spreads payments evenly over at least 12 months. The plan may be longer depending on your financial situation.

b. If you have not made the payments you promised in a previous payment plan with the utility and still owe money, you may qualify for a second payment agreement under certain conditions.

c. If you do not make the payments you promise, the utility may shut off your utility service on one day's notice unless all the money you owe the utility is paid or you enter into another payment agreement.

3. How do I apply for low income energy assistance? (Residential customers only)

a. Applications are taken at your local community action agency. If you are unsure where to apply, call 211 or 800.244.7431, or visit hhs.iowa.gov/programs/programs-and-services/liheap. To prevent disconnection, contact the utility prior to disconnection of your service.

b. To avoid disconnection, you must apply for energy assistance or weatherization before your service is shut off. Notify your utility that you may be eligible and have applied for energy assistance. Once your service has been disconnected, it will not be reconnected based on approval for energy assistance.

c. Being certified eligible for energy assistance will prevent your service from being disconnected from November 1 through April 1. Between November 1 and April 1, the utility will delay disconnection of your service for 30 days once you notify the utility that you are applying for energy assistance or weatherization assistance, to allow you time to obtain assistance. Only one 30-day delay is required during the moratorium period.

4. What if someone living at the residence has a serious health condition? (Residential customers only)

Contact the utility if you believe this is the case. Contact your doctor or a public health official and ask the doctor or health official to contact the utility and state that shutting off your utility service would pose an especial health danger for a person living at your residence. The doctor or public health official must provide a written statement to the utility office within five days of when your doctor or public health official notifies the utility of the health condition; otherwise, your utility service may be shut off. If the utility receives this written statement, your service will not be shut off for 30 days. This 30-day delay is to allow you time to arrange payment of your utility bill or find other living arrangements. After 30 days, your service may be shut off if full payment or a payment agreement has not been made.

5. What should I do if I believe my bill is not correct?

You may dispute your utility bill. You must tell the utility that you dispute the bill. You must pay the part of the bill you think is correct. If you do this, the utility will not shut off your service for up to 45 days from the date the bill was mailed while you and the utility work out the dispute over the part of the bill you think is incorrect. You may ask the Iowa Utilities Commission for assistance in resolving the dispute. (See #9 below.)

6. When can the utility shut off my utility service because I have not paid my bill?

a. Your utility can shut off service between the hours of 6 a.m. and 2 p.m., Monday through Friday.

b. The utility will not shut off your service on nights, weekends, or holidays for nonpayment of a bill.

c. The utility will not shut off your service if you enter into a reasonable payment plan to pay the overdue amount (see #2 above).

d. The utility will not shut off your service if the temperature is forecasted to be 20 degrees Fahrenheit or colder during the following 24-hour period, including the day your service is scheduled to be shut off.

e. If you have qualified for low-income energy assistance, the utility cannot shut off your service from November 1 through April 1. However, you will still owe the utility for the service used during this time.

f. The utility will not shut off your service if you have notified the utility that you dispute a portion of your bill and you pay the part of the bill that you agree is correct.

g. If one of the heads of household is a service member deployed for military service, utility service cannot be shut off during the deployment or within 90 days after the end of deployment. In order for this exception to disconnection to apply, the utility must be informed of the deployment prior to disconnection. However, you will still owe the utility for service used during this time.

7. How will I be told the utility is going to shut off my gas service?

a. You must be given a written notice at least 12 days before the utility service can be shut off for nonpayment. This notice will include the reason for shutting off your service.

b. If you have not made payments required by an agreed-upon payment plan, your service may be disconnected with only one day's notice.

c. The utility must also try to reach you by telephone or in person before it shuts off your service. From November 1 through April 1, if the utility cannot reach you by telephone or in person, the utility will put a written notice on the door or another conspicuous place of your residence to tell you that your utility service will be shut off.

8. If service is shut off, when will it be turned back on?

a. The utility will turn your service back on if you pay the whole amount you owe or agree to a reasonable payment plan. The service shall be restored for 30 days if you provide the utility with medical verification from a doctor or public health official of an especial danger to health within 14 days of a shut off for nonpayment.

b. If you make your payment during the utility's regular business hours, or by 7 p.m. for utilities permitting such payment or other arrangements after regular business hours, the utility must make a reasonable effort to turn your service back on that day. If service cannot reasonably be turned on that same day, the utility must do it by 11 a.m. the next day.

c. The utility may charge you a fee to turn your service back on. The fee may be higher in the evening or on weekends, so you may ask that your service be turned on during normal utility business hours.

9. Is there any other help available besides my utility?

If the utility has not been able to help you with your problem, you may contact the Iowa Utilities Commission toll-free at 877.565.4450. You may also write the Iowa Utilities Commission at 1375 E. Court Avenue, Des Moines, Iowa 50319-0069, or by email at customer@iuc.iowa.gov. Low-income customers may also be eligible for free legal assistance from Iowa Legal Aid, and may contact Legal Aid at 800.532.1275.

(4) When disconnecting service to a residence, the utility has made a diligent attempt to contact, by telephone or in person, the customer to inform the customer of the pending disconnection and the customer's rights and responsibilities. During the period from November 1 through April 1, if the attempt at customer contact fails, the premises shall be posted at least one day prior to disconnection with a notice informing the customer of the pending disconnection and rights and responsibilities available to avoid disconnection.

If an attempt at personal or telephone contact of a customer occupying a rental unit has been unsuccessful, the utility shall make a diligent attempt to contact the landlord of the rental unit, if known, to determine if the customer is still in occupancy and, if so, the customer's present location. The landlord shall also be informed of the date when service may be disconnected, which will be provided at least 48 hours prior to disconnection of service to a tenant.

If the disconnection will affect occupants of residential units leased from the customer, the premises of any building known by the utility to contain residential units affected by disconnection must be posted, at least two days prior to disconnection, with a notice informing any occupants of the date when service will be disconnected and the reasons for the disconnection.

(5) Disputed bill. If the customer has received notice of disconnection and has a dispute concerning a bill for natural gas service, the utility may require the customer to pay a sum of money equal to the amount of the undisputed portion of the bill pending settlement and thereby avoid disconnection of service. A utility shall delay disconnection for nonpayment of the disputed bill for up to 45 days after the providing of the bill if the customer pays the undisputed amount. The 45 days may be extended if requested of the utility by the commission in the event the customer files a written complaint with the commission in compliance with 199—Chapter 6.

(6) Disconnection and reconnection. Disconnection of a residential customer may take place only between the hours of 6 a.m. and 2 p.m. on a weekday and not on weekends or holidays. If a disconnected customer makes payment or other arrangements during the utility's normal business hours, or by 7 p.m. for utilities permitting such payment or other arrangements after normal business hours, all reasonable efforts shall be made to reconnect the customer that day. If a disconnected customer makes payment or other arrangements after 7 p.m., all reasonable efforts shall be made to reconnect the customer not later than 11 a.m. the next day.

(7) Severe cold weather. A disconnection may not take place where gas is used as the only source of space heating or to control or operate the only space heating equipment at a residence when the actual temperature or the 24-hour forecast of the National Weather Service for the residence's area is predicted to be 20 degrees Fahrenheit or colder. If the utility has properly posted a disconnect notice but is precluded from disconnecting service because of severe cold weather, the utility may immediately proceed with appropriate disconnection procedures, without further notice, when the temperature in the residence's area rises above 20 degrees Fahrenheit and is forecasted to remain above 20 degrees Fahrenheit for at least 24 hours, unless the customer has paid in full the past due amount or is otherwise entitled to postponement of disconnection.

(8) Medical stay. Disconnection of a residential customer shall be postponed if the disconnection of service would present an especial danger to the health of any permanent resident of the premises. An especial danger to health is indicated if a person appears to be seriously impaired and may, because of mental or physical problems, be unable to manage the person's own resources, to carry out activities of daily living or to be protected from neglect or hazardous situations without assistance from others. Indicators of an especial danger to health include but are not limited to age, infirmity, or mental incapacitation; serious illness; physical disability, including blindness and limited mobility; and any other factual circumstances that indicate a severe or hazardous health situation.

The utility may require written verification of the especial danger to health by a physician or a public health official, including the name of the person endangered; a statement that the person is a resident of the premises in question; the name, business address, and telephone number of the certifying party; the nature of the health danger; and approximately how long the danger will continue. Initial verification by the verifying party may be by telephone if written verification is forwarded to the utility within five days.

Verification shall postpone disconnection for 30 days. In the event service is terminated within 14 days prior to verification of illness by or for a qualifying resident, service shall be restored to that residence if a proper verification is thereafter made in accordance with the foregoing provisions. If the customer does not enter into a reasonable payment agreement for the retirement of the unpaid balance of the account within the first 30 days and does not keep the current account paid during the period that the unpaid balance is to be retired, the customer is subject to disconnection pursuant to paragraph 19.4(14)*"f."*

(9) Winter energy assistance. If between November 1 through April 1 the utility is informed that the customer's household may qualify for winter energy assistance or weatherization funds, there shall be no disconnection of service for 30 days from the date the utility is notified to allow the customer time to obtain assistance. Disconnection shall not take place from November 1 through April 1 for a resident who is a head of household and who has been certified to the utility by the community action agency as eligible for either the low-income home energy assistance program or weatherization assistance program. A utility may develop an incentive program to delay disconnection on April 1 for customers who make payments throughout the November 1 through April 1 period. All such incentive programs shall be set forth in tariffs approved by the commission.

(10) Deployment. If the utility is informed that one of the heads of household, as defined in Iowa Code section 476.20, is a service member deployed for military service, as defined in Iowa Code section 29A.90, disconnection cannot take place at the residence during the deployment or prior to 90 days after the end of the deployment.

e. Abnormal gas consumption. A customer who is subject to disconnection for nonpayment of bill, and who has gas consumption that appears to the customer to be abnormally high, may request the utility to provide assistance in identifying the factors contributing to this usage pattern and to suggest remedial measures. The utility shall provide assistance by discussing patterns of gas usage that may be readily identifiable, suggesting that an energy audit be conducted, and identifying sources of energy conservation information and financial assistance that may be available to the customer.

f. A utility may disconnect gas service after 24-hour notice (and without the written 12-day notice) for failure of the customer to comply with the terms of a payment agreement.

g. Prior to November 1, utilities will mail customers a notice describing the availability of winter energy assistance funds and the application process. The notice must be of a type size that is easily legible and conspicuous and contain the information set out by the state agency administering the assistance program.

19.4(15) *Insufficient reasons for denying service.* The following do not constitute sufficient cause for refusal of service to a customer:

a. Delinquency in payment for service by a previous occupant of the premises to be served.

b. Failure to pay for merchandise purchased from the utility.

c. Failure to pay for a different type or class of utility service.

d. Failure to pay the bill of another customer as guarantor thereof.

e. Failure to pay the back bill provided in accordance with paragraph 19.4(13)*"b"* (slow meters).

f. Failure to pay adjusted bills based on the undercharges set forth in paragraph 19.4(13)*"e."*

g. Failure of a residential customer to pay a deposit during the period November 1 through April 1 for the location at which the customer has been receiving service in the customer's name.

h. Delinquency in payment for service by an occupant, if the customer applying for service is creditworthy and able to satisfy any deposit requirements.

i. Delinquency in payment for service arising more than ten years prior, as measured from the most recent of:

(1) The last date of service for the account giving rise to the delinquency,

(2) Physical disconnection of service for the account giving rise to the delinquency, or

(3) The last voluntary payment or voluntary written promise of payment made by the customer, if made before the ten-year period described in this paragraph has otherwise lapsed.

19.4(16) *When disconnection prohibited.*

a. No disconnection may take place from November 1 through April 1 for a resident who is a head of household and who has been certified to the utility by the local community action agency as being eligible for either the low-income home energy assistance program or weatherization assistance program.

b. If the utility is informed that one of the heads of household as defined in Iowa Code section 476.20 is a service member deployed for military service, as defined in Iowa Code section 29A.90, disconnection cannot take place at the residence during the deployment or prior to 90 days after the end of the deployment.

19.4(17) *Change in character of service.* The following shall apply to a material change in the character of gas service:

a. Changes under the control of the utility. The utility shall make such changes only with the approval of the commission and after adequate notice to the customers (paragraph 19.7(6)*"a"*).

b. Changes not under control of the utility or customer. Utilities will adjust appliances to attain the proper combustion of the gas supplied. Due consideration shall be given to the gas heating value and specific gravity (paragraph 19.7(6)*"b"*).

c. Appliance adjustment charge. Utilities will make any necessary adjustments to the customer's appliances without charge and shall conduct the adjustment program with a minimum of inconvenience to the customers.

19.4(18) *Customer complaints.* Utilities will investigate promptly and thoroughly and keep a record of written complaints and all other reasonable complaints received by it from its customers in regard to safety, service, or rates, and the operation of its system that will enable it to review and analyze its procedures and actions. The record shall show the name and address of the complainant, the date and nature of the complaint, and its disposition and the date thereof. All complaints caused by a major outage or interruption shall be summarized in a single report.

a. Tariffs will include a concise, fully informative procedure for the resolution of customer complaints.

b. Reasonable steps will be taken to ensure that customers unable to travel are not denied the right to be heard.

c. The final step in a complaint hearing and review procedure shall be a filing for commission resolution of the issues.

This rule is intended to implement Iowa Code sections 476.2, 476.6, 476.8, 476.20 and 476.54.

199—19.5(476) Engineering practice.

19.5(1) *Requirement for good engineering practice.* The gas plant of the utility shall be constructed, installed, maintained, and operated in accordance with accepted good engineering practice in the gas industry to ensure, as far as reasonably possible, continuity of service, uniformity in the quality of service furnished, and the safety of persons and property.

19.5(2) *Standards incorporated by reference.*

a. The design, construction, operation, and maintenance of gas systems and liquefied natural gas facilities shall be in accordance with the following standards where applicable:

(1) Transportation of Natural and Other Gas by Pipeline; Annual Reports, Incident Reports, and Safety-Related Condition Reports, 49 CFR Part 191.

(2) Transportation of Natural and Other Gas by Pipeline: Minimum Federal Safety Standards, 49 CFR Part 192.

(3) Liquefied Natural Gas Facilities: Federal Safety Standards, 49 CFR Part 193.

(4) Drug and Alcohol Testing, 49 CFR 199.

(5) At railroad crossings, the engineering standards for pipelines found in 199—Chapter 42.

b. The following publications are adopted as standards of accepted good practice for gas utilities:

(1) National Fuel Gas Code, NFPA 54/ANSI Z223.1, published 2024.

(2) Standard for Fire Safety Criteria for Manufactured Home Installations, Sites, and Communities, NFPA 501A, published 2025.

19.5(3) *Adequacy of gas supply.* The natural gas regularly available from supply sources supplemented by production or storage capacity must be sufficiently large to meet all reasonable demands for firm gas service.

19.5(4) *Gas transmission and distribution facilities.* The utility's gas transmission and distribution facilities shall be designed, constructed and maintained as required to reliably perform the gas delivery burden placed upon them. Utilities will be capable of emergency repair work on a scale consistent with its scope of operation and with the physical conditions of its transmission and distribution facilities.

In appraising the reliability of the utility's transmission and distribution system, the commission will consider, as principal factors, the condition of the physical property and the size, training, supervision, availability, equipment and mobility of the maintenance forces.

19.5(5) *Inspection of gas plant.* Utilities will adopt and follow a program of inspection of its gas plant in order to determine the necessity for replacement and repair. The frequency of the various inspections shall be based on the utility's experience and accepted good practice. Utilities will keep sufficient records to give evidence of compliance with its inspection program.

199—19.6(476) Metering.

19.6(1) *Inspection and testing program.* Each utility shall adopt a written program for the inspection and testing of its meters to determine the necessity for adjustment, replacement or repair. The frequency of inspection and methods of testing shall be based on the utility's experience, manufacturer's recommendations, and accepted good practice. The commission considers the publications listed in subrule 19.6(3) to be representative of accepted good practice. Each utility shall maintain inspection and testing records for each meter and associated device until three years after its retirement.

19.6(2) *Program content.* The written program shall, at minimum, address the following subject areas:

a. Classification of meters by capacity, type, and any other factor considered pertinent.

b. Checking of new meters for acceptable accuracy before being placed in service.

c. Testing of in-service meters, including any associated instruments or corrective devices, for accuracy, adjustments, or repairs, and including meters removed from service for any reason.

d. Periodic calibration or testing of devices or instruments used by the utility to test meters.

e. Leak testing of meters before return to service.

f. The limits of meter accuracy considered acceptable by the utility.

g. The nature of meter and meter test records maintained by the utility.

19.6(3) *Accepted good practice.* The following publications are considered to be representative of accepted good practice in matters of metering and meter testing:

a. American National Standard for Gas Displacement Meters (500 Cubic Feet Per Hour Capacity and Under), ANSI B109.1, published April 15, 2019, reaffirmed April 16, 2024.

b. American National Standard for Diaphragm Type Gas Displacement Meters (Over 500 Cubic Feet Per Hour Capacity), ANSI B109.2, published March 16, 2020, reaffirmed July 3, 2025.

c. American National Standard for Rotary Type Gas Displacement Meters, ANSI B109.3, published February 5, 2019, reaffirmed April 16, 2024.

d. Measurement of Gas Flow by Turbine Meters, ANSI/ASME MFC-4M-1986, reaffirmed 2025.

e. Orifice Metering of Natural Gas and Other Related Hydrocarbon Fluids, API MPMS Chapter 14.3, Part 1 (R2017), Part 2 (R2024), Part 3 (R2021), and Part 4 (R2026).

19.6(4) *Meter adjustment.* All meters and associated metering devices, when tested, will be adjusted as closely as practicable to the condition of zero error.

19.6(5) *Request tests.* Upon request by a customer, a utility shall test the meter for that customer but need not test more frequently than once in 18 months.

A written report of the test results shall be mailed to the customer within ten days of the completed test, and a record of each test shall be kept on file at the utility's office. The utility shall give the customer or a representative of the customer the opportunity to be present while the test is conducted.

If the test finds the meter is accurate within the limits accepted by the utility in its meter inspection and testing program, the utility may charge the customer $25 or the cost of conducting the test, whichever is less. The customer shall be advised of any potential charge before the meter is removed for testing.

19.6(6) *Referee tests.* A customer or utility may request a referee test. The commission will conduct a referee test if no such test of the customer's meter has occurred in the 18 months prior to the request and the customer has submitted a $30 deposit to the utility. A customer's request to the commission will indicate whether the deposit has been paid.

Within five days of receipt of the written request and confirmation of payment, the commission shall forward the deposit to the utility and notify the utility of the requirement for a test. The utility shall, within 30 days after notification of the request, schedule the date, time, and place of the test with the commission and customer. The meter shall not be removed or adjusted before the test. The utility shall furnish all testing equipment and facilities for the test. If the tested meter is found to be more than 2 percent fast or 2 percent slow, the deposit will be returned to the party requesting the test and billing adjustments made pursuant to subrule 19.4(13). The commission will issue its report within 15 days after the test is conducted, with a copy to the customer and the utility.

19.6(7) *Condition of meter.* No meter that is known to be mechanically defective, has an incorrect correction factor, or has not been tested and adjusted, if necessary, in accordance with paragraphs 19.6(2)*"b," "c,"* and *"e,"* shall be installed or continued in service. The capacity of the meter and the index mechanism shall be consistent with the gas requirements of the customer.

199—19.7(476) Standards of quality of service.

19.7(1) *Purity.* All gas supplied to customers shall be substantially free of impurities that may cause corrosion of mains or piping or from corrosive or harmful fumes when burned in a properly designed and adjusted burner. If the utility receives gas from a source other than an interstate transmission pipeline, or a pipeline that is subject to gas quality specifications defined by a tariff, the utility must take additional steps to ensure gas purity in the system.

19.7(2) *Pressure limits.* The maximum allowable operating pressure for a low-pressure distribution system shall not be so high as to cause the unsafe operation of any connected and properly adjusted low-pressure gas-burning equipment.

19.7(3) *Adequacy for pressure.* Each utility shall have a substantially accurate knowledge of the pressures inside its piping. Periodic pressure measurements shall be taken during periods of high demand at remote locations in distribution systems to determine the adequacy of service. Records of such measurements including the date, time, and location of the measurement shall be maintained not less than two years.

19.7(4) *Standards for pressure measurements.*

a. Secondary standards. Each utility shall own or have access to a dead weight tester that is maintained in an accurate condition.

b. Working standards. Each utility must have or have access to manometers, laboratory quality indicating pressure gauges, and field-type dead weight pressure gauges as necessary for the proper testing of the indicating and recording pressure gauges used in determining the pressure on the utility's system. Working standards must be checked periodically by comparison with a secondary standard.

19.7(5) *Handling of standards.* Extreme care must be exercised in the handling of standards to ensure that their accuracy is not disturbed. Each standard shall be accompanied at all times by a certificate or calibration card, duly signed and dated, on which are recorded the corrections required to compensate for errors found at the customary test points at the time of the last previous test.

19.7(6) *Heating value.*

a. Awareness. Each utility shall have a substantially accurate knowledge of the heating value of the gas being delivered to customers at all times.

b. Natural and LP gas. The heating value of natural gas and undiluted, commercially pure LP gas is not considered to be under the control of the utility. Utilities will determine the allowable range of monthly average heating values within which its customers' appliances may be expected to function properly without repeated readjustment of the burners. If the monthly average heating value is above or below the limits of the allowable range for three successive months, the customers' appliances must be readjusted in accordance with paragraph 19.4(17)*"c."*

c. Renewable natural gas (RNG). The heating value of gas supplied from an RNG facility is considered within the control of the RNG supplier. The average daily heating value of mixed gas in a distribution system shall be at least 95 percent of that normally delivered by the pipeline supplier. RNG producers are responsible for ensuring the gas produced from the RNG facility is compatible to meet these heating requirements.

d. Peak shaving or other mixed gas. The heating value of gas in a distribution system that includes gas from LP or LNG peak shaving facilities, or gas from a source other than a pipeline supplier, is considered within the control of the utility. The average daily heating value of mixed gas shall be at least 95 percent of that normally delivered by the pipeline supplier. All mixed gas shall have a specific gravity of less than 1.000, and heating value shall not be so high as to cause improper operation of properly adjusted customer equipment.

e. Heating value determination and records. Unless acceptable heating value information is available for all periods from other sources, including the pipeline supplier, utilities will have a method by which the heating value of the gas in a distribution system can be accurately determined. The type, accuracy, operation, and location of equipment, and the accuracy of computation methods, shall be in accordance with accepted industry practices and equipment manufacturer's recommendations, subject to review by the commission.

19.7(7) *Interruptions of service.*

a. Each utility shall make reasonable efforts to avoid interruptions of service, but when interruptions occur, service shall be reestablished within the shortest time practicable, consistent with safety. Records will be maintained for not less than two years of interruptions of service required to be reported pursuant to subrule 19.16(1). Utilities will periodically review these records to determine steps to be taken to prevent recurrence.

b. Planned interruptions shall be made at a time that will not cause unreasonable inconvenience to customers. Interruptions shall be preceded by adequate notice to those who will be affected.

199—19.8(476) Safety.

19.8(1) *Acceptable standards.* As criteria of accepted good safety practice, the commission will use the applicable provisions of the standards incorporated by reference in subrule 19.5(2).

19.8(2) *Protective measures.* Utilities will exercise reasonable care to reduce hazards inherent in connection with utility service to which its employees, its customers, and the general public may be subjected and shall adopt and execute a safety program designed to protect the public, fitted to the size and type of its operations. Utilities will give reasonable assistance to the commission in the investigation of the cause of failures and in the determination of suitable means of preventing failures and will maintain a summary of all incidents that require notification pursuant to subrule 19.16(1) arising from its operations.

19.8(3) *Turning on gas.* Each utility upon the installation of a meter and turning on gas or the act of turning on gas alone shall take the necessary steps to assure itself that there exists no flow of gas through

the meter, which is a warning that the customer's piping or appliances are not safe for gas turn on (Ref: Sec. 8.2.3 and Annex D, ANSI Z223.1/NFPA 54-2018).

19.8(4) *Gas leaks.* A report of a gas leak shall be considered an emergency requiring immediate attention.

19.8(5) *Odorization.* Any gas distributed to customers through gas mains or gas services or used for domestic purposes in compressor plants, which does not naturally possess a distinctive odor to the extent that its presence in the atmosphere is readily detectable at all gas concentrations of one-fifth of the lower explosive limit and above, shall have an odorant added to it to make it so detectable. Odorization is not necessary, however, for such gas as is delivered for further processing or use where the odorant would serve no useful purpose as a warning agent. Utilities will test the gas to ensure the odor meets the standards of subrule 19.5(2). Prompt remedial action shall be taken if odorization levels do not meet the prescribed limits for detectability.

19.8(6) *Burial near electric lines.* Each pipeline will be protected from damage or introduction of current from an electrical fault by installing it with at least 12 inches of clearance from buried electrical conductors or by other means if the clearance is not possible.

19.8(7) *Compliance.* Utilities are to correct all identified instances of noncompliance no later than 12 months from receiving a notice letter from the commission. If such corrective actions cannot be taken within that time frame, the utility shall notify the commission and provide a reasoning as to why such actions will take longer and the additional steps, if any, the utility is undertaking to maintain public health and safety in the meantime. If the utility disputes the commission's findings, the utility shall file a response with the commission within 30 days of such notification, explaining its belief why the findings have not occurred.

199—19.9(476) Purchased gas adjustment (PGA).

19.9(1) *PGA clause.* Pursuant to Iowa Code section 476.6(11), PGAs shall be computed separately for each customer classification or grouping previously approved by the commission and will use the same unit of measure as the utility's tariffed rates. PGAs shall be calculated using factors filed in annual or periodic filings according to the following formula:

$$PGA = \frac{(C \times Rc) + (D \times Rd) + (Z \times Rz)}{S} + Rb + E$$

PGA is the purchased gas adjustment per unit.

S is the anticipated yearly gas commodity sales volume for each customer classification or grouping.

C is the volume of applicable commodity purchased for each customer classification or grouping required to meet sales, S, plus the expected lost and unaccounted for volumes.

Rc is the weighted average of applicable commodity prices or rates, including appropriate hedging tools costs, to be in effect September 1 corresponding to purchases C.

D is the total volume of applicable entitlement reservation purchases required to meet sales, S, for each customer classification or grouping.

Rd is the weighted average of applicable entitlement reservation charges to be in effect September 1 corresponding to purchases D.

Z is the total quantity of applicable storage service purchases required to meet sales, S, for each customer classification or grouping.

Rz is the weighted average of applicable storage service rates to be in effect September 1 corresponding to purchases Z.

Rb is the adjusted amount necessary to obtain the anticipated balance for the remaining PGA year calculated by taking the anticipated PGA balance divided by the forecasted volumes, including storage, for one or more months of the remaining PGA year.

E is the per unit overcollection or undercollection adjustment as calculated under subrule 19.9(6).

The components of the formula shall be determined as follows for each customer classification or grouping:

a. The actual sales volumes S for the prior 12-month period ending May 31, with the necessary degree-day adjustments, and further adjustments approved by the commission. Unless a utility

receives prior commission approval to use another methodology, a utility shall use the same weather normalization methodology used in its prior approved PGA. The source of the heating degree days (HDDs) used in the utility's weather normalization calculation shall be the state climatologist of Iowa.

b. The annual expected lost and unaccounted for factors shall be calculated by determining the actual difference between sales and purchase volumes for the 12 months ending May 31 or from the current annual IG-1 filing, but in no case will this factor be less than 0.

c. The purchases C, D, and Z as necessary to comply with subrule 19.9(1).

d. The PGAs shall be adjusted prospectively to reflect the final decision issued by the commission in a periodic review proceeding.

19.9(2) *Annual PGA filing.* Each utility shall file on or before August 1 of each year, for the commission's approval, a PGA for the 12-month period beginning September 1 of that year.

a. The annual filing shall restate each factor of the formula stated in subrule 19.9(1).

b. The annual filing shall be based on customer classifications and groupings previously approved by the commission unless new classifications or groupings are proposed.

c. The annual filing shall include all worksheets and detailed supporting data used to determine the PGA volumes and factors, along with an explanation of the calculations for each factor. Information already on file with the commission may be incorporated by reference in the filing.

19.9(3) *Periodic changes to PGA clause.* Periodic PGA filings shall be based on the PGA customer classifications and groupings previously approved by the commission. Changes in the customer classification and grouping on file are not automatic and require prior approval by the commission.

a. Periodic filings shall include all worksheets and detailed supporting data used to determine the amount of the adjustment.

b. Changes in factor S or C may not be made in periodic purchased gas filings. A change in factor D or Z may be made in periodic filings and will be deemed approved if it conforms to the annual purchased gas filing or if it conforms to the principles set out in subrule 19.9(5).

c. Utilities shall automatically implement all PGA changes that result from changes in Rc, Rd, or Rz and will concurrently notify the commission with adequate information to calculate and support the change. The PGA shall be calculated separately for each customer classification or grouping.

d. Unless otherwise ordered by the commission, a utility's PGA rate factors shall be adjusted as purchased gas costs change and shall recover from the customers only the actual costs of purchased gas and other currently incurred charges associated with the delivery, inventory, or reservation of natural gas. Such periodic changes shall become effective with usage on or after the date of change.

19.9(4) *Factor Rb.* Each utility has the option of filing an Rb calculation with its October-January PGA filings but shall file an Rb calculation with its February filing and subsequent monthly filings in the PGA year. If the anticipated PGA balance represents costs in excess of revenues, factor Rb shall be assigned a positive value; if the anticipated balance represents revenues in excess of costs, factor Rb shall be assigned a negative value.

19.9(5) *Allocations of changes in contract pipeline transportation capacity obligations.* Any change in contractual pipeline transportation capacity obligations to transportation or storage service providers serving Iowa shall be reported to the commission within 30 days of receipt. The change must be applied on a pro-rata basis to all customer classifications or groupings, unless another method has been approved by the commission. Where a change has been granted as a result of the utility's request based on the needs of specified customers, that change may be allocated to the specified customers. Where the commission has approved anticipated sales levels for one or more customer classifications or groupings, those levels may limit the pro-rata reduction for those classifications or groupings.

19.9(6) *Reconciliation of underbillings and overbillings.* The utility shall file with the commission on or before October 1 of each year a PGA reconciliation for the 12-month period that began on September 1 of the previous year. This reconciliation will be the actual net invoiced costs of purchased gas and appropriate financial hedging tools costs less the actual revenue billed through its PGA clause net of the prior year's reconciliation dollars for each customer classification or grouping. Actual net costs for purchased gas shall be the applicable invoice costs from all appropriate sources associated with the time period of usage.

Negative differences in the reconciliation are considered overbilling by the utility, and positive differences are considered underbilling. This reconciliation shall be filed with all worksheets and detailed supporting data for each particular PGA clause. Penalty purchases shall only be includable where the utility clearly demonstrates a net savings.

a. Annual reconciliation filings will include the following information concerning the hedging tools used by the utility:

(1) The volume of physical gas being hedged by the utility and the strategies used by the utility for hedging.

(2) The reason each hedging strategy was undertaken (e.g., to hedge storage gas, a floating price contract).

(3) A statement as to how each hedging strategy was consistent with the utility's natural gas procurement plan.

(4) An explanation as to why the utility believes each hedging strategy was in the best interest of general system customers.

(5) A detailed explanation of the instruments used to implement each hedging strategy (e.g., fixed-price purchases, future contracts, basis swaps, fixed-price swaps, call options, put options, option collars).

(6) The amount of all commissions paid and to whom those payments were made.

(7) The amount of money or other collateral held in margin accounts or provided to counterparties as credit support for hedging transactions.

(8) The amount of all other third-party administrative or contracting costs paid and to whom those costs were paid.

(9) The name of each hedging counterparty and the amount of money paid to or received from each counterparty with respect to hedging (e.g., option premiums, financial settlement of gains or losses).

(10) Detailed reports or schedules of each hedging strategy, including the following information for each hedging instrument entered into by the utility:

1. The type of hedging instrument.
2. The date on which the hedging instrument was entered into by the utility.
3. The name of the counterparty with whom the hedging instrument was entered into.
4. The notional quantity of natural gas associated with the hedging instrument.
5. The notional delivery period associated with the hedging instrument.
6. The total amount of gains or losses realized by the utility on the hedging instrument.
7. For each futures contract or fixed-price purchase or sale, the fixed price paid or received by the utility and the final settlement price for the futures contract.
8. For each swap contract, the fixed price or index price paid by the utility, the index price or fixed price received by the utility, and the final settlement price of each applicable index referenced in the swap contract.
9. For each option contract, the underlying futures contract or index price referenced in the option contract, the strike price for the option, the premium paid or received by the utility for the option, and the final settlement price for the futures contract or index price referenced in the option.
10. For any other hedging instruments, relevant economic terms, conditions, reference prices, and other factors to support calculations of gains or losses associated with such instruments.
11. For the total natural gas volumes hedged during the PGA year, the fully hedged price of gas and the price if the gas had not been hedged.

b. Underbillings will be collected through ten-month adjustments to the appropriate PGA. The underbilling generated from each PGA clause shall be divided by the anticipated sales volumes for the prospective ten-month period beginning November 1 (based upon the sales determination in subrule 19.9(1)).

The quotient, determined on the same basis as the utility's tariff rates, shall be added to the PGA for the prospective ten-month period beginning November 1.

c. Overbillings will be refunded to the customer classification or grouping from which they were generated. Overbillings will be divided by the annual cost of purchased gas subject to recovery for the 12-month period that began the prior September 1 for each PGA clause and applied as follows:

(1) If the net overbilling from the PGA reconciliation exceeds the applicable percentage of the annual cost of purchased gas subject to recovery for a specific customer classification or grouping, the utility will file a proposed refund plan that includes its interest calculations, its plan for refunding the overbilling either by bill credit or check, and the date it proposes to implement the refund. The minimum amount to be refunded by check is $10. Interest shall be calculated on amounts exceeding the applicable percentage from the PGA year midpoint to the date of refunding. The interest rate shall be the dealer commercial paper rate (90-day, high-grade unsecured notes) quoted in the "Money Rates" section of the Wall Street Journal on the last working day of August of the current year.

(2) If the net overbilling from the PGA reconciliation does not exceed the applicable percentage of the annual cost of purchased gas subject to recovery for a specific customer classification or grouping, the utility may refund the overbilling by bill credit or check starting on the first day of billing in the November billing cycle of the current year, or the utility may refund the overbilling through ten-month adjustments to the particular PGA from which they were generated. The minimum amount to be refunded by check is $10. This adjustment shall be determined by dividing the overcollection by the anticipated sales volume for the prospective ten-month period beginning November 1 as determined in subrule 19.9(1) for the applicable PGA clause. The quotient, determined on the same basis as the utility's tariff rates, shall be a reduction to that particular PGA for the prospective ten-month period beginning November 1.

(3) The overbilling percentage applicable to utilities serving fewer than 10,000 customers is 5 percent. For utilities serving 10,000 or more customers, the applicable percentage is 3 percent.

d. When a customer has reduced or terminated system supply service and is receiving transportation service, any liability for overcollections and undercollections shall be determined in accordance with the utility's gas transportation tariff.

19.9(7) *Refunds related to gas costs charged through the PGA.* The utility shall file a refund plan with the commission within 30 days of the receipt of any refund related to gas costs charged through the PGA.

a. Refunds will be provided to customers by bill credit or check in an amount equal to any refund, plus accrued interest, if the refund exceeds $20 per average residential customer under the applicable customer classification or grouping. The utility may refund lesser amounts through the applicable customer classification or grouping or retain undistributed refund amounts in special refund retention accounts for each customer classification or grouping under the applicable PGA clause until such time as additional refund obligations or interest cause the average residential customer refund to exceed $20. Any obligations remaining in the retention accounts on September 1 shall become a part of the annual PGA reconciliation.

b. The utility shall file with the refund plan the following information:

(1) A statement of reason for the refund.

(2) The amount of the refund with support for the amount.

(3) The balance of the appropriate refund retention accounts.

(4) The amount due under each customer classification or grouping.

(5) The intended period of the refund distribution.

(6) The estimated interest accrued for each refund through the proposed refund period, with complete interest calculations and supporting data as determined in paragraph 19.9(7)*"d."*

(7) The total amount to be refunded, the amount to be refunded per customer classification or grouping, and the refund per ccf or therm.

(8) The estimated interest accrued for each refund received and for each amount in the refund retention accounts through the date of the filing with the complete interest calculation and support as determined in paragraph 19.9(7)*"d."*

(9) The total amount to be retained, the amount to be retained per customer classification or grouping, and the level per ccf or therm.

(10) The calculations demonstrating that the retained balance is less than $20 per average residential customer with supporting schedules for all factors used.

c. The refund to each customer will be determined by dividing the amount in the appropriate refund retention account, including interest, by the total ccf or therm of system gas consumed by affected customers during the period for which the refundable amounts are applicable and multiplying the quotient by the ccf or therms of system supply gas actually consumed by the customer during the appropriate period. The utility may use the last available 12-month period if the use of the actual period generating the refund is impractical. The utility shall file complete support documentation for all figures used.

d. The interest rate on refunds distributed under this subrule, compounded annually, shall be the dealer commercial paper rate (90-day, high-grade unsecured notes) quoted in the "Money Rates" section of the Wall Street Journal on the day the refund obligation vests. Interest shall accrue from the date the utility receives the refund or billing from the supplier or the midpoint of the first month of overcollection to the date the refund is distributed to customers.

e. The utility shall make a reasonable effort to forward refunds, by check, to eligible recipients who are no longer customers.

f. The minimum amount to be refunded by check is $10.

This rule is intended to implement Iowa Code section 476.6(11).

199—19.10(476) Periodic review of gas procurement practices.

19.10(1) *Procurement plan.* Pursuant to Iowa Code section 476.6(11), the commission shall periodically conduct a contested case proceeding for the purpose of evaluating the reasonableness and prudence of a utility's natural gas procurement and contracting practices. In the years in which the commission does not conduct a contested case proceeding, the commission may require the utilities to file certain information for the commission's review. In years in which the commission conducts a full proceeding, a utility shall file prepared direct testimony and exhibits in support of a detailed 12-month plan and a three-year natural gas procurement plan. A utility's procurement plan shall be organized as follows and include:

a. An index of all documents and information filed in the plan and identification of the commission files in which documents incorporated by reference are located.

b. All contracts and gas supply arrangements executed or in effect for obtaining gas and all supply arrangements planned for the future 12-month and three-year periods.

c. A description of the utility's natural gas forecasting, procurement, and contracting practices; available supply options; and other available services (e.g., storage services, balancing services).

d. An exhibit detailing the utility's current, 12-month, and three-year forecasts of total annual throughput by customer class, peak day demand, and anticipated reserve margin on a PGA-year basis.

e. An organizational description of the officer or division responsible for gas procurement and a summary of operating procedures and policies for procuring and evaluating gas contracts.

f. A summary of the legal, regulatory, and commercial actions taken to minimize purchased gas costs.

g. Copies of all studies or investigation reports supporting the utility's testimony or materially considered by the utility in contracting decisions during the plan periods.

h. A complete list of all contracts in effect at the time of the procurement plan filing. The list shall include the contract term, the applicable service, and the contracted quantities.

i. A description of the supply options selected by the utility and an evaluation of the reasonableness and prudence of its contracting and procurement decisions. This evaluation should explain the relationship between forecast and procurement.

19.10(2) *Burden on the utility.* The utility has the burden to prove it is taking all reasonable actions to minimize its purchased gas costs.

19.10(3) *Disallowance of costs.* Purchased gas costs in excess of costs incurred under responsible and prudent policies and practices are disallowed. The PGA factor will be adjusted prospectively to reflect the disallowance.

19.10(4) *Executive summary.* On or before August 1 of each year, each natural gas utility shall file an executive summary and index of all standard and special contracts in effect for the purchase, sale or interchange of gas. The executive summary shall include the following information:

a. The contract number;

b. The start and end date;

c. The parties to the contract;

d. The total estimated dollar value of the contract;

e. A description of the type of service offered (including volumes and price).

This rule is intended to implement Iowa Code section 476.6(11).

199—19.11(476) Flexible rates.

19.11(1) *Purpose.* This rule is intended to allow gas utility companies to offer, at their option, incentive or discount rates to their sales and transportation customers.

19.11(2) *General criteria.*

a. Natural gas utility companies may offer discounts to individual customers, to selected groups of customers, or to an entire class of customers. However, discounted rates must be offered to all directly competing customers in the same service territory. Customers are direct competitors if they make the same end product (or offer the same service) for the same general group of customers. Customers that only produce component parts of the same end product are not directly competing customers.

b. In deciding whether to offer a specific discount, the utility shall evaluate the individual customer's, group's, or class's situation and perform a cost-benefit analysis before offering the discount.

c. Any discount offered should be such as to significantly affect the customer's or customers' decision to stay on the system or to increase consumption.

d. The consequences of offering the discount should be beneficial to all customers and to the utility. Other customers should not be at risk of loss as a result of these discounts; in addition, the offering of discounts shall in no way lead to subsidization of the discounted rates by other customers in the same or different classes.

19.11(3) *Tariffs.* If a company elects to offer flexible rates, the utility shall file for review and approval of tariff sheets specifying the general conditions for offering discounted rates. The tariff sheets shall include, at a minimum, the following criteria:

a. A cost-benefit analysis demonstrating that offering the discount will be more beneficial than not offering the discount.

b. The ceiling for all discounted rates shall be the approved rate on file for the customer's rate class.

c. The floor for the discount sales rates shall be equal to the cost of gas. Therefore, the maximum discount allowed under the sales or transportation tariffs is equal to the nongas costs of serving the customer.

d. No discount shall be offered for a period longer than five years unless the commission determines upon good cause shown that a longer period is warranted.

e. Discounts should not be offered if they will encourage deterioration in the load characteristics of the customer receiving the discount.

f. Customer charges may be discounted.

19.11(4) *Reporting.* Each natural gas utility electing to offer flexible rates shall file annual reports with the commission within 30 days of the end of each 12 months. Reports shall include the following information:

a. Section 1 of the report concerns discounts initiated in the last 12 months, which shall include:

(1) The identity of the new customers (by account number, if necessary);

(2) The value of the discount offered;

(3) The cost-benefit analysis results;

(4) The cost of alternate fuels available to the customer, if relevant;

(5) The volume of gas sold to or transported for the customer in the preceding 12 months; and

(6) A copy of all new or revised flexible-rate contracts executed between the utility and its customers.

b. Section 2 of the report relates to overall program evaluation. For all discounts currently being offered, the report shall include:

(1) The identity of each customer (by account number, if necessary);

(2) The total volume of gas sold or transported in the last 12 months to each customer at discounted rates, by month;

(3) The volume of gas sold or transported to each customer in the same 12 months of the preceding year, by month;

(4) The dollar value of the discount in the last 12 months to each customer, by month;

(5) The dollar value of volumes sold or transported to each customer for each of the previous 12 months; and

(6) If customer charges are discounted, the dollar value of the discount shall be reported separately.

c. Section 3 of the report concerns discounts denied or discounts terminated. For all customers specifically evaluated and denied or having a discount terminated in the last 12 months, the report shall include:

(1) Customer identification (by account number, if necessary);

(2) The volume of gas sold or transported in the last 12 months to each customer, by month;

(3) The volume of gas sold or transported to each customer in the same 12 months of the preceding year, by month; and

(4) The dollar value of volumes sold or transported to each customer for each of the past 12 months.

d. No report is required if the utility had no customers receiving a discount during the relevant period and had no customers that were evaluated for the discount and rejected during the relevant period.

19.11(5) *Rate case treatment.* In a rate case, 50 percent of any identifiable increase in net revenues will be used to reduce rates for all customers; the remaining 50 percent of the identifiable increase in net revenues may be kept by the utility. If there is a decrease in revenues due to the discount, the utility's test year revenues will be adjusted to remove the effects of the discount by assuming that all sales or transportation services or customer charges were made at full tariffed rates for the customer class. Determining the actual amount will be a factual determination to be made in the rate case.

199—19.12(476) Transportation service.

19.12(1) *Purpose.* This subrule requires gas distribution utility companies to transport natural gas owned by an end user on a nondiscriminatory basis, subject to the capacity limitations of the specific system. "System capacity" means the maximum flow of gas the relevant portion of the system is capable of handling. Capacity availability is determined using the total current firm gas flow, including both system and transportation gas.

19.12(2) *End user rights.* The end user purchasing transportation services from the utility shall have the following rights and be subject to the following conditions:

a. The end user has the right to receive, pursuant to agreement, 100 percent of the gas delivered by it or on its behalf to the transporting utility (adjusted for a reasonable volume of lost, unaccounted-for, and company-used gas).

b. The volumes that the end user is entitled to receive are subject to curtailment or interruption due to limitations in the system capacity of the transporting utility. Curtailment of the transportation volumes will take place according to the priority class, subdivision, or category that the end user would have been assigned if it were purchasing gas from the transporting utility.

c. During periods of curtailment or interruption, the end user is entitled to a credit equal to the difference between the volumes delivered to the utility and those received by the end user, adjusted for lost, unaccounted-for, and company-used gas.

d. The end user is responsible for all costs associated with any additional plant required for providing transportation services to the end user.

19.12(3) *Transportation service charges.* Transportation service shall be offered to at least the following classes:

a. Interruptible distribution service with system supply reserve.

b. Interruptible distribution service without system supply reserve.

c. Firm distribution service with system supply reserve.

d. Firm distribution service without system supply reserve.

19.12(4) *Transportation service charges and rates.* All rates and charges for transportation shall be based on the cost of providing the service.

a. "System supply reserve" service entitles the end user to return to the system service to the extent of the interstate pipeline capacity purchased. The charge will be at least equal to the administrative costs of monitoring the service, plus any other costs.

b. End users without system supply reserve service may only return to system service by paying an additional charge and are subject to the availability of adequate interstate pipeline capacity. An end user wishing to receive transportation service without system supply reserve must pay the utility for the discounted value of any contract between the utility and the end user remaining in effect at the time of beginning transportation service. The discounted values shall include all directly assignable and identifiable costs.

c. The utility may require a reconnection charge when an end user receiving transportation service without system supply reserve service requests to return to the system supply. The end user shall return to the system and receive service under the appropriate classification as determined by the utility.

d. The end user electing to receive transportation service shall pay reasonable rates for any use of the facilities, equipment, or services of the transporting utility.

19.12(5) *Reporting requirements.* A natural gas utility will provide a copy of information concerning transportation contracts upon request of the commission, commission staff, or the office of consumer advocate.

19.12(6) *Written notice of risks.* The utility must notify its large-volume users as defined in 19.13(1) contracting for transportation service in writing that unless the customer buys system supply reserve service from the utility, the utility is not obligated to supply gas to the customer. The notice must also advise the large-volume user of the nature of any identifiable penalties, any administrative or reconnection costs associated with purchasing available firm or interruptible gas, and how any available gas would be priced by the utility. The notice may be provided through a contract provision or separate written instrument. The large-volume user must acknowledge in writing that it has been made aware of the risks and accepts the risks.

199—19.13(476) Certification of competitive natural gas providers and aggregators.

19.13(1) *Definitions.* The following words and terms, when used in this rule, shall have the meanings indicated below:

"Large-volume user" means any end user whose usage exceeds 25,000 therms in any month or 100,000 therms in any consecutive 12-month period.

"Small-volume user" means any end user whose usage does not exceed 25,000 therms in any month and does not exceed 100,000 therms in any consecutive 12-month period.

"Vehicle fuel provider" or *"VFP"* means a competitive natural gas provider or aggregator as defined in Iowa Code section 476.86 that owns or operates facilities to sell natural gas as vehicle fuel to a retail end user.

19.13(2) *General requirement to obtain certificate.* A competitive natural gas provider (CNGP) shall not provide competitive natural gas services to an Iowa retail end user without a certificate approved by the commission pursuant to Iowa Code section 476.87.

19.13(3) *Filing requirements and application process.*

a. Applications to provide service as a CNGP pursuant to Iowa Code sections 476.86 and 476.87 shall contain information to reasonably demonstrate that the applicant possesses the managerial, technical, and financial capability sufficient to obtain and deliver the services the CNGP or aggregator proposes to offer. Applications shall be filed pursuant to 199—Chapter 14. Application forms to

provide competitive natural gas service to large-volume, small-volume, and VFPs can be accessed on the commission's website, iuc.iowa.gov. All applications shall include, at a minimum, the following information:

(1) The legal name and all trade names under which the applicant will operate, a description of the business structure of the applicant, evidence of authority to do business in Iowa, and the applicant's state of incorporation.

(2) Names, addresses, and telephone numbers of corporate officers responsible for the applicant's operations in Iowa and a telephone number where the applicant can be contacted 24 hours a day.

(3) Identification of the states and jurisdictions in which the applicant or an affiliate is providing natural gas service.

(4) A commitment to comply with all the applicable conditions of certification contained in subrules 19.13(5) and 19.13(6) and acknowledgment that failure to comply with all the applicable conditions of certification may result in the revocation of the CNGP's certificate.

b. A request for confidential treatment of the information required to obtain a CNGP certificate may be filed with the commission pursuant to rule 199—1.7(22).

c. An applicant shall notify the commission during the pendency of the certification request and after certification of any material change in the representations and commitments made in the application within 14 days of such change. Any new legal actions or formal complaints are considered material changes in the request.

19.13(4) *Deficiencies and commission determination.* Applications will be considered complete when all required items are submitted. Applicants will be notified of deficiencies and given 30 days to complete applications. Applications with deficiencies that are not cured within the 30-day period will be denied.

19.13(5) *Conditions of certification.* CNGPs shall comply with the conditions set out in this subrule. Failure to comply with the conditions of certification may result in revocation of the certificate.

a. Unauthorized charges. A CNGP shall not charge or attempt to collect any charges from end users for any competitive natural gas services or equipment used in providing competitive natural gas services not contracted for or otherwise agreed to by the end user.

b. Notification of emergencies. Upon receipt of information from an end user of the existence of an emergency situation with respect to delivery service, a CNGP shall immediately contact the appropriate utility whose facilities may be involved. The CNGP shall also provide the end user with the emergency telephone number of the utility.

c. Reports to the commission. Each CNGP shall file a report with the commission on April 1 of each year for the 12-month period ending December 31 of the previous year. The report shall be filed on forms provided by the commission, which can be accessed on the commission's website, iuc.iowa.gov. This information may be filed with a request for confidentiality, pursuant to rule 199—1.7(22). For each utility distribution system, the report shall include, at a minimum, total monthly and annual sales volumes, total monthly revenues, and total number of customers served each month as of December 31 of the applicable year.

19.13(6) *Additional conditions applicable to CNGPs providing service to small-volume end users.* All CNGPs when providing service to small-volume natural gas end users shall be subject to the following conditions in addition to those listed under subrule 19.13(5):

a. Customer deposits. Compliance with the following provisions shall apply to customers whose usage does not exceed 2,500 therms in any month or 10,000 therms in any consecutive 12-month period.

Customer deposits – subrule 19.4(3).

Interest on customer deposits – subrule 19.4(4).

Customer deposit records – subrule 19.4(5).

Customer's receipt for a deposit – subrule 19.4(6).

Deposit refund – subrule 19.4(7).

Unclaimed deposits – subrule 19.4(8).

b. Bills to end users. A CNGP shall include on bills to end users all the information listed in this paragraph. The bill may be sent to the customer electronically at the customer's option.

(1) The period of time for which the billing is applicable.

(2) The amount owed for current service, including an itemization of all charges.

(3) Any past-due amount owed.

(4) The last date for timely payment.

(5) The amount of penalty for any late payment.

(6) The location for or method of remitting payment.

(7) A toll-free telephone number for the end user to call for information and to make complaints regarding the CNGP.

(8) A toll-free telephone number for the end user to contact the CNGP in the event of an emergency.

(9) A toll-free telephone number for the end user to notify the utility of an emergency regarding delivery service.

(10) The tariffed transportation charges and supplier refunds, where a combined bill is provided to the customer.

c. Disclosure. Each prospective end user must receive in writing, prior to initiation of service, all terms and conditions of service and all rights and responsibilities of the end user associated with the offered service. The information may be provided electronically, at the customer's option.

d. Notice of service termination. Notice shall be provided to the end user, the commission, and the utility at least 12 calendar days prior to service termination. If the notice of service termination is rescinded, the CNGP must notify the utility. CNGPs are prohibited from physically disconnecting the end user or threatening physical disconnection for any reason.

e. Transfer of accounts. CNGPs will not transfer the account of any end user to another supplier except with the consent of the end user and notice to the commission. This provision does not preclude a CNGP from transferring all or a portion of its accounts pursuant to a sale or transfer of all or a substantial portion of a CNGP's business in Iowa, provided that the transfer satisfies all of the following conditions:

(1) The transferee will serve the affected end users through a certified CNGP;

(2) The transferee will honor the transferor's contracts with the affected end users;

(3) The transferor provides written notice of the transfer to each affected end user prior to the transfer;

(4) Any affected end user is given 30 days to change supplier without penalty; and

(5) The transferor provides notice to the utility of the effective date of the transfer.

f. Bond. The commission may require the applicant to file a bond or other demonstration of its financial capability to satisfy claims and expenses that can reasonably be anticipated to occur as part of operations under its certificate, including the failure to honor contractual commitments. In determining the adequacy of the bond or demonstration, the commission shall consider the extent of the services to be offered, the size of the provider, and the size of the load to be served.

g. Replacement cost for supply failure. Each utility shall file for the commission's review tariffs establishing replacement cost for supply failure. Replacement cost revenue will be credited to the utility's system PGA.

199—19.14(476) Customer contribution fund.

19.14(1) *Applicability and purpose.* This rule applies to each gas utility as defined in Iowa Code section 476.1. Pursuant to Iowa Code section 476.66, each utility shall maintain a program plan to assist the utility's low-income customers with weatherization and to supplement assistance received under the federal low-income home energy assistance program for the payment of winter heating bills.

19.14(2) *Notification.* Each utility shall notify all customers of the customer contribution fund at least twice a year. Upon commencement of service and at least once a year, the notice will be mailed or personally delivered to all customers or provided by electronic means to those customers who have consented to receiving electronic notices. The other notice may be published in a local newspaper(s) of general circulation within the utility's service territory. At a minimum, the notice shall include:

a. A description of the availability and the purpose of the fund;

b. A customer authorization form that includes a monthly billing option and any other methods of contribution.

19.14(3) *Methods of contribution.* Contributions will be provided as monthly pledges, as well as one-time or periodic contributions. A pledge will not be construed to be a binding contract between the utility and the pledger. The pledge amount shall not be subject to late payment charges by the utility. Each utility may allow persons or organizations to contribute matching funds.

19.14(4) *Annual report.* On or before September 30 of each year, each utility shall file with the commission a report of all the customer contribution fund activity for the previous fiscal year, beginning July 1 and ending June 30, on a form provided by the commission that contains an accounting of the total revenues collected and all distributions of the fund.

199—19.15(476) Reserve margin.

19.15(1) *Applicability.* All gas utility companies may maintain a reserve of contract services in excess of their maximum daily system demand requirement and recover the cost of the reserve from their customers through the PGA.

19.15(2) *Definitions.* The following definitions apply to the terms as used in this rule:

"Contract services" refers to the amount of firm gas delivery capacity or delivery services contracted for use by a utility to satisfy its maximum daily system demand requirement, including the planned delivery capacity of the utility-owned liquefied natural gas facilities but excluding the delivery capacity of propane storage facilities.

"Design day" means reasonably anticipated colder-than-normal weather conditions during a 24-hour period beginning at 9 a.m.

"Maximum daily system demand requirements" means the maximum daily gas demand requirement that the utility forecasts to occur on behalf of its system firm sales customers under design day weather conditions. The maximum daily gas demand requirement forecast will be determined based upon an evaluation of historic usage levels of firm sales customers, adjusted for reasonably anticipated colder-than-normal weather conditions and other clearly identifiable factors that may contribute to the demand for gas by firm sales customers. The maximum daily system demand requirements shall be submitted for approval by the commission with the Annual PGA filing required by subrule 19.9(2).

19.15(3) *Maximum daily system demand requirements of less than 25,000 Dth per day.* A reserve margin of 9 percent or less in excess of the maximum daily system demand requirements will be presumed reasonable.

19.15(4) *Maximum daily system demand requirements of more than 25,000 Dth per day.* A reserve margin of 5 percent or less in excess of the maximum daily system demand requirements will be presumed reasonable.

19.15(5) *Rebuttable presumption.* All contract services in excess of an amount needed to meet the maximum daily system demand requirements plus the reserve are presumed to be unjust and unreasonable unless a factual showing to the contrary is made during the periodic review of gas proceeding or in a proceeding specifically addressing the issue with an opportunity for an evidentiary hearing. All contract services less than an amount of the maximum daily system demand requirements plus the reserve are presumed to be just and reasonable unless a factual showing to the contrary can be made during the periodic review of gas proceeding or in a proceeding specifically addressing the issue with an opportunity for an evidentiary hearing.

19.15(6) *Allocation of cost of the reserve.* Fifty percent of the reserve cost shall be collected as a demand charge allocation to noncontractual firm customers. The remaining 50 percent shall be collected as a throughput charge on customers excluding transportation customers who have elected no system supply reserve.

199—19.16(476) Incident notification and reports.

19.16(1) *Notification.* Utilities will notify the commission immediately, or as soon as practical, of any incident involving the release of gas, failure of equipment, or interruption of facility operations, which results in any of the following:

a. Any reportable incidents as defined in 49 CFR 191.3.

b. An unplanned interruption of service to 50 or more customers.

c. Evacuation of a school, hospital, health care facility, or event totaling 100 or more people.

d. Rerouting of traffic or closing of a federal or state highway by public emergency responders.

e. Traditional news media attention.

f. Unintentional fire or explosion.

g. Any other incident considered significant by the utility.

19.16(2) *Reporting information.* The utility shall notify the commission by email, as soon as practical, of any reportable incident at dutyofficer@iuc.iowa.gov or, when email is not available, by calling the commission duty officer at 515.745.2332. The person sending the email or the caller shall leave a call-back number for a person who can provide the following information:

a. The name of the utility, the name and telephone number of the person making the report, and the name and telephone number of a contact person knowledgeable about the incident.

b. The location of the incident.

c. The time of the incident.

d. The number of deaths or personal injuries and the extent of those injuries, if any.

e. An initial estimate of damages.

f. The number of services interrupted.

g. A summary of the significant information available to the utility regarding the probable cause of the incident and extent of damages.

h. Any oral or written report required by the U.S. Department of Transportation, the name of the person who made the oral report or prepared the written report, and when such a report was made.

19.16(3) *Written incident reports.* Within 30 days of the date of the incident, the utility shall file a written report with the commission that includes the information listed in subrule 19.16(2), the probable cause as determined by the utility, the number and cause of any deaths or personal injuries requiring in-patient hospitalization, and a detailed description of property damage and the amount of monetary damages. If significant additional information becomes available at a later date, the utility will timely file the information in a supplemental report. The utility will also provide the commission with copies of any written reports concerning an incident or safety-related condition filed with or submitted to the U.S. Department of Transportation or the National Transportation Safety Board.

199—19.17(476) Quarterly reporting.

19.17(1) *Excavation damage with loss of gas.* Utilities shall submit a quarterly report to the commission with information related to any excavation damages that resulted in a release of gas during the reporting period. The report will be completed on forms prescribed by the commission. This report must include the following information for each instance of excavation damage:

a. Date of the damage.

b. Address of the damage.

c. Type of line damaged (service, main, or transmission).

d. Name of the excavation companies involved.

e. Name of the excavation equipment involved.

f. One Call ticket number, if applicable.

g. Any such other information as may be deemed pertinent on forms prescribed by the commission, which are located on the commission's website.

19.17(2) *Reporting period.* Each quarterly report is due the fifteenth of the month following the end of the quarter.

a. The first-quarter reporting period covers January 1 to March 31, with the quarterly report due on April 15.

b. The second-quarter reporting period covers April 1 to June 30, with the quarterly report due on July 15.

c. The third-quarter reporting period covers July 1 to September 30, with the quarterly report due on October 15.

d. The fourth-quarter reporting period covers October 1 to December 31, with the quarterly report due on January 15 of the following year.

199—19.18(476) Capital infrastructure investment automatic adjustment mechanism.

19.18(1) *Eligible capital infrastructure investment.* A natural gas utility may file for commission approval of a capital infrastructure investment automatic adjustment mechanism to allow recovery of certain costs from customers. To be eligible for recovery through the capital infrastructure investment automatic adjustment mechanism, the costs shall either:

a. Meet the following criteria:

(1) The costs are beyond the direct control of management;

(2) The costs are subject to sudden, important change in level;

(3) The costs are an important factor in determining the total cost of capital infrastructure investment to serve customers; and

(4) The costs are readily, precisely, and continuously segregated in the accounts of the utility; or

b. Be for a capital infrastructure investment that:

(1) Does not serve to increase revenues by directly connecting the infrastructure replacement to new customers;

(2) Is in service but was not included in the gas utility's rate base in its most recent general rate case; and

(3) Replaces or modifies existing infrastructure required by state or local government action, to meet state or federal natural gas pipeline safety regulations, or to otherwise enhance safety as approved in advance by the commission. The utility shall make an annual filing with the commission to seek advance determination of projects that meet this criterion.

19.18(2) *Determination of recovery factor.* The utility may recover a rate of return and depreciation expense associated with eligible capital infrastructure investments described in subrule 19.18(1). The allowed rate of return will be the approved average cost of debt from the utility's most recent general gas or electric rate review proceeding before the commission. Depreciation expense shall be based upon the depreciation rates allowed by the commission in the utility's most recent general gas rate review proceeding before the commission.

19.18(3) *Recovery procedures.*

a. To recover capital infrastructure investment costs that meet the criteria in paragraph 19.18(1)*"a"* through an automatic adjustment mechanism, the utility will first obtain prior commission approval of the automatic adjustment mechanism. The utility will file the following information in support of the proposed automatic adjustment mechanism:

(1) A description of the capital infrastructure investment and the costs that are proposed to be recovered through the automatic adjustment mechanism;

(2) An explanation of why the costs of the capital infrastructure investment are beyond the control of the utility's management;

(3) An exhibit that shows the changes in level of the costs of the capital infrastructure investment that are proposed to be recovered, both historical and projected;

(4) An explanation of why these particular capital infrastructure investment costs are an important factor in determining the total cost of capital infrastructure investment to serve customers;

(5) A description of proposed recovery procedures, if different from the procedures described in paragraph 19.18(3)*"c"*; and

(6) The length of time that the automatic adjustment mechanism will be in place.

b. Recovery of capital infrastructure investment costs pursuant to paragraph 19.18(1)*"b"* may be made by the utility by filing a proposed tariff no later than April 1 of each year. Only one tariff filing to recover capital infrastructure investment costs shall be made in a 12-month period. The filing will include the following information in support of the proposed automatic adjustment rates:

(1) Proof that the capital infrastructure investment is a project that was approved in advance by the commission as specified in subparagraph 19.18(1)*"b"*(3).

(2) The location, description, and costs associated with the project.

(3) The cost of debt from the utility's most recent general gas or electric rate review proceeding before the commission and the applicable depreciation rates from the utility's most recent general gas rate review proceeding before the commission.

(4) The calculations showing the total costs that are eligible for recovery and the rates that are proposed to be implemented.

(5) Supporting documentation, including but not limited to work orders and journal entries, to the commission staff or the office of consumer advocate upon request.

c. The utility shall calculate the rates for the recovery of the capital infrastructure investment through the automatic adjustment mechanism over the 12-month period beginning from the effective date of the tariff unless otherwise ordered by the commission. The calculated rate shall include a reconciliation that reconciles the actual revenue recovered through the automatic adjustment mechanism with the costs of the eligible capital infrastructure investments proposed to be recovered over the previous collection period. Unless otherwise specified in an approved tariff, the capital infrastructure investment factor shall be recovered by a fixed monthly surcharge to customers, to be determined by totaling eligible investment costs for the prior calendar year, adjusted for the reconciliation amount, then dividing the total recovery amount among customer classes based upon the utility's most recent approved cost of service study, dividing the class recovery amounts by the number of months in the recovery period, and then dividing the assigned costs by the number of customers in each respective class. The recovery amount will be limited to annual depreciation plus a return on the undepreciated balance based on the cost of debt.

d. Recovery of a return on and return of capital infrastructure investment that is eligible for recovery pursuant to an automatic adjustment mechanism will continue until the effective date of temporary rates in a subsequent general rate proceeding or, if temporary rates are not implemented, until final rates approved by the commission in the utility's next general rate proceeding. To continue recovery, a utility shall file a proposed tariff each year. Once temporary or final rates are effective, the automatic adjustment mechanism will reset to zero. No more than five years of capital investment recovery will be allowed between general rate proceedings unless otherwise approved by the commission. A utility may continue recoveries allowed under this rule until the investments are fully depreciated or until the utility's next general rate proceeding.

These rules are intended to implement Iowa Code sections 476.2, 476.6, 476.8, 476.20, 476.54, 476.66, 476.86, and 476.87.

[Filed 10/16/26, effective 12/16/26]
[Published 11/11/26]
EDITOR'S NOTE: For replacement pages for IAC, see IAC Supplement 11/11/26.

ARC 0742D

UTILITIES COMMISSION[199]

Adopted and Filed

Rulemaking related to regulation of electric cooperatives and municipal electric utilities

The Utilities Commission hereby rescinds Chapter 27, "Regulation of Electric Cooperatives and Municipal Electric Utilities Under Iowa Code Chapter 476," Iowa Administrative Code, and adopts a new Chapter 27 with the same title.

Legal Authority for Rulemaking

This rulemaking is adopted under the authority provided in Iowa Code chapter 476.

State or Federal Law Implemented

This rulemaking implements, in whole or in part, Iowa Code sections 476.1A, 476.1B and 476.2.

Purpose and Summary

Chapter 27 regulates electric cooperatives and municipal electric utilities. The Commission opened this docket in conjunction with the rulemakings in Docket Nos. RMU-2025-0019 and RMU-2025-0028, largely in order to promote conformity among the Commission's chapters.

Chapter 27 contains the Commission's procedure for electric cooperatives and municipal electric utilities operating in Iowa. The Commission issued an order adopting amendments on September 25, 2026. The order is available on the Commission's electronic filing system, efs.iowa.gov, under Docket No. RMU-2025-0027.

Public Comment and Changes to Rulemaking

Notice of Intended Action for this rulemaking was published in the Iowa Administrative Bulletin on May 27, 2026, as **ARC 0307D**. A public hearing was held on the following date(s):

- June 18, 2026

On June 18, 2026, the Commission held a public hearing, which was attended by Office of Consumer Advocate (OCA), a division of the Iowa Department of Justice; MidAmerican Energy Company (MidAmerican); Interstate Power and Light Company (IPL); Iowa Association of Municipal Utilities (IAMU); and Iowa Association of Electric Cooperatives (IAEC). Stakeholders who participated in the oral presentation had no further comments or suggested edits to the proposed Notice.

OCA and IAEC filed written comments in the Commission's electronic filing system. No commenter identified any suggested edits or changes to the Notice.

No changes from the Notice have been made.

Adoption of Rulemaking

This rulemaking was adopted by the Commission on September 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 Commission for a waiver of the discretionary provisions, if any.

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 16, 2026.

The following rulemaking action is adopted:

ITEM 1. Rescind 199—Chapter 27 and adopt the following **new** chapter in lieu thereof:

CHAPTER 27
REGULATION OF ELECTRIC COOPERATIVES AND MUNICIPAL ELECTRIC UTILITIES UNDER IOWA CODE CHAPTER 476

199—27.1(476) General information. Iowa Code section 476.2(1) provides that the Iowa utilities commission has authority to establish all needful, just and reasonable rules, not inconsistent with law, to govern the exercise of its powers and duties; the practice and procedure before it; and to the form, content and filing of reports, documents and other papers provided for in Iowa Code chapter 476 or in the commission's rules.

27.1(1) *Application of rules.* The rules apply to electric cooperatives and municipal electric utilities operating within the state of Iowa subject to Iowa Code sections 476.1A and 476.1B, and to the construction, operation, and maintenance of electric transmission lines to the extent provided in Iowa Code chapter 478, and supersede all tariffs on file with the commission that are in conflict with these rules.

27.1(2) *Regulation of electric cooperatives.* Iowa Code section 476.1A provides that electric cooperatives are not subject to the regulation of the commission, except for regulatory action pertaining to the following:

a. Assessment of fees for the support of the commission and the office of consumer advocate pursuant to Iowa Code section 476.10.

b. Safety standards and engineering standards.

c. Assigned service areas, as set forth in Iowa Code sections 476.22 through 476.25.

d. Public utility railroad crossings, as set forth in Iowa Code section 476.27.

e. Filing of alternate energy purchase program plans with the commission, and offering such programs to customers, pursuant to Iowa Code section 476.47.

f. Iowa Code sections 476.20(1) through 476.20(4), 476.21, 476.51, 476.56, 476.58, 476.62, and 476.66 and chapters 476A and 478, to the extent applicable.

27.1(3) *Regulation of municipal electric utilities.* Iowa Code section 476.1B provides that municipal electric utilities are not subject to regulation by the commission under Iowa Code chapter 476, except for regulatory action pertaining to the following:

a. Assessment of fees for the support of the commission and the office of consumer advocate.

b. Safety standards.

c. Assigned areas of service as set forth in Iowa Code sections 476.22 through 476.26.

d. Public utility railroad crossings, as set forth in Iowa Code section 476.27.

e. An electric power agency as defined in Iowa Code chapter 28F and section 390.9 that includes as a member a city- or municipality-owned utility that builds transmission facilities after July 1, 2001, is subject to applicable transmission reliability rules or standards adopted by the commission for these facilities.

f. Filing of alternate energy purchase program plans with the commission, and offering such programs to customers, pursuant to Iowa Code section 476.47.

g. Iowa Code sections 476.20(1) through 476.20(4), 476.51, 476.56, 476.58, 476.62, and 476.66, as applicable.

h. An electric utility subject to regulatory action pursuant to Iowa Code section 476.1A or 476.1B is subject to complaints and investigations as set forth in Iowa Code section 476.3, but only with regard to matters within the regulatory authority of the commission as set forth in Iowa Code sections 476.1A and 476.1B.

27.1(4) *Abbreviations.* The following abbreviations are used in this chapter where appropriate:

ANSI—American National Standards Institute, www.ansi.org.

IEEE—Institute of Electrical and Electronics Engineers, www.ieee.org.

NESC—National Electrical Safety Code.

NFPA—National Fire Protection Association, www.nfpa.org.

RUS—United States Department of Agriculture Rural Utilities Service, www.rd.usda.gov/about-rd/agencies/rural-utilities-service.

27.1(5) *Definitions.* The following words and terms, when used in these rules, have the meanings indicated below:

"Capacity" means the instantaneous rate at which energy can be delivered, received, or transferred, measured in kilowatts.

"Complaint" means a statement or question by any person, whether a utility customer or not, alleging a wrong, grievance, injury, dissatisfaction, illegal action or procedure, dangerous condition or action, or obligation of an electric cooperative or municipal electric utility.

"Customer" means any person, firm, association, or corporation; any agency of the federal, state, or local government; or any legal entity responsible by law for payment for the electric service or heat from the electric cooperative or municipal electric utility.

"Delinquent" or *"delinquency"* means an account for which a service bill or service payment agreement bill has not been paid in full on or before the last day for timely payment.

"Distribution line" means any single or multiphase electric power line operating at nominal voltage in either of the following ranges: 2,000 to 36,225 volts between ungrounded conductors or 1,155 to 20,914 volts between grounded and ungrounded conductors, regardless of the functional service provided by the line.

"Electric plant" includes all real estate, fixtures, and property owned, controlled, operated, or managed in connection with or to facilitate production, generation, transmission, or distribution in providing electric service or heat by an electric utility.

"Electric service" means furnishing electricity to the public for compensation for use as heat, light, power, or energy.

"Energy" means electric energy measured in kilowatt hours.

"Engineering standards" means standards adopted by ANSI, IEEE, RUS, or comparable engineering organization or engineering standards adopted by the commission.

"Major event" means when an event results in extensive physical damage to transmission or distribution facilities within an electric cooperative or municipal electric utility's operating area due to unusually severe and abnormal weather or event and:

1. Wind speed exceeds 90 mph for the affected area, or
2. One-half inch of ice is present and wind speed exceeds 40 mph for the affected area, or
3. 10 percent of the affected area total customer count is incurring a loss of service for a length of time to exceed five hours, or
4. 20,000 customers in a metropolitan area are incurring a loss of service for a length of time to exceed five hours, or
5. A regional transmission organization or independent system operator declares an energy emergency alert that the organization can no longer provide expected energy requirements or has lower than established reserves, implements procedures up to shedding load, or declares an Energy Emergency Alert Level 3 in compliance with North American Electric Reliability Corporation requirements.

"Meter" means, unless otherwise qualified, a device that measures and registers the integral of an electrical quantity with respect to time.

"Power" means electric power measured in kilowatts.

"Rates" means the same as defined in Iowa Code section 384.80 and includes all charges or fees imposed or collected for the provision of or incidental to utility service.

"Safety standard" means applicable regulations promulgated by the United States Occupational Safety and Health Administration. Safety standards for electric utilities subject to Iowa Code section 476.1A also include outage notifications, safety standards contained in the National Electrical Safety Code, as published by IEEE, and electric safety standards approved by ANSI.

"Secondary line" means any single or multiphase electric power line operating at nominal voltage less than either 2,000 volts between ungrounded conductors or 1,155 volts between grounded and ungrounded conductors, regardless of the functional service provided by the line.

"Service limitation" means the establishment of a limit on the amount of power that may be consumed by a residential customer through the installation of a service limiter device on the customer's meter.

"Tariff" means the service classifications, rules, procedures, and policies filed with and approved by the commission.

"Timely payment" means a payment on a customer's account made on or before the date shown on a current bill for service, or on a form that records an agreement between the customer and a utility for a series of partial payments to settle a delinquent account, as the date that determines application of a late payment charge to the current bill or future collection efforts.

"Transmission line" means any single or multiphase electric power line operating at nominal voltages at or in excess of either 69,000 volts between ungrounded conductors or 40,000 volts between grounded and ungrounded conductors, regardless of the functional service provided by the line.

"Utility" means any person, partnership, business association, or corporation, domestic or foreign, owning or operating any facilities for furnishing electricity to the public for compensation.

27.1(6) *Electric cooperative service rules tariffs.* Electric cooperatives subject to the commission's jurisdiction under Iowa Code section 476.1A shall maintain tariffs in the commission's electronic filing system that are consistent with the rules in this chapter and that are approved by the commission.

a. Those portions of their tariff or tariff pages regarding matters over which the commission has jurisdiction are to be filed with strikethroughs for the language deleted and underlining of the language that is added.

b. Portions of electric cooperative tariffs that are nonjurisdictional are to be identified in the tariff.

c. An electric cooperative association may file a model tariff for commission approval that may be adopted by an electric cooperative with any revisions the electric cooperative proposes to the model tariff.

d. Any electric cooperative may concur with an approved model tariff on file with the commission. For any electric cooperative that chooses to concur, the commission shall acknowledge the electric cooperative's tariff as being in compliance.

e. Tariffs approved by the commission are to be made available to all customers.

27.1(7) *Municipal electric utilities service rules.* Municipal utilities service rules or other legally enforceable provisions are to be consistent with the provisions in this chapter and must be available to all customers.

199—27.2(476) Assigned area of service and maps.

27.2(1) *Service areas.* Service areas are defined by the boundaries on service area maps. Electronic maps are available for viewing on the commission's website or at the commission's offices during regular business hours. These service area maps are the official electric service territory maps pursuant to Iowa Code section 476.24.

27.2(2) *Modification of service area and answers.*

a. An exclusive service area is subject to modification through a contested case proceeding that may be commenced by filing a petition for modification of service area with the commission. The commission may commence a service area modification proceeding on its own motion. The commission may grant a modification if the modification promotes the public interest. In determining whether the modification is in the public interest, the commission will consider the factors described in Iowa Code section 476.25(1) and any other relevant factors.

b. Any electric cooperative or municipal electric utility may file a petition for modification of service area, which includes:

(1) A legal description of the service area desired,

(2) A designation of the utilities involved in each boundary section,

(3) A justification for the proposed service area modification, including addressing the public interest,

(4) A PDF (portable document format) map, an electronic file of the proposed service area boundaries, in a format designated by the commission, as described on the electronic filing system (EFS) homepage under EFS filing standards, and

(5) A map showing the affected areas that complies with the map paragraph contained within this chapter is to be attached to the petition as an exhibit.

c. Electric cooperatives and municipal electric utilities may agree with other electric utilities to service territory modifications by contract pursuant to Iowa Code section 476.25(2). Contracts to be enforceable are to be approved by the commission.

27.2(3) *Certificate of authority.* A request for a service territory modification filed by an electric cooperative or municipal electric utility pursuant to this rule that would result in service to a customer by a public utility other than the public utility currently serving the customer will need a certificate of authority under Iowa Code section 476.23. Unless voluntarily agreed otherwise, the party currently serving the customer is to be paid a reasonable price for the facilities serving the customer.

27.2(4) *Maps.*

a. Each electric cooperative and municipal electric utility is to maintain a current map or set of maps showing the physical location of electric lines, stations, and electric transmission facilities for its service areas. The maps are to include the exact location of the following:

(1) Generating stations, with capacity designation.

(2) Purchased power supply points, with maximum contracted capacity designation.

(3) Purchased power metering points if located at other than power delivery points.

(4) Transmission lines, with size and type of conductor designation and operating voltage designation.

(5) Transmission-to-transmission voltage transformation substations, with transformer voltage and capacity designation.

(6) Transmission-to-distribution voltage transformation substations, with transformer voltage and capacity designation.

(7) Distribution lines, with size and type of conductor designation, phase designation, and voltage designation.

(8) All points at which transmission, distribution, or secondary lines of the utility cross Iowa state boundaries.

(9) All current information required in Iowa Code section 476.24(1).

(10) All county boundaries and county names.

(11) Natural and artificial lakes that cover more than 50 acres and all rivers.

(12) Any additional information required by the commission.

b. All maps, except those deemed confidential by the commission, are to:

(1) Be available for examination at the designated offices of the electric cooperative or municipal electric utility during regular office hours,

(2) Include clean, uniform lines to a scale of at least one inch per mile,

(3) Include a larger scale where it is necessary to clarify areas where there is a heavy concentration of facilities, and

(4) Ensure that cartographic details are clean cut, and the background contains little or no coloration or shading.

199—27.3(476) Customer relations.

27.3(1) *Notification to customers by bill insert at least annually.* Each electric cooperative or municipal electric utility shall notify its customers, by bill insert or notice on the bill form, of the address and telephone number where a utility representative qualified to assist in resolving the complaint can be reached, and include the following statement: "If (utility name) does not resolve your complaint, you may request assistance from the Iowa Utilities Commission by calling 515.725.7300 or toll-free 877.565.4450; by writing to 1375 E. Court Ave., Des Moines, IA 50319-0069; by filling out the form at iuc.iowa.gov; or by email to customer@iuc.iowa.gov." The utility may use different language with commission approval. A utility that bills by postcard may place an advertisement in a local newspaper of general circulation or a customer newsletter instead of a mailing. The advertisement must be of a type size that is easily legible and conspicuous and must contain the information required in this subrule.

27.3(2) *Payment agreements.*

a. Availability of a first payment agreement. When a residential customer cannot pay in full a delinquent bill for utility service or has an outstanding debt to the electric cooperative or municipal

electric utility for residential utility service and is not in default of a payment agreement with the electric cooperative or municipal electric utility, an electric cooperative or municipal electric utility shall offer the customer an opportunity to enter into a reasonable payment agreement. The offer of a payment agreement is to be made prior to disconnection. The electric cooperative or municipal electric utility is not required to offer a customer who has been disconnected from service a payment agreement consistent with these rules, unless the utility did not comply with these rules prior to disconnection.

b. Reasonableness. Whether a payment agreement is reasonable will be determined by considering the current household income, ability to pay, payment history including prior defaults on similar agreements, the size of the bill, the amount of time and the reasons why the bill has been outstanding, and any special circumstances creating extreme hardships within the household. The electric cooperative or municipal electric utility may require the person to confirm financial difficulty with an acknowledgment from the department of health and human services or another agency.

c. Terms of payment agreements.

(1) First payment agreement. The following conditions are to be offered to customers who have received a disconnection notice and are not in default of a payment agreement:

1. For customers who received a disconnection notice in conformance with these rules, an agreement with at least 12 even monthly payments is to be offered. A customer may pay off the delinquency early without incurring any prepayment penalties. A customer will not be charged interest, or a late payment charge, on a payment agreement where the customer is making payments consistent with the terms of the payment agreement, and the customer will not be required to pay a portion of the delinquent amount to enter into a payment agreement.

2. A provision for payment of the current amount owed by the customer is to be offered.

3. The electric cooperative or municipal electric utility may also require the customer to enter into a budget billing plan to pay the current bill.

4. When the customer makes the agreement in person, a signed copy of the agreement is to be provided to the customer.

5. The electric cooperative or municipal electric utility may offer the customer the option of making the agreement over the telephone or through electronic transmission.

6. When a payment agreement is made over the telephone or through electronic transmission, a written agreement reflecting the terms and conditions of the agreement is to be provided to the customer within three days of the date the oral or electronic agreement is entered into.

7. The document will be considered provided to the customer when addressed to the customer's last-known address and deposited in the U.S. mail with postage paid. If delivery is by other than U.S. mail, the document will be considered provided to the customer when delivered to the last-known address of the customer or sent via electronic delivery with customer consent. Such consent shall be deemed given when the customer consents to or requests electronic billing.

8. The payment agreement is deemed accepted by the customer unless the customer notifies the utility otherwise within ten days from the date the document is provided. The address and toll-free telephone number where a qualified representative can be reached is to be included in the payment agreement.

9. Once the first payment required by the agreement is made by the customer or on behalf of the customer, the oral or electronic agreement is deemed accepted by the customer.

10. Each customer entering into a first payment agreement is allowed at least one late payment that is four days or less beyond the due date for payment, and the first payment agreement remains in effect.

11. The initial payment is due on the due date for the next regular bill.

(2) Second payment agreement. A second payment agreement is to be offered to a customer who is in default of a first payment agreement if the customer has made at least two consecutive full payments under the first payment agreement.

1. The second payment agreement will be for a term at least as long as the term of the first payment agreement.

2. The customer is to pay for current service in addition to the monthly payments.

3. The customer may be required to make the first payment up front as a condition of entering into the second payment agreement.

4. The electric cooperative or municipal electric utility may also require the customer to enter into a budget billing plan to pay the current bill.

(3) Additional payment agreements. The electric cooperative or municipal electric utility may offer additional payment agreements to the customer.

d. Refusal by electric cooperative or municipal electric utility. A customer may offer the electric cooperative or municipal electric utility a proposed payment agreement. If the electric cooperative or municipal electric utility and the customer do not reach an agreement, the electric cooperative or municipal electric utility may refuse the offer orally, but the electric cooperative or municipal electric utility will provide a written refusal to the customer, stating the reason for the refusal, within three days of the oral notification. The written refusal is considered provided to the customer when addressed to the customer's last-known address and deposited in the U.S. mail with postage prepaid. If delivery is by other than U.S. mail, the written refusal is considered provided to the customer when handed to the customer or when delivered to the last-known address of the customer, or sent via electronic delivery with customer consent. Such consent shall be deemed given when the customer consents to or requests electronic billing.

e. Customer request for assistance. A customer may ask the commission for assistance in working out a reasonable payment agreement. The request for assistance is to be made to the commission within ten days after the written refusal is provided and disconnection will not take place during the commission's review.

27.3(3) *Bill payment terms.* The bill is to be considered provided to the customer when deposited in the U.S. mail with postage prepaid. If delivery is by other than U.S. mail, the bill is to be considered provided when delivered to the last-known address of the customer or sent via electronic delivery with customer consent. Such consent shall be deemed given when the customer consents to or requests electronic billing. An account shall not be delinquent until 20 days have passed since the bill was provided to the customer. For customers on more frequent billing intervals, an account shall not be delinquent until five days have passed since the bill was provided to the customer. A late payment charge cannot be assessed if payment is received within 20 days of the date the bill is provided.

a. The date of delinquency for all residential customers or other customers whose consumption is less than 3,000 kWh per month is changeable for cause; such as but not limited to 15 days from the approximate date each month upon which income is received by the person responsible for payment. Thirty days beyond the date of delinquency is the maximum delay allowed. Thirty days beyond the date of previous bill preparation is the maximum delay allowed.

b. In any case where net and gross amounts are billed to customers, the difference between net and gross is a late payment charge and is valid only when part of a delinquent bill payment. A utility's late payment charge is limited to 1.5 percent per month of the past due amount. No collection fee may be levied in addition to this late payment charge.

c. If the customer makes partial payment in a timely manner, and does not designate the service or product for which payment is made, the payment is to be credited pro rata between the bill for utility services and related taxes.

d. Each account is allowed not less than one complete forgiveness of a late payment charge each calendar year. The utility's rules are to include that on one monthly bill in each period of eligibility, the utility will accept the net amount of such bill as full payment for such month after expiration of the net payment period. The utility's rules are to state how the customer is notified that the eligibility has been used. Complete forgiveness has no effect upon the credit rating of the customer or collection of late payment charges.

27.3(4) *Meter testing standards.* Electric cooperatives and municipal electric utilities are to establish written meter testing standards and procedures for customers who have complaints about the accuracy of the customer's meter. The meter testing standards are to be made available to a customer upon request.

199—27.4(476) Disconnection of service.

27.4(1) *Disconnection procedures and notice.* Electric cooperatives and municipal electric utilities may only disconnect service to customers in compliance with the following procedure and requirements:

a. Service may be disconnected without notice:

(1) In the event of a condition on the customer's premises determined by the utility to be hazardous.

(2) In the event of customer use of equipment in a manner that adversely affects the utility's equipment or the utility's service to others.

(3) In the event of tampering with the equipment furnished and owned by the utility. A broken or absent meter seal alone does not constitute tampering.

(4) In the event of unauthorized use.

b. The electric cooperative or municipal electric utility shall give written notice of pending disconnection, except as specified in paragraph 27.4(1)*"a."* The notice will include the reason for the notice and the final date by which the account is to be settled or specific action taken. The notice is to be addressed to the customer's last-known address and deposited in the U.S. mail with postage prepaid. If delivery is by other than U.S. mail, the notice is to be delivered to the last-known address of the customer or sent via electronic delivery with customer consent. Such consent shall be deemed given when the customer consents to or requests electronic billing. The date for disconnection of service is not to be less than 12 days after the notice is provided. The date for disconnection of service for customers on shorter billing intervals is not to be less than 24 hours after the notice is posted at the service premises.

c. Where more than one cause of disconnection exists, one written notice is to be given that includes all reasons for the notice. In determining the final date by which the account is to be settled or other specific action taken, the days of notice for the causes run concurrently.

d. Service may be disconnected after proper notice:

(1) For violation of or noncompliance with the utility's rules.

(2) For failure of the customer to furnish the service equipment, permits, certificates, or rights-of-way that are specified to be furnished, in the utility's rules filed with the commission, as conditions of obtaining service, or for the withdrawal of that same equipment, or for the termination of those same permissions or rights, or for the failure of the customer to fulfill the contractual obligations imposed as conditions of obtaining service by any contract filed with and subject to the regulatory authority of the commission.

(3) For failure of the customer to permit the utility reasonable access to the utility's equipment.

e. Service may be disconnected after proper notice for nonpayment of a bill or deposit, provided that the electric cooperative or municipal electric utility has complied with the following provisions:

(1) Given the customer a reasonable opportunity to dispute the reason for the disconnection or refusal.

(2) Given the customer, and any other person or agency designated by the customer, written notice that the customer has at least 12 days in which to make settlement of the account to avoid disconnection and a written summary of the rights and responsibilities set out in subrule 27.4(2). Customers billed more frequently than monthly are to be given posted written notice that they have 24 hours to make settlement of the account to avoid disconnection and a written summary of the rights and responsibilities. All written notices include a toll-free or collect telephone number where a utility representative qualified to provide additional information about the disconnection can be reached. Each electric cooperative or municipal electric utility representative provides the representative's name and has immediate access to current, detailed information concerning the customer's account and previous contacts with the utility.

(3) A service limitation policy shall include the following sentence: "Service limitation: We have adopted a limitation of service policy for customers who otherwise could be disconnected. Contact our business office for more information or to learn if you qualify."

(4) When disconnecting service to a residence, a diligent attempt is to be made to contact, by telephone or in person, the customer to inform the customer of the pending disconnection and the customer's rights and responsibilities. Between November 1 and April 1, if the attempt at customer contact fails, the premises are to be posted at least one day prior to disconnection with a notice informing

the customer of the pending disconnection and a copy of the rights and responsibilities available to avoid disconnection.

1. If an attempt at personal or telephone contact of a customer occupying a rental unit has been unsuccessful, the electric cooperative or municipal electric utility is to make a diligent attempt to contact the landlord of the rental unit, if known, to determine if the customer is still in occupancy and, if so, the customer's present location. The landlord is to be informed of the date when service may be disconnected. The electric cooperative or municipal electric utility will make a diligent attempt to inform the landlord at least 48 hours prior to disconnection of service to a tenant.

2. If the disconnection will affect occupants of residential units leased from the customer, the premises of any building known by the electric cooperative or municipal electric utility to contain residential units affected by disconnection are to be posted at least two days prior to disconnection, with a notice informing any occupants of the date when service will be disconnected and the reasons for the disconnection.

3. If the customer has received notice of disconnection and has a dispute concerning a bill for electric service, the electric cooperative or municipal electric utility may require the customer to pay a sum of money equal to the amount of the undisputed portion of the bill pending settlement and thereby avoid disconnection of service. Disconnection for nonpayment of the disputed bill is delayed for up to 45 days after the providing of the bill if the customer pays the undisputed amount. The 45 days may be extended by up to 60 days if requested of the utility by the commission in the event the customer files a written complaint with the commission in compliance with 199—Chapter 6.

f. Disconnection and reconnection. Disconnection of a residential customer may take place only between the hours of 6 a.m. and 2 p.m. on a weekday and not on weekends or holidays. If a disconnected customer makes payment or other arrangements during normal business hours, or by 7 p.m. for utilities permitting such payment or other arrangements after normal business hours, all reasonable efforts are to be made to reconnect the customer that day. If a disconnected customer makes payment or other arrangements after 7 p.m., all reasonable efforts are to be made to reconnect the customer not later than 11 a.m. the next day.

g. Severe cold weather. A disconnection is not to take place where electricity is used as the only source of space heating or to control or operate the only space heating equipment at a residence when the actual temperature or the 24-hour forecast of the National Weather Service for the residence's area is predicted to be 20 degrees Fahrenheit or colder. If the electric cooperative or municipal electric utility has properly posted a disconnect notice but is precluded from disconnecting service because of severe cold weather, the utility may immediately proceed with appropriate disconnection procedures, without further notice, when the temperature in the residence's area rises above 20 degrees Fahrenheit and is forecasted to remain above 20 degrees Fahrenheit for at least 24 hours, unless the customer has paid in full the past due amount or is otherwise entitled to postponement of disconnection.

h. Medical stay. Disconnection of a residential customer will be postponed if the disconnection of service would present an especial danger to the health of any permanent resident of the premises.

(1) An especial danger to health is indicated if a person appears to be seriously impaired and may, because of mental or physical problems, be unable to manage the person's own resources, to carry out activities of daily living or to be protected from neglect or hazardous situations without assistance from others. Indicators of an especial danger to health include but are not limited to age, infirmity, or mental incapacitation; serious illness; physical disability, including blindness and limited mobility; and any other factual circumstances that indicate a severe or hazardous health situation.

(2) The electric cooperative or municipal electric utility may require written verification of the especial danger to health by a physician or a public health official, including the name of the person endangered; a statement that the person is a resident of the premises in question; the name, business address, and telephone number of the certifying party; the nature of the health danger; and approximately how long the danger will continue. Initial verification by the verifying party may be by telephone if written verification is forwarded to the utility within five days.

(3) Verification will postpone disconnection for 30 days. In the event service is terminated within 14 days prior to verification of illness by or for a qualifying resident, service is to be restored to that

residence if a proper verification is thereafter made in accordance with the foregoing provisions. If the customer does not enter into a reasonable payment agreement for the retirement of the unpaid balance of the account within the first 30 days and does not keep the current account paid during the period that the unpaid balance is to be retired, the customer is subject to disconnection.

i. Winter energy assistance. If between November 1 through April 1 the electric cooperative or municipal electric utility is informed that the customer's household may qualify for winter energy assistance or weatherization funds, service is not to be disconnected for 30 days from the date the electric cooperative or municipal electric utility is notified to allow the customer time to obtain assistance. Disconnection of service is not allowed from November 1 through April 1 for a resident who is a head of household and who has been certified to the electric cooperative or municipal electric utility by the community action agency as eligible for either the low-income home energy assistance program or the weatherization assistance program.

j. Deployment. If the electric cooperative or municipal electric utility is informed that one of the heads of household as defined in Iowa Code section 476.20 is a service member deployed for military service, as defined in Iowa Code section 29A.90, disconnection cannot take place at the residence during the deployment or prior to 90 days after the end of the deployment.

k. Abnormal electric consumption. A customer who is subject to disconnection for nonpayment of a bill, and who has electric consumption that appears to the customer to be abnormally high, may request the utility provide assistance in identifying the factors contributing to this usage pattern and to suggest remedial measures. Assistance will be provided by the electric cooperative or municipal electric utility by discussing patterns of electric usage that may be readily identifiable, suggesting that an energy audit be conducted, and identifying sources of energy conservation information and financial assistance available to the customer.

l. An electric cooperative or municipal electric utility may disconnect electric service after 24-hour notice (and without the written 12-day notice) for failure of the customer to comply with the terms of a payment agreement.

m. Prior to November 1, a notice describing the availability of winter energy assistance funds and the application process is to be mailed to customers. The notice is to be of a type size that is easily legible and conspicuous and contain the information set out by the state agency administering the assistance program. A utility serving fewer than 25,000 customers may publish the notice in a customer newsletter in lieu of mailing. An electric cooperative or municipal electric utility serving fewer than 6,000 customers may publish the notice in an advertisement in a local newspaper of general circulation or shopper's guide.

27.4(2) *Notice of customer rights and responsibilities.* The standard form of the summary of the rights and responsibilities to be provided to customers is set out below, and will be provided by an electric cooperative or municipal electric utility with all disconnection notices. A nonstandard rights and responsibilities notice may be used with commission approval. The standard customer rights and responsibilities notice is as follows:

CUSTOMER RIGHTS AND RESPONSIBILITIES TO AVOID SHUTOFF OF ELECTRIC SERVICE FOR NONPAYMENT

1. What can I do if I receive a notice from the utility that says my service will be shut off because I have a past due bill?

a. Pay the bill in full;

b. Enter into a reasonable payment plan with the utility (see #2 below);

c. Apply for and become eligible for low-income energy assistance (see #3 below);

d. Give the electric cooperative or municipal electric utility a written statement from a doctor or public health official stating that shutting off your electric service would pose an especial health danger for a person living at the residence (see #4 below); or

e. Tell the utility if you think part of the amount shown on the bill is wrong. However, you must still pay the part of the bill you agree you owe the utility (see #5 below).

2. How do I go about making a reasonable payment plan? (Residential customers only)

a. Contact the electric cooperative or municipal electric utility as soon as you know you cannot pay the amount you owe. If you cannot pay all the money you owe at one time, you are to be offered a payment plan that spreads payments evenly over at least 12 months. The plan may be longer depending on your financial situation.

b. If you have not made the payments you promised in a previous payment plan with the utility and still owe money, you may qualify for a second payment agreement under certain conditions.

c. If you do not make the payments you promise, the utility may shut off your electric service on one day's notice, unless all the money you owe the utility is paid or you enter into another payment agreement.

3. How do I apply for low-income energy assistance? (Residential customers only)

a. Applications are taken at your local community action agency. If you are unsure where to apply, call 211 or 800.244.7431, or visit hhs.iowa.gov/programs/programs-and-services/liheap. To prevent disconnection, contact the utility prior to disconnection of your service.

b. To avoid disconnection, you must apply for energy assistance or weatherization before your service is shut off. Notify your utility that you may be eligible and have applied for energy assistance. Once your service has been disconnected, it will not be reconnected based on approval for energy assistance.

c. Being certified eligible for energy assistance will prevent your service from being disconnected from November 1 through April 1. Between November 1 and April 1, the utility will delay disconnection of your service for 30 days once you notify the utility that you are applying for energy assistance or weatherization assistance, to allow you time to obtain assistance. Only one 30-day delay is required during the moratorium period.

4. What if someone living at the residence has a serious health condition? (Residential customers only)

Contact the electric cooperative or municipal electric utility if you believe this is the case. Contact your doctor or a public health official and ask the doctor or health official to contact the utility and state that shutting off your electric service would pose an especial health danger for a person living at your residence. The doctor or public health official must provide a written statement to the electric cooperative's or municipal electric utility's office within five days of when your doctor or public health official notifies the utility of the health condition; otherwise, your electric service may be shut off. If the utility receives this written statement, your service will not be shut off for 30 days. This 30-day delay is to allow you time to arrange payment of your utility bill or find other living arrangements. After 30 days, your service may be shut off if payment arrangements have not been made.

5. What should I do if I believe my bill is not correct?

You may dispute your bill by telling the electric cooperative or municipal electric utility that you dispute the bill and paying the part of the bill you think is correct. If you do this, the utility will not shut off your service for 45 days from the date the bill was mailed while you and the electric cooperative or municipal electric utility work out the dispute over the part of the bill you think is incorrect. You may ask the Iowa Utilities Commission for assistance in resolving the dispute (see #9 below).

6. When can the electric cooperative or municipal electric utility shut off my electric service because I have not paid my bill?

a. Your electric cooperative or municipal electric utility can shut off service between the hours of 6 a.m. and 2 p.m. Monday through Friday.

b. The electric cooperative or municipal electric utility will not shut off your service on nights, weekends, or holidays for nonpayment of a bill.

c. The electric cooperative or municipal electric utility will not shut off your service if you enter into a reasonable payment plan to pay the overdue amount (see #2 above).

d. The electric cooperative or municipal electric utility will not shut off your service if the temperature is forecasted to be 20 degrees Fahrenheit or colder during the following 24-hour period, including the day your service is scheduled to be shut off.

e. If you have qualified for low-income energy assistance, the electric cooperative or municipal electric utility cannot shut off your service from November 1 through April 1. However, you will still owe the electric cooperative or municipal electric utility for the service used during this time.

f. The electric cooperative or municipal electric utility will not shut off your service if you have notified the electric cooperative or municipal electric utility that you dispute a portion of your bill and you pay the part of the bill that you agree is correct.

g. If one of the heads of household is a service member deployed for military service, electric service cannot be shut off during the deployment or within 90 days after the end of deployment. In order for this exception to disconnection to apply, the electric cooperative or municipal electric utility will need to be informed of the deployment prior to disconnection. However, you will still owe the electric cooperative or municipal electric utility for service used during this time.

7. How will I be told the electric cooperative or municipal electric utility is going to shut off my service?

a. You must be given a written notice at least 12 days before the electric service can be shut off for nonpayment. This notice will include the reason for shutting off your service.

b. If you have not made payments required by an agreed-upon payment plan, your service may be disconnected with only one day's notice.

c. The electric cooperative or municipal electric utility must try to reach you by telephone or in person before it shuts off your service. From November 1 through April 1, if the electric cooperative or municipal electric utility cannot reach you by telephone or in person, the electric cooperative or municipal electric utility will put a written notice on the door of or another conspicuous place at your residence to tell you that your electric service will be shut off.

8. If service is shut off, when will it be turned back on?

a. The electric cooperative or municipal electric utility will turn your service back on if you pay the whole amount you owe. The service shall be restored for 30 days if you provide the utility with medical verification from a doctor or public health official of an especial danger to health within 14 days of a shut off for nonpayment.

b. If you make your payment during regular business hours, or by 7 p.m. for electric cooperatives or municipal electric utilities permitting such payment or other arrangements after regular business hours, the electric cooperative or municipal electric utility must make a reasonable effort to turn your service back on that day. If service cannot reasonably be turned on that same day, the utility is to do it by 11 a.m. the next day.

c. The electric cooperative or municipal electric utility may charge you a fee to turn your service back on. That fee may be higher in the evening or on weekends, so you may ask that your service be turned on during normal utility business hours.

9. Is there any other help available besides my electric cooperative or municipal electric utility?

If the electric cooperative or municipal electric utility has not been able to help you with your problem, you may contact the Iowa Utilities Commission toll-free at 877.565.4450. You may also write the Iowa Utilities Commission at 1375 E. Court Ave., Des Moines, IA 50319-0069, or email customer@iuc.iowa.gov. Low-income customers may also be eligible for free legal assistance from Iowa Legal Aid and may contact Iowa Legal Aid at 800.532.1275.

27.4(3) *When disconnection is not allowed.*

a. No disconnection may take place from November 1 through April 1 for a resident who has been certified to the utility by the local community action agency as being eligible for either the low-income home energy assistance program or weatherization assistance program.

b. If the electric cooperative or municipal electric utility is informed that one of the heads of household as defined in Iowa Code section 476.20 is a service member deployed for military service, as defined in Iowa Code section 29A.90, disconnection cannot take place at the residence during the deployment or prior to 90 days after the end of the deployment.

27.4(4) *Servicing of utilization control equipment.* Each electric cooperative or municipal electric utility is to service and maintain any equipment it uses on a customer's premises and correctly set and

keep in proper adjustment any utility-owned thermostats, clocks, relays, time switches or other devices that control the customer's service in accordance with the provisions in the utility's schedules.

27.4(5) *Customer complaints.* A utility will promptly and thoroughly investigate all complaints concerning its practices, facilities, or service. The electric cooperative or municipal electric utility is to keep such records of customer complaints as will enable it to review and analyze its procedures and actions.

a. Each electric cooperative and municipal electric utility is to develop a fully informative procedure for the resolution of customer complaints.

b. The utility is to take reasonable steps to ensure that customers unable to travel are not denied the right to be heard.

c. The final step in a complaint review procedure, if the utility and customer are not able to agree on a resolution of the complaint, is a filing for commission resolution of the issues if the commission determines it has jurisdiction.

27.4(6) *Limitation of service.* The electric cooperative or municipal electric utility may adopt a policy for service limitation at a customer's residence as a measure to be taken in lieu of disconnection of service to the customer. The service limiter policy is to contain the following:

a. No activation without the customer's agreement.

b. A requirement for default on all payment agreements the customer has qualified for and agreed to.

c. Usage of a minimum of 3,600 watts. If the service limiter policy provides for different usage levels for different customers, specific nondiscriminatory criteria for determining the usage levels are set out. Electric-heating residential customers may have their service limited if otherwise eligible, but consumption limits are to be set at a level that allows customers to continue to heat their residences. For purposes of this rule, "electric heating" means heating by means of a fixed-installation electric appliance that serves as the primary source of heat and not, for example, one or more space heaters.

d. A provision that, if the minimum usage limit is exceeded such that the limiter function interrupts service, the service limiter function is to be capable of being reset manually by the customer, or the service limiter function will reset itself automatically within 15 minutes after the interruption. In addition, the service limiter function may also be capable of being reset remotely. If the option of resetting the meter remotely is available, the utility is to provide a 24-hour toll-free number for the customer to notify the electric cooperative or municipal electric utility that the limiter needs to be reset and the meter is to be reset immediately following notification by the customer. If the remote reset option is used, the meter is to be capable of being reset manually by the customer or the service limiter function will reset itself automatically within 15 minutes after the interruption.

e. There may be no disconnect, reconnect, or other charges associated with service limiter interruptions or restorations.

f. A provision that, upon installation of a service limiter or activation of a service limiter function on the meter, the electric cooperative or municipal electric utility is to provide the customer with information on the operation of the limiter, including how it can be reset, and information on what appliances or combination of appliances can generally be operated to stay within the limits imposed by the limiter.

g. A provision that the service limiter function of the meter is to be disabled no later than the next working day after the residential customer has paid the delinquent balance in full.

h. A service limiter customer that defaults on the payment agreement is subject to disconnection after a 24-hour notice.

199—27.5(476) Engineering standards.

27.5(1) *Requirement for good engineering practice.* The electric plant of the electric cooperative or municipal electric utility shall be constructed, installed, maintained, and operated in accordance with accepted good engineering practice in the electric industry to ensure, as far as reasonably possible, continuity of service, uniformity in the quality of service furnished, and the safety of persons and property.

27.5(2) *Standards incorporated by reference.* Applicable provisions in the publications listed below as standards of accepted good practice unless otherwise ordered by the commission. The standards listed below are recommended for use by municipal electric utilities.

a. Iowa Electrical Safety Code, as defined in 199—Chapter 25.

b. National Electrical Code, ANSI/NFPA 70-2026, published October 3, 2025.

c. IEEE C57.13.1-2017, IEEE Guide for Field Testing of Relaying Current Transformers, as published October 31, 2018; and IEEE PC57.13.3, IEEE Approved Draft Guide for Grounding of Instrument Transformer Secondary Circuits and Cases, as published March 10, 2026.

d. American National Standard for Electric Power Systems and Equipment Voltage Ratings (60 Hertz), ANSI C84.1-2020, published September 3, 2020.

e. Recommended Practice for System Grounding of Industrial and Commercial Power Systems, IEEE 3003.1-2019, published August 9, 2019.

f. IEEE 1159-2019, IEEE Recommended Practice for Monitoring Electric Power Quality, as published August 13, 2019.

g. IEEE 519-2022, IEEE Standard for Harmonic Control in Electric Power Systems, as published August 5, 2022.

h. At railroad crossings, the engineering standards for pipelines rule found in 199—Chapter 42.

i. Iowa Stray Voltage Guide, located at www.iowastrayvoltageguide.com, published July 2014.

j. American National Standard for Electric Meters—Code for Electricity Metering, ANSI C12.1-2026, published February 3, 2026.

k. IEEE Guide for Electric Power Distribution Reliability Indices, IEEE 1366-2022, published November 22, 2022.

199—27.6(476) Safety.

27.6(1) *Interconnection compliance.* Each electric cooperative and municipal electric utility shall comply with commission rules for standards for interconnection, safety, and operating reliability under this subrule and rule 199—15.9(476).

27.6(2) *Protective measures.* Each electric cooperative and municipal electric utility shall exercise reasonable care to reduce those hazards inherent in connection with its electric service and to which its employees, its customers, and the general public may be subjected and shall adopt and execute a safety program designed to protect the public and fitted to the size and type of its operations.

27.6(3) *Accident investigation and prevention.* Electric cooperatives and municipal electric utilities are to give reasonable assistance to the commission in the investigation of the cause of accidents and in the determination of suitable means of preventing accidents.

27.6(4) *Reportable accidents.* Electric cooperatives and municipal electric utilities are to maintain a summary of all reportable accidents, as defined in rule 199—25.5(476,478), arising from operations.

27.6(5) *Grounding of secondary distribution system.* Unless otherwise specified by the commission, each electric cooperative and municipal electric utility is to comply with, and encourage customers to comply with, the applicable provisions of the acceptable standards for the grounding of secondary circuits and equipment.

a. Ground connections should be tested for resistance at the time of installation. Each electric cooperative and municipal electric utility are to keep a record of all ground resistance measurements.

b. Each electric cooperative and municipal electric utility is to establish a program of inspection so that all artificial grounds installed are inspected within reasonable periods of time.

199—27.7(476) Customer contribution fund.

27.7(1) *Applicability and purpose.* This rule applies to each electric cooperative and municipal electric utility as defined in Iowa Code sections 476.1A and 476.1B. Pursuant to Iowa Code section 476.66, each electric cooperative or municipal electric utility is to maintain a program plan to assist the electric cooperative's or municipal electric utility's low-income customers with weatherization and to supplement assistance received under the federal low-income home energy assistance program for the payment of winter heating bills.

27.7(2) *Notification.* Notice of the customer contribution fund is to be given to all customers at least twice a year. Upon commencement of service and at least once a year, the notice is to be mailed or personally delivered to all customers, or provided by electronic means to those customers who have consented to receiving electronic notices. The other notice may be published in a local newspaper(s) of general circulation within the service territory of the electric cooperative or municipal electric utility. A utility serving fewer than 6,000 customers may publish its semiannual notices locally in a free newspaper, utility newsletter or shopper's guide instead of a newspaper. At a minimum, the notice is to include:

a. A description of the availability and the purpose of the fund.

b. A customer authorization form that includes a monthly billing option and methods of contribution.

27.7(3) *Methods of contribution.* Contribution methods may include monthly pledges, as well as one-time or periodic contributions. A pledge by a customer or other party is not a binding contract between the electric cooperative or municipal electric utility and the pledger. Delayed contributions are not subject to late payment charges. Each electric cooperative or municipal electric utility may allow persons or organizations to contribute matching funds.

27.7(4) *Annual report.* On or before September 30 of each year, each electric cooperative or municipal electric utility is to file with the commission a report of all the customer contribution fund activity for the previous fiscal year from July 1 through June 30, on a form provided by the commission that contains an accounting of the total revenues collected and all distributions of the fund.

199—27.8(476,478) Service reliability requirements for electric utilities. Each electric cooperative and municipal electric utility is to adopt and have approved by its board of directors or governing authority a reliability plan. The reliability plan is to be updated not less than annually. A copy of the EC-1 (Annual Report) or ME-1, as applicable, is to be filed with the commission for informational purposes.

199—27.9(476,478) Notification of outages.

27.9(1) *Notification.* The notification requirements in this rule are for the timely collection of electric outage information that may be useful to emergency management agencies in providing for the safety and welfare of individual Iowa citizens. Each electric cooperative and municipal electric utility shall notify the commission when it is projected that an outage may result in a loss of service for more than six hours and the outage meets one of the following criteria:

a. Loss of service for more than six hours to substantially all of a municipality, including the surrounding area served by the same electric cooperative or municipal electric utility. An electric cooperative or municipal electric utility may use loss of service within the utility's service territory to 75 percent or more of customers within a municipality, including the surrounding area served by the utility, to meet this criterion;

b. A major event as defined in this chapter, except for notifications of emergency alerts from regional transmission organizations or independent system operators; or

c. Any other outage considered significant by the electric cooperative or municipal electric utility. This includes loss of service for more than six hours to significant public health and safety facilities known to the electric cooperative or municipal electric utility at the time of the notification.

27.9(2) *Information about outages.*

a. Notification shall be provided regarding outages that meet the requirements of subrule 27.9(1) by notifying the commission duty officer by email at dutyofficer@iuc.iowa.gov or, in appropriate circumstances, by telephone at 515.745.2332. Notification shall be made at the earliest possible time after it is determined the event may be reportable and should include the following information, as available:

(1) The general nature or cause of the outage;

(2) The area affected;

(3) The approximate number of customers that have experienced a loss of electric service as a result of the outage;

(4) The time when service is estimated to be restored; and

(5) The name of the electric cooperative or municipal electric utility, the name and telephone number of the person making the report, and the name and telephone number of a contact person knowledgeable about the outage. The notice should be supplemented as more complete or accurate information is available.

b. The electric cooperative or municipal electric utility is to provide to the commission updates of the estimated time when service will be restored to all customers able to receive service or of significantly changed circumstances, unless service is restored within one hour of the time initially estimated.

c. The electric cooperative or municipal electric utility is to notify the commission once service is fully restored to all customers after an outage meeting the requirements of subrule 27.9(1).

27.9(3) *Planned interruptions.* Planned interruptions by electric cooperatives and municipal electric utilities are to be made at a time that will not cause an unreasonable inconvenience to customers. Adequate notice should be provided to customers that will be affected when a planned interruption lasts longer than one hour.

199—27.10(476) Electric vehicle charging service. The requirements in rule 199—20.20(476) regarding electric vehicle charging stations apply to electric cooperatives and municipal electric utilities.

199—27.11(476) Exterior flood lighting.

27.11(1) *Newly installed lighting.* All newly installed exterior flood lighting owned by an electric cooperative or municipal electric utility are to be solid-state lighting or lighting with equivalent or better energy efficiency.

27.11(2) *In-service lighting replacement schedule.* In-service lighting is to be replaced with solid-state lighting or lighting with equivalent or better energy efficiency when worn out due to ballast, lamp, or fixture failure or for any other reason, such as vandalism or storm damage. Electric cooperatives and municipal electric utilities are to include in their annual report to be filed pursuant to 199—Chapter 23 a report stating the progress in converting to higher pressure sodium lighting or lighting with equivalent or higher energy efficiency.

27.11(3) *Efficacy standards.* Lighting other than solid-state has equivalent or better efficacy if one or more of the following can be established:

a. For fixtures, the mean lumens-per-watt lamp rating is greater than 100;

b. The new lighting uses no more energy per installation than comparable, suitably sized solid-state; or

c. The new lighting luminaires have a mean efficacy rating equal to or greater than 100 lumens per watt according to a Department of Energy (DOE) Lighting Facts label, testing under the DOE Commercially Available LED Product Evaluation and Reporting Program (CALiPER), Design Lights Consortium (DLC) or any other testing agency that follows Illuminating Engineering Society of North America LM-79-19, as approved May 14, 2019, test procedures.

These rules are intended to implement Iowa Code sections 476.1A, 476.1B, 476.2, and 476.20.

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[Published 11/11/26]

EDITOR'S NOTE: For replacement pages for IAC, see IAC Supplement 11/11/26.

ARC 0743D

UTILITIES COMMISSION[199]

Adopted and Filed

Rulemaking related to regulation of utilities

The Utilities Commission hereby adopts new Chapter 28, "Regulation of Municipal and Certain Other Gas Utilities Under Iowa Code Chapter 476," Iowa Administrative Code.

Legal Authority for Rulemaking

This rulemaking is adopted under the authority provided in Iowa Code chapter 476.

State or Federal Law Implemented

This rulemaking implements, in whole or in part, Iowa Code sections 476.1B, 476.1C, 476.20, 476.21, 476.51 and 476.66.

Purpose and Summary

Chapter 28 contains the Commission's procedure for municipal and certain other gas utilities operating in Iowa. The purpose of the rulemaking is largely to separate provisions related to municipal gas utilities from the current 199—Chapter 19 into the new Chapter 28. Existing 199—Chapter 19 includes rules for both rate-regulated gas utilities and municipal gas utilities. The Commission has previously separated the rules for rate-regulated and municipal electric facilities, so this rulemaking continues that regulatory attempt to streamline rules for both utility types. These changes also allow the Commission to promote conformity between 199—Chapters 19, 27, and 28. On September 29, 2026, the Commission issued an order adopting amendments, which is available on the Commission's electronic filing system, efs.iowa.gov, under Docket No. RMU-2025-0028.

Public Comment and Changes to Rulemaking

Notice of Intended Action for this rulemaking was published in the Iowa Administrative Bulletin on May 27, 2026, as **ARC 0305D**. A public hearing was held on the following date(s):

- June 18, 2026

On June 18, 2026, the Commission held a public hearing, which was attended by Office of Consumer Advocate (OCA), a division of the Iowa Department of Justice; MidAmerican Energy Company (MidAmerican); Interstate Power and Light Company (IPL); Iowa Association of Municipal Utilities (IAMU); and Iowa Association of Electric Cooperatives. Stakeholders choosing to speak stood by and/or repeated the content of their written comments.

The Commission received written comments from OCA and IAMU. IAMU filed comments in Docket No. RMU-2025-0028 requesting changes to several rules detailing requirements for testing equipment and incident and quarterly reporting.

The Commission incorporated changes based on stakeholder comments into the rulemaking related to requiring utilities to own or have access to dead weight meter testers; modifying notification thresholds to reflect the estimated property damage amount listed in 49 CFR Section 191.3(1)(ii); adopting uniform notification requirements between 199—Chapters 19 and 28; requiring utilities to submit quarterly reports of excavation damages, even when there has been no loss of gas, on a form provided by the Commission; and removing the requirement for utilities to provide quarterly reports of Iowa One Call ticket volumes.

Adoption of Rulemaking

This rulemaking was adopted by the Commission on September 29, 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 Commission for a waiver of the discretionary provisions, if any.

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 16, 2026.

The following rulemaking action is adopted:

ITEM 1. Adopt the following **new** 199—Chapter 28:

CHAPTER 28
REGULATION OF MUNICIPAL AND CERTAIN OTHER GAS UTILITIES
UNDER IOWA CODE CHAPTER 476

199—28.1(476) General information. Iowa Code section 476.2(1) provides that the Iowa utilities commission shall have authority to establish all needful, just, and reasonable rules, not inconsistent with law, to govern the exercise of its powers and duties, the practice and procedure before it, and to govern the form, content and filing of reports, documents and other papers provided for in Iowa Code chapter 476 or in the commission's rules.

28.1(1) *Application of rules.* The rules shall apply to gas utilities operating within the state of Iowa subject to Iowa Code sections 476.1B and 476.1C, and to the construction, operation, and maintenance of pipelines to the extent provided in Iowa Code chapter 479, and supersede all tariffs on file with the commission that are in conflict with these rules.

28.1(2) *Regulation of gas utilities.* Iowa Code sections 476.1B and 476.1C provide that certain gas utilities are not subject to regulation of the commission, except for regulatory action pertaining to the following:

a. Assessment of fees for the support of the commission and the office of consumer advocate pursuant to Iowa Code section 476.10.

b. Safety standards and engineering standards.

c. Iowa Code sections 476.20, 476.21, and 476.51.

28.1(3) *Definitions.* The following words and terms, when used in these rules, have the meanings indicated below:

"Appliance" means any device that utilizes gas fuel to produce light, heat, or power.

"CFR" means the Code of Federal Regulations in effect as of December 16, 2026, unless a separate effective date is identified in a specific rule.

"Complaint" as used in these rules is a statement or question by anyone, whether a utility customer or not, alleging a wrong, grievance, injury, dissatisfaction, illegal action or procedure, dangerous condition or action, or utility failure to fulfill an obligation.

"Cubic foot" of gas means:

1. Where gas is supplied and metered to customers at the pressure (as defined in subrule 28.7(2)) normally used for domestic customers' appliances, a cubic foot of gas shall be that quantity of gas that, at the temperature and pressure existing in the meter, occupies one cubic foot, except that where a temperature compensated meter is used, the temperature base shall be 60 degrees Fahrenheit.
2. When gas is supplied to customers at other than the pressure in numbered paragraph "1," the utility shall specify in its rules the base for measurement of a cubic foot of gas. Unless otherwise stated by the utility, such cubic foot of gas shall be that quantity of gas that, at a temperature of 60 degrees Fahrenheit and a pressure of 14.73 pounds per square inch absolute, occupies one cubic foot.
3. The standard cubic foot of gas for testing the gas itself for heating value shall be that quantity of gas, saturated with water vapor, that, at a temperature of 60 degrees Fahrenheit and a pressure of 30 inches of mercury, occupies one cubic foot. (Temperature of mercury = 32 degrees Fahrenheit acceleration due to gravity = 32.17 ft. per second per second density = 13.595 grams per cubic centimeter.)

"Customer" means any person, firm, association, or corporation; any agency of the federal, state, or local government; or any legal entity responsible by law for payment for the gas service or heat from the gas utility.

"Delinquent" or *"delinquency"* means an account for which a service bill or service payment agreement bill has not been paid in full on or before the last day for timely payment.

"Gas," unless otherwise specifically designated, means manufactured gas, natural gas, other hydrocarbon gases, or any mixture of gases produced, transmitted, distributed, or furnished by any gas utility.

"Gas plant" means all facilities including all real estate, fixtures, and property owned, controlled, operated, or managed by a gas utility for the production, storage, transmission or distribution of gas and heat.

"Interruption of service" means any disturbance of the gas supply whereby gas service to a customer cannot be maintained.

"Main" means a gas pipe, excluding a service line, that is owned, operated, or maintained by a utility and is used for the purpose of distribution of gas.

"Meter," without other qualification, means any device or instrument used by a utility in measuring a quantity of gas.

"Meter shop" means a shop where meters are inspected, repaired, and tested and may be at a fixed location or may be mobile.

"Pressure," unless otherwise stated, is expressed in pounds per square inch above atmospheric pressure, i.e., gauge pressure.

"Rates" means the same as defined in Iowa Code section 384.80 and includes all charges or fees imposed or collected for the provision of, or incidental to, utility service.

"Service line" means a distribution line that transports gas from a common source of supply to a customer meter or the connection to a customer's piping, whichever is farther downstream, or the connection to a customer's piping if there is not a customer meter. A "customer meter" is the meter that measures the transfer of gas from a utility to a customer.

"Timely payment" means a payment on a customer's account made on or before the date shown on a current bill for service, or on a form that records an agreement between the customer and a utility for a series of partial payments to settle a delinquent account, as the date that determines application of a late payment charge.

"Town border station" means the delivery point or measuring station at which a gas distribution utility receives gas from a natural gas transmission company.

"Utility" means any person; partnership; business association; or corporation, domestic or foreign, owning or operating any facilities for furnishing gas or heat to the public for compensation.

28.1(4) *Gas utilities service rules.* Gas utilities service rules or other legally enforceable provisions are to be consistent with the provisions in this chapter and must be available to all customers.

199—28.2(476) Maps; records.

28.2(1) Each gas utility is to maintain current maps, plans, and records of its entire gas systems, with such other information as may be necessary to enable the utility to advise prospective customers, and others entitled to the information, as to the facilities available for serving customers in its service area. A utility shall maintain a correct set of utility system maps for each operating or distribution area, and such maps are to be made available to commission personnel upon request. The maps shall show:

a. Peak shaving facility location(s).
b. Feeder and distribution mains indicating size and pressure.
c. System metering (town border stations and other supply points).
d. Regulator stations in system indicating inlet and outlet pressures.
e. Calorimeter location.
f. State boundary crossing.
g. Franchise area.
h. Names of all communities (post offices) served.

28.2(2) Reports to federal agencies. Copies of reports submitted to the U.S. Department of Transportation pursuant to 49 CFR Part 191, 192, 193, or 199 shall be filed with the commission no later than ten days following the submission. Utilities operating in other states shall provide data to the commission for Iowa only.

199—28.3(476) Customer relations.

28.3(1) *Notification to customers by bill insert.* At least annually, each utility shall notify its customers, by bill insert or notice on the bill form, of the address and telephone number where a utility representative qualified to assist in resolving the complaint can be reached and include the following statement: "If your complaint is related to service disconnection, payment agreements, safety, or renewable energy, and (utility name) does not resolve your complaint, you may request assistance from the Iowa Utilities Commission by calling 515.725.7300, or toll-free 877.565.4450, by writing to 1375 E. Court Ave., Des Moines, IA 50319-0069; or by email to customer@iuc.iowa.gov." The utility may use different language with commission approval. A utility that bills by postcard may place an advertisement in a local newspaper of general circulation or a customer newsletter instead of a mailing. The advertisement must be of a type size that is easily legible and conspicuous and must contain the information required in this subrule.

28.3(2) *Payment agreements.*

a. Availability of a first payment agreement. When a residential customer cannot pay in full a delinquent bill for utility service or has an outstanding debt to the utility for residential utility service and is not in default of a payment agreement with the utility, the utility shall offer the customer an opportunity to enter into a reasonable payment agreement. The offer of a payment agreement is to be made prior to disconnection. The utility is not required to offer a customer who has been disconnected from service a payment agreement consistent with these rules unless the utility did not comply with these rules prior to disconnection.

b. Reasonableness. Whether a payment agreement is reasonable will be determined by considering the current household income, ability to pay, payment history including prior defaults on similar agreements, size of the bill, amount of time and reasons why the bill has been outstanding, and any special circumstances creating extreme hardships within the household. The utility may require the person to confirm financial difficulty with an acknowledgment from the department of health and human services or another agency.

c. Terms of payment agreements.

(1) First payment agreement. The following conditions are to be offered to customers who have received a disconnection notice and are not in default of a payment agreement:

1. For customers who received a disconnection notice in conformance with these rules, an agreement with at least 12 even monthly payments is to be offered. A customer may pay off the delinquency early without incurring any prepayment penalties. A customer will not be charged interest, or a late payment charge, on a payment agreement where the customer is making payments consistent with the terms of the payment agreement, and the customer will not be required to pay a portion of the delinquent amount to enter into a payment agreement.

2. A provision for payment of the current amount owed by the customer is to be offered.

3. The utility may require the customer to enter into a budget billing plan to pay the current bill.

4. When the customer makes the agreement in person, a signed copy of the agreement is to be provided to the customer.

5. The utility may offer the customer the option of making the agreement over the telephone or through electronic transmission.

6. When a payment agreement is made over the telephone or through electronic transmission, a written agreement reflecting the terms and conditions of the agreement is to be provided to the customer within three days of the date the oral or electronic agreement is entered into.

7. The document will be considered provided to the customer when addressed to the customer's last-known address and deposited in the U.S. mail with postage paid. If delivery is by other than U.S. mail, the document will be considered provided to the customer when delivered to the last-known address of the customer or sent via electronic delivery with customer consent. Such consent shall be deemed given when the customer consents to or requests electronic billing.

8. The payment agreement is deemed accepted by the customer unless the customer notifies the utility otherwise within ten days from the date the document is provided. The address and toll-free telephone number where a qualified representative can be reached is to be included in the payment agreement.

9. Once the first payment required by the agreement is made by the customer or on behalf of the customer, the oral or electronic agreement is deemed accepted by the customer.

10. Each customer entering into a first payment agreement is allowed at least one late payment that is four days or less beyond the due date for payment, and the first payment agreement remains in effect.

11. The initial payment is due on the due date for the next regular bill.

(2) Second payment agreement. A second payment agreement is to be offered to a customer who is in default of a first payment agreement if the customer has made at least two consecutive full payments under the first payment agreement.

1. The second payment agreement will be for a term at least as long as the term of the first payment agreement.

2. The customer is to pay for current service in addition to the monthly payments.

3. The customer may be required to make the first payment up front as a condition of entering into the second payment agreement.

4. The utility may also require the customer to enter into a budget billing plan to pay the current bill.

(3) Additional payment agreements. The utility may offer additional payment agreements to the customer.

d. Refusal by utility. A customer may offer the utility a proposed payment agreement. If the utility and the customer do not reach an agreement, the utility may refuse the offer orally but will provide a written refusal to the customer, stating the reason for the refusal, within three days of the oral notification. The written refusal is considered provided to the customer when addressed to the customer's last-known address and deposited in the U.S. mail with postage prepaid. If delivery is by other than U.S. mail, the written refusal is considered provided to the customer when handed to the customer or when delivered to the last-known address of the customer or sent via electronic delivery with customer consent. Such consent shall be deemed given when the customer consents to or requests electronic billing.

e. Customer request for assistance. A customer may ask the commission for assistance in working out a reasonable payment agreement. The request for assistance is to be made to the commission

within ten days after the written refusal is provided, and disconnection will not take place during the commission's review.

28.3(3) *Bill payment terms.* The bill is to be considered provided to the customer when deposited in the U.S. mail with postage prepaid. If delivery is by other than U.S. mail, the bill is to be considered provided when delivered to the last-known address of the customer, or sent via electronic delivery with customer consent. Such consent shall be deemed given when the customer consents to or requests electronic billing. An account shall not be delinquent until 20 days have passed since the bill was provided to the customer. For customers on more frequent billing intervals, an account shall not be delinquent until five days have passed since the bill was provided to the customer. A late payment charge cannot be assessed if payment is received within 20 days of the date the bill is provided.

a. The date of delinquency for all residential customers or other customers whose consumption is less than 250 ccf per month is changeable for cause, such as but not limited to 15 days from the approximate date each month upon which income is received by the person responsible for payment. Thirty days beyond the date of previous bill preparation is the maximum delay allowed.

b. In any case where net and gross amounts are billed to customers, the difference between net and gross is a late payment charge and is valid only when part of a delinquent bill payment. A utility's late payment charge is limited to 1.5 percent per month of the past due amount. No collection fee may be levied in addition to this late payment charge.

c. If the customer makes partial payment in a timely manner, and does not designate the service or product for which payment is made, the payment is to be credited pro rata between the bill for utility services and related taxes.

d. Each account is allowed not less than one complete forgiveness of a late payment charge each calendar year. The utility's rules are to include on one monthly bill in each period of eligibility that the utility will accept the net amount of such bill as full payment for such month after expiration of the net payment period. The utility's rules are to state how the customer is notified that the eligibility has been used. Complete forgiveness has no effect upon the credit rating of the customer or collection of late payment charges.

28.3(4) *Meter testing standards.* Gas utilities are to establish written meter testing standards and procedures for customers who have complaints about the accuracy of the customer's meters. Gas utilities that utilize a third-party vendor/contractor to conduct meter testing shall ensure, at a minimum, that the meter testing standards used by the third-party vendor/contractor address the subject areas listed in subrule 28.3(5). The meter testing standards are to be made available to a customer upon request. The following publications are considered to be representative of accepted good practice in matters of metering and meter testing:

a. American National Standard for Gas Displacement Meters (500 Cubic Feet Per Hour Capacity and Under), ANSI B109.1, published April 15, 2019, reaffirmed April 16, 2024.

b. American National Standard for Diaphragm Type Gas Displacement Meters (Over 500 Cubic Feet Per Hour Capacity), ANSI B109.2, published March 16, 2020, reaffirmed July 3, 2025.

c. American National Standard for Rotary Type Gas Displacement Meters, ANSI B109.3, published February 5, 2019, reaffirmed April 16, 2024.

d. Measurement of Gas Flow by Turbine Meters, ANSI/ASME MFC-4M-1986, reaffirmed 2025.

e. Orifice Metering of Natural Gas and Other Related Hydrocarbon Fluids, API MPMS Chapter 14.3, Part 1 (R2017), Part 2 (R2024), Part 3 (R2021), and Part 4 (R2026).

28.3(5) *Meter testing procedures.* The meter testing standards and procedures shall, at a minimum, address the following subject areas:

a. Classification of meters by capacity, type, and any other factor considered pertinent.

b. Checking of new meters for acceptable accuracy before they are placed in service.

c. Testing of in-service meters, including any associated instruments or corrective devices, for accuracy, adjustments, or repairs and including meters removed from service for any reason.

d. Periodic calibration or testing of devices or instruments used by the utility to test meters.

e. Leak testing of meters before return to service.

f. The limits of meter accuracy considered acceptable by the utility.

g. The nature of meter and meter test records maintained by the utility.

28.3(6) *Meter adjustment.* All meters and associated metering devices, when tested, will be adjusted as closely as practicable to the condition of zero error.

28.3(7) *Request tests.* Utilities will test a customer's meter at the customer's request but need not do so more frequently than once in 18 months. Test results will be mailed to the customer within ten days of the completed test, and a record of each test shall be kept on file at the utility's office. The utility shall give the customer or a representative of the customer the opportunity to be present while the test is conducted. If the test finds the meter is accurate within the limits accepted by the utility in its meter inspection and testing program, the utility may charge the customer $25 or the cost of conducting the test, whichever is less. The customer shall be advised of any potential charge before the meter is removed for testing.

28.3(8) *Referee tests.* Upon written request by a customer or utility, the commission will conduct a referee test of a meter but not more frequently than once in 18 months. In addition to the written request, the customer will also provide the utility with a $30 deposit. The customer's request to the commission will indicate that the deposit has been paid. Within five days of receipt of the written request and payment, the commission will notify the utility of the test. The utility shall, within 30 days after notification of the request, schedule the date, time, and place of the test with the commission and customer. The meter shall not be removed or adjusted before the test. The utility shall furnish all testing equipment and facilities for the test. If the tested meter is found to be more than 2 percent fast or 2 percent slow, the deposit will be returned to the party requesting the test and billing adjustments made. The commission will issue its report after the test is conducted.

28.3(9) *Condition of meter.* No meter that is known to be mechanically defective, has an incorrect correction factor, or has not been tested and adjusted, if necessary, in accordance with paragraphs 28.3(5)*"b," "c,"* and *"e,"* shall be installed or continued in service. The capacity of the meter and the index mechanism shall be consistent with the gas requirements of the customer.

199—28.4(476) Disconnection of service.

28.4(1) *Disconnection procedures and notice.* Utilities may only disconnect service to customers in compliance with the following procedure and requirements:

a. Service may be disconnected without notice:

(1) In the event of a condition on the customer's premises determined by the utility to be hazardous.

(2) In the event of customer use of equipment in a manner that adversely affects the utility's equipment or the utility's service to others.

(3) In the event of tampering with the equipment furnished and owned by the utility. A broken or absent meter seal alone does not constitute tampering.

(4) In the event of unauthorized use.

b. The utility shall give written notice of pending disconnection, except as specified in paragraph 28.4(1)*"a."* The notice will include the reason for the notice and the final date by which the account is to be settled or specific action taken. The notice is to be addressed to the customer's last-known address and deposited in the U.S. mail with postage prepaid. If delivery is by other than U.S. mail, the notice is to be delivered to the last-known address of the customer or sent via electronic delivery with customer consent. Such consent shall be deemed given when the customer consents to or requests electronic billing. The date for disconnection of service is not to be less than 12 days after the notice is provided. The date for disconnection of service for customers on shorter billing intervals is not to be less than 24 hours after the notice is posted at the service premises.

c. Where more than one cause of disconnection exists, one written notice is to be given that includes all reasons for the notice. In determining the final date by which the account is to be settled or other specific action taken, the days of notice for the causes run concurrently.

d. Service may be disconnected after proper notice:

(1) For violation of or noncompliance with the utility's rules.

(2) For failure of the customer to furnish the service equipment, permits, certificates, or rights-of-way that are specified to be furnished, in the utility's rules filed with the commission, as conditions

of obtaining service; for the withdrawal of that same equipment; for the termination of those same permissions or rights; or for the failure of the customer to fulfill the contractual obligations imposed as conditions of obtaining service by any contract filed with and subject to the regulatory authority of the commission.

(3) For failure of the customer to permit the utility reasonable access to the utility's equipment.

e. Service may be disconnected after proper notice for nonpayment of a bill or deposit, provided that the utility has complied with the following provisions:

(1) Given the customer a reasonable opportunity to dispute the reason for the disconnection or refusal.

(2) Given the customer, and any other person or agency designated by the customer, written notice that the customer has at least 12 days in which to make settlement of the account to avoid disconnection and a written summary of the rights and responsibilities set out in subrule 28.4(2). Customers billed more frequently than monthly are to be given posted written notice that they have 24 hours to make settlement of the account to avoid disconnection and a written summary of the rights and responsibilities. All written notices include a toll-free or collect telephone number where a utility representative qualified to provide additional information about the disconnection can be reached. Each utility representative provides the representative's name and has immediate access to current, detailed information concerning the customer's account and previous contacts with the utility.

(3) When disconnecting service to a residence, a diligent attempt is to be made to contact, by telephone or in person, the customer to inform the customer of the pending disconnection and the customer's rights and responsibilities. Between November 1 and April 1, if the attempt at customer contact fails, the premises are to be posted, at least one day prior to disconnection, with a notice informing the customer of the pending disconnection and a copy of the rights and responsibilities available to avoid disconnection.

1. If an attempt at personal or telephone contact of a customer occupying a rental unit has been unsuccessful, the utility is to make a diligent attempt to contact the landlord of the rental unit, if known, to determine if the customer is still in occupancy and, if so, the customer's present location. The landlord is to be informed of the date when service may be disconnected. The utility will make a diligent attempt to inform the landlord at least 48 hours prior to disconnection of service to a tenant.

2. If the disconnection will affect occupants of residential units leased from the customer, the premises of any building known by the utility to contain residential units affected by disconnection are to be posted at least two days prior to disconnection, with a notice informing any occupants of the date when service will be disconnected and the reasons for the disconnection.

3. If the customer has received notice of disconnection and has a dispute concerning a bill for gas service, the gas utility may require the customer to pay a sum of money equal to the amount of the undisputed portion of the bill pending settlement and thereby avoid disconnection of service. Disconnection for nonpayment of the disputed bill is delayed for up to 45 days after the providing of the bill if the customer pays the undisputed amount. The 45 days may be extended by up to 60 days if requested of the utility by the commission in the event the customer files a written complaint with the commission in compliance with 199—Chapter 6.

f. Disconnection and reconnection. Disconnection of a residential customer may take place only between the hours of 6 a.m. and 2 p.m. on a weekday and not on weekends or holidays. If a disconnected customer makes payment or other arrangements during normal business hours, or by 7 p.m. for utilities permitting such payment or other arrangements after normal business hours, all reasonable efforts are to be made to reconnect the customer that day. If a disconnected customer makes payment or other arrangements after 7 p.m., all reasonable efforts are to be made to reconnect the customer not later than 11 a.m. the next day.

g. Severe cold weather. A disconnection is not to take place where gas is used as the only source of space heating or to control or operate the only space heating equipment at a residence when the actual temperature or the 24-hour forecast of the National Weather Service for the residence's area is predicted to be 20 degrees Fahrenheit or colder. If the utility has properly posted a disconnect notice but is precluded from disconnecting service because of severe cold weather, the utility may immediately

proceed with appropriate disconnection procedures, without further notice, when the temperature in the residence's area rises above 20 degrees Fahrenheit and is forecasted to remain above 20 degrees Fahrenheit for at least 24 hours unless the customer has paid in full the past due amount or is otherwise entitled to postponement of disconnection.

h. Medical stay. Disconnection of a residential customer will be postponed if the disconnection of service would present an especial danger to the health of any permanent resident of the premises.

(1) An especial danger to health is indicated if a person appears to be seriously impaired and may, because of mental or physical problems, be unable to manage the person's own resources, to carry out activities of daily living or to be protected from neglect or hazardous situations without assistance from others. Indicators of an especial danger to health include but are not limited to age, infirmity, or mental incapacitation; serious illness; physical disability, including blindness and limited mobility; and any other factual circumstances that indicate a severe or hazardous health situation.

(2) The utility may require written verification of the especial danger to health by a physician or a public health official, including the name of the person endangered; a statement that the person is a resident of the premises in question; the name, business address, and telephone number of the certifying party; the nature of the health danger; and approximately how long the danger will continue. Initial verification by the verifying party may be by telephone if written verification is forwarded to the utility within five days.

(3) Verification will postpone disconnection for 30 days. In the event service is terminated within 14 days prior to verification of illness by or for a qualifying resident, service is to be restored to that residence if a proper verification is thereafter made in accordance with the foregoing provisions. If the customer does not enter into a reasonable payment agreement for the retirement of the unpaid balance of the account within the first 30 days and does not keep the current account paid during the period that the unpaid balance is to be retired, the customer is subject to disconnection.

i. Winter energy assistance. If between November 1 through April 1 the utility is informed that the customer's household may qualify for winter energy assistance or weatherization funds, service is not to be disconnected for 30 days from the date the utility is notified to allow the customer time to obtain assistance. Disconnection of service is not allowed from November 1 through April 1 for a resident who is a head of household and who has been certified to the utility by the community action agency as eligible for either the low-income home energy assistance program or the weatherization assistance program.

j. Deployment. If the utility is informed that one of the heads of household, as defined in Iowa Code section 476.20, is a service member deployed for military service, as defined in Iowa Code section 29A.90, disconnection cannot take place at the residence during the deployment or prior to 90 days after the end of the deployment.

k. Abnormal gas consumption. A customer who is subject to disconnection for nonpayment of bill, and who has gas consumption that appears to the customer to be abnormally high, may request the utility provide assistance in identifying the factors contributing to this usage pattern and to suggest remedial measures. Assistance will be provided by the utility by discussing patterns of gas usage that may be readily identifiable, suggesting that an energy audit be conducted, and identifying sources of energy conservation information and financial assistance available to the customer.

l. A utility may disconnect gas service after 24-hour notice (and without the written 12-day notice) for failure of the customer to comply with the terms of a payment agreement.

m. Prior to November 1, a notice describing the availability of winter energy assistance funds and the application process is to be mailed to customers. The notice is to be of a type size that is easily legible and conspicuous and contain the information set out by the state agency administering the assistance program. A utility serving fewer than 25,000 customers may publish the notice in a customer newsletter in lieu of mailing. A serving fewer than 6,000 customers may publish the notice in an advertisement in a local newspaper of general circulation or shopper's guide.

28.4(2) *Notice of customer rights and responsibilities.* The standard form of the summary of the rights and responsibilities to be provided to customers is set out below and will be provided by a

utility with all disconnection notices. A nonstandard rights and responsibilities notice may be used with commission approval. The standard customer rights and responsibilities notice is as follows:

CUSTOMER RIGHTS AND RESPONSIBILITIES TO AVOID SHUTOFF OF GAS SERVICE FOR NONPAYMENT

1. What can I do if I receive a notice from the utility that says my service will be shut off because I have a past due bill?

a. Pay the bill in full;

b. Enter into a reasonable payment plan with the utility (see #2 below);

c. Apply for and become eligible for low-income energy assistance (see #3 below);

d. Give the utility a written statement from a doctor or public health official stating that shutting off your gas service would pose an especial health danger for a person living at the residence (see #4 below); or

e. Tell the utility if you think part of the amount shown on the bill is wrong. However, you must still pay the part of the bill you agree you owe the utility (see #5 below).

2. How do I go about making a reasonable payment plan? (Residential customers only)

a. Contact the utility as soon as you know you cannot pay the amount you owe. If you cannot pay all the money you owe at one time, you are to be offered a payment plan that spreads payments evenly over at least 12 months. The plan may be longer depending on your financial situation.

b. If you have not made the payments you promised in a previous payment plan with the utility and still owe money, you may qualify for a second payment agreement under certain conditions.

c. If you do not make the payments you promise, the utility may shut off your gas service on one day's notice, unless all the money you owe the utility is paid or you enter into another payment agreement.

3. How do I apply for low-income energy assistance? (Residential customers only)

a. Applications are taken at your local community action agency. If you are unsure where to apply, call 211 or 800.244.7431, or visit hhs.iowa.gov/programs/programs-and-services/liheap. To prevent disconnection, contact the utility prior to disconnection of your service.

b. To avoid disconnection, you must apply for energy assistance or weatherization before your service is shut off. Notify your utility that you may be eligible and have applied for energy assistance. Once your service has been disconnected, it will not be reconnected based on approval for energy assistance.

c. Being certified eligible for energy assistance will prevent your service from being disconnected from November 1 through April 1. Between November 1 and April 1, the utility will delay disconnection of your service for 30 days once you notify the utility that you are applying for energy assistance or weatherization assistance, to allow you time to obtain assistance. Only one 30-day delay is required during the moratorium period.

4. What if someone living at the residence has a serious health condition? (Residential customers only)

Contact the utility if you believe this is the case. Contact your doctor or a public health official and ask the doctor or health official to contact the utility and state that shutting off your gas service would pose an especial health danger for a person living at your residence. The doctor or public health official must provide a written statement to the utility's office within five days of when your doctor or public health official notifies the utility of the health condition; otherwise, your gas service may be shut off. If the utility receives this written statement, your service will not be shut off for 30 days. This 30-day delay is to allow you time to arrange payment of your utility bill or find other living arrangements. After 30 days, your service may be shut off if payment arrangements have not been made.

5. What should I do if I believe my bill is not correct?

You may dispute your bill by telling the utility that you dispute the bill and paying the part of the bill you think is correct. If you do this, the utility will not shut off your service for 45 days from the date the bill was mailed while you and the utility work out the dispute over the part of the bill you think is incorrect. You may ask the Iowa Utilities Commission for assistance in resolving the dispute (see #9 below).

6. When can the utility shut off my gas service because I have not paid my bill?

a. Your utility can shut off service between the hours of 6 a.m. and 2 p.m. Monday through Friday.

b. The utility will not shut off your service on nights, weekends, or holidays for nonpayment of a bill.

c. The utility will not shut off your service if you enter into a reasonable payment plan to pay the overdue amount (see #2 above).

d. The utility will not shut off your service if the temperature is forecasted to be 20 degrees Fahrenheit or colder during the following 24-hour period, including the day your service is scheduled to be shut off.

e. If you have qualified for low-income energy assistance, the utility cannot shut off your service from November 1 through April 1. However, you will still owe the utility for the service used during this time.

f. The utility will not shut off your service if you have notified the utility that you dispute a portion of your bill and you pay the part of the bill that you agree is correct.

g. If one of the heads of household is a service member deployed for military service, gas service cannot be shut off during the deployment or within 90 days after the end of deployment. In order for this exception to disconnection to apply, the utility will need to be informed of the deployment prior to disconnection. However, you will still owe the utility for service used during this time.

7. How will I be told the utility is going to shut off my service?

a. You must be given a written notice at least 12 days before the gas service can be shut off for nonpayment. This notice will include the reason for shutting off your service.

b. If you have not made payments required by an agreed-upon payment plan, your service may be disconnected with only one day's notice.

c. The utility must try to reach you by telephone or in person before it shuts off your service. From November 1 through April 1, if the utility cannot reach you by telephone or in person, the utility will put a written notice on the door of or another conspicuous place at your residence to tell you that your gas service will be shut off.

8. If service is shut off, when will it be turned back on?

a. The utility will turn your service back on if you pay the whole amount you owe. The service shall be restored for 30 days if you provide the utility with a medical verification from a doctor or public health official of an especial danger to health within 14 days of a shutoff for nonpayment.

b. If you make your payment during regular business hours, or by 7 p.m. for utilities permitting such payment or other arrangements after regular business hours, the utility must make a reasonable effort to turn your service back on that day. If service cannot reasonably be turned on that same day, the utility is to do it by 11 a.m. the next day.

c. The utility may charge you a fee to turn your service back on. That fee may be higher in the evening or on weekends, so you may ask that your service be turned on during normal utility business hours.

9. Is there any other help available besides my utility?

If the utility has not been able to help you with your problem, you may contact the Iowa Utilities Commission toll-free at 877.565.4450. You may also write the Iowa Utilities Commission at 1375 E. Court Ave., Des Moines, IA 50319-0069, or email customer@iuc.iowa.gov. Low-income customers may also be eligible for free legal assistance from Iowa Legal Aid and may contact Iowa Legal Aid at 800.532.1275.

28.4(3) *When disconnection is not allowed.*

a. No disconnection may take place from November 1 through April 1 for a resident who has been certified to the utility by the local community action agency as being eligible for either the low-income home energy assistance program or weatherization assistance program.

b. If the utility is informed that one of the heads of household, as defined in Iowa Code section 476.20, is a service member deployed for military service, as defined in Iowa Code section 29A.90, disconnection cannot take place at the residence during the deployment or prior to 90 days after the end of the deployment.

28.4(4) *Servicing of utilization control equipment.* Each utility is to service and maintain any equipment it uses on a customer's premises and correctly set and keep in proper adjustment any utility-owned thermostats, clocks, relays, time switches, or other devices that control the customer's service in accordance with the provisions in the utility's schedules.

28.4(5) *Customer complaints.* A utility will promptly and thoroughly investigate all complaints concerning its practices, facilities, or services. The utility is to keep such records of customer complaints as will enable it to review and analyze its procedures and actions.

a. Each utility is to develop a fully informative procedure for the resolution of customer complaints.

b. The utility is to take reasonable steps to ensure that customers unable to travel are not denied the right to be heard.

c. The final step in a complaint review procedure, if the utility and customer are not able to agree on a resolution of the complaint, is a filing for commission resolution of the issues if the commission determines it has jurisdiction.

199—28.5(476) Engineering standards.

28.5(1) *Requirement for good engineering practice.* The gas plant of the gas utility shall be constructed, installed, maintained, and operated in accordance with accepted good engineering practice in the gas industry to ensure, as far as reasonably possible, continuity of service, uniformity in the quality of service furnished, and the safety of persons and property.

28.5(2) *Standards incorporated by reference.*

a. The design, construction, operation, and maintenance of gas systems and liquefied natural gas facilities shall be in accordance with the following standards where applicable:

(1) Transportation of Natural and Other Gas by Pipeline; Annual, Incident, and Other Reporting, 49 CFR Part 191.

(2) Transportation of Natural and Other Gas by Pipeline: Minimum Federal Safety Standards, 49 CFR Part 192.

(3) Liquefied Natural Gas Facilities: Federal Safety Standards, 49 CFR Part 193.

(4) Drug and Alcohol Testing, 49 CFR Part 199.

(5) Gas Transmission and Distribution Piping Systems, ASME B31.8 as incorporated by reference in 49 CFR 192.7.

(6) Utility LP-Gas Plant Code, NFPA 59 as incorporated by reference in 49 CFR 192.7.

(7) At railroad crossings, the engineering standards for pipelines rule found in 199—Chapter 42.

b. The following publications are adopted as standards of accepted good practice for gas utilities:

(1) National Fuel Gas Code, NFPA 54/ANSI Z223.1, published August 25, 2023.

(2) Standard for Fire Safety Criteria for Manufactured Home Installations, Sites, and Communities, NFPA 501A, published 2025.

28.5(3) *Adequacy of gas supply.* The natural gas regularly available from supply sources supplemented by production or storage capacity must be sufficiently large to meet all reasonable demands for firm gas service.

28.5(4) *Gas transmission and distribution facilities.* The utility's gas transmission and distribution facilities shall be designed, constructed, and maintained as required to reliably perform the gas delivery burden placed upon them. Utilities will be capable of emergency repair work on a scale consistent with its scope of operation and with the physical conditions of its transmission and distribution facilities.

In appraising the reliability of the utility's transmission and distribution system, the commission will consider, as principal factors, the condition of the physical property and the size, training, supervision, availability, equipment, and mobility of the maintenance forces.

28.5(5) *Inspection of gas plant.* A utility will adopt and follow a program of inspection of its gas plant in order to determine the necessity for replacement and repair. The frequency of the various inspections is to be based on the utility's experience and accepted good practice. Utilities will keep sufficient records to give evidence of compliance with its inspection program.

199—28.6(476) Safety.

28.6(1) *Compliance.* Each utility shall comply with commission rules for standards for safety and operating reliability under this subrule.

28.6(2) *Protective measures.* Each utility shall exercise reasonable care to reduce hazards inherent in connection with its gas service and to which its employees, its customers, and the general public may be subjected and shall adopt and execute a safety program designed to protect the public and fitted to the size and type of its operations. Utilities will maintain a summary of all reportable failures arising from its operations.

28.6(3) *Failure investigation and prevention.* Utilities are to give reasonable assistance to the commission in the investigation of the cause of failures and in the determination of suitable means of preventing failures.

28.6(4) *Reportable incidents.* Utilities are to maintain a summary of all reportable incidents arising from operations that require notification pursuant to subrule 28.10(1).

28.6(5) *Gas leaks.* A report of a gas leak shall be considered an emergency requiring immediate attention.

28.6(6) *Turning on gas.* Each utility upon the installation of a meter and turning on gas or the act of turning on gas alone shall take the necessary steps to assure itself that there exists no flow of gas through the meter, which is a warning that the customer's piping or appliances are not safe for gas turn on.

28.6(7) *Odorization.* Any gas distributed to customers through gas mains or gas services or used for domestic purposes in compressor plants, which does not naturally possess a distinctive odor to the extent that its presence in the atmosphere is readily detectable at all gas concentrations of one-fifth of the lower explosive limit and above, shall have an odorant added to it to make it so detectable. Odorization is not necessary, however, for such gas as is delivered for further processing or use where the odorant would serve no useful purpose as a warning agent. Utilities will test the gas to ensure the odor meets the standards of subrule 28.5(2). Prompt remedial action shall be taken if odorization levels do not meet the prescribed limits for detectability.

28.6(8) *Compliance.* All compliance issues identified during a commission inspection are to be corrected by the utility within 12 months of the notification. If such corrective actions cannot be taken within that time frame, the utility shall notify the commission and provide an explanation as to why such actions will take longer and the additional steps, if any, the utility is undertaking to maintain public health and safety in the meantime.

28.6(9) *Utility personnel.* Each utility is to inform the commission if a personnel change in gas foreman, supervisor, superintendent or manager occurs. This notice will occur no later than 30 days from the date of personnel change.

199—28.7(476) Standards of quality of service.

28.7(1) *Purity.* All gas supplied to customers shall be substantially free of impurities that may cause corrosion of mains or piping or from corrosive or harmful fumes when burned in a properly designed and adjusted burner. If the municipality or certain other gas utility receives gas from a source other than an interstate transmission pipeline, or a pipeline that is subject to gas quality specifications defined by a tariff, the municipality or certain other gas utility must take additional steps to ensure gas purity in the gas system.

28.7(2) *Pressure limits.* The maximum allowable operating pressure for a low-pressure distribution system shall not be so high as to cause the unsafe operation of any connected and properly adjusted low-pressure gas-burning equipment.

28.7(3) *Adequacy for pressure.* Each utility shall have a substantially accurate knowledge of the pressures inside its piping. Periodic pressure measurements shall be taken during periods of high demand at remote locations in distribution systems to determine the adequacy of service. Records of such measurements including the date, time, and location of the measurement shall be maintained not less than two years.

28.7(4) *Standards for pressure measurements.*

a. Secondary standards. Each utility shall own or have access to a dead weight tester that is maintained in an accurate condition. For purposes of this subrule, the requirement to have access to a dead weight tester may be met by establishing access through the utility's meter testing vendor/contractor.

b. Working standards. Each utility must have or have access to manometers, laboratory quality indicating pressure gauges, and field-type dead weight pressure gauges as necessary for the proper testing of the indicating and recording pressure gauges used in determining the pressure on the utility's system. Working standards are to be checked periodically by comparison with a secondary standard or by calibration of the working standard by a third-party vendor/contractor or by the manufacturer.

28.7(5) *Handling of standards.* Extreme care must be exercised in the handling of standards to ensure that their accuracy is not disturbed. Each standard shall be accompanied at all times by a certificate or calibration card, duly signed and dated, on which are recorded the corrections required to compensate for errors found at the customary test points at the time of the last previous test.

28.7(6) *Heating value.*

a. Awareness. Each utility shall have a substantially accurate knowledge of the heating value of the gas being delivered to customers at all times.

b. Natural and LP gas. The heating value of natural gas and undiluted, commercially pure LP gas is not considered to be under the control of the utility. Utilities will determine the allowable range of monthly average heating values within which its customers' appliances may be expected to function properly without repeated readjustment of the burners.

c. Renewable natural gas (RNG). The heating value of gas supplied from an RNG facility is considered within the control of the RNG supplier. The average daily heating value of mixed gas in a distribution system shall be at least 95 percent of that normally delivered by the pipeline supplier. RNG producers are responsible for ensuring the gas produced from the RNG facility is compatible to meet these heating requirements.

d. Peak shaving or other mixed gas. The heating value of gas in a distribution system that includes gas from LP or LNG peak shaving facilities, or gas from a source other than a pipeline supplier, is considered within the control of the utility. The average daily heating value of mixed gas shall be at least 95 percent of that normally delivered by the pipeline supplier. All mixed gas shall have a specific gravity of less than 1.000, and heating value shall not be so high as to cause improper operation of properly adjusted customer equipment.

e. Heating value determination and records. Unless acceptable heating value information is available for all periods from other sources, including the pipeline supplier, utilities will have a method by which the heating value of the gas in a distribution system can be accurately determined. The type, accuracy, operation, and location of equipment, and the accuracy of computation methods, shall be in accordance with accepted industry practices and equipment manufacturer's recommendations, subject to review by the commission.

199—28.8(476) Customer contribution fund.

28.8(1) *Applicability and purpose.* This rule applies to each gas utility as defined in Iowa Code sections 476.1B and 476.1C. Pursuant to Iowa Code section 476.66, each utility shall maintain a program plan to assist the utility's low-income customers with weatherization and to supplement assistance received under the federal low-income home assistance energy program for payment of winter heating bills.

28.8(2) *Notification.* Notice of the customer contribution fund is to be given to all customers at least twice a year. Upon commencement of service and at least once a year, the notice is to be mailed or personally delivered to all customers or provided by electronic means to those customers who have consented to receiving electronic notices. The other notice may be published in a local newspaper(s) of general circulation within the service territory of the utility. A utility serving fewer than 6,000 customers may publish its semiannual notices locally in a free newspaper, utility newsletter, or shopper's guide instead of a newspaper. At a minimum, the notice is to include:

a. A description of the availability and the purpose of the fund.

b. A customer authorization form that includes a monthly billing option and methods of contribution.

28.8(3) *Methods of contribution.* Contribution methods may include monthly pledges, as well as one-time or periodic contributions. A pledge by a customer or other party is not a binding contract between the utility and the pledger. Delayed contributions are not subject to late payment charges. Each utility may allow persons or organizations to contribute matching funds.

28.8(4) *Annual report.* On or before September 30 of each year, each utility is to file with the commission a report of all the customer contribution fund activity for the previous fiscal year from July 1 through June 30 on a form provided by the commission that contains an accounting of the total revenues collected and all distributions of the fund.

199—28.9(476) Notification of outages.

28.9(1) *Notification.* The notification requirements in this rule are for the timely collection of gas outage information that may be useful to emergency management agencies in providing for the safety and welfare of individual Iowa citizens. Each utility shall notify the commission when it is projected that an outage may result in a loss of service for more than six hours and the outage meets one of the following criteria:

a. Loss of service for more than six hours to substantially all of a municipality or certain other gas utility's customers, including the surrounding area served by the same utility. A utility may use loss of service within the utility's service territory to 75 percent or more of customers within a municipality or of a certain other gas utility, including the surrounding area served by the utility, to meet this criterion; or

b. Any other outage considered significant by the utility. This includes loss of service for more than six hours to significant public health and safety facilities known to the utility at the time of the notification.

28.9(2) *Information about outages.*

a. Notification shall be provided regarding outages that meet the requirements of subrule 28.9(1) to the commission duty officer by email at dutyofficer@iuc.iowa.gov or, in appropriate circumstances, by telephone at 515.745.2332. Notification shall be made at the earliest possible time after it is determined the event may be reportable and should include the following information, as available:

(1) The general nature or cause of the outage;

(2) The area affected;

(3) The approximate number of customers that have experienced a loss of gas service as a result of the outage;

(4) The time when service is estimated to be restored; and

(5) The name of the utility, the name and telephone number of the person making the report, and the name and telephone number of a contact person knowledgeable about the outage. The notice should be supplemented as more complete or accurate information is available.

b. The utility is to provide to the commission updates of the estimated time when service will be restored to all customers able to receive service or of significantly changed circumstances unless service is restored within one hour of the time initially estimated.

c. The utility is to notify the commission once service is fully restored to all customers after an outage meeting the requirements of subrule 28.9(1).

28.9(3) *Planned interruptions.* Planned interruptions by utilities are to be made at a time that will not cause an unreasonable inconvenience to customers. Adequate notice should be provided to customers that will be affected when a planned interruption lasts longer than one hour.

28.9(4) *Other interruptions.* Each utility shall make reasonable efforts to avoid interruptions of service, but when interruptions occur, service shall be reestablished within the shortest time practicable, consistent with safety. Records will be maintained for not less than two years of interruptions of service reported pursuant to subrule 28.9(2). Utilities will periodically review these records to determine steps to be taken to prevent recurrence.

199—28.10(476) Incident notification and reports.

28.10(1) *Notification.* Utilities will notify the commission immediately, or as soon as practical, of any incident involving the release of gas, failure of equipment, or interruption of facility operations that results in any of the following:

a. Any reportable incidents as defined in 49 CFR 191.3.

b. An unplanned interruption of service to 50 or more customers.

c. Evacuation of a school, hospital, health care facility, or event totaling 100 or more people.

d. Rerouting of traffic or closing of a federal or state highway by public emergency responders.

e. Traditional news media attention.

f. Unintentional fire or explosion.

g. Any other incident considered significant by the utility.

28.10(2) *Reporting information.* The utility shall notify the commission by email, as soon as practical, of any reportable incident at dutyofficer@iuc.iowa.gov or, when email is not available, by calling the commission duty officer at 515.745.2332. The person sending the email or the caller shall leave a call-back number for a person who can provide the following information:

a. The name of the utility, the name and telephone number of the person making the report, and the name and telephone number of a contact person knowledgeable about the incident.

b. The location of the incident.

c. The time of the incident.

d. The number of deaths or personal injuries and the extent of those injuries, if any.

e. An initial estimate of damages.

f. The number of services interrupted.

g. A summary of the significant information available to the utility regarding the probable cause of the incident and extent of damages.

h. Any oral or written report required by the U.S. Department of Transportation and the name of the person who made the oral report or prepared the written report and when such a report was made.

28.10(3) *Written incident reports.* Within 30 days of the date of the incident, the utility shall file a written report with the commission that includes the information listed in subrule 28.10(2), the probable cause as determined by the utility, the number and cause of any deaths or personal injuries requiring in-patient hospitalization, and a detailed description of property damage and the amount of monetary damages. If significant additional information becomes available at a later date, the utility will timely file the information in a supplemental report. The utility will also provide the commission with copies of any written reports concerning an incident or safety-related condition filed with or submitted to the U.S. Department of Transportation or the National Transportation Safety Board.

199—28.11(476) Quarterly reporting.

28.11(1) *Excavation damage with loss of gas.* Utilities shall submit a quarterly report to the commission with information related to any excavation damages that resulted in a release of gas during the reporting period. The report will be completed on forms prescribed by the commission. This report must include the following information for each instance of excavation damage:

a. Date of the damage.

b. Address of the damage.

c. Type of line damaged (service, main, or transmission).

d. Name of the excavation companies involved.

e. Name of the excavation equipment involved.

f. One Call ticket number, if applicable.

g. Any such other information as may be deemed pertinent on forms prescribed by the commission, which are located on the commission's website.

28.11(2) *Reporting period.* Each quarterly report is due the fifteenth of the month following the end of the quarter.

a. The first-quarter reporting period covers January 1 to March 31, with the quarterly report due on April 15.

b. The second-quarter reporting period covers April 1 to June 30, with the quarterly report due on July 15.

c. The third-quarter reporting period covers July 1 to September 30, with the quarterly report due on October 15.

d. The fourth-quarter reporting period covers October 1 to December 31, with the quarterly report due on January 15 of the following year.

These rules are intended to implement Iowa Code chapter 476 and sections 476.20, 476.21, 476.51, 476.66, 476.1B, and 476.1C.

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