IOWA ADMINISTRATIVE BULLETIN

Published Biweekly VOLUME XLIX NUMBER 11
November 25, 2026 Pages 3755 to 4079

CONTENTS IN THIS ISSUE

Pages 3815 to 4079 include **ARC 0744D** to **ARC 0793D**

ADVISORY NOTICE
Seeking public hearing procedure feedback. . . . 3815

AGENDA
Administrative rules review committee. 3759

ALL AGENCIES
Agency identification numbers. 3763
Citation of administrative rules. 3758
Schedule. 3762

COLLEGE STUDENT AID COMMISSION[283]
EDUCATION DEPARTMENT[281]"umbrella"
Notice, Offer of financial aid—definition, 10.2 **ARC 0757D** 3815
Notice, Iowa tuition grant program—for-profit institutions, rescind ch 11 **ARC 0760D** 3817
Notice, Iowa vocational-technical tuition grant program—eligibility, application, award processes, 13.1, 13.3, 13.4 **ARC 0761D** 3818
Notice, Health care professional incentive program—award prioritization, full-time employment, 17.1, 17.2(3) **ARC 0762D** 3821
Notice, Advanced dyslexia specialist endorsement grant, ch 22 **ARC 0763D** 3823
Notice, Attorney loan repayment program, ch 26 **ARC 0764D** 3825
Notice, Teach Iowa scholar program—rural school district, awarding funds, 28.1, 28.2(3) **ARC 0765D** 3829

CORRECTIONS DEPARTMENT[201]
Filed, Iowa state industries, ch 37 **ARC 0790D** 3917
Filed, Community-based corrections; preconviction service; probation services; residential facilities; work release; parole; OWI programs, adopt ch 40; rescind chs 41 to 45, 47 **ARC 0791D** 3922
Filed, Jail facilities, ch 50 **ARC 0792D** 3932
Filed, Temporary holding facilities, ch 51 **ARC 0793D** 3957

EDUCATIONAL EXAMINERS BOARD[282]
EDUCATION DEPARTMENT[281]"umbrella"
Notice, Proof of legal presence, amendments to ch 7 **ARC 0748D** 3831
Notice, Initiating complaints against licensees—administrators or directors of nonpublic and charter schools, 11.4(1) **ARC 0747D** 3832
Notice, Limited authorizations—career and technical, activities administration, arts and sciences, 22.3, 22.8, 22.15 **ARC 0746D** 3834

EMPLOYMENT APPEAL BOARD[486]
INSPECTIONS, APPEALS, AND LICENSING DEPARTMENT[481]"umbrella"
Regulatory Analysis, Organization, ch 1 **RA 26-403** 3765
Regulatory Analysis, General rules of procedure, ch 2 **RA 26-404** 3768

Regulatory Analysis, Unemployment insurance appeals, ch 3 **RA 26-405** 3772
Regulatory Analysis, Rules of procedure for OSHA appeals, ch 4 **RA 26-406** 3777
Regulatory Analysis, Personnel appeals, ch 5 **RA 26-407** 3794
Regulatory Analysis, Peace officer and capitol security appeals, ch 6 **RA 26-408** . . . 3796
Regulatory Analysis, Construction contractor registration appeals, ch 7 **RA 26-409** 3799

HUMAN RIGHTS DEPARTMENT[421]
Filed, Functions of division, juvenile justice youth development program, rescind chs 30, 31 **ARC 0766D** 3976

HUMAN SERVICES DEPARTMENT[441]
Notice, Foster parent training, ch 117 **ARC 0758D** 3838
Notice, Foster care placement and services, ch 202 **ARC 0759D** 3842
Filed, Rural health clinic dental services—Medicaid reimbursement, 78.21(4) **ARC 0767D** 3978
Filed, Licensing and regulation of residential facilities for children with an intellectual disability or brain injury, ch 116 **ARC 0768D** 3979
Filed, Certificate of need, amendments to chs 123, 124 **ARC 0769D** 3981
Filed, General provisions, ch 130 **ARC 0770D** 3986
Filed, Funding for local services, ch 153 **ARC 0771D** 3992
Filed, Juvenile detention reimbursement, ch 167 **ARC 0772D** 3994
Filed, Child care services, ch 170 **ARC 0773D** 3997
Filed, Dependent adult abuse, ch 176 **ARC 0774D** 4012
Filed, Aftercare services program, ch 187 **ARC 0775D** 4020
Filed, State plan on aging amendments; area agency on aging operational contracts, 226.4, 227.10(2) **ARC 0776D** 4026

INSPECTIONS, APPEALS, AND LICENSING DEPARTMENT[481]
Regulatory Analysis, Professional and amateur kickboxing, amend ch 250; adopt ch 255 **RA 26-410** 3802
Notice, Pharmacies—accessible prescription-related measures, 552.21(6) **ARC 0755D** 3858
Notice, Temporary designation of controlled and precursor substances, 553.13 **ARC 0756D** 3860
Notice, Physician associates—continuing education, 782.3(2) **ARC 0754D** 3864
Notice, Licensure, amend chs 940, 941, 943, and 945; adopt ch 942 **ARC 0752D** 3865

IOWA FINANCE AUTHORITY[265]
Notice, Iowa rural infrastructure bank revolving loan program, ch 48 **ARC 0777D** 3871

IOWA PUBLIC EMPLOYEES' RETIREMENT SYSTEM[495]
Regulatory Analysis, Contribution rates—protection occupations, 4.6(3) **RA 26-411** 3806
Regulatory Analysis, Public records and fair information practices, rescind ch 17; adopt ch 2505 **RA 26-412** 3809

PUBLIC HEALTH DEPARTMENT[641]
Filed, Out-of-hospital do-not-resuscitate orders, amendments to ch 142 **ARC 0784D** 4028
Filed, Regionalized system of perinatal health care—reverification; smokefree air act—definitions, 150.2, 153.1 **ARC 0785D** 4035
Filed, Medical cannabidiol program, 154.1, 154.3(3), 154.11, 154.39(2)"a" **ARC 0786D** 4036

PUBLIC SAFETY DEPARTMENT[661]
Notice, Criminal justice information, ch 8 **ARC 0750D** 3875
Notice, Weapons and Iowa professional permits to carry weapons, ch 91 **ARC 0749D** 3878

Notice, Bail enforcement, private investigation, and private security businesses, ch 121 **ARC 0753D** 3889
Notice, Closed-circuit surveillance systems, ch 141 **ARC 0751D** 3903
Filed, The department, ch 1 **ARC 0778D** 4039
Filed, Special railway agents, ch 13 **ARC 0779D** 4041
Filed, Missing persons, ch 89 **ARC 0780D** 4043
Filed, Identification cards for former peace officers of the Iowa department of public safety, ch 93 **ARC 0781D** 4048
Filed, Volunteer emergency services provider death benefits, ch 291 **ARC 0782D** 4052
Filed, Statewide interoperable communications system board, ch 600 **ARC 0783D** 4055

SECRETARY OF STATE[721]
Regulatory Analysis, Registered voter verification—citizenship, 28.5, 28.8 **RA 26-413** 3813

TRANSPORTATION DEPARTMENT[761]
Notice, Special permits for vehicles and loads of excess size and weight—fluid milk products, 511.16, 511.17(6) **ARC 0745D** 3911

USURY
Notice. 3913

VETERANS AFFAIRS, IOWA DEPARTMENT OF[801]
Notice, Veterans license fee fund, ch 17 **ARC 0744D** 3914

WORKFORCE DEVELOPMENT DEPARTMENT[871]
Filed, Procedures for workers desiring to file a claim for benefits for unemployment insurance; benefit eligibility conditions, 24.2, 24.15 **ARC 0787D** 4058
Filed, Iowa industrial new jobs training program, ch 62 **ARC 0788D** 4067
Filed, Career training physical expansion program, ch 70 **ARC 0789D** 4076

PREFACE

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

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

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

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

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CITATION of Administrative Rules

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

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

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

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

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

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

The Administrative Rules Review Committee will hold its regular, statutory meeting on Monday, December 14, 2026, at 10 a.m. in Room 116, State Capitol, Des Moines, Iowa. For more information, contact Jack Ewing at jack.ewing@legis.iowa.gov. The following rules will be reviewed:

COLLEGE STUDENT AID COMMISSION[283]

EDUCATION DEPARTMENT[281]"umbrella"

Offer of financial aid—definition, 10.2 Notice **ARC 0757D** 11/25/26
Iowa tuition grant program—for-profit institutions, rescind ch 11 Notice **ARC 0760D** 11/25/26
Iowa vocational-technical tuition grant program—eligibility, application, award processes, 13.1, 13.3, 13.4 Notice **ARC 0761D** 11/25/26
Health care professional incentive program—award prioritization, full-time employment, 17.1, 17.2(3) Notice **ARC 0762D** 11/25/26
Advanced dyslexia specialist endorsement grant, ch 22 Notice **ARC 0763D** 11/25/26
Attorney loan repayment program, ch 26 Notice **ARC 0764D** 11/25/26
Teach Iowa scholar program—rural school district, awarding funds, 28.1, 28.2(3) Notice **ARC 0765D** 11/25/26

CORRECTIONS DEPARTMENT[201]

Iowa state industries, ch 37 Filed **ARC 0790D** 11/25/26
Community-based corrections; preconviction service; probation services; residential facilities; work release; parole; OWI programs, adopt ch 40; rescind chs 41 to 45, 47 Filed **ARC 0791D** 11/25/26
Jail facilities, ch 50 Filed **ARC 0792D** 11/25/26
Temporary holding facilities, ch 51 Filed **ARC 0793D** 11/25/26

ECONOMIC DEVELOPMENT AUTHORITY[261]

Business incentives for growth (BIG) program, amendments to ch 69 Notice **ARC 0715D** 11/11/26
Headquarters expansion and development for growth employment (EDGE) program, ch 70 Notice **ARC 0713D** . . . 11/11/26

EDUCATIONAL EXAMINERS BOARD[282]

EDUCATION DEPARTMENT[281]"umbrella"

Proof of legal presence, amendments to ch 7 Notice **ARC 0748D** 11/25/26
Initiating complaints against licensees—administrators or directors of nonpublic and charter schools, 11.4(1) Notice **ARC 0747D** 11/25/26
Limited authorizations—career and technical, activities administration, arts and sciences, 22.3, 22.8, 22.15 Notice **ARC 0746D** 11/25/26

EDUCATION DEPARTMENT[281]

Personally identifiable information, 5.4 Notice **ARC 0712D** 11/11/26
Fine arts—grades 9 to 12; demographics—student groups, 12.2, 12.5(5)"g," 12.8 Filed **ARC 0724D** 11/11/26
Statewide lower division general education framework; statewide common course numbering system, 21.4 Filed **ARC 0725D** 11/11/26
Extracurricular athletic activity conference—waivers not available, 37.4 Notice **ARC 0711D** 11/11/26
Special school—placement, support, 41.116(4)"b," 41.903(2)"a" Filed **ARC 0726D** 11/11/26

HUMAN RIGHTS DEPARTMENT[421]

Functions of division, juvenile justice youth development program, rescind chs 30, 31 Filed **ARC 0766D** 11/25/26

HUMAN SERVICES DEPARTMENT[441]

Health and human services districts; behavioral health districts—service system plan, advisory council, adopt ch 2; amend chs 300, 302, 304 Notice **ARC 0701D** 11/11/26
Accreditation of behavioral health service providers, rescind ch 24; adopt ch 307 Notice **ARC 0720D** 11/11/26
Refugee cash assistance—eligibility period, 60.7 Notice **ARC 0719D** 11/11/26
Rural health clinic dental services—Medicaid reimbursement, 78.21(4) Filed **ARC 0767D** 11/25/26
Request for prior authorization—response time frame, 79.9(3)"c" Notice **ARC 0700D** 11/11/26
Certification standards for children's residential facilities, ch 106 Notice **ARC 0705D** 11/11/26
Licensing and regulation of child-placing agencies, ch 108 Notice **ARC 0717D** 11/11/26
Licensing and regulation of child foster care facilities, ch 112 Notice **ARC 0703D** 11/11/26
Licensing and regulation of foster family homes, ch 113 Notice **ARC 0704D** 11/11/26
Licensing and regulation of all group living foster care facilities for children, ch 114 Notice **ARC 0706D** 11/11/26
Licensing and regulation of comprehensive residential facilities for children, ch 115 Notice **ARC 0718D** 11/11/26
Licensing and regulation of residential facilities for children with an intellectual disability or brain injury, ch 116 Filed **ARC 0768D** 11/25/26

Foster parent training, ch 117 Notice **ARC 0758D** 11/25/26
Child care quality rating system, ch 118 Notice **ARC 0702D** 11/11/26
Certificate of need, amendments to chs 123, 124 Filed **ARC 0769D** 11/25/26
General provisions, ch 130 Filed **ARC 0770D** 11/25/26
Funding for local services, ch 153 Filed **ARC 0771D** 11/25/26
Juvenile detention reimbursement, ch 167 Filed **ARC 0772D** 11/25/26
Child care services, ch 170 Filed **ARC 0773D** 11/25/26
Abuse of children, ch 175 Notice **ARC 0721D** 11/11/26
Dependent adult abuse, ch 176 Filed **ARC 0774D** 11/25/26
Aftercare services program, ch 187 Filed **ARC 0775D** 11/25/26
Foster care placement and services, ch 202 Notice **ARC 0759D** 11/25/26
State plan on aging amendments; area agency on aging operational contracts, 226.4, 227.10(2) Filed **ARC 0776D** . . 11/25/26

INSPECTIONS, APPEALS, AND LICENSING DEPARTMENT[481]
Massage therapy establishments and massage therapists—fees, civil penalties, discipline, licensure, 507.8, 824.1, 824.2, ch 826 Notice **ARC 0714D** 11/11/26
Pharmacies—accessible prescription-related measures, 552.21(6) Notice **ARC 0755D** 11/25/26
Temporary designation of controlled and precursor substances, 553.13 Notice **ARC 0756D** 11/25/26
Physician associates—continuing education, 782.3(2) Notice **ARC 0754D** 11/25/26
Massage therapists—foreign equivalency evaluation, license reactivation, 821.3(1), 821.9(2) Notice **ARC 0716D** . . 11/11/26
Licensure, amend chs 940, 941, 943, and 945; adopt ch 942 Notice **ARC 0752D** 11/25/26
Architects—licensing, exceptions, retired status, dates certain, 1062.1, 1062.3, 1062.5, 1062.9, 1065.1, 1065.4 Notice **ARC 0709D** 11/11/26

IOWA FINANCE AUTHORITY[265]
Iowa rural infrastructure bank revolving loan program, ch 48 Notice **ARC 0777D** 11/25/26

LAW ENFORCEMENT ACADEMY[501]
Organization and administrative processes, ch 1 Filed **ARC 0727D** 11/11/26
Minimum standards for law enforcement and reserve officers, ch 2 Filed **ARC 0728D** 11/11/26
Certification of law enforcement and reserve officers, ch 3 Filed **ARC 0729D** 11/11/26
Professional development, ch 4 Filed **ARC 0730D** 11/11/26
Endorsements, ch 5 Filed **ARC 0731D** 11/11/26
Code of professional conduct, ch 6 Filed **ARC 0732D** 11/11/26
Child support noncompliance and nonpayment of state and local debt, ch 7 Filed **ARC 0733D** 11/11/26
Local schools, area schools, and regional training centers, ch 8 Filed **ARC 0734D** 11/11/26
Jailer standards, ch 9 Filed **ARC 0735D** 11/11/26
Public safety telecommunicator standards, ch 10 Filed **ARC 0736D** 11/11/26
Salvage vehicle theft examinations, rescind ch 11 Filed **ARC 0737D** 11/11/26
Child support, rescind ch 12 Filed **ARC 0738D** 11/11/26
Public safety telecommunicator training standards, rescind ch 13 Filed **ARC 0739D** 11/11/26
Iowa law enforcement emergency care provider, rescind ch 14 Filed **ARC 0740D** 11/11/26

PUBLIC HEALTH DEPARTMENT[641]
Out-of-hospital do-not-resuscitate orders, amendments to ch 142 Filed **ARC 0784D** 11/25/26
Regionalized system of perinatal health care—reverification; smokefree air act—definitions, 150.2, 153.1 Filed **ARC 0785D** 11/25/26
Medical cannabidiol program, 154.1, 154.3(3), 154.11, 154.39(2)“a” Filed **ARC 0786D** 11/25/26

PUBLIC SAFETY DEPARTMENT[661]
The department, ch 1 Filed **ARC 0778D** 11/25/26
Criminal justice information, ch 8 Notice **ARC 0750D** 11/25/26
Special railway agents, ch 13 Filed **ARC 0779D** 11/25/26
Missing persons, ch 89 Filed **ARC 0780D** 11/25/26
Weapons and Iowa professional permits to carry weapons, ch 91 Notice **ARC 0749D** 11/25/26
Identification cards for former peace officers of the Iowa department of public safety, ch 93 Filed **ARC 0781D** 11/25/26
Bail enforcement, private investigation, and private security businesses, ch 121 Notice **ARC 0753D** 11/25/26
Closed-circuit surveillance systems, ch 141 Notice **ARC 0751D** 11/25/26
Volunteer emergency services provider death benefits, ch 291 Filed **ARC 0782D** 11/25/26
Statewide interoperable communications system board, ch 600 Filed **ARC 0783D** 11/25/26

TRANSPORTATION DEPARTMENT[761]

Special permits for vehicles and loads of excess size and weight—fluid milk products, 511.16, 511.17(6) Notice **ARC 0745D** 11/25/26
Electronic service; citizenship verification, 601.2, 601.4 to 601.7 Notice **ARC 0710D** 11/11/26

UTILITIES COMMISSION[199]

Service supplied by rate-regulated gas utilities, ch 19 Filed **ARC 0741D** 11/11/26
Regulation of electric cooperatives and municipal electric utilities under Iowa Code chapter 476, ch 27 Filed **ARC 0742D** 11/11/26
Regulation of municipal and certain other gas utilities under Iowa Code chapter 476, ch 28 Filed **ARC 0743D** 11/11/26

VETERANS AFFAIRS, IOWA DEPARTMENT OF[801]

Iowa veterans home, ch 10 Notice **ARC 0707D** 11/11/26
Veterans commemorative property, ch 15 Notice **ARC 0708D** 11/11/26
Veterans license fee fund, ch 17 Notice **ARC 0744D** 11/25/26

WORKFORCE DEVELOPMENT DEPARTMENT[871]

Procedures for workers desiring to file a claim for benefits for unemployment insurance; benefit eligibility conditions, 24.2, 24.15 Filed **ARC 0787D** 11/25/26
Iowa industrial new jobs training program, ch 62 Filed **ARC 0788D** 11/25/26
Career training physical expansion program, ch 70 Filed **ARC 0789D** 11/25/26

ADMINISTRATIVE RULES REVIEW COMMITTEE MEMBERS

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

Senator Kara Warme
Chair
Senate District 26

Representative Chad Ingels
Vice Chair
House District 68

Senator Mike Bousselot
Senate District 21

Representative Austin Harris
House District 26

Senator Dan Dawson
Senate District 10

Representative Joshua Meggers
House District 54

Senator Janet Petersen
Senate District 18

Representative Amy Nielsen
House District 85

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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.

ADMINISTRATIVE RULES COORDINATOR[7]
ADMINISTRATIVE SERVICES DEPARTMENT[11]
AGRICULTURE AND LAND STEWARDSHIP DEPARTMENT[21]
  Soil Conservation and Water Quality Division[27]
ATTORNEY GENERAL[61]
AUDITOR OF STATE[81]
BEEF CATTLE PRODUCERS ASSOCIATION, IOWA[101]
BLIND, DEPARTMENT FOR THE[111]
CHIEF INFORMATION OFFICER, OFFICE OF THE[129]
OMBUDSMAN[141]
CIVIL RIGHTS, OFFICE OF[161]
INSURANCE AND FINANCIAL SERVICES DEPARTMENT[181]
  Banking Division[187]
  Credit Union Division[189]
  Insurance Division[191]
  Professional Licensing and Regulation Bureau[193]
UTILITIES COMMISSION[199]
CORRECTIONS DEPARTMENT[201]
  Parole Board[205]
CULTURAL AFFAIRS DEPARTMENT[221]
  Historical Division[223]
ECONOMIC DEVELOPMENT AUTHORITY[261]
  City Development Board[263]
IOWA FINANCE AUTHORITY[265]
EDUCATION DEPARTMENT[281]
  Educational Examiners Board[282]
  College Student Aid Commission[283]
  Higher Education Loan Authority[284]
  Public Broadcasting Division[288]
  School Budget Review Committee[289]
EGG COUNCIL, IOWA[301]
ETHICS AND CAMPAIGN DISCLOSURE BOARD, IOWA[351]
EXECUTIVE COUNCIL[361]
FAIR BOARD[371]
HUMAN RIGHTS DEPARTMENT[421]
HUMAN SERVICES DEPARTMENT[441]
INSPECTIONS, APPEALS, AND LICENSING DEPARTMENT[481]
  Employment Appeal Board[486]
  Child Advocacy Board[489]
  Racing and Gaming Commission[491]
  State Public Defender[493]
IOWA PUBLIC EMPLOYEES' RETIREMENT SYSTEM[495]
IOWA PUBLIC INFORMATION BOARD[497]
LAW ENFORCEMENT ACADEMY[501]
LIVESTOCK HEALTH ADVISORY COUNCIL[521]
MANAGEMENT DEPARTMENT[541]
  Appeal Board, State[543]
  City Finance Committee[545]
  County Finance Committee[547]
NATURAL RESOURCES DEPARTMENT[561]
  Environmental Protection Commission[567]
  Natural Resource Commission[571]

PROPANE EDUCATION AND RESEARCH COUNCIL, IOWA[599]
PUBLIC DEFENSE DEPARTMENT[601]
HOMELAND SECURITY AND EMERGENCY MANAGEMENT DEPARTMENT[605]
PUBLIC EMPLOYMENT RELATIONS BOARD[621]
PUBLIC HEALTH DEPARTMENT[641]
PUBLIC SAFETY DEPARTMENT[661]
RECORDS COMMISSION[671]
REGENTS BOARD[681]
  Archaeologist[685]
REVENUE DEPARTMENT[701]
SECRETARY OF STATE[721]
SHEEP AND WOOL PROMOTION BOARD, IOWA[741]
COMMUNICATIONS NETWORK, IOWA[751]
TRANSPORTATION DEPARTMENT[761]
TREASURER OF STATE[781]
TURKEY MARKETING COUNCIL, IOWA[787]
VETERANS AFFAIRS, IOWA DEPARTMENT OF[801]
VETERINARY MEDICINE BOARD[811]
VOLUNTEER SERVICE, IOWA COMMISSION ON[817]
VOTER REGISTRATION COMMISSION[821]
WORKFORCE DEVELOPMENT DEPARTMENT[871]
  Labor Services Division[875]
  Workers' Compensation Division[876]
  Workforce Development Board, State[877]

RA 26-403

EMPLOYMENT APPEAL BOARD[486]

Regulatory Analysis

Notice of Intended Action to be published: 486—Chapter 1
"Organization"

Iowa Code section(s) or chapter(s) authorizing rulemaking: 10A.601(4) and 10A.601(6)

State or federal law(s) implemented by the rulemaking: Iowa Code sections 10A.601 and 70A.28; chapter 8A, subchapter IV; and chapters 20, 80, 88, 91C, 96, and 97B

Public Hearing

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

December 29, 2026 11 a.m.	Via videoconference: meet.google.com/jat-xmxh-jte

Public Comment

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

Rick Autry
Employment Appeal Board
6200 Park Avenue, Suite 100
Des Moines, Iowa 50321
Email: rick.autry@eab.iowa.gov

Purpose and Summary

This proposed rulemaking includes revisions to administrative rules based on the requirements of Executive Order 10. This proposed chapter describes the organization of the Board and the methods for filing appeals. The organization description has been updated mostly to allow for slightly more flexibility in calling Board meetings, consistent with Iowa's open meetings law. The appeal methods have been made more explicitly consistent with the chapters corresponding to the various areas of responsibility. A rule setting out the recently added responsibilities under Iowa Code chapter 20 and referring to the governing Iowa Code chapter were added. This was added because the Board hears appeals in all other areas of responsibility but has administrative duties regarding Iowa Code chapter 20. Otherwise, the rule describing the jurisdiction of the Board has been removed because the rule duplicates the statute.

The references to rule 486—2.3(10A) and 486—Chapters 10 through 15 are to that rule as published herein (**RA 26-404**, IAB 11/25/26) and to those chapters as published in **RA 26-228** through **RA 26-233**, IAB 8/19/26.

Analysis of Impact

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

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

There is no additional expected cost to the State or individuals.

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

Parties appearing before the Board in any of its proceedings will benefit.

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

- **Quantitative description of impact:**

There is no expected economic impact created by this proposed rulemaking.

- **Qualitative description of impact:**

There is no expected economic impact created by this proposed rulemaking.

3. **Costs to the State:**

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

There is no expected economic impact created by this proposed rulemaking.

- **Anticipated effect on State revenues:**

There is no expected effect on State revenues created by this proposed rulemaking.

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:**

The agency considered updating and modernizing the description of its jurisdiction rather than removing.

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

Executive Order 10 provides that duplication of the statute should be avoided. Description of jurisdiction either is duplicative of statute or differs from statute and therefore creates ambiguity.

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 486—Chapter 1 and adopt the following **new** chapter in lieu thereof:

CHAPTER 1
ORGANIZATION

486—1.1(10A) Organization.

1.1(1) The appeal board is comprised of three members appointed by the governor, subject to confirmation of the senate. The members are appointed pursuant to Iowa Code section 10A.601(2) to represent the interests of employers, employees, and the general public.

1.1(2) The appeal board's offices are located at 6200 Park Avenue, Suite 100, Des Moines, Iowa 50321. The office hours are 8 a.m. to 4:30 p.m. Monday through Friday. The office is closed on all state holidays.

1.1(3) The appeal board shall meet during the first full week in May of even-numbered years to select a chairperson and vice-chairperson.

1.1(4) The appeal board shall meet at least once per month to vote and decide cases that are eligible for review or decision. The appeal board may also meet at other times.

486—1.2(10A) Filing of appeals; Iowa Code chapter 20 responsibility.

1.2(1) The procedures for filing appeals and the time for filing such appeals are specified in each of the following chapters pertaining to a specific area of the appeal board's jurisdiction.

1.2(2) Unless expressly provided otherwise in the chapter of these regulations governing the type of appeal in question, appeals may be filed by mailing the appeal, filing the appeal in person, or faxing the appeal to the appeal board at 515.281.7191. Appeals may in addition be filed by any means set out in the chapter of these regulations governing the type of appeal in question. Unless expressly provided otherwise in such a chapter, the date of filing an appeal by such an additional means shall be determined by rule 486—2.3(10A). The address for the appeal board is as stated in subrule 1.1(2).

1.2(3) The appeal board has the power, responsibility, and decisional authority assigned to it by Iowa Code chapter 20. Appeal board actions pertaining to Iowa Code chapter 20 are governed by 486—Chapters 10 through 15.

These rules are intended to implement Iowa Code section 10A.601.

RA 26-404

EMPLOYMENT APPEAL BOARD[486]

Regulatory Analysis

Notice of Intended Action to be published: 486—Chapter 2
"General Rules of Procedure"

Iowa Code section(s) or chapter(s) authorizing rulemaking: 10A.601(4) and 10A.601(6)

State or federal law(s) implemented by the rulemaking: Iowa Code sections 10A.601 and 70A.28; chapter 8A, subchapter IV; and chapters 20, 80, 88, 91C, 96, and 97B

Public Hearing

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

December 29, 2026 11 a.m.	Via videoconference: meet.google.com/jat-xmxh-jte

Public Comment

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

Rick Autry
Employment Appeal Board
6200 Park Avenue, Suite 100
Des Moines, Iowa 50321
Email: rick.autry@eab.iowa.gov

Purpose and Summary

This proposed rulemaking includes revisions to administrative rules based on the requirements of Executive Order 10. This proposed chapter describes the general rules of procedure for the Board. Many of the current rules are specific to unemployment cases and so were either removed or moved to the appropriate chapter rather than in the general procedural chapter. In addition, the rule of when a document is deemed filed has been updated for modern technology and standardized across areas of responsibility by specification in this proposed chapter. Similarly, determining the issuance date of agency decisions has been standardized. Rules on disqualification have been replaced with a referral to the model Uniform Rules on Agency Procedure.

Analysis of Impact

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

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

There is no additional expected cost to the State or individuals.

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

Parties appearing before the Board in any of its proceedings will benefit.

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

- **Quantitative description of impact:**

There is no expected economic impact created by this proposed rulemaking.

- **Qualitative description of impact:**

There is no expected economic impact created by this proposed rulemaking.

3. **Costs to the State:**

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

There is no expected economic impact created by this proposed rulemaking.

- **Anticipated effect on State revenues:**

There is no expected effect on State revenues created by this proposed rulemaking.

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:**

No alternative methods were considered.

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

Not applicable.

Small Business Impact

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

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

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

There is no expected impact on small business.

Text of Proposed Rulemaking

ITEM 1. Rescind 486—Chapter 2 and adopt the following **new** chapter in lieu thereof:

CHAPTER 2
GENERAL RULES OF PROCEDURE

486—2.1(10A) General procedures. The following rules of general procedure will apply to all appeals and hearings conducted under the authority of the appeal board. Unless otherwise specified by rules within the chapters on particular areas, these rules apply.

486—2.2(10A) Definitions. As used in the rules of the appeal board:

"Appeal" means an instrument, including an instrument submitted electronically, used to notify the employment appeal board that an aggrieved individual wishes to appeal an adverse decision or determination. The instrument must be in writing, but unless provided otherwise in the chapter of these regulations governing the type of appeal in question, there are no formal requirements other than giving reasonable notice that the person is aggrieved by a decision or determination and desires that the appeal board review that agency action.

"Appeal board" means the employment appeal board.

"Good cause" means a substantial and justifiable reason, under the circumstances of the case, to excuse an action that was not taken when it should have been taken. The individual alleging good cause has the burden to establish that good cause did exist to excuse the failure to take the needed action.

"New or additional evidence" means any evidence, testimonial or documentary, that is filed or submitted for consideration after the close of the period for submission of evidence to the presiding officer at a contested case proceeding.

486—2.3(10A) Filing date. The date a document is deemed to have been filed with, or submitted to, the appeal board varies depending upon the method of delivery as follows.

2.3(1) If sent via the U.S. Postal Service, the filing date is the date shown on the U.S. Postal Service postmark. If the U.S. Postal Service postmark is illegible, then the postal meter mark is the filing date. If the envelope containing the document has both a postage meter mark and the U.S. Postal Service postmark, the postmark is the filing date. If neither a postage meter mark nor a U.S. Postal Service postmark is legible, then the date on the document itself is the filing date. Where the filing date cannot be determined by any of these means, the filing date is the date of receipt by the appeal board.

2.3(2) If sent electronically through a document management system or claim portal, the filing date is the date entered by the system as the date the document was received. For systems that do not enter this date on the document, the filing date is the date the document first appears in the electronic filing queue or in the inbox of the appeal board.

2.3(3) If sent by a private entity or organization that is regularly engaged in the business of document delivery, the filing date is the date the document is delivered to the courier for delivery to the appeal board. If the date of delivery to the courier cannot be reliably determined from the face of the document, or its envelope, then the filing date is the date of receipt by the appeal board.

2.3(4) If sent by facsimile transmission, the filing date is the date of the fax transmission as reflected in the appeal board's system. Where the date of transmission shown by the transmitting system or device conflicts with the date of transmission shown in the appeal board's system, the date shown on the appeal board's system will govern.

2.3(5) If sent by any other means, the filing date is the date of receipt by the appeal board at its offices.

486—2.4(10A) Issuance date. For the purposes of determining the deadline for initiating post-decision processes, such as rehearing and judicial review, the date that a written decision of the appeal board is issued varies depending on the method by which the written decision was delivered to the party in question as follows.

2.4(1) For cases that have been processed through an electronic document management system or an electronic claim portal, the issuance date is the date indicated on the order that it was filed or mailed. If the file date appearing on the decision conflicts with the date mailed appearing on the decision, the later date will be the issuance date.

2.4(2) For cases that have not been processed electronically, the issuance date is the date the decision was mailed as shown on the face of the decision.

2.4(3) For cases where the appeal board delivers the decision to a party by more than one means, the issuance date will be the later date, except as provided in subrule 2.4(4).

2.4(4) For cases where a party had requested that the appeal board resend a decision, the earlier date will be used.

486—2.5(10A) Ex parte communication and disqualification. In all contested case matters before the appeal board, rule 7—2506.23(17A) will govern issues related to ex parte communication, and rule 7—2506.9(17A) will govern disqualification of appeal board members.

These rules are intended to implement Iowa Code section 10A.601.

RA 26-405

EMPLOYMENT APPEAL BOARD[486]

Regulatory Analysis

Notice of Intended Action to be published: 486—Chapter 3
"Unemployment Insurance Appeals"

Iowa Code section(s) or chapter(s) authorizing rulemaking: 10A.601(4) and 10A.601(6)

State or federal law(s) implemented by the rulemaking: Iowa Code section 10A.601 and chapter 96

Public Hearing

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

December 29, 2026 11 a.m.	Via videoconference: meet.google.com/jat-xmxh-jte

Public Comment

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

Rick Autry
Employment Appeal Board
6200 Park Avenue, Suite 100
Des Moines, Iowa 50321
Email: rick.autry@eab.iowa.gov

Purpose and Summary

This proposed rulemaking modernizes the regulations to account for current law and practice. Rules on disqualification and ex parte communication have been replaced with a referral to the Uniform Rules on Agency Procedure. The appeal by the Iowa Workforce Development Department (Department), allowed by Iowa Code section 10A.601, has been given a specific deadline since Iowa Code section 10A.601 currently has none for appeals by the agency decision-maker. By making the appeal more explicit and giving a slightly longer appeal deadline than for others, the proposed rule permits the Department the time needed to find apparent errors. The Department, however, is only given this time to appeal under this proposed rule in one-party cases that otherwise would not get appealed if the single party wins, even if the administrative law judge made an evident error. This is corrected by the proposed regulation.

The reference to rule 481—2.3(10A) is to that rule as published herein (**RA 26-404**, IAB 11/25/26).

Analysis of Impact

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

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

There is no additional expected cost to the State or individuals.

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

Parties appearing before the Board in second-level unemployment appeals will benefit.

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

- **Quantitative description of impact:**

There is no expected economic impact created by this proposed rulemaking.

- **Qualitative description of impact:**

There is no expected economic impact created by this proposed rulemaking.

3. **Costs to the State:**

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

There is no expected economic impact created by this proposed rulemaking.

- **Anticipated effect on State revenues:**

There is no significant effect on State revenues created by this proposed rulemaking. By more explicitly allowing appeals from the Department in one-party cases, principally overpayments, the proposed rules allow the agency to bring to the attention of the Board issues affecting the tax-supported fund in those situations where no other person or party would have standing to point out the error. This has the potential to have a beneficial, but minor, effect on the fund.

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:**

No alternative methods were considered.

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

Not applicable.

Small Business Impact

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

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

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

There is no expected impact on small business.

Text of Proposed Rulemaking

ITEM 1. Rescind 486—Chapter 3 and adopt the following **new** chapter in lieu thereof:

CHAPTER 3
UNEMPLOYMENT INSURANCE APPEALS

486—3.1(10A) Appeals.

3.1(1) *Scope of chapter.* This chapter applies only to appeals from decisions of administrative law judges issued pursuant to Iowa Code chapter 96.

3.1(2) *Form and time of appeal.* A party aggrieved by a decision of an administrative law judge may appeal to the employment appeal board within 15 days from the date of the decision. The appeal must be written and should state the grounds for the appeal. The appeal board will dismiss appeals that are not filed within 15 days from the date of the administrative law judge's decision unless good cause for the delay has been shown. The filing date of an appeal is determined as set forth in rule 486—2.3(10A).

3.1(3) *Issues on appeal.* The appeal board may consider any issue raised by the action pertaining to the eligibility of an individual for unemployment insurance benefits. If new issues appear, different from those that are noticed before the administrative law judge, the appeal board may remand those issues to an administrative law judge for appropriate action. Also, the appeal board may decide any issue material to the appeal, even if not noticed for the administrative hearing, but only if the appeal board in so acting will not cause material prejudice to the substantial rights of any party.

3.1(4) *New or additional evidence.*

a. An application to present new or additional evidence must be in writing. Submissions of evidentiary material to the appeal board will be liberally construed as applications to present new or additional evidence. An attachment of evidentiary material to an appeal, argument, or other submission to the appeal board may be treated by the appeal board as an application to present new or additional evidence. If the appeal board decision fails to explicitly rule on an application to present new or additional evidence, then that application is deemed denied for failure to show the required good cause for post-hearing submission.

b. In considering whether to grant an application to present new or additional evidence, the appeal board will generally consider the nature of the evidence, the materiality of that evidence, and the reasons why the evidence was not introduced at the hearing before the administrative law judge. For the new or additional evidence to be admitted, the applicant must demonstrate both materiality and good cause for failure to present the evidence at hearing. Failure to obtain the evidence in time to submit for consideration at hearing is not good cause where the evidence was available in time with the exercise of due diligence.

c. Whenever the appeal board, on its own motion, or upon the application of a party, orders the taking of new or additional evidence, the appeal board will remand the matter to an administrative law judge unless the evidence ordered to be admitted is only documentary. The issues at such a hearing are limited to those issues designated by the appeal board.

d. If only documentary evidence is to be admitted, a copy of the evidence will be provided by the appeal board to each of the parties. The parties will have ten days to submit written arguments addressing that evidence. The party who has not submitted the new evidence may submit rebuttal evidence to the new evidence. The appeal board may then consider the submitted evidence when making its decision.

3.1(5) *Remand of appeals.* The appeal board may remand for appropriate action any issue pertaining to a claim. The remand may be either to an administrative law judge or to the workforce development department.

3.1(6) *Written briefs and arguments.* The parties may submit written arguments concerning the appeal. The appeal board will notify the parties in writing of the deadline to submit arguments. A request for extension of time to submit arguments must be made within the time set for submission of the arguments. Each party may receive one seven-day extension without justification. Requests for second extensions will be granted only at the discretion of the chairperson of the appeal board.

3.1(7) *Withdrawal of appeal.* An appeal may be withdrawn at any time prior to the issuance of a decision upon the request of the appellant and with the approval of the appeal board. The appeal board will generally deny a request to withdraw where it appears that the request was made in error, including those instances where the appellant has misunderstood the consequences of a withdrawal. An appellant may request reconsideration of an approval of withdrawal within the period provided for rehearing in the Iowa administrative procedure Act.

486—3.2(10A) Non-party agency appeals.

3.2(1) A duly authorized representative of the workforce development department may file with the appeal board an appeal from an administrative law judge decision if that decision reversed or modified a decision issued by the workforce development department. All such appeals are subject to the limitations set out in this rule.

3.2(2) A representative of the workforce development department may not appeal a decision of an administrative law judge pursuant to this rule if that decision was issued in a case with more than one party.

3.2(3) A representative of the workforce development department may not appeal a decision of an administrative law judge pursuant to this rule if the workforce development department was a party to the case before the administrative law judge. In such cases, the workforce development department can appeal to the appeal board but only in the same manner as any other aggrieved party.

3.2(4) The appeal board will dismiss appeals filed pursuant to this rule if the appeal was not filed within 30 days from the date of the administrative law judge's decision. This deadline is not subject to a good cause exception.

3.2(5) Appeals that can be filed pursuant to this rule are limited to those that can be appealed to the appeal board under Iowa Code section 96.6. Generally, such appeals concern benefits issues, overpayments, and certain penalties. In particular, the appeal board cannot entertain issues that can be appealed to district court under Iowa Code section 96.7(5).

486—3.3(10A) Appeal board decisions.

3.3(1) An appeal must be decided based upon the evidence contained in the entire record before the administrative law judge, together with any arguments presented to the appeal board. Should the appeal board order additional documentary evidence be admitted to the record, that evidence and argument pertaining to that evidence will also be considered.

3.3(2) Following the review of an appeal or the conclusion of a hearing on appeal, the appeal board will, within a reasonable time, issue a written decision.

3.3(3) Where only two appeal board members vote on an appeal and those two members cannot agree upon the decision, the case may be issued as a split decision, and the decision of the administrative law judge will then be affirmed by operation of law.

3.3(4) If a decision of the appeal board is not unanimous, the decision of the majority controls. The minority member may file a dissent setting forth the reasons why that member fails to agree with the majority. The appeal board, in its discretion, may omit the giving of any reasons for its decision on cases in which the decision of an administrative law judge is affirmed without any alteration or modification.

486—3.4(10A) Disqualification of appeal board members. In all contested case matters before the appeal board, rule 7—2506.23(17A) will govern issues related to ex parte communication, and rule 7—2506.9(17A) will govern disqualification of appeal board members.

486—3.5(10A) Payment of benefits and stay. If the appeal board's decision allows benefits by reversing or modifying an administrative law judge's decision, benefits must be promptly paid. The filing of an application for a rehearing or for judicial review does not by itself stay the effect of the appeal board's decision. On application for a stay pending judicial review, the appeal board will

consider the factors listed in Iowa Code section 17A.19(5)*"c"* when deciding whether to grant the stay.

These rules are intended to implement Iowa Code section 10A.601.

RA 26-406

EMPLOYMENT APPEAL BOARD[486]

Regulatory Analysis

Notice of Intended Action to be published: 486—Chapter 4
"Rules of Procedure for OSHA Appeals"

Iowa Code section(s) or chapter(s) authorizing rulemaking: 10A.601(4) and 10A.601(6)

State or federal law(s) implemented by the rulemaking: Iowa Code section 10A.601 and chapter 88

Public Hearing

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

December 29, 2026 1 p.m.	Via videoconference: meet.google.com/meet/weg-dcji-dtb

Public Comment

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

Rick Autry
Employment Appeal Board
6200 Park Avenue, Suite 100
Des Moines, Iowa 50321
Email: rick.autry@eab.iowa.gov

Purpose and Summary

This proposed rulemaking provides a procedural framework for employers to challenge an Iowa Occupational Safety and Health Administration (OSHA) citation or the amount of a fine or for employees or employers to seek modification of an abatement requirement. The Board's procedural rules by law should "conform to rules of procedure adopted under the federal law by federal authorities insofar as the federal rules of procedure do not conflict with state law," according to Iowa Code section 88.8(3)"d." Those federal rules have changed over the years, and the proposed changes take that into account, as well as the State law and practice. The two major changes are the implementation of electronic procedure and a new simplified proceedings section for smaller cases.

References to 486—Chapter 18 are to that chapter as published in **RA 26-236**, IAB 8/19/26.

Analysis of Impact

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

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

There is no additional expected cost to the State or individuals.

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

Parties appearing before the Board in Iowa OSHA-related proceedings that are, principally, contests of citations and petitions for modification of abatement will benefit.

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

- **Quantitative description of impact:**

There is no expected economic impact created by this proposed rulemaking.

- **Qualitative description of impact:**

There is no expected economic impact created by this proposed rulemaking.

3. **Costs to the State:**

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

There is no expected economic impact created by this proposed rulemaking.

- **Anticipated effect on State revenues:**

There is no significant effect on State revenues created by this proposed rulemaking.

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:**

No alternative methods were considered.

- **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?

The only expected impact on small business is positive. The use of electronic filing will generally reduce costs and speed up the process. The addition of simplified proceedings, which requires the consent of the employer, will make it economically feasible for smaller employers facing smaller citations to contest those citations in a low-cost way. As it is, the cost of the contest might exceed the fine and thus discourage legitimate contests. The State also benefits from not devoting to smaller cases resources that are out of proportion to the amount at issue.

Text of Proposed Rulemaking

ITEM 1. Rescind 486—Chapter 4 and adopt the following **new** chapter in lieu thereof:

CHAPTER 4
RULES OF PROCEDURE FOR OSHA APPEALS

DIVISION I
GENERAL PROVISIONS

486—4.1(10A,88) Definitions as used herein.

"Act" means the Iowa occupational safety and health Act, Iowa Code chapter 88.

"Administrative law judge" means an administrative hearing officer with the appeals and fair hearings division of the department of inspections, appeals, and licensing (DIAL).

"Affected employee" means an employee of a cited employer who is exposed to the alleged hazard described in the citation as a result of assigned duties.

"Authorized employee representative" means a labor organization that has a collective bargaining relationship with the cited employer and that represents affected employees.

"Citation" means a written communication issued by the commissioner of labor to an employer pursuant to Iowa Code section 88.7.

"Commissioner of labor" means the commissioner of labor or duly authorized representative.

"Day" means a calendar day.

"Notification of proposed penalty" means a written communication issued by the commissioner of labor to an employer pursuant to Iowa Code section 88.8.

"Proceeding" means any proceeding before the administrative law judge or the appeal board.

"Representative" means any person, including an authorized employee representative, authorized by a party or intervenor to represent that party or intervenor in a proceeding.

"Working day" means all days except Saturdays, Sundays, and state and federal holidays.

486—4.2(10A,88) Scope of rules—applicability of Iowa rules of civil procedure.

4.2(1) These rules govern all proceedings before the appeal board.

4.2(2) In the absence of a specific provision, procedures must be in accordance with the Iowa rules of civil procedure.

486—4.3 Reserved.

486—4.4(10A,88) Computation of time.

4.4(1) In computing any period of time prescribed or allowed in these rules, the day on which the designated period begins is not included. The last day of the period so computed is included unless it is a Saturday or Sunday or a state or federal holiday, in which event the period runs until the end of the next day that is not a Saturday or Sunday or a state or federal holiday. When the period of time prescribed or allowed is less than seven days, intermediate Saturdays and Sundays and state and federal holidays are excluded in the computation.

4.4(2) Where service of a pleading or document is by mail pursuant to rule 486—4.7(10A,88), three days is added to the time allowed by these rules for the filing of a responsive pleading.

486—4.5(10A,88) Extensions of time. Requests for extensions of time for the filing of any pleading or document must be received in advance of the date on which the pleading or document is due to be filed.

486—4.6(10A,88) Record address.

4.6(1) Every pleading or document filed by any party or intervenor must contain the name, current address, telephone number, and email address of the party or intervenor's representative or, if there is no representative, the party or intervenor's own name, current address, telephone number, and email address. Any change in such information must be communicated promptly in writing to the

administrative law judge, or the appeal board if no administrative law judge has been assigned, and to all other parties and intervenors. A party or intervenor who fails to furnish such information is deemed to have waived the party's or intervenor's right to notice and service under these rules.

4.6(2) All persons who file case documents electronically in the appeal board's electronic document management system (EDMS) pursuant to 486—Chapter 18 are responsible for both maintaining a valid email address associated with the registered account and regularly monitoring that email address.

486—4.7(10A,88) Service and notice.

4.7(1) At the time of filing pleadings or other documents, the filer shall serve a copy on every other party or intervenor.

4.7(2) Service upon a party or intervenor who has appeared through a representative must be made only upon such representative.

4.7(3) Unless otherwise ordered, service may be accomplished by the following methods:

a. EDMS filing. For electronically filed documents, service is accomplished on registered filers by filing in the EDMS system and on nonregistered parties or nonregistered intervenors by the simultaneous service of the document any of the methods set out in paragraph 4.7(3)*"b," "c,"* or *"d."*

b. Email. Service is accomplished upon sending the item to the recipient's email address provided pursuant to subrule 4.6(1).

c. U.S. mail. Service is accomplished upon depositing the item in the U.S. mail with first-class or higher class postage pre-paid addressed to the recipient's record address provided pursuant to subrule 4.6(1).

d. Commercial or other personal delivery. Service is accomplished upon delivery of the item to the recipient's record address provided pursuant to subrule 4.6(1).

e. Non-e-filed documents. Documents required to be served upon other counsel or parties but that are not filed in EDMS may be served by any of the methods set out in paragraph 4.7(3)*"b," "c,"* or *"d"* or any means agreed to by all parties in writing.

f. Following transmittal to administrative law judge. After the case is transmitted to the administrative hearings division within DIAL, the contested case proceeding will be conducted pursuant to 481—Chapter 10 and any other administrative rule applicable to the specific type of proceeding. Such regulations will govern the process before the administrative law judge, including the filing and service of documents.

4.7(4) Proof of service on other parties and intervenors is accomplished by a written statement setting forth the date and manner of service. Such statements must be filed with the pleading or document.

4.7(5) Where service is accomplished by posting, proof of posting must be filed not later than the first working day following the posting.

4.7(6) Service and notice to employees represented by an authorized employee representative is deemed accomplished by serving the representative in the manner prescribed in subrule 4.7(3).

4.7(7) Posting.

a. In the event that there are any affected employees who are not represented by an authorized employee representative, the employer shall, immediately upon receipt of notice of docketing of the notice of contest, post, where the citation is required to be posted by the labor services division rules, a copy of the notice of contest and a notice informing affected employees of their right to party status and of the availability of all pleadings for inspection and copying at reasonable times. A notice in the following form is deemed to comply with this subrule:

(Name of Employer)

Your employer has been cited by the commissioner of labor for violation of the Iowa Occupational Safety and Health Act. The citation has been contested and will be the subject of a hearing before an administrative law judge designated by the employment appeal board. Affected employees are entitled to participate in this hearing as parties under terms and conditions established by the employment

appeal board in its rules of procedure. Notice of intent to participate should be sent at the earliest opportunity to: Employment Appeal Board, 6200 Park Avenue, Suite 100, Des Moines, Iowa 50321. All papers relevant to this matter may be inspected at: (Place reasonably convenient to employees, preferably at or near the workplace).

b. Where appropriate, the second sentence of the above notice will be deleted and the following sentence will be substituted:

The reasonableness of the period prescribed by the commissioner of labor for abatement of the violation has been contested and will be the subject of an administrative hearing.

4.7(8) The authorized employee representative, if any, must be served with the notice set forth in subrule 4.7(7) and with a copy of the notice of contest.

4.7(9) A copy of the notice of the hearing to be held before the administrative law judge must be served by the employer on affected employees who are not represented by an authorized employee representative by posting a copy of the notice of such hearing at or near the place where the citation is required to be posted.

4.7(10) A copy of the notice of the hearing to be held before the administrative law judge or the appeal board must be served by the employer on the authorized employee representative of affected employees in the manner prescribed in subrule 4.7(3), if the employer has not been informed that the authorized employee representative has entered an appearance as of the date that the notice is received by the employer.

4.7(11) Where a notice of contest with respect to the reasonableness of the abatement period is filed by an affected employee who is not represented by an authorized employee representative and there are other affected employees who are represented by an authorized employee representative, the unrepresented employee shall, upon receipt of the statement filed in conformance with rule 486—4.37(10A,88) of this division, serve a copy thereof on such authorized employee representative in the manner prescribed in subrule 4.7(3) and shall file proof of such service.

4.7(12) Where a notice of contest is filed by an affected employee or an authorized employee representative, a copy of the notice of contest and response filed in support thereof must be provided to the employer for posting in the manner prescribed in subrule 4.7(7).

4.7(13) An authorized employee representative who files a notice of contest shall be responsible for serving any other authorized employee representative whose members are affected employees.

4.7(14) Where posting is required by this rule, such posting must be maintained until the commencement of the hearing or until earlier disposition.

4.7(15) When settlement agreements are filed with the appeal board, they must be posted for ten days at or near the place where the citation is required to be posted.

4.7(16) If any party or intervenor fails to comply with the notice requirements of these rules, the appeal board may issue appropriate orders.

486—4.8(10A,88) Filing.

4.8(1) *Filing documents.* Appeals and all other pleadings filed with the appeal board must be electronically filed pursuant to 486—Chapter 18 unless a self-represented party or intervenor establishes that complying with this paragraph will place an undue burden upon that party or intervenor under subrule 4.8(2). Documents may be filed with the appeal board via email if the documents are covered by a protective order, have been placed "under seal," or are being submitted for in camera review.

4.8(2) *Undue burden.* Self-represented parties or intervenors may submit a written statement to the appeal board requesting an exemption from the mandatory e-filing requirement on the grounds that it would be an undue burden to comply with the requirement. If the appeal board grants an exemption, exempt self-represented parties or intervenors must file documents by postage-prepaid first class or higher class U.S. mail, commercial delivery service, personal delivery, or facsimile transmission. Documents may not be filed with the appeal board via email except for documents that are covered by a protective order, have been placed "under seal," or are being submitted for in camera review.

4.8(3) *Following transmittal to administrative law judge.* After the case is transmitted to the division of administrative hearings, the contested case proceeding will be conducted pursuant to 481—Chapter 10 and any other administrative rule applicable to the specific type of proceeding. Such regulations will govern the filing process before the administrative law judge, including the filing and service of documents.

486—4.9(10A,88) Consolidation. Cases may be consolidated on the motion of any party or intervenor or on the appeal board's own motion, where there exist common parties, common questions of law or fact, or both, or in such other circumstances as justice and the administration of the Act require.

This rule is intended to implement Iowa Code section 10A.601 and chapter 88.

486—4.10(10A,88) Severance. Upon its own motion, or upon motion of any party or intervenor, the appeal board may, for good cause, order any proceeding severed with respect to some or all issues or parties.

486—4.11(10A,88) Protection of trade secrets and other confidential information.

4.11(1) Upon application by any person, in a proceeding where trade secrets or other matters may be divulged, the confidentiality of which is protected by Iowa Code section 88.12, the appeal board or the administrative law judge shall issue such orders as may be appropriate to protect the confidentiality of such matters.

4.11(2) Interlocutory appeal to the appeal board from an adverse ruling by the administrative law judge under this rule is as of right.

486—4.12 to **4.19** Reserved.

DIVISION II
PARTIES AND REPRESENTATIVES

486—4.20(10A,88) Party status.

4.20(1) Affected employees and authorized employee representatives may elect to participate as parties at any time before the commencement of the hearing. For good cause shown, the appeal board may allow such election at a later time. More information can be found in rule 486—4.21(10A,88).

4.20(2) Where a notice of contest is filed by an employee or by an authorized employee representative with respect to the reasonableness of the period for abatement of a violation, the employer charged with the responsibility of abating the violation may elect party status at any time before the commencement of the hearing. More information can be found in rule 486—4.21(10A,88).

This rule is intended to implement Iowa Code sections 88.8(3) and 10A.601.

486—4.21(10A,88) Intervention—appearance by nonparties.

4.21(1) A petition for leave to intervene may be filed at any stage of a proceeding before commencement of the hearing.

4.21(2) The petition must set forth the interest of the petitioner in the proceeding and show that the participation of the petitioner will assist in the determination of the issues in question, and that the intervention will not unnecessarily delay the proceeding.

4.21(3) The appeal board or the administrative law judge may grant a petition for intervention to such an extent and upon such terms as the appeal board or the administrative law judge determines.

486—4.22(10A,88) Representatives of parties and intervenors.

4.22(1) Any party or intervenor may appear in person or through an attorney or any non-attorney representative. A representative must file an appearance in accordance with rule 486—4.23(10A,88). In the absence of an appearance by a representative, a party or intervenor is deemed to appear for

itself. A corporation or unincorporated association may be represented by an authorized officer or agent.

4.22(2) A representative of a party or intervenor is deemed to control all matters respecting the interest of such party or intervenor in the proceeding.

4.22(3) Affected employees who are represented by an authorized employee representative may appear only through such authorized employee representative.

4.22(4) A representative need not be an attorney at law.

486—4.23(10A,88) Appearance and withdrawal of counsel.

4.23(1) *Entry of appearance.*

a. General. A representative of a party or intervenor may enter an appearance by signing the first document filed on behalf of the represented person or may subsequently file an entry of appearance.

b. Appearance in first document or pleading. If the first document filed on behalf of a party or intervenor is signed by a representative, the representative will be recognized as representing that party. No separate entry of appearance by the representative is necessary.

c. Subsequent appearance. Where a representative has not previously appeared on behalf of a party or intervenor, the representative may file an entry of appearance.

4.23(2) *Withdrawal of counsel.* Any counsel or representatives of record desiring to withdraw an appearance must file a motion requesting leave to withdraw. Prior notice of the motion must be given by the counsel or representative to the represented person. Current contact information for the represented person must be included with the motion. The motion of counsel to withdraw may be denied where it is necessary to avoid undue delay or prejudice to the rights of a party or intervenor.

486—4.24 to **4.29** Reserved.

DIVISION III
PLEADINGS AND MOTIONS

486—4.30(10A,88) Form.

4.30(1) A pleading is required to contain a caption that identifies the parties and includes the appeal board's docket number, if assigned, and to contain a clear and plain statement of the relief that is sought, together with the grounds therefor.

4.30(2) Pleadings must be signed by the person filing or by the person's representative. Such signing constitutes a representation that the signer has read the document or pleading; that to the best of the signer's knowledge, information and belief the statements made therein are true; and that it is not interposed for delay.

4.30(3) The appeal board may refuse for filing any pleading or document that does not comply with the requirements of subrules 4.30(1) and 4.30(2).

486—4.31(10A,88) Caption—titles of cases.

4.31(1) Cases initiated by a notice of contest are to be titled:

Commissioner of Labor, Complainant v.

(Name of Contestant), Respondent.

4.31(2) Cases initiated by a petition for modification of the abatement period are to be titled:

(Name of Employer), Petitioner v.

Commissioner of Labor, Respondent.

4.31(3) The titles listed in subrules 4.31(1) and 4.31(2) should appear at the left upper portion of the initial page of any pleading or document (other than exhibits) filed.

4.31(4) The first page of any pleading or document (other than exhibits) should show, at the upper right of the page, opposite the caption, the docket number, if known, assigned to the case.

486—4.32(10A,88) Notices of contest. The commissioner of labor shall, within seven days of receipt of a notice of contest, transmit the original to the appeal board, together with copies of all relevant documents.

486—4.33(10A,88) Employer contests.

4.33(1) *Complaint.*

a. The commissioner of labor shall file a complaint with the appeal board no later than 21 days after receipt of notice of contest.

b. The complaint must set forth all alleged violations and proposed penalties that are contested and must state with particularity:

(1) The basis for jurisdiction;

(2) The time, location, place, and circumstances of each alleged violation; and

(3) The considerations upon which the period for abatement and the proposed penalty on each such alleged violation are based.

c. Where the commissioner of labor seeks in the complaint to amend the citation or proposed penalty, the commissioner of labor shall set forth the reasons for amendment and shall state with particularity the change sought.

4.33(2) *Hearing before administrative law judge and appeal to appeal board.*

a. Once a complaint is filed with the appeal board, then the appeal board will assign its docket number to the case. The appeal board will then file a transmittal form with a copy of the complaint attached with the administrative hearings division within DIAL. After the matter is transmitted, future filings must be made in the administrative electronic document management system (AEDMS) in the administrative hearings division within DIAL.

b. After the case is transmitted to the administrative hearings division within DIAL, it will be assigned a case number. The administrative hearings division within DIAL will assign the proceeding to an administrative law judge to serve as a presiding officer. The administrative law judge will issue a notice for a prehearing conference or a notice of hearing.

c. The contested case proceeding will be conducted pursuant to 481—Chapter 10 and any other administrative rule, including this rule, applicable to the specific type of proceeding. Simplified proceedings are governed by division VIII of this chapter.

4.33(3) *Answer.*

a. Within 21 days after service of the complaint, the party against whom the complaint was issued shall file an answer with the administrative hearings division within DIAL.

b. The answer must contain a short and plain statement denying those allegations in the complaint that the party intends to contest. Any allegation not denied is deemed admitted.

c. The answer must include all affirmative defenses being asserted. Such affirmative defenses include but are not limited to "infeasibility," "unpreventable employee misconduct," and "greater hazard." Failure to raise an affirmative defense in the answer may bar the asserting party from raising the defense at a later stage in the proceeding.

d. A motion filed in lieu of an answer must be filed no later than 21 days after service of the complaint.

486—4.34 Reserved.

486—4.35(10A,88) Failure to file. Failure to file any pleading pursuant to these rules when due may constitute a withdrawal of the citation or the notice of contest. The presiding officer may, after opportunity to present excuses for failure to file, enter an order defaulting the party and disposing of the case without regard to the merits of the alleged violation.

This rule is intended to implement Iowa Code section 10A.601 and chapter 88.

486—4.36(10A,88) Petitions for modification of abatement period.

4.36(1) An employer may file a petition for modification of abatement period with the commissioner of labor when such employer has made a good faith effort to comply with the abatement requirements of a citation, but abatement has not been completed because of factors beyond the employer's reasonable control.

4.36(2) Filing with the commissioner of labor.

a. A petition for modification of abatement period must be filed with the commissioner of labor no later than the close of the next working day following the date on which abatement was originally required. A later-filed petition must be accompanied by the employer's statement of exceptional circumstances explaining the delay.

b. The employer must post a copy of the petition for modification of abatement period, along with a notice informing affected employees of their right to intervene and of the availability of all pleadings for inspection and copying at reasonable times. The employer shall also serve the petition and notice upon any authorized employee representative. The following is sufficient to comply with the notice requirement:

(Name of employer)

Your employer has been cited by the commissioner of labor for violation of the Iowa Occupational Safety and Health Act and has requested more time to correct one or more violations. Affected employees are entitled to participate as parties under terms and conditions established by the employment appeal board in its rules of procedure. Affected employees or their representatives desiring to participate must file a written objection to the employer's petition with the commissioner of labor. Failure to file such objection within ten working days of the first posting of the accompanying petition and this notice constitutes a waiver of any further right to object to the petition or to participate in any proceeding relating thereto. Objections must be sent to: Commissioner of Labor, Labor Services Division, 1000 East Grand Avenue, Des Moines, Iowa 50319. All papers relevant to this matter may be inspected at: (Place reasonably convenient to employees, preferably at or near workplace).

4.36(3) A petition for modification of abatement period must be in writing and include the following information:

a. All steps taken by the employer, and the dates of such action, in an effort to achieve compliance during the prescribed abatement period.

b. The specific additional abatement period necessary in order to achieve compliance.

c. The reason such additional time is necessary in order to achieve compliance.

d. All available interim steps being taken to safeguard the employees against the cited hazard during the abatement period.

e. Certification by the employer that it has complied with paragraph 4.36(2)*"b."*

4.36(4) The commissioner of labor has the authority to approve a petition for modification of abatement period filed in accordance with subrules 4.36(2) and 4.36(3), but the commissioner of labor may not exercise approval power until the expiration of 15 working days from the date the petition and notice were first posted pursuant to paragraph 4.36(3)*"e"* and subrule 4.36(5). Uncontested approved petitions are deemed final orders of the appeal board.

4.36(5) The employer shall post a copy of the petition and a notice of employee rights complying with paragraph 4.36(3)*"e"* before filing a petition with the commissioner of labor. Such posting must be in a conspicuous place where all affected employees will have notice thereof or near each location where the violation occurred. The petition and notice of employee rights must remain posted for a period of ten working days. Where affected employees are represented by an authorized representative, the representative must be served with a copy of the petition.

4.36(6) Affected employees or their representatives may file an objection in writing to the petition with the commissioner of labor. Failure to file an objection within ten working days of the date of posting of the petition or of service upon an authorized representative constitutes a waiver of any further right to object to the petition.

4.36(7) Where an objection is filed by an affected employee or authorized employee representative, a copy of that objection must be provided to the employer for posting along with the documents specified in subrule 4.36(5). An authorized employee representative who files an objection shall serve any other authorized employee representative whose members are affected employees.

4.36(8) Where any petition is objected to by affected employees or by the commissioner of labor, such petition must be processed as follows:

a. The petition, citation, and objections must be forwarded to the appeal board within 10 working days after the expiration of the 15-working-day period set out in subrule 4.36(4).

b. The appeal board shall docket and process such petition as an emergency proceeding under subrule 4.101(3).

c. An employer petitioning for modification of an abatement period has the burden of proving that it has made a good faith effort to comply with the abatement requirements of the citation and abatement has not been completed because of factors beyond the employer's reasonable control.

d. Where the petitioner is a corporation, it shall file a separate declaration listing all parents, subsidiaries, and affiliates of that corporation or stating that the corporation has no parents, subsidiaries, or affiliates, whichever is applicable, within ten working days after service of the docketing notice of the petition for modification of the abatement date.

e. Within ten days after receipt of the notice of docketing by the appeal board, each objecting party or intervenor may file a response to the petition or a statement of position regarding the petition with the appeal board.

486—4.37(10A,88) Employee contests.

4.37(1) Where an affected employee or authorized employee representative files a notice of contest with respect to the abatement period, the commissioner of labor shall, within ten days from receipt of the notice of contest, file a clear and concise statement of the reasons the abatement period prescribed is not unreasonable.

4.37(2) Not later than ten days after receipt of the commissioner of labor's statement, the contestant shall file a response.

4.37(3) Pursuant to Iowa Code section 88.8(3), the employee's notice of contest must be filed within 15 days of the issuance of the citation.

4.37(4) All contests under this rule are expedited under subrule 4.101(3).

486—4.38 to **4.59** Reserved.

DIVISION IV
RESERVED

DIVISION V
HEARINGS

486—4.60(10A,88) Notice of hearing. Notice of the time, place, and nature of a hearing must be given to the parties and intervenors at least 30 days in advance of such hearing, except as otherwise provided in rule 486—4.101(10A,88).

486—4.61(10A,88) Postponement of hearing.

4.61(1) *Motion to postpone.* A hearing may be postponed by an administrative law judge on the administrative law judge's own motion or for good cause shown upon the motion of a party. A motion for postponement must state the position of the other parties, either by a joint motion or by a representative of the moving party. The filing of a motion for postponement does not automatically postpone a hearing.

4.61(2) *Grounds for postponement.* A motion for postponement grounded on conflicting engagements of counsel or employment of new counsel must be promptly filed.

4.61(3) *When motion must be received.* A motion to postpone a hearing must be received at least ten days prior to the hearing. A motion for postponement received less than ten days prior to the hearing will generally be denied unless good cause is shown for late filing.

4.61(4) *Postponement in excess of 60 days.* No postponement in excess of 60 days may be granted without the concurrence of the chief administrative law judge.

486—4.62(10A,88) Failure to appear.

4.62(1) Subject to the provisions of subrule 4.62(2), the failure of a party to appear at a hearing is deemed to be a waiver of all rights, except the rights to be served with a copy of the decision of the appeal board or to appeal the decision.

4.62(2) The appeal board, or the presiding officer, upon a showing of good cause, may excuse such failure to appear. In such event, the hearing will be rescheduled. Requests for reinstatement must be made, in the absence of extraordinary circumstances, within seven days after the scheduled hearing date.

486—4.63(10A,88) Payment of witness fees and mileage—fees of persons taking depositions. Witnesses summoned before the appeal board must be paid the same fees and mileage that are paid witnesses in the district courts of the state of Iowa, and witnesses whose depositions are taken and the persons taking the same are entitled to the same fees as are paid for like services in the district courts of the state of Iowa. Fees and mileage must be paid by the party at whose instance the witness appears.

486—4.64(10A,88) Reporter's fees. Reporter's fees are borne by the party or intervenor requesting a court reporter unless the appeal board provides for a court reporter. Transcript costs are borne by the person requesting a transcript.

486—4.65(10A,88) Transcript of testimony.

4.65(1) Hearings must be electronically recorded. A record of testimony taken at the hearing must be filed in the appeal board office.

4.65(2) The appeal board's recording or transcript of the hearing is available to any interested person for examination at reasonable times without cost. Upon receipt of a copy of a petition filed in a district court of the state of Iowa praying that an order of the appeal board be modified or set aside pursuant to Iowa Code section 88.9, the appeal board shall either:

a. Have the electronic recording transcribed, certify the transcript, and file it with the court, if no court reporter recorded the hearing, or

b. Contract with the court reporter to transcribe the reporter's notes; in which case the reporter shall certify the transcript and deliver the transcript to the appeal board for filing with the court.

486—4.66 Reserved.

486—4.67(10A,88) Ex parte communication and disqualification. In all contested case matters before the appeal board, rule 7—2506.23(17A) will govern issues related to ex parte communication, and rule 7—2506.9(17A) will govern disqualification of appeal board members.

486—4.68(10A,88) Examination of witnesses. Witnesses must be examined orally under oath. Opposing parties have the right to cross-examine any witness whose testimony is introduced by an adverse party or by the administrative law judge.

486—4.69 to **4.71** Reserved.

486—4.72(10A,88) Rules of evidence. Hearings before the appeal board or administrative law judge shall be in accordance with these rules and insofar as practicable shall be governed by the rules of evidence applicable in the Iowa district courts. A finding shall be based upon the kind of evidence on which reasonably prudent persons are accustomed to rely for their serious affairs, and it may be based upon such evidence even if it would not be admissible in a jury trial.

486—4.73(10A,88) Burden of proof.

4.73(1) In proceedings commenced by notice of contest, the commissioner of labor has the burden of proof.

4.73(2) In proceedings commenced by a petition for modification of the abatement period, the petitioner has the burden of proof.

486—4.74(10A,88) Objections.

4.74(1) Any objections with respect to the conduct of the hearing, including any objection to the introduction of evidence or a ruling by the administrative law judge, may be stated orally or in writing, accompanied by a short statement of the grounds for the objection, and must be included in the record. Such objection is not waived merely by further participation in the hearing.

4.74(2) Whenever evidence is excluded from the record, the person offering such evidence may make an offer of proof, which must be included in the record of the proceeding.

4.74(3) Once the presiding officer rules definitively on the record, a party need not renew an objection or offer of proof to preserve a claim of error for appeal.

486—4.75 Reserved.

486—4.76(10A,88) Filing of briefs and proposed findings with the appeal board or the administrative law judge—oral argument at the hearing. Any party or intervenor is entitled, upon request, to a reasonable period at the close of the hearing for oral argument, which will be recorded as part of the hearing. Any party or intervenor is entitled, upon request made before the close of the hearing, to file a brief, proposed findings of fact and conclusions of law, or both, with the presiding officer. The presiding officer may fix a reasonable period of time for such filing.

486—4.77 to **4.89** Reserved.

DIVISION VI
POSTHEARING PROCEDURES

486—4.90(10A,88) Decisions of appeal board or administrative law judge.

4.90(1) When the appeal board presides at the reception of the evidence in a contested case, the decision of the appeal board is a final decision.

4.90(2) When the appeal board did not preside at the reception of the evidence in a contested case, the administrative law judge shall make a proposed decision. The proposed decision of the presiding officer may be reviewed by the appeal board in accordance with rules 7—2506.27(17A) and 7—2506.28(17A). Appeals and appeal briefs must be filed in the appeal board's EDMS under the original docket number.

4.90(3) Employers shall post a copy of the decision and proposed or final order for 30 days for the information of affected employees.

486—4.91 Reserved.

486—4.92(10A,88) Stay or rehearing of final order. Applications for stay are governed by rule 7—2506.29(17A), and applications for rehearing are governed by rule 7—2506.28(17A).

486—4.93 to **4.99** Reserved.

DIVISION VII
MISCELLANEOUS PROVISIONS

486—4.100(10A,88) Settlement.

4.100(1) Settlement is encouraged at any stage of the proceedings where such settlement is consistent with the provisions and objectives of the Act.

4.100(2) Where parties to settlement agree upon a proposal, it must be served upon represented and unrepresented affected employees in the manner set forth in 486—4.7(10A,88). Proof of such service must accompany the proposed settlement agreement when submitted to the appeal board.

4.100(3) Parties and intervenors have ten days from the date of service to object to a settlement agreement.

4.100(4) Settlement agreements must be filed with the appeal board to permit final disposition of the contested case.

486—4.101(10A,88) Emergency proceeding.

4.101(1) Upon the application of any party or intervenor, or upon its own motion, and for good cause shown, the appeal board may order an emergency proceeding. The party or intervenor shall include in its motion the hazards to which the employees are exposed, the probable injuries which could occur from such exposure, and the number of employees exposed to each hazard.

4.101(2) When such proceeding is ordered, the appeal board shall notify all parties and intervenors.

4.101(3) The appeal board in an emergency proceeding shall make necessary orders with respect to time for filing of pleadings and other documents and shall do all other things necessary to complete the proceeding in the minimum time consistent with fairness.

486—4.102(10A,88) Standards of conduct. All persons appearing in any proceeding shall conform to the standards of ethical conduct required in the courts of the state of Iowa. The appeal board or administrative law judge may take appropriate action to enforce the standards of conduct, including but not limited to excluding persons from the hearing.

486—4.103(10A,88) Ex parte communication.

4.103(1) There shall be no ex parte communication, with respect to the merits of any case not concluded, between the appeal board, including any members, officer, employee, or agent of the appeal board who is employed in the decisional process, and any of the parties or intervenors.

4.103(2) In the event such ex parte communication occurs, the appeal board may make such orders or take such action as fairness requires. Upon notice and hearing, the appeal board may take disciplinary action as is appropriate in the circumstances against any person who knowingly and willfully makes or solicits the making of a prohibited ex parte communication.

486—4.104(10A,88) Restrictions as to participation by investigative or prosecuting officers. In any proceeding noticed pursuant to the rules in this chapter, the commissioner of labor shall not participate or advise with respect to the appeal board's decision except as permitted by these rules.

486—4.105 Reserved.

486—4.106(10A,88) Restrictions with respect to former employees.

4.106(1) No former employee of the appeal board or the commissioner of labor (including a member of the appeal board or the commissioner of labor) may appear before the appeal board as an attorney or other representative for any party in any proceeding or other matter, formal or

informal, in which that former employee participated personally and substantially during the period of employment.

4.106(2) No former employee of the appeal board or the commissioner of labor (including a member of the appeal board or the commissioner of labor) may appear before the appeal board as an attorney or other representative for any party in any proceeding or other matter, formal or informal, for which that former employee was personally responsible during the period of employment unless two years have elapsed since the termination of such employment.

486—4.107 and **4.108** Reserved.

486—4.109(10A,88) Penalties.

4.109(1) All penalties assessed by the appeal board are civil.

4.109(2) The appeal board has no jurisdiction under Iowa Code section 88.14(5), 88.14(6), 88.14(7) and 88.14(8) and will conduct no proceeding thereunder.

486—4.110 to **4.199** Reserved.

DIVISION VIII
SIMPLIFIED PROCEEDINGS

486—4.200(10A,88) Purpose.

4.200(1) The purpose of this division is to provide simplified procedures for resolving contests under the Act so that parties before the appeal board may reduce the time and expense of litigation while being ensured due process and a hearing that meets the requirements of the Iowa administrative procedure Act. These procedural rules will be applied to accomplish this purpose.

4.200(2) Procedures under this subrule are simplified in a number of ways. The major differences between these procedures and those provided elsewhere in this chapter are as follows.

a. Complaints and answers are not required.

b. Pleadings generally are not required. Early discussions among the parties and the presiding officer are required to narrow and define the disputes between the parties.

c. The commissioner of labor is required to provide the employer with certain informational documents early in the proceeding.

d. Discovery is not permitted except as ordered by the administrative law judge.

e. Interlocutory appeals are not permitted.

f. Hearings are less formal. The administrative law judge may allow the parties to argue their case orally at the conclusion of the hearing and may allow or require post-hearing briefs or statements of position. The administrative law judge may render a decision from the bench.

486—4.201(10A,88) Application. The rules in this division will govern proceedings before an administrative law judge in a case chosen for simplified proceedings under rule 486—4.203(10A,88).

486—4.202(10A,88) Eligibility for simplified proceedings.

4.202(1) Cases selected for simplified proceedings will be those that do not involve complex issues of law or fact. Cases appropriate for simplified proceedings will generally include those with one or more of the following characteristics:

a. Relatively few citation items.

b. An aggregate proposed penalty of not more than $20,000.

c. No allegation of willfulness or a repeat violation.

d. Not involving a fatality.

e. A hearing that is expected to take less than two days.

f. A small employer whether self-represented or represented by counsel.

4.202(2) Those cases with an aggregate proposed penalty of more than $20,000 but not more than $30,000, if otherwise appropriate, may be selected for simplified proceedings at the discretion of the chief administrative law judge of the administrative hearings division within DIAL.

486—4.203(10A,88) Commencing simplified proceedings.

4.203(1) *Selection.* Upon receipt of a transmittal of a case under this chapter, the chief administrative law judge of the administrative hearings division within DIAL may, at the chief administrative law judge's discretion, assign an appropriate case for simplified proceedings.

4.203(2) *Party request.* Within 21 days of the transmittal, any party may request that the case be assigned for simplified proceedings. The request must be in writing. For example, "I request simplified proceedings" will suffice. The request must be filed in the AEDMS.

4.203(3) *Judge's ruling on request.* The chief administrative law judge or the administrative law judge assigned to the case may grant a party's request and assign a case for simplified proceedings. Such request should be acted upon within 14 days of its receipt.

4.203(4) *Time for filing of answer.* If a party has requested simplified proceedings or the administrative law judge has assigned the case for simplified proceedings, the time for filing the answer will not run. If a request for simplified proceedings is denied, the period for filing an answer will begin to run upon issuance of the notice denying simplified proceedings.

486—4.204(10A,88) Discontinuance of simplified proceedings.

4.204(1) *Procedure.* If it becomes apparent at any time that a case is not appropriate for simplified proceedings, the administrative law judge assigned to the case may, upon motion by any party or upon the administrative law judge's own motion, discontinue simplified proceedings and order the case to continue under conventional rules. Before discontinuing simplified proceedings, the administrative law judge will consult with the chief administrative law judge.

4.204(2) *Party motion.* At any time during the simplified proceedings, any party may request that simplified proceedings be discontinued and that the matter continue under conventional procedures. A motion to discontinue must explain why the case is inappropriate for simplified proceedings. Responses to such motions must be filed within seven days. Joint motions to return a case to conventional proceedings must be granted by the administrative law judge and do not require a showing of good cause, except that the administrative law judge may deny such a motion that is filed less than 30 days before a scheduled hearing date.

4.204(3) *Ruling.* If simplified proceedings are discontinued, the administrative law judge may issue such orders as are necessary for an orderly continuation under conventional rules.

486—4.205(10A,88) Filing of pleadings.

4.205(1) *Complaint and answer.* Once a case is designated for simplified proceedings, the complaint and answer requirements are suspended. If the commissioner of labor has filed a complaint, a response to a petition for modification of abatement, or a response to an employee contest, and if simplified proceedings have been ordered, no response to these documents will be required.

4.205(2) *Motions.* Limited, if any, motion practice is contemplated in simplified proceedings.

486—4.206(10A,88) Disclosure of information.

4.206(1) *Disclosure to employer.*

a. Within 21 days after a case is designated for simplified proceedings, the commissioner of labor shall provide the employer, free of charge, copies of the narrative and the worksheet or the equivalents.

b. Within 30 days after a case is designated for simplified proceedings, the commissioner of labor shall provide the employer with reproductions of any photographs or videotapes that the commissioner of labor anticipates using at the hearing.

c. Within 30 days after a case is designated for simplified proceedings, the appeal board shall provide to the employer any exculpatory evidence in the commissioner of labor's possession.

d. The administrative law judge should act expeditiously on any claim by the employer that the commissioner of labor improperly withheld or redacted any portion of the documents, photographs, or videotapes on the grounds of confidentiality or privilege.

4.206(2) *Disclosure to the commissioner of labor.* When the employer raises an affirmative defense, the administrative law judge shall order the employer to disclose to the commissioner of labor such documents relevant to the affirmative defense as the administrative law judge deems appropriate.

486—4.207(10A,88) Prehearing conference.

4.207(1) *When held.* As early as practicable after the employer has received the documents set forth in paragraph 4.206(1)*"a,"* the administrative law judge may conduct a prehearing conference, which the administrative law judge may hold in person or by telephone or electronic means.

4.207(2) *Content.* At the prehearing conference, the parties may discuss the following: settlement of the case, the narrowing of issues, an agreed statement of issues and facts, all defenses, witnesses and exhibits, motions, and any other pertinent matter. Except under extraordinary circumstances, any affirmative defenses not raised at the prehearing conference may not be raised later. At the conclusion of the conference, the administrative law judge will issue an order that may set forth any agreements reached by the parties and that may specify the issues to be addressed by the parties at the hearing.

486—4.208(10A,88) Discovery. Discovery, including requests for admissions, will only be allowed under the conditions and time limits set by the administrative law judge.

486—4.209(10A,88) Hearing.

4.209(1) *Procedures.* As soon as practicable after the conclusion of the prehearing conference, the administrative law judge will hold a hearing on any issue that remains in dispute. The hearing will be in accordance with 481—Chapter 10.

4.209(2) *Agreements.* At the beginning of the hearing, the administrative law judge will enter into the record all agreements reached by the parties as well as defenses raised during the prehearing conference. The parties and the administrative law judge then will attempt to resolve or narrow the remaining issues. The administrative law judge will enter into the record any further agreements reached by the parties.

4.209(3) *Evidence.* Except as to matters that are protected by evidentiary privilege, the admission of evidence is independent of the rules of evidence. The administrative law judge will receive oral, physical, or documentary evidence that is not irrelevant, unduly repetitious, or unreliable. Testimony will be given under oath or affirmation.

4.209(4) *Oral and written argument.* Each party may present an oral argument at the close of the hearing. The administrative law judge may allow or require posthearing briefs or statements of position upon the request of either party or on the administrative law judge's own motion.

4.209(5) *Administrative law judge's decision.*

a. Bench decision. The administrative law judge may render a decision from the bench. In rendering a decision from the bench, the administrative law judge shall state the issues in the case and make clear both the administrative law judge's findings of fact and conclusions of law on the record. The administrative law judge shall reduce the bench decision in the matter to writing and serve it on the parties as soon as practicable but no later than 45 days after the hearing. If additional time is needed, approval of the chief administrative law judge is required. The written decision must include, as an appendix, the bench decision as set forth in the transcript.

b. Written decision. If the administrative law judge does not render a decision from the bench, the administrative law judge will issue a written decision within 60 days of the close of the record. The record will ordinarily be deemed closed upon the latter of the filing of the hearing transcript or the

completion of any permitted posthearing briefing. If additional time is needed, approval of the chief administrative law judge is required.

486—4.210(10A,88) Review of administrative law judge's decision. The proposed decision of the administrative law judge may be reviewed by the appeal board in accordance with rules 7—2506.27(17A) and 7—2506.28(17A). Appeals and appeal briefs must be filed in the appeal board's EDMS system under the original docket number.

These rules are intended to implement Iowa Code section 88.8(3).

RA 26-407

EMPLOYMENT APPEAL BOARD[486]

Regulatory Analysis

Notice of Intended Action to be published: 486—Chapter 5
"Personnel Appeals"

Iowa Code section(s) or chapter(s) authorizing rulemaking: 10A.601(4) and 10A.601(6)

State or federal law(s) implemented by the rulemaking: Iowa Code section 10A.601 and chapter 8A, subchapter IV

Public Hearing

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

December 29, 2026 11 a.m.	Via videoconference: meet.google.com/jat-xmxh-jte

Public Comment

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

Rick Autry
Employment Appeal Board
6200 Park Avenue, Suite 100
Des Moines, Iowa 50321
Email: rick.autry@eab.iowa.gov

Purpose and Summary

This proposed rulemaking is made more succinct by referring to the Department of Administrative Services regulations that are the source of the Board's authority in personnel appeals of application rejection, examination rating, removal from an eligible list, or disqualification. Those regulations set out the process followed and need not be duplicated. Any gaps in that process will be filled by the Uniform Rules on Agency Procedure.

Analysis of Impact

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

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

There is no additional expected cost to the State or individuals.

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

Parties appearing before the Board in personnel hiring-related proceedings will benefit.

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

- **Quantitative description of impact:**

There is no expected economic impact created by this proposed rulemaking.

- **Qualitative description of impact:**

There is no expected economic impact created by this proposed rulemaking.

3. **Costs to the State:**

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

There is no expected economic impact created by this proposed rulemaking.

- **Anticipated effect on State revenues:**

There is no significant effect on State revenues created by this proposed rulemaking.

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:**

No alternative methods were considered.

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

Not applicable.

Small Business Impact

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

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

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

There is no expected impact on small business.

Text of Proposed Rulemaking

ITEM 1. Rescind 486—Chapter 5 and adopt the following **new** chapter in lieu thereof:

CHAPTER 5
PERSONNEL APPEALS

486—5.1(10A) Appeals. A person aggrieved by a personnel action pertaining to an application rejection, examination rating, removal from an eligible list or disqualification may appeal to the appeal board as set forth in the applicable regulations of the department of administrative services found at 11—subrules 61.2(3) and 61.2(4).

This rule is intended to implement Iowa Code section 10A.601.

RA 26-408

EMPLOYMENT APPEAL BOARD[486]

Regulatory Analysis

Notice of Intended Action to be published: 486—Chapter 6
"Peace Officer and Capitol Security Appeals"

Iowa Code section(s) or chapter(s) authorizing rulemaking: 10A.601(4) and 10A.601(6)
State or federal law(s) implemented by the rulemaking: Iowa Code sections 10A.601 and 80.15

Public Hearing

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

December 29, 2026	Via videoconference:
11 a.m.	meet.google.com/jat-xmxh-jte

Public Comment

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

Rick Autry
Employment Appeal Board
6200 Park Avenue, Suite 100
Des Moines, Iowa 50321
Email: rick.autry@eab.iowa.gov

Purpose and Summary

The process outlined in this proposed rulemaking is for covered troopers to challenge disciplinary action of the type set out in Iowa Code section 80.15(2). The changes tabulate the process and make some of the referents more explicit and less ambiguous. Also, this proposed rulemaking modernizes the process by providing for electronic filing. This proposed chapter now explicitly refers these appeals to an administrative law judge. Current practice requires a Board vote to assign the hearings to an administrative law judge, which, for practical reasons, is the only realistic option. Any evidentiary hearing will be conducted under the rules of the Administrative Hearings Division within the Department of Inspections, Appeals, and Licensing. The changes thus speed up and standardize the process.

The reference to 486—Chapter 18 is to that chapter as published in **RA 26-236**, IAB 8/19/26.

Analysis of Impact

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

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

There is no additional expected cost to the State or individuals.

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

Parties appearing before the Board in covered trooper discipline-related proceedings will benefit.

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

- **Quantitative description of impact:**

There is no expected economic impact created by this proposed rulemaking.

- **Qualitative description of impact:**

There is no expected economic impact created by this proposed rulemaking.

3. **Costs to the State:**

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

There is no expected economic impact created by this proposed rulemaking.

- **Anticipated effect on State revenues:**

There is no significant effect on State revenues created by this proposed rulemaking.

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:**

No alternative methods were considered.

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

Not applicable.

Small Business Impact

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

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

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

There is no expected impact on small business.

Text of Proposed Rulemaking

ITEM 1. Rescind 486—Chapter 6 and adopt the following **new** chapter in lieu thereof:

CHAPTER 6
PEACE OFFICER AND CAPITOL SECURITY APPEALS

486—6.1(10A) Appeals.

6.1(1) *Notice and appeal.*

a. Notice of intent. The department of public safety may not take personnel action falling under the purview of Iowa Code section 80.15(2), regarding an employee whose employment and terms of employment are protected under Iowa Code section 80.15(2), until the department of public safety has

filed with the appeal board, and contemporaneously copied to the employee, a notice of intent to take the personnel action in question. No notice of intent to take action need be filed for action not under the purview of Iowa Code section 80.15(2). Such personnel actions are effective without following the process of Iowa Code section 80.15(2).

b. Appeal and statement of charges. The employee identified in a notice of intent may file with the appeal board an appeal challenging the notice of intent. That appeal must be filed within 30 days of the filing of the notice of intent with the appeal board. Such appeals must be in writing and identify the particular notice of intent that is being appealed. Once an appeal is filed, the department of public safety shall promptly file a statement of charges with the appeal board.

c. Effect of failure to appeal. The department of public safety may take the personnel action set out in the notice of intent once 30 days from filing of that notice have elapsed but only if no timely appeal has been filed.

6.1(2) *Filing of notice and appeal.* Notices of intent, appeals therefrom, and all other pleadings must be electronically filed pursuant to 486—Chapter 18. The filing dates of a notice of intent and of an appeal are determined as set forth in that chapter. The appeal board will dismiss appeals filed later than 30 days after the filing of the notice of intent unless good cause for appealing late is shown by the employee.

6.1(3) *Hearing before administrative law judge and appeal to board.*

a. The appeal board will file a transmittal form with a copy of the appeal and statement of charges attached with the administrative hearings division. After the matter is transmitted, future filings must be made in the administrative hearings division's administrative electronic document management system (AEDMS).

b. After the case is transmitted to the division of administrative hearings, it will be assigned a case number. The administrative hearings division will assign the proceeding to an administrative law judge to serve as a presiding officer. The administrative law judge will issue a notice for a prehearing conference or a notice of hearing.

c. The contested case proceeding will be conducted pursuant to 481—Chapter 10 and any other administrative rule applicable to the specific type of proceeding.

d. The proposed decision of the presiding officer may be reviewed by the appeal board in accordance with rules 7—2506.27(17A) and 7—2506.28(17A). Appeals and appeal briefs must be filed in the appeal board's electronic document management system under the original case number.

This rule is intended to implement Iowa Code section 10A.601 and chapter 80.

RA 26-409

EMPLOYMENT APPEAL BOARD[486]

Regulatory Analysis

Notice of Intended Action to be published: 486—Chapter 7
"Construction Contractor Registration Appeals"

Iowa Code section(s) or chapter(s) authorizing rulemaking: 10A.601(4) and 10A.601(6)
State or federal law(s) implemented by the rulemaking: Iowa Code sections 10A.601 and 91C.8

Public Hearing

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

December 29, 2026 11 a.m.	Via videoconference: meet.google.com/jat-xmxh-jte

Public Comment

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

Rick Autry
Employment Appeal Board
6200 Park Avenue, Suite 100
Des Moines, Iowa 50321
Email: rick.autry@eab.iowa.gov

Purpose and Summary

The process for handling appeals of notices of contest of fines leveled against a construction contractor on the ground that the construction contractor allegedly failed to register is outlined in this proposed rulemaking. The changes simplify the language and reduce potential for conflicts in meaning. For example, the notice of contest is to be filed with the Commissioner of Labor, and it is that authority's regulations that govern this process. Thus, rules of the Board purporting to govern the filing of the notice of contest are proposed to be removed. Also, this proposed chapter modernizes the process by providing for electronic filing. The proposed chapter explicitly refers these appeals to an administrative law judge. Current practice requires a Board vote to assign the hearings to an administrative law judge, which, for practical reasons, is the only realistic option. Any evidentiary hearing will be conducted under the rules of the Administrative Hearings Division at the Department of Inspections, Appeals, and Licensing. The changes thus speed up and standardize the process.

The reference to 486—Chapter 18 is to that chapter as published in **RA 26-236**, IAB 8/19/26.

Analysis of Impact

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

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

There is no additional expected cost to the State or individuals.

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

Parties appearing before the Board in contractor registration-related proceedings will benefit.

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

- **Quantitative description of impact:**

There is no expected economic impact created by this proposed rulemaking.

- **Qualitative description of impact:**

There is no expected economic impact created by this proposed rulemaking.

3. **Costs to the State:**

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

There is no expected economic impact created by this proposed rulemaking.

- **Anticipated effect on State revenues:**

There is no significant effect on State revenues created by this proposed rulemaking.

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:**

No alternative methods were considered.

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

Not applicable.

Small Business Impact

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

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

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

There is no expected impact on small business.

Text of Proposed Rulemaking

ITEM 1. Rescind 486—Chapter 7 and adopt the following **new** chapter in lieu thereof:

CHAPTER 7
CONSTRUCTION CONTRACTOR REGISTRATION APPEALS

486—7.1(91C) Appeals.

7.1(1) *Scope of chapter.* This chapter applies only to notices of contest filed concerning citations issued pursuant to Iowa Code section 91C.8.

7.1(2) *Form and time of appeal.* In order to challenge a citation or notice of proposed administrative penalty, a contractor aggrieved by the proposed penalty must notify the commissioner of labor, within 15 working days from the date of receipt of the notice, that the contractor intends to contest the citation or proposed penalty. The commissioner of labor shall promptly transmit the original notice of contest to the appeal board. The notice of contest will then be docketed by the appeal board as an appeal of the citation and promptly referred to the administrative hearings division within the department of inspections, appeals, and licensing (DIAL) as set out below.

7.1(3) *Pleadings filed electronically.* The commissioner of labor's transmittal of the notice of contest and all other pleadings must be electronically filed pursuant to 486—Chapter 18.

486—7.2(91C) Hearing before administrative law judge and appeal to board.

7.2(1) The appeal board will file a transmittal form, with a copy of the notice of contest and of the citation both attached, with the administrative hearings division within DIAL. After the matter is transmitted, future filings must be made in the administrative electronic document management system (AEDMS) of the administrative hearings division within DIAL.

7.2(2) After the case is transmitted to the division of administrative hearings within DIAL, it will be assigned a case number. The administrative hearings division within DIAL will assign the proceeding to an administrative law judge to serve as a presiding officer. The administrative law judge will issue a notice for a prehearing conference or a notice of hearing.

7.2(3) The contested case proceeding will be conducted pursuant to 481—Chapter 10 and any other administrative rule applicable to the specific type of proceeding.

7.2(4) The proposed decision of the presiding officer may be reviewed by the appeal board in accordance with rules 7—2506.27(17A) and 7—2506.28(17A). Appeals and appeal briefs must be filed in the appeal board's electronic document management system under the original case number.

These rules are intended to implement Iowa Code section 10A.601 and chapter 91C.

RA 26-410

INSPECTIONS, APPEALS, AND LICENSING DEPARTMENT[481]

Regulatory Analysis

Notice of Intended Action to be published: 481—Chapters 250 and 255
"Professional Kickboxing; General Requirements for Athletic Commission Events"

Iowa Code section(s) or chapter(s) authorizing rulemaking: 90A.7
State or federal law(s) implemented by the rulemaking: 2026 Iowa Acts, House File 2303

Public Hearing

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

December 15, 2026	6200 Park Avenue, Suite 100
9 a.m.	Des Moines, Iowa

Public Comment

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

Mitchell Mahan
Department of Inspections, Appeals, and Licensing
6200 Park Avenue, Suite 100
Des Moines, Iowa 50321-1270
Phone: 515.443.1051
Email: mitchell.mahan@dia.iowa.gov

Purpose and Summary

This proposed rulemaking updates the publication dates of regulations adopted by reference. The rulemaking also corrects citations.

Analysis of Impact

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

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

Kickboxing promoters will bear the costs.

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

Kickboxing promoters and kickboxers will benefit.

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

- **Quantitative description of impact:**

Members of the public would incur no costs other than payment for match services provided. Promoters would be responsible for ensuring they meet the requirements for licensure.

- **Qualitative description of impact:**

Including amateur matches in the rules increases safety for the licensee and consumer. The cost of inaction would be an increase in the potential for injury to the public by a licensee who is not qualified to perform the work in the field.

3. **Costs to the State:**

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

The agency has insignificant additional costs associated with these updates.

- **Anticipated effect on State revenues:**

This rulemaking has no anticipated fiscal impact.

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

The benefit of safe kickboxing outweighs the associated costs.

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

The Department has not identified any less costly or less intrusive methods.

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

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

No alternative methods were seriously considered.

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

This rulemaking is consistent with other rules on contests covered by the Athletic Commission.

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 updated rules do not have a substantial impact on small business.

Text of Proposed Rulemaking

ITEM 1. Amend subrule 250.3(3) as follows:

250.3(3) A match with a contestant who is younger than 18 years of age except for junior kickboxing.

ITEM 2. Rescind 481—Chapter 255 and adopt the following **new** chapter in lieu thereof:

CHAPTER 255
PROFESSIONAL AND AMATUER KICKBOXING

481—255.1(90A) Scope and purpose. Professional and amateur kickboxing are within the scope of Iowa Code chapter 90A. The commissioner shall have final decision-making authority concerning the enforcement, implementation, and interpretation of the rules in this chapter.

481—255.2(90A) Definitions. The following definitions apply to this chapter:

"Amateur" means not paid or awarded a prize for participation.

"Junior" means being age 8 through age 17.

"Kickboxing" means a combative sport in which blows are delivered with the hand and any part of the leg below the hip, including the foot; that is open to the public; and for which an admission fee is charged, a donation is requested from those in attendance, or merchandise or refreshments are available for purchase.

"Professional" means paid or awarded a prize for participation.

481—255.3(90A) Professional and amateur kickboxing.

255.3(1) *General requirements for all athletic commission events.* Professional and amateur kickboxing shall comply with 481—Chapter 250.

255.3(2) *Professional boxing rules followed.* Professional and amateur kickboxing shall comply with 481—Chapter 251 on the following:

a. Limitations on the number of bouts;

b. Contestants' arrival; and

c. Attendance of the commissioner.

255.3(3) *Recording contest results.*

a. Exclusive kickboxing events and events consisting of mixed martial arts with kickboxing shall be recorded on the Combat Registry website (combatreg.com).

b. Events consisting of boxing with kickboxing shall be recorded on the Boxrec website (boxrec.com).

c. Professional kickboxers shall obtain a national ID.

481—255.4(90A) Adopted rules and exceptions.

255.4(1) *ABC Unified Rules of Professional Kickboxing adopted by reference.* The commissioner adopts by reference the professional kickboxing rules and regulations of the ABC Unified Rules of Professional Kickboxing as in effect on July 26, 2017. The ABC rules shall be used for all professional kickboxing matches and events to the extent they do not conflict with the following:

a. Knee strikes are permitted consistent with the mixed martial arts rules in 481—Chapter 254.

b. Elbow strikes are prohibited.

c. Hand wraps shall comply with the professional boxing rules in 481—Chapter 251.

d. Each non-title match shall consist of no more than three rounds with no more than three minutes per round.

e. Title matches shall consist of no more than five rounds with no more than three minutes per round.

f. Contestants shall wear gloves weighing 8, 10, or 12 ounces.

255.4(2) *ABC Unified Rules of Amateur Kickboxing adopted by reference.* The commissioner adopts by reference the amateur kickboxing rules and regulations of the ABC Unified Rules of Amateur Kickboxing as in effect on July 19, 2019. The ABC rules shall be used for all professional kickboxing matches and events to the extent they do not conflict with the following:

a. Knee strikes are prohibited.

b. Elbow strikes are prohibited.

c. One strike only is permitted in a clinch.

d. Contestants shall wear gloves weighing 8, 10, or 12 ounces.

e. Each non-title match shall consist of no more than three rounds with no more than two minutes per round.

f. Title matches shall consist of no more than five rounds with no more than two minutes per round.

481—255.5(90A) Junior kickboxing.

255.5(1) *Oversight.* Bouts for junior contestants shall be overseen by the International Kickboxing Association, Heartland Combat Sports, or another sanctioning organization approved by the athletic commission. The sanctioning organization shall supply event information to the commissioner as requested.

255.5(2) *Restrictions.*

a. Junior kickboxers are prohibited from professional kickboxing.

b. Junior kickboxers may only fight other junior amateur kickboxers.

These rules are intended to implement Iowa Code chapter 90A.

RA 26-411

IOWA PUBLIC EMPLOYEES' RETIREMENT SYSTEM[495]

Regulatory Analysis

Notice of Intended Action: **ARC 0440D**, IAB 7/8/26
"Contribution Rates for Protection Occupations"

Iowa Code section(s) or chapter(s) authorizing rulemaking: 97B

State or federal law(s) implemented by the rulemaking: Iowa Code chapter 97B and 2026 Iowa Acts, House File 1023

Public Hearing

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

December 15, 2026 9 to 9:30 a.m.	IPERS Boardroom 7401 Register Drive Des Moines, Iowa Also via videoconference call: Microsoft Teams

Public Comment

Any interested person may submit written or oral comments concerning this Regulatory Analysis, which must be received by the Iowa Public Employees' Retirement System (IPERS) no later than 4:30 p.m. on the date of the public hearing. Comments should be directed to:

Elizabeth Hennessey
Iowa Public Employees' Retirement System
7401 Register Drive
Des Moines, Iowa 50321
Phone: 515.281.0054
Email: elizabeth.hennessey@ipers.org

Purpose and Summary

This rulemaking is intended to implement the relevant provisions of recently enacted 2026 Iowa Acts, House File 1023, "an Act relating to benefits and contributions for members of the Iowa public employees' retirement system who are employed in a protection occupation." The Act enhances benefits for such members and outlines a new contribution rate split between employers and members, outlines an increase in the multiplier maximum to 80 percent with 30 years of service, and makes class retirees meeting specific criteria eligible for a 1.5 percent annual compounding cost-of-living adjustment. Pursuant to the Iowa Code, contribution rates must be published and effective by July 1 of each fiscal year, which requires emergency rulemaking in this instance.

Analysis of Impact

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

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

Costs will be borne by the protection occupation member class and their employers.

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

The above-named class of IPERS members will benefit.

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

- **Quantitative description of impact:**

The IPERS' enabling legislation requires that employer and employee contribution rates for each Fiscal Services Division member class be updated every fiscal year. Contribution rates for FY 2027 were updated as required in Adopted and Filed **ARC 0323D** with an effective date of July 1, 2026. 2026 Iowa Acts, House File 1023, was signed by the Governor on June 2, 2026, requiring further contribution rate updates for the protection occupation member class and their employers. This Regulatory Analysis is the final document required to complete the emergency rulemaking begun in the 7/8/26 IAB with the double barrel consisting of Adopted and Filed Emergency **ARC 0441D** and Notice of Intended Action **ARC 0440D**.

- **Qualitative description of impact:**

Contribution rates rise or fall based upon specific mandates outlined in the applicable Iowa Code sections and in conjunction with the determination of the designated consulting actuary. IPERS administrative rules must always be brought current to all applicable legislation.

3. **Costs to the State:**

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

IPERS anticipates no cost to the agency for implementation and enforcement.

- **Anticipated effect on State revenues:**

No effect on State revenues is expected.

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

Agency inaction would violate applicable portions of the Iowa Code specifically governing the process of updating contribution rates.

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

This is not applicable because IPERS must bring its administrative rules into compliance with new legislation via the process outlined in the applicable Iowa Code sections.

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

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

IPERS did not seriously consider alternative methods.

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

When implementing contribution changes, IPERS must do so pursuant to the parameters of the Iowa Code section(s) governing such changes.

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 is not applicable to the rulemaking.

Emergency Rulemaking Adopted by Reference

The content of this Regulatory Analysis was previously published as an Adopted and Filed Emergency rulemaking (see **ARC 0441D**, IAB 7/8/26). The purpose of this Regulatory Analysis is to fulfill the requirements of Iowa Code section 17A.4A for that emergency rulemaking, whose subject matter is hereby adopted by reference.

RA 26-412

IOWA PUBLIC EMPLOYEES' RETIREMENT SYSTEM[495]

Regulatory Analysis

Notice of Intended Action to be published: 495—Chapters 17 and 2505
"Public Records and Fair Information Practices"

Iowa Code section(s) or chapter(s) authorizing rulemaking: 97B

State or federal law(s) implemented by the rulemaking: Executive Order 10 (EO10) and Iowa Code sections 17A.24, 97B.4, and 97B.15

Public Hearing

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

December 15, 2026 9 to 9:30 a.m.	IPERS Boardroom 7401 Register Drive Des Moines, Iowa Also via videoconference call: Microsoft Teams

Public Comment

Any interested person may submit written or oral comments concerning this Regulatory Analysis, which must be received by the Iowa Public Employees' Retirement System (IPERS) no later than 4:30 p.m. on the date of the public hearing. Comments should be directed to:

Elizabeth Hennessey
Iowa Public Employees' Retirement System
7401 Register Drive
Des Moines, Iowa 50321
Phone: 515.281.0054
Email: elizabeth.hennessey@ipers.org

Purpose and Summary

Chapter 17 was reviewed as part of the Red Tape Review process mandated by EO10. As a result of this review, IPERS proposes to rescind Chapter 17 and move the content to a new Chapter 2505. IPERS is a State retirement system providing for the payment of annuities, enabling employees to care for themselves in retirement, improving public employment within the State, reducing excessive personnel turnover, and increasing suitable attraction to public service. Pursuant to the Iowa Code, IPERS is required to administer the retirement system.

Analysis of Impact

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

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

This proposed rulemaking does not incur costs to the public.

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

This proposed rulemaking will benefit all IPERS members, IPERS beneficiaries, and IPERS-covered public employers.

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 benefit over 2,000 IPERS-covered employers, over 400,000 employees, and the employees' beneficiaries by removing language from the rules that is duplicative of the Iowa Code. Increasing the clarity of the agency's administrative rules benefits IPERS-covered employers, employees, and the public generally.

- **Qualitative description of impact:**

This proposed rulemaking will benefit all IPERS members, IPERS beneficiaries, and IPERS-covered public employers.

3. **Costs to the State:**

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

IPERS incurs personnel and other administrative costs associated with implementing this proposed chapter.

- **Anticipated effect on State revenues:**

This proposed rulemaking will not impact State revenues. IPERS is a trust fund separate and distinct from the General Fund of the State.

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

IPERS is organized and established by Iowa Code section 97B.1.

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 and reserve **495—Chapter 17**.

ITEM 2. Adopt the following **new** 495—Chapter 2505:

CHAPTER 2505
PUBLIC RECORDS AND FAIR INFORMATION PRACTICES

The Uniform Rules on Agency Procedure, 7—Chapters 2500 through 2506, are rules generally applicable to agencies pursuant to Iowa Code section 17A.24. Additions, exceptions, or amendments to the corresponding chapter are below.

495—2505.9(17A,22) Additional definitions. The definitions in Iowa Code section 22.1 are incorporated into this chapter by this reference. In addition, in this chapter:

"Confidential record" means a record that is not available as a matter of right for examination and copying by members of the public under applicable provisions of law. Confidential records include records or information as described in Iowa Code section 97B.17, and records, or information contained in records, that are specified in Iowa Code section 22.7 or by other provision of law.

"Custodian" means the CEO or designee.

"Open record" means a record other than a confidential record.

"Personally identifiable information" means information about or pertaining to an individual in a record that identifies the individual and that is contained in a record system under IPERS' jurisdiction.

"Record" means all or part of a "public record" as defined in Iowa Code section 22.1 or 97B.17 that is owned by or in the physical possession of the agency.

"Record system" means any group of records under IPERS' jurisdiction from which a confidential record or information may be retrieved.

495—2505.10(17A,22) Personally identifiable information. This rule describes the nature and extent of personally identifiable information that is collected, maintained, and retrieved by personal identifier in a record system defined in rule 495—2505.1(97B). For each record system, this rule describes the legal authority for the collection of that information and the means of storage 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 personally identifiable information in another record system. Record systems under IPERS' jurisdiction that are retrievable through the use of personal identifiers are described as follows.

2505.10(1) *IPERS personnel files and records.* Personnel files of IPERS employees are maintained and kept under IPERS' jurisdiction and contain personal, private, and otherwise confidential records under Iowa Code section 22.7(11).

2505.10(2) *Iowa public employees' retirement system.* The retirement system possesses records that concern individual public employees who are covered by IPERS and their families. Records are collected in accordance with Iowa Code chapter 97B and are confidential records in part under Iowa Code sections 22.7 and 97B.17. These records contain names, addresses, social security numbers, and other identifying numbers. Data processing systems permit the comparison of personally identifiable information in one record system with that in another system.

2505.10(3) *Vendor contracts.* These are records pertaining to facilities management, training, investment management, and other services. These records are collected in accordance with Iowa Code chapter 97B and are confidential records in part under Iowa Code section 22.7. These records contain names, addresses, social security numbers, and other identifying numbers. Data processing systems permit the comparison of personally identifiable information in one record system with that in another system. Vendors that have access to personally identifiable information shall sign a data-sharing agreement as requested by IPERS.

495—2505.11(17A,22) Comparison of data processing systems. To the extent required by law, all data processing systems used by IPERS 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 chapter 97B and section 17A.24.

RA 26-413

SECRETARY OF STATE[721]

Regulatory Analysis

Notice of Intended Action to be published: rules 721—28.5(47,48A) and 721—28.8(48A)
"Voter Registration File (I-Voters) Management"

Iowa Code section(s) or chapter(s) authorizing rulemaking: 17A and 48A
State or federal law(s) implemented by the rulemaking: Iowa Code section 48A.25B

Public Hearing

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

December 15, 2026 11 a.m. to 12 noon	Microsoft Teams Meeting ID: 251 763 739 310 173 8 Passcode: NQ7GV7PS

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:

Emma Larson
Office of the Secretary of State
Lucas State Office Building
321 East 12th Street
Des Moines, Iowa 50319
Email: emma.larson@sos.iowa.gov

Purpose and Summary

This proposed rulemaking provides the time frame for annual voter verification.

Analysis of Impact

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

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

There are no costs associated with the proposed rulemaking.

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

The 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:**

There are no costs to the Secretary of State or any other agency.

- **Anticipated effect on State revenues:**

The rulemaking has no effect on State revenues.

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

There is no cost difference between 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 and reserve rule **721—28.5(47,48A)**.

ITEM 2. Adopt the following **new** rule 721—28.8(48A):

721—28.8(48A) Verification of citizenship.

28.8(1) For the purposes of this rule, registered voters shall include statuses of active, inactive, pending, incomplete, and unconfirmed.

28.8(2) The state commissioner shall verify the citizenship of registered voters no later than the fifteenth of February of each year as set forth in Iowa Code section 48A.25B as enacted by 2026 Iowa Acts, Senate File 2218.

28.8(3) Within seven days of receiving from the state commissioner notification that a registrant has not been verified as a United States citizen, a county commissioner shall designate the records as unconfirmed.

28.8(4) Once a registration is designated as unconfirmed, the registrant must provide documentation to validate the registration within 90 days or the registration will be canceled.

This rule is intended to implement Iowa Code section 48A.25B as enacted by 2026 Iowa Acts, Senate File 2218.

ADVISORY NOTICE

The Administrative Rules Review Committee (ARRC) is seeking feedback from the public regarding a possible change to the rulemaking procedures for Notices of Intended Action (NOIAs).

Currently, under Iowa Code section 17A.4(1)"b," agencies may choose whether to hold a public hearing on a NOIA. Various entities, including the ARRC, may request that a public hearing be held on a NOIA if an agency does not schedule one. An agency must then hold a public hearing if requested and publish notice of the hearing in the Iowa Administrative Bulletin at least 20 days in advance. This must occur before the rulemaking can be adopted.

At the request of Representative Rick Olson, the ARRC is considering whether to request that every agency hold a public hearing on each of its NOIAs. This would be an ongoing request. The result would be that a public hearing is mandatory for all NOIAs.

Any feedback on this proposal for the ARRC can be emailed to jack.ewing@legis.iowa.gov. Responses will be shared with the ARRC.

ARC 0757D

COLLEGE STUDENT AID COMMISSION[283]

Notice of Intended Action

Proposing rulemaking related to uniform policies and providing an opportunity for public comment

The College Student Aid Commission hereby proposes to amend Chapter 10, "Uniform Policies," Iowa Administrative Code.

Legal Authority for Rulemaking

This rulemaking is proposed under the authority provided in Iowa Code section 256.178.

State or Federal Law Implemented

This rulemaking implements, in whole or in part, Iowa Code section 256.178.

Purpose and Summary

The Commission proposes to amend Chapter 10 pursuant to 2026 Iowa Acts, House File 703. The purpose of this amendment is to add a definition of "offer of financial aid" (also referred to as "financial aid offer") to Chapter 10 of the Commission's administrative rules. The amendment provides clarity and consistency in the interpretation and application of financial aid-related provisions administered by the Commission.

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

No public comments on the Regulatory Analysis were received at the public hearing or in writing.

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, 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 Commission no later than 4:30 p.m. on December 22, 2026. Comments should be directed to:

Katrina Holck
College Student Aid Commission
Grimes State Office Building
400 East 14th Street
Des Moines, Iowa 50319
Phone: 515.729.7449
Email: katrina.holck@iowa.gov

Public Hearing

Public hearings at which persons may present their views orally or in writing will be held as follows:

December 16, 2026 3:30 p.m.	Room B50 Grimes State Office Building Des Moines, Iowa
December 22, 2026 3:30 p.m.	Room B50 Grimes State Office Building Des Moines, Iowa

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

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

Review by Administrative Rules Review Committee

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

The following rulemaking action is proposed:

ITEM 1. Adopt the following **new** definition of "Offer of financial aid" in rule **283—10.2(256)**:

"Offer of financial aid" or *"financial aid offer"* means notices of eligibility for grants, loans, student employment or other assistance that are prepared based on a student's submitted Free Application for Federal Student Aid, Iowa Financial Aid Application, or other application that is used to measure the financial need of an applicant.

ARC 0760D

COLLEGE STUDENT AID COMMISSION[283]

Notice of Intended Action

Proposing rulemaking related to Iowa tuition grant program—for-profit institutions and providing an opportunity for public comment

The College Student Aid Commission hereby proposes to rescind Chapter 11, "Iowa Tuition Grant Program—For-Profit Institutions," Iowa Administrative Code.

Legal Authority for Rulemaking

This rulemaking is proposed under the authority provided in Iowa Code sections 256.178 and 256.191.

State or Federal Law Implemented

This rulemaking implements, in whole or in part, Iowa Code sections 256.178 and 256.191.

Purpose and Summary

The Commission proposes to rescind Chapter 11 pursuant to 2026 Iowa Acts, House File 2783, relating to the administration of the Iowa Tuition Grant Program under Iowa Code section 256.191. The rescission removes eligibility for students enrolled in for-profit postsecondary institutions, consistent with statutory changes enacted by the General Assembly.

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

No public comments on the Regulatory Analysis were received at the public hearing or in writing.

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, 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 Commission no later than 4:30 p.m. on December 22, 2026. Comments should be directed to:

Katrina Holck
College Student Aid Commission
Grimes State Office Building
400 East 14th Street
Des Moines, Iowa 50319

Phone: 515.729.7449
Email: katrina.holck@iowa.gov

Public Hearing

Public hearings at which persons may present their views orally or in writing will be held as follows:

December 16, 2026 3:30 p.m.	Room B50 Grimes State Office Building Des Moines, Iowa
December 22, 2026 3:30 p.m.	Room B50 Grimes State Office Building Des Moines, Iowa

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

Any persons who intend to attend a public hearing and have special requirements, such as those related to hearing or mobility impairments, should contact the Commission 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 **283—Chapter 11**.

ARC 0761D

COLLEGE STUDENT AID COMMISSION[283]

Notice of Intended Action

Proposing rulemaking related to Iowa vocational-technical tuition grant program and providing an opportunity for public comment

The College Student Aid Commission hereby proposes to amend Chapter 13, "Iowa Vocational-Technical Tuition Grant Program," Iowa Administrative Code.

Legal Authority for Rulemaking

This rulemaking is proposed under the authority provided in Iowa Code sections 256.178 and 256.192.

State or Federal Law Implemented

This rulemaking implements, in whole or in part, Iowa Code section 256.192.

Purpose and Summary

The Commission proposes to amend Chapter 13 pursuant to 2026 Iowa Acts, House File 2783, relating to the administration of the Iowa Vocational-Technical Tuition Grant Program. The amendments expand program access to eligible programs at Iowa barbering and cosmetology schools. The rulemaking ensures that program administration aligns with current law and provides clear guidance regarding eligibility, application, and award processes.

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

No public comments on the Regulatory Analysis were received at the public hearing or in writing.

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, 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 Commission no later than 4:30 p.m. on December 22, 2026. Comments should be directed to:

Katrina Holck
College Student Aid Commission
Grimes Building
400 East 14th Street
Des Moines, Iowa 50319
Phone: 515.729.7449
Email: katrina.holck@iowa.gov

Public Hearing

Public hearings at which persons may present their views orally or in writing will be held as follows:

December 16, 2026 3:30 p.m.	Room B50 Grimes State Office Building Des Moines, Iowa
December 22, 2026 3:30 p.m.	Room B50 Grimes State Office Building Des Moines, Iowa

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

Any persons who intend to attend a public hearing and have special requirements, such as those related to hearing or mobility impairments, should contact the Commission 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 283—13.1(256) as follows:

283—13.1(256) Basis of aid. Assistance available under the Iowa vocational-technical tuition grant program is tuition-restricted and is also based on the financial metric and financial need of Iowa residents enrolled in eligible programs of study at Iowa community colleges or eligible programs of study at licensed Iowa barbering and cosmetology colleges.

ITEM 2. Amend rule 283—13.3(256) as follows:

283—13.3(256) Eligible applicant. An eligible applicant is an Iowa resident who is enrolled at least part-time in a program of study that is classified as a career and technical education program by the Iowa department of education or a barbering cosmetology arts and sciences program; meets the award eligibility criteria; and meets the following provisions:

1. and 2. No change.

ITEM 3. Amend rule 283—13.4(256) as follows:

283—13.4(256) Awarding of funds.

13.4(1) No change.

13.4(2) *Extent of award and maximum award.* Eligible applicants may receive no more than the equivalent of four full-time awards. If the program of study cannot be completed by the eligible applicant within the extent of the award, the eligible applicant may qualify for the equivalent of one additional full-time award. These limits reset after two years of no postsecondary enrollment, pursuant to Iowa Code section 256.192(3)*"b."*

a. The maximum award for full-time students will not exceed the student's financial need and may be the lesser of:

(1) The difference between the cost of tuition, mandatory fees, books and supplies, as determined by the commission, and the amount of the federal Pell Grant for which the student qualifies,

(2) $1,200 for students enrolled in community colleges,

(3) $6,000 for students enrolled in barbering and cosmetology colleges and programs,

~~(3)~~ (4) An award amount established by the commission that allows all eligible applicants to receive an award.

b. and *c.* No change.

13.4(3) *Awarding process.*

a. The commission will provide notice of the eligibility criteria and maximum award to participating ~~Iowa community~~ colleges annually to authorize awarding.

b. The commission will designate eligible applicants for awards and provide ~~Iowa community colleges~~ participating institutions with rosters of designated eligible applicants.

c. ~~Iowa community colleges~~ Participating institutions will notify recipients of the awards, clearly indicating the award amount and the state program from which funding is being provided and stating that the award is contingent on the availability of state funds.

d. ~~Iowa community colleges~~ Participating institutions will apply awards directly to student accounts to cover tuition and mandatory fees.

e. ~~Iowa community colleges~~ Participating institutions will provide information about eligible applicants to the commission in a format specified by the commission. ~~Iowa community colleges~~ Participating institutions will make necessary changes to awards due to a change in enrollment, program of study, and financial situation, and promptly report those changes to the commission.

f. ~~Iowa community colleges~~ Participating institutions are responsible for completing necessary verification and for coordinating other aid to ensure compliance with student eligibility requirements and allowable award amounts. ~~Iowa community colleges~~ Participating institutions will report changes in student eligibility to the commission.

g. The commission will periodically investigate and review compliance of ~~Iowa community colleges~~ participating ~~in this program~~ institutions with the criteria established in Iowa Code section 256.192 and this rule.

ARC 0762D

COLLEGE STUDENT AID COMMISSION[283]

Notice of Intended Action

Proposing rulemaking related to the health care professional incentive program and providing an opportunity for public comment

The College Student Aid Commission hereby proposes to amend Chapter 17, "Health Care Professional Incentive Program," Iowa Administrative Code.

Legal Authority for Rulemaking

This rulemaking is proposed under the authority provided in Iowa Code sections 256.178 and 256.222.

State or Federal Law Implemented

This rulemaking implements, in whole or in part, Iowa Code section 256.222.

Purpose and Summary

The Commission proposes to amend the rules governing the Health Care Professional Incentive Program to clarify program requirements and establish a more targeted process for prioritizing awards. The proposed amendments add a definition of "full-time" to provide greater clarity and consistency regarding the employment commitment required of participating health care professionals. The proposed amendments also change the method for prioritizing awards from the date an application is received to the geographic need for the applicable health care provider type.

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

No public comments on the Regulatory Analysis were received at the public hearing. The Commission received one written public comment from Des Moines University Medicine and Health Sciences.

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, 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 Commission no later than 4:30 p.m. on December 22, 2026. Comments should be directed to:

Katrina Holck
College Student Aid Commission
Grimes Building
400 East 14th Street
Des Moines, Iowa 50319
Phone: 515.729.7449
Email: katrina.holck@iowa.gov

Public Hearing

Public hearings at which persons may present their views orally or in writing will be held as follows:

December 16, 2026 3:30 p.m.	Room B50 Grimes State Office Building Des Moines, Iowa
December 22, 2026 3:30 p.m.	Room B50 Grimes State Office Building Des Moines, Iowa

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

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

Review by Administrative Rules Review Committee

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

The following rulemaking action is proposed:

ITEM 1. Adopt the following **new** definition of "Full-time," in rule **283—17.1(256)**:

"Full-time" means an average of 40 hours of qualifying service per week or the standard full-time schedule established by the employer for the eligible health care professional's discipline.

ITEM 2. Amend subrule 17.2(3) as follows:

17.2(3) *Priority for awards.* If funding is insufficient to award all eligible applicants, new awards will be made to eligible applicants in order of the following priority categories:

a. Eligible applicants who are in their final year of a program of study or of a clinical or residency program that leads to their full license to practice on a full-time basis as an eligible health care professional in an eligible practice area. If funds are insufficient to award all eligible applicants meeting these criteria, eligible applicants will be further prioritized ~~by the date of application~~ based on geographic need for the applicable health care provider type.

b. Eligible applicants who are fully licensed eligible health care professionals but who agree to continue or begin full-time practice as eligible health care professionals on a full-time basis in eligible practice areas within six months of signing a program agreement. If funds are insufficient to award all eligible applicants meeting these criteria, eligible applicants will be further prioritized ~~by the date of application~~ based on geographic need for the applicable health care provider type.

c. Eligible applicants who are in their final year of a program of study or clinical or residency program that leads to their full license to practice on a part-time basis as an eligible health care professional in an eligible practice area. If funds are insufficient to award all eligible applicants meeting these criteria, eligible applicants will be further prioritized ~~by the date of application~~ based on geographic need for the applicable health care provider type.

d. Eligible applicants who are fully licensed eligible health care professionals but who agree to continue or begin full-time practice as eligible health care professionals on a part-time basis in eligible practice areas within six months of signing a program agreement. If funds are insufficient to award all eligible applicants meeting these criteria, eligible applicants will be further prioritized ~~by the date of application~~ based on geographic need for the applicable health care provider type.

ARC 0763D

COLLEGE STUDENT AID COMMISSION[283]

Notice of Intended Action

Proposing rulemaking related to the advanced dyslexia specialist endorsement grant and providing an opportunity for public comment

The College Student Aid Commission hereby proposes to adopt a new Chapter 22, "Advanced Dyslexia Specialist Endorsement Grant," Iowa Administrative Code.

Legal Authority for Rulemaking

This rulemaking is proposed under the authority provided in Iowa Code sections 256.146 and 256.178.

State or Federal Law Implemented

This rulemaking implements, in whole or in part, Iowa Code section 256.146.

Purpose and Summary

The Commission proposes administrative requirements for the Advanced Dyslexia Specialist Endorsement Grant Program administered by the Department of Education. The program provides grants to teachers licensed by the Board of Educational Examiners to offset costs associated with obtaining an Advanced Dyslexia Specialist Endorsement issued pursuant to Iowa Code section 256.146(21).

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

No public comments on the Regulatory Analysis were received at the public hearing or in writing.

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, 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 Commission no later than 4:30 p.m. on December 22, 2026. Comments should be directed to:

Katrina Holck
College Student Aid Commission
Grimes State Office Building
400 East 14th Street
Des Moines, Iowa 50319
Phone: 515.729.7449
Email: katrina.holck@iowa.gov

Public Hearing

Public hearings at which persons may present their views orally or in writing will be held as follows:

December 16, 2026 3:30 p.m.	Room B50 Grimes State Office Building Des Moines, Iowa
December 22, 2026 3:30 p.m.	Room B50 Grimes State Office Building Des Moines, Iowa

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

Any persons who intend to attend a public hearing and have special requirements, such as those related to hearing or mobility impairments, should contact the Commission 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** 283—Chapter 22:

CHAPTER 22
ADVANCED DYSLEXIA SPECIALIST ENDORSEMENT GRANT

283—22.1(261) Basis for aid. Assistance to teachers licensed by the board of educational examiners is intended to offset the costs associated with obtaining an advanced dyslexia specialist endorsement issued by the board of educational examiners pursuant to Iowa Code section 256.146.

283—22.2(261) Definitions. As used in this chapter:

"Eligible institution" means an institution of higher learning governed by the state board of regents or an accredited private institution as defined in Iowa Code section 256.183.

"Eligible program" means a program that results in the issuance of an advanced dyslexia specialist endorsement from the board of educational examiners pursuant to Iowa Code section 256.146(21).

"Iowa resident" means the same as defined in rule 283—10.2(256).

"Semester" means the fall, spring, or summer term of enrollment at an eligible institution if the eligible institution is on a semester system or the equivalent if the institution is on a system other than a semester system.

283—22.3(261) Eligible applicant. An eligible applicant is one who is enrolled in an approved program at an eligible institution and who completes the application process established by the department. Recipients must be a licensed teacher in Iowa with at least three years of teaching experience at a public or accredited nonpublic school.

283—22.4(261) Awarding of funds.

22.4(1) *Selection criteria.* All eligible applicants will be considered for an award.

22.4(2) *Extent of award and maximum award.* The maximum award will not exceed the cost of obtaining the endorsement.

22.4(3) *Priority for awards.* In the event that funds available are insufficient to provide maximum awards to all eligible applicants, awards are prioritized in the following order:

a. Eligible applicants who received an award in the prior academic year.

b. Eligible applicants who did not receive an award in the prior academic year.

22.4(4) *Awarding process.*

a. The department will provide notice of the eligibility criteria and maximum award to participating eligible institutions annually to authorize awarding.

b. Eligible institutions will inform students applying for admission to the approved program of the availability of the advanced dyslexia endorsement grant.

c. The department will designate eligible applicants for awards.

d. Eligible institutions will verify eligible applicants' enrollment in the approved program following institutional verification of enrollment.

e. The department will periodically investigate and review compliance of eligible institutions participating in this program with the criteria established in this rule.

283—22.5(261) Institutional application process. Following the first year of administration of the advanced dyslexia specialist endorsement grant by the department, an institution requesting to participate in the program will apply to the department using the department's designated application prior to the deadline established by the department. An applicant institution will provide the department with documentation establishing the applicant institution's eligibility as an institution that offers an approved program. Applicant institutions will submit the application and documentation establishing the applicant institution's eligibility on or before the date established by the department.

These rules are intended to implement Iowa Code section 256.146.

ARC 0764D

COLLEGE STUDENT AID COMMISSION[283]

Notice of Intended Action

Proposing rulemaking related to the attorney loan repayment program and providing an opportunity for public comment

The College Student Aid Commission hereby proposes to adopt a new Chapter 26, "Attorney Loan Repayment Program," Iowa Administrative Code.

Legal Authority for Rulemaking

This rulemaking is proposed under the authority provided in Iowa Code section 256.178 and 2026 Iowa Acts, House File 2770.

State or Federal Law Implemented

This rulemaking implements, in whole or in part, 2026 Iowa Acts, House File 2770.

Purpose and Summary

The Commission proposes to adopt new Chapter 26 pursuant to 2026 Iowa Acts, House File 2770, division III. This chapter will establish eligibility requirements, application procedures, award administration, repayment agreements, participant obligations, and program administration for the Attorney Loan Repayment Program. The program is intended to encourage attorneys to practice law in Iowa, with priority given to attorneys practicing in rural areas, through repayment assistance for qualifying student loans.

The Administrative Rules Coordinator provided preclearance for the publication of this Notice of Intended Action on October 30, 2026.

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

The Department received one written public comment from the Iowa State Bar Association, a representative of which also attended and provided comments at the public hearing. A representative from the Office of the State Public Defender also attended, and changes from the Regulatory Analysis have been made following comments made at the public hearing.

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, 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 Commission no later than 4:30 p.m. on December 22, 2026. Comments should be directed to:

Katrina Holck
College Student Aid Commission
Grimes State Office Building
400 East 14th Street
Des Moines, Iowa 50319
Phone: 515.729.7449
Email: katrina.holck@iowa.gov

Public Hearing

Public hearings at which persons may present their views orally or in writing will be held as follows:

December 16, 2026 3:30 p.m.	Room B50 Grimes State Office Building Des Moines, Iowa

December 22, 2026 3:30 p.m.	Room B50 Grimes State Office Building Des Moines, Iowa

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

Any persons who intend to attend a public hearing and have special requirements, such as those related to hearing or mobility impairments, should contact the Commission 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** 283—Chapter 26:

CHAPTER 26
ATTORNEY LOAN REPAYMENT PROGRAM

283—26.1(256) Purpose. The purpose of this chapter is to implement Iowa Code section 256.232 as enacted by 2026 Iowa Acts, House File 2770, division III, establishing the attorney loan repayment program administered by the college student aid commission to recruit and retain attorneys to provide indigent defense legal services in Iowa. Nothing in the chapter shall be construed to preclude an attorney receiving loan assistance for the hours of indigent defense service from also submitting and being paid for those hours of service by the office of the state public defender from the indigent defense fund pursuant to Iowa Code section 815.11.

283—26.2(256) Definitions. For purposes of this chapter:

"Commission" means the college student aid commission.

"Eligible attorney" means an attorney who satisfies the requirements of Iowa Code section 256.232(2) and this chapter.

"Eligible loan" means the attorney's total federally guaranteed Stafford loan amount under the federal family education loan program or the federal direct loan program, the attorney's federal graduate plus loans, or the attorney's federal Perkins loan, including principal and interest. Federal direct consolidation loans comprised of eligible loan(s) are also included.

"Indigent defense services" means court-appointed legal services, including guardian ad litem services, the costs of which are payable from the indigent defense fund under Iowa Code section 815.11 and, if payable from the indigent defense fund, court-appointed representation of a respondent in proceedings under Iowa Code chapter 229.

"Law school" means a law school accredited by an accrediting authority recognized by the Iowa supreme court for purposes of determining eligibility to sit for the Iowa bar examination.

"Program" means the attorney loan repayment program established pursuant to Iowa Code section 256.232.

"Rural area" means a county or municipality that has a population of less than 26,000 and is located more than 20 miles from a city with a population of at least 50,000, based on the most recent federal decennial census.

283—26.3(256) Eligibility requirements. An applicant shall satisfy all of the following requirements to be eligible to participate in the program:

1. Be a graduate of law school within five years of the time of application to the program.
2. Be licensed to practice in Iowa.
3. Have an outstanding balance on eligible loan(s).
4. Submit a complete application and all required documentation by the deadline established by the commission.
5. Commit to practicing law in accordance with the selection priorities provided on their application, as executed through a program agreement.

283—26.4(256) Application process.

26.4(1) *Application period.* The commission shall establish annual application periods and publish application materials on the commission's website.

26.4(2) *Required documentation.* Applicants shall submit documentation required by the commission, which may include but is not limited to:

a. Proof of graduation from an accredited law school.
b. Proof of Iowa licensure and good standing.
c. Documentation of eligible loan balances.
d. Documentation of primary residence.
e. Verification of indigent defense service commitments and location(s) of practice.
f. Any additional information required by the commission to determine eligibility or priority status.

283—26.5(256) Selection priorities.

26.5(1) Subject to available funding, the commission shall prioritize applicants in accordance with Iowa Code section 256.232(4).

26.5(2) Priority shall be given in the following order:

a. Attorneys who reside and practice law in rural areas of the state and provide a minimum of 50 hours of indigent defense services annually. If necessary, preference is given to attorneys who graduated from an Iowa law school or an Iowa high school or who completed private instruction pursuant to Iowa Code chapter 299A.

b. Attorneys who practice law in rural areas of the state and provide a minimum of 100 hours of indigent defense services annually. If necessary, preference is given to attorneys who graduated from an Iowa law school or an Iowa high school or who completed private instruction pursuant to Iowa Code chapter 299A.

c. Attorneys who practice law in Iowa and provide 200 hours of indigent defense services annually. If necessary, preference is given to attorneys who graduated from an Iowa law school or an Iowa high school or who completed private instruction pursuant to Iowa Code chapter 299A.

26.5(3) In the event eligible applications exceed available funding, the commission may consider additional factors, including date of law school graduation, with preference to most recent graduates; geographic distribution of participants; and U.S. citizenship status.

283—26.6(256) Program agreements.

26.6(1) Approved applicants shall enter into a written agreement with the commission.

26.6(2) The agreement shall specify all of the following:

a. The term of participation.
b. Residency and practice location requirements.
c. Award amount and the schedule of loan repayment installments.
d. Documentation and reporting requirements.
e. Conditions constituting and consequences for breach of the program agreement.

26.6(3) An agreement shall not become effective until executed by both the participant and the commission.

283—26.7(256) Loan repayment awards.

26.7(1) New award recipients are limited to 25 in a single year, and total recipients shall not exceed 150 attorneys at any time.

26.7(2) Subject to available funding, an eligible attorney who enters into and remains in compliance with a program agreement shall receive loan repayment assistance in an amount not to exceed the lesser of $10,000 per year or the outstanding balance of the attorney's eligible loan.

26.7(3) Loan repayment assistance may be provided for each year of eligible service during a period of not more than six consecutive years.

26.7(4) In the event an attorney who receives loan repayment assistance ceases to practice law in accordance with the program agreement, the loan repayment assistance shall terminate immediately, the loan repayment assistance shall be prorated for the months the attorney complied with the agreement, and no further payment shall be made.

283—26.8(256) Participant responsibilities. Program participants shall:

1. Maintain active licensure and good standing to practice law in Iowa.
2. Complete eligible service obligations required under the program agreement.
3. Provide annual certifications and documentation required by the commission.
4. Notify the commission within 30 calendar days of any material change affecting eligibility or compliance.

These rules are intended to implement Iowa Code section 256.232.

ARC 0765D

COLLEGE STUDENT AID COMMISSION[283]

Notice of Intended Action

Proposing rulemaking related to the teach Iowa scholar program and providing an opportunity for public comment

The College Student Aid Commission hereby proposes to amend Chapter 28, "Teach Iowa Scholar Program," Iowa Administrative Code.

Legal Authority for Rulemaking

This rulemaking is proposed under the authority provided in Iowa Code sections 256.178 and 256.218.

State or Federal Law Implemented

This rulemaking implements, in whole or in part, Iowa Code section 256.218.

Purpose and Summary

The Commission proposes to amend Chapter 28 pursuant to 2026 Iowa Acts, House File 2783, relating to the administration of the Teach Iowa Scholar Program. The amendments establish procedures for awarding scholarship funds appropriated by the General Assembly for eligible applicants teaching in qualifying rural school districts and ensure that program administration aligns with statutory funding priorities enacted by the Legislature. The amendments further clarify eligibility and award distribution requirements necessary for the efficient administration of the program.

The Administrative Rules Coordinator provided preclearance for the publication of this Notice of Intended Action on October 30, 2026.

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

No public comments on the Regulatory Analysis were received at the public hearing or in writing.

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, 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 Commission no later than 4:30 p.m. on December 22, 2026. Comments should be directed to:

Katrina Holck
College Student Aid Commission
Grimes Building
400 East 14th Street
Des Moines, Iowa 50319
Phone: 515.729.7449
Email: katrina.holck@iowa.gov

Public Hearing

Public hearings at which persons may present their views orally or in writing will be held as follows:

December 16, 2026 3:30 p.m.	Room B50 Grimes State Office Building Des Moines, Iowa
December 22, 2026 3:30 p.m.	Room B50 Grimes State Office Building Des Moines, Iowa

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

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

Review by Administrative Rules Review Committee

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

The following rulemaking action is proposed:

ITEM 1. Adopt the following **new** definition of "Rural school district," in rule **283—28.1(256)**:

"Rural school district" means a district that is located in a city in Iowa with a population of less than 26,000 that is located more than 20 miles from a city with a population of greater than 50,000.

ITEM 2. Reletter paragraphs **28.2(3)"a"** and **28.2(3)"b"** as **28.2(3)"b"** and **28.2(3)" c"**.

ITEM 3. Adopt the following **new** paragraph **28.2(3)"a"**:

a. Eligible applicants who work for a rural school district, until the funds that are appropriated for this purpose are awarded.

ARC 0748D

EDUCATIONAL EXAMINERS BOARD[282]

Notice of Intended Action

Proposing rulemaking related to proof of legal presence and providing an opportunity for public comment

The Educational Examiners Board hereby proposes to amend Chapter 7, "Proof of Legal Presence," Iowa Administrative Code.

Legal Authority for Rulemaking

This rulemaking is proposed under the authority provided in Iowa Code section 256.146.

State or Federal Law Implemented

This rulemaking implements, in whole or in part, Iowa Code section 256.146.

Purpose and Summary

These proposed amendments comply with changes made during the 2026 Legislative Session. 2026 Iowa Acts, Senate File 2218, creates different requirements for applicants to prove legal authorization to work in the United States.

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 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 15, 2026. Comments should be directed to:

Beth Myers
Board of Educational Examiners, Department of Education
Grimes State Office Building, Second Floor

400 East 14th Street
Des Moines, Iowa 50319
Phone: 515.419.3679
Email: beth.myers@iowa.gov

Public Hearing

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

December 15, 2026 12 noon to 1 p.m.	Second Floor Grimes State Office Building Des Moines, Iowa

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

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

Review by Administrative Rules Review Committee

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

The following rulemaking action is proposed:

ITEM 1. Rescind subrule **7.2(3)**.

ITEM 2. Amend rule 282—7.3(256) as follows:

282—7.3(256) Acceptable evidence. The board will ~~accept as proof of~~ verify lawful presence in the United States ~~any acceptable document that establishes a U.S. place of birth or indicates U.S. citizenship or naturalization, or any documentation acceptable under the Immigration and Naturalization Act as amended to November 1, 2023, to establish alien status. Legible copies of documents will be accepted. Original documents will not be required unless a question arises concerning the documentation submitted~~ by accessing the Systematic Alien Verification for Entitlements (SAVE) program. Applicants for initial licensure, applicants for renewal, and all practitioners who are not subject to renewal requirements are required to send to the board a document that establishes employment authorization and identity, as described in 8 U.S.C. §1324a(b)(1)(B) as amended to November 1, 2023, or employment.

ITEM 3. Amend **282—Chapter 7**, implementation sentence, as follows:

These rules are intended to implement the Personal Responsibility and Work Opportunity Reconciliation Act of 1996 (8 U.S.C. §1621) and 2026 Iowa Acts, Senate File 2218.

ARC 0747D

EDUCATIONAL EXAMINERS BOARD[282]

Notice of Intended Action

Proposing rulemaking related to complaints and providing an opportunity for public comment

The Educational Examiners Board hereby proposes to amend Chapter 11, "Complaints, Investigations, Contested Case Hearings," Iowa Administrative Code.

Legal Authority for Rulemaking

This rulemaking is proposed under the authority provided in Iowa Code section 256.146.

State or Federal Law Implemented

This rulemaking implements, in whole or in part, Iowa Code chapter 17A and section 256.146.

Purpose and Summary

This proposed rulemaking allows unlicensed administrators in nonpublic and charter schools to file complaints against licensees. The proposed rulemaking also clarifies that the Executive Director of the Board may file a complaint if no other complaint has been filed pursuant to Iowa Code section 256.160 or if directed to do so by the Board.

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 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 15, 2026. Comments should be directed to:

Beth Myers
Board of Educational Examiners, Department of Education
Grimes State Office Building, Second Floor
400 East 14th Street
Des Moines, Iowa 50319
Phone: 515.419.3679
Email: beth.myers@iowa.gov

Public Hearing

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

December 15, 2026 12 noon to 1 p.m.	Second Floor Grimes State Office Building Des Moines, Iowa

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

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

Review by Administrative Rules Review Committee

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

The following rulemaking action is proposed:

ITEM 1. Amend subrule 11.4(1) as follows:

11.4(1) *Who may initiate.* The following entities may initiate a complaint:

a. Licensed practitioners.

b. School human resource directors.

c. Recognized educational entities or local or state professional organizations.

d. Local boards of education.

e. Parents or guardians of students involved in the alleged complaint.

f. Administrators or directors of nonaccredited or independently accredited Iowa nonpublic schools.

~~*f.*~~ *g.* The executive director of the board of educational examiners if the following circumstances have been met:

(1) and (2) No change.

(3) No other complaint has been filed regarding Iowa Code section 256.160, or at the direction of the board.

~~*g.*~~ *h.* The department of transportation if the licensee named in the complaint holds a behind-the-wheel instructor's certification issued by the department and the complaint relates to an incident or incidents arising during the course of driver's education instruction.

~~*h.*~~ *i.* An employee of the department of education who, while performing official duties, becomes aware of any alleged misconduct by an individual licensed under Iowa Code section 256.146.

ARC 0746D

EDUCATIONAL EXAMINERS BOARD[282]

Notice of Intended Action

Proposing rulemaking related to limited authorizations and providing an opportunity for public comment

The Educational Examiners Board hereby proposes to amend Chapter 22, "Limited Authorizations," Iowa Administrative Code.

Legal Authority for Rulemaking

This rulemaking is proposed under the authority provided in Iowa Code section 256.146.

State or Federal Law Implemented

This rulemaking implements, in whole or in part, Iowa Code section 256.146.

Purpose and Summary

This proposed rulemaking complies with several changes made during the 2026 Legislative Session. Item 1 changes the requirements for the career and technical authorization as required in 2026 Iowa

Acts, Senate File 2168. Item 2 removes the requirement for a baccalaureate degree for an athletic director authorization as required in 2026 Iowa Acts, House File 2724. Item 3 creates a new pathway for licensing people with experience in arts and sciences as directed in House File 2724.

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 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 15, 2026. Comments should be directed to:

Beth Myers
Board of Educational Examiners, Department of Education
Grimes State Office Building, Second Floor
400 East 14th Street
Des Moines, Iowa 50319
Phone: 515.419.3679
Email: beth.myers@iowa.gov

Public Hearing

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

December 15, 2026 12 noon to 1 p.m.	Second Floor Grimes State Office Building Des Moines, Iowa

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

Any persons who intend to attend the public hearing and have special requirements, such as those related to hearing or mobility impairments, should contact the 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 282—22.3(256) as follows:

282—22.3(256) Career and technical authorization.

22.3(1) *Requirements for the initial career and technical authorization.*

a. Applicants will meet one of the following qualifications:

(1) Have ~~6,000~~ 3,000 hours of recent and relevant experience;

(2) Have ~~4,000~~ 2,000 hours of recent and relevant experience if the applicant holds a baccalaureate degree or an associate's degree in the endorsement area, if such a degree is considered terminal for that field of instruction;

~~(3) Have 3,000 hours of recent and relevant experience if the applicant holds an associate's degree in the teaching endorsement area sought, if such a degree is considered terminal for that field of instruction;~~

~~(4)~~ (3) Hold a baccalaureate or graduate degree or closely related degree in the teaching endorsement area sought; or

~~(5)~~ (4) Hold a baccalaureate degree in any area of study if at least 18 of the credit hours were completed in the teaching endorsement area sought.

For a career and technical cluster endorsement, an applicant will meet one of the above qualifications and have at least 2,000 hours of recent and relevant experience or nine semester hours each in two additional areas within the cluster endorsement. Combinations of experience and education may be approved by the executive director.

b. Recent and relevant experience will have been accrued within the ten years prior to the date of application. Experience that does not meet these criteria may be considered at the discretion of the executive director. In subjects for which state registration, certification or licensure is required, the applicant will hold the appropriate license, registration or certificate before the initial career and technical secondary authorization or the career and technical secondary authorization will be issued.

c. The applicant will have verification of educator ethics training.

~~*c.*~~ *d.* During the term of the initial authorization, the applicant will complete board-approved training in the following:

(1) Coursework in the methods and techniques of career and technical education.

(2) Coursework in course and curriculum development.

(3) Coursework in the measurement and evaluation of programs and students.

(4) An approved human relations course.

(5) Coursework in the instruction of exceptional learners to include the education of individuals with disabilities, English language learners, and the gifted and talented.

(6) Ethics training.

~~*d.*~~ *e.* The applicant will be assigned a mentor by the hiring school district.

22.3(2) *Validity—initial authorization.* The initial authorization is valid for three years.

22.3(3) *Requirements for the career and technical authorization.* The initial career and technical authorization may be converted to the career and technical authorization if the applicant completes the required coursework set forth in paragraph ~~22.3(1)*"c."*~~ 22.3(1)*"d."* This authorization is valid for five years.

ITEM 2. Amend rule 282—22.8(256) as follows:

282—22.8(256) Activities administration authorization. An activities administration authorization allows an individual to administer any student activity program in a K-12 school setting.

22.8(1) *Requirements.* Applicants for the activities administration authorization will meet the following requirements:

a. Degree. A baccalaureate degree or higher ~~related to athletics, physical education or a related field~~ is required. ~~Additional degree areas may be considered at the discretion of the executive director.~~

b. No change.

22.8(2) *Validity.* The activities administration authorization is valid for five years.

ITEM 3. Adopt the following **new** rule 282—22.15(256):

282—22.15(256) Arts and sciences authorization.

22.15(1) *Requirements for the initial arts and sciences authorization.*

a. Degree. Applicants will have a minimum of a baccalaureate degree or higher in any field.

b. Credit hours or experience. Applicants will meet one of the following qualifications:

(1) Music. K-8 and 5-12.

1. A baccalaureate degree or higher in music, or

2. 24 semester credit hours in music and 6,000 hours of recent and relevant experience.

(2) Art. K-8 and 5-12.

1. A baccalaureate degree or higher in art or,

2. 24 semester credit hours in art and 6,000 hours of recent and relevant work experience.

(3) Science. K-8.

1. A baccalaureate degree or higher in science, or

2. 24 semester credit hours across a broad field of science and 6,000 hours of recent and relevant work experience.

(4) Science—basic. 5-12.

1. A baccalaureate degree or higher in science, or

2. 24 semester credit hours across a broad field of science and 6,000 hours of recent and relevant work experience.

(5) Math. K-8.

1. A baccalaureate degree or higher in math, including algebra, or

2. 24 semester credit hours across a broad field of math including college algebra and 6,000 hours of recent and relevant experience.

(6) Math—basic. 5-12.

1. A baccalaureate degree or higher in math, including algebra and geometry, or

2. 24 semester credit hours across a broad field of math including college algebra and geometry and 6,000 hours of recent and relevant experience.

c. Experience. Recent and relevant experience will have been accrued within the ten years prior to the date of application. Experience that does not meet these criteria may be considered at the discretion of the executive director.

d. Training. During the term of the initial authorization, the applicant will complete board-approved training in the following:

(1) Coursework in the methods and techniques for the endorsement content sought.

(2) Coursework in course and curriculum development.

(3) Coursework in the measurement and evaluation of programs and students.

(4) Coursework in the instruction of exceptional learners to include the education of individuals with disabilities, English language learners, and the gifted and talented.

(5) Ethics training.

e. Mentor. The applicant will be assigned a mentor by the hiring school district.

22.15(2) *Validity—initial authorization.* The initial authorization is valid for three years.

22.15(3) *Requirements for the arts and sciences authorization.* The initial arts and sciences authorization may be converted to the arts and sciences authorization if the applicant completes the required coursework set forth in paragraph 22.15(1)*"d."* This authorization is valid for five years.

22.15(4) *Period of applicability.* This rule ceases to be applicable beginning July 1, 2030.

ARC 0758D

HUMAN SERVICES DEPARTMENT[441]

Notice of Intended Action

Proposing rulemaking related to foster parent training and providing an opportunity for public comment

The Department of Health and Human Services hereby proposes to rescind Chapter 117, "Foster Parent Training," Iowa Administrative Code, and to adopt a new Chapter 117 with the same title.

Legal Authority for Rulemaking

This rulemaking is proposed under the authority provided in Iowa Code section 237.5A.

State or Federal Law Implemented

This rulemaking implements, in whole or in part, Iowa Code chapter 237.

Purpose and Summary

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

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

Regulatory Analysis

A Regulatory Analysis for this rulemaking was published in the Iowa Administrative Bulletin on October 14, 2026. A public hearing was held on the following date(s):

- November 3, 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 15, 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 15, 2026 10 to 10:30 a.m.	Microsoft Teams Meeting ID: 211 572 644 831 451 Passcode: ZT6A8r9A
December 15, 2026 2 to 2:30 p.m.	Microsoft Teams Meeting ID: 226 219 564 194 258 8 Passcode: iH72gM9K

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 117 and adopt the following **new** chapter in lieu thereof:

CHAPTER 117
FOSTER PARENT TRAINING

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

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

a. Applicants shall complete preservice training before receiving a license for the first time.

b. Applicants shall retake the preservice training as prescribed by the department if the applicants do not complete the curriculum within 24 months after initially commencing it.

c. The department may waive the preservice training requirement in whole or in part when the department finds that:

(1) The applicant has completed relevant training or has a combination of relevant training and experience that is an acceptable equivalent to all or a portion of the required preservice training; or

(2) There is good cause for the waiver based upon the circumstances of the child and the applicant.

117.1(2) *Preservice training program approval requirements.*

a. Content. The department will consider Iowa Code section 237.5A(1)*"a"* when developing preservice training for proposed individual licensees. At a minimum, the program will address the topics outlined in Iowa Code section 237.5A(2).

b. Missed content. The department's contracted agency or any approved agency shall devise a procedure for applicants to make up any portions of the preservice training that are missed.

c. Instructors. The program shall be team-taught by at least two instructors. All instructors shall be approved by the department.

d. Group method. The program shall be provided in groups that consist of three or more persons. The training shall be offered to a foster family individually only when the foster family is unable to attend group trainings as approved by the department.

e. Training certificate. A certificate of completion shall be provided to each foster parent who completes the training.

f. Training evaluation. A means for participants in the training to evaluate the instructors and the content shall be provided.

g. Training records. A record of the applicants who begin and complete the training and of the training program evaluations shall be submitted to the recruitment and retention contractor.

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

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

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

a. In a virtual or individual meeting with one set of foster parent applicants; or

b. In a group setting.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

a. The training provider fails to provide the training to the department as described in the approved application materials.

b. Over 25 percent of the participant evaluations of the training program rate the training program as not helpful.

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

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

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

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

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

a. Content. The program shall relate to the foster parent's role in providing foster care and the skills needed by a foster parent. Training shall be specific to developing each foster parent's skills for addressing the needs of foster children.

b. Method. The training shall be provided through one or more of the following methods:

(1) Face-to-face or interactive virtual training to a group.

(2) Face-to-face or interactive virtual training to an individual foster family.

(3) Written materials.

(4) Pre-recorded trainings.

c. Approved training. Approved training includes workshops offered at the National Foster Parent Association's annual conference.

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

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

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

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

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

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

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

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

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

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

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

ARC 0759D

HUMAN SERVICES DEPARTMENT[441]

Notice of Intended Action

Proposing rulemaking related to foster care placement and services and providing an opportunity for public comment

The Department of Health and Human Services hereby proposes to rescind Chapter 202, "Foster Care Placement and Services," Iowa Administrative Code, and to adopt a new Chapter 202 with the same title.

Legal Authority for Rulemaking

This rulemaking is proposed under the authority provided in Iowa Code sections 234.6 and 235.7.

State or Federal Law Implemented

This rulemaking implements, in whole or in part, Iowa Code sections 135H.6, 234.6, 234.7, 234.35, 235.7, and 237.19 and 2026 Iowa Acts, House File 2526.

Purpose and Summary

This proposed chapter was reviewed as part of the Red Tape Review as set forth by Executive Order 10. As a part of this review, restrictive terms were eliminated, and rules were updated to reflect modern practices. The proposed chapter sets forth the rules and regulations around the evaluation, placement, and service provisions for children in foster care. The Department also used this opportunity to implement 2026 Iowa Acts, House File 2526, by removing existing subrule 202.12(2), which outlines notification of biological parents of foster child placement information.

Regulatory Analysis

A Regulatory Analysis for this rulemaking was published in the Iowa Administrative Bulletin on October 14, 2026. A public hearing was held on the following date(s):

- November 3, 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 15, 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 15, 2026 10 to 10:30 a.m.	Microsoft Teams Meeting ID: 211 572 644 831 451 Passcode: ZT6A8r9A
December 15, 2026 2 to 2:30 p.m.	Microsoft Teams Meeting ID: 226 219 564 194 258 8 Passcode: iH72gM9K

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 202 and adopt the following **new** chapter in lieu thereof:

CHAPTER 202
FOSTER CARE PLACEMENT AND SERVICES

441—202.1(234) Definitions.

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

attained by the child with respect to the cognitive, emotional, physical, and behavioral capacities of the child.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

441—202.2(234) Eligibility.

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

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

a. Assessments will include:

(1) The educational, physical, psychological, social, family living, and recreational needs of the child,

(2) The family's ability to meet those needs, and

(3) A family genogram to determine relatives and other suitable support persons who have a kinship bond with the child.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(4) A United States passport.

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

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

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

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

1. Requires proof of United States citizenship before issuance of the license or document; or

2. Obtains a social security number from the applicant and verifies before certification that the number is valid and is assigned to the applicant who is a citizen.

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

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

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

441—202.3(234) Voluntary placements.

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

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

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

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

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

(2) Was in foster care or a state institution immediately before reaching the age of 18;

(3) Has continued in foster care or a state institution since reaching the age of 18;

(4) Has demonstrated a willingness to participate in case planning and to fulfill responsibilities as defined in the case permanency plan; and

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

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

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

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

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

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

441—202.4(234) Selection of facility.

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

202.4(2) Efforts will be made to place siblings together unless to do so would be detrimental to any of the children's physical, emotional or mental well-being. Efforts to prevent separating siblings,

reasons for separating siblings, and plans to maintain sibling contact will be documented in the child's case permanency plan.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

441—202.5(234) Preplacement.

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

a. The child,

b. The foster parents or agency staff, if the child is placed in a public or private agency,

c. The department, and

d. The child's parents, unless their presence would be disruptive to the child's placement.

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

a. Withholding the information is ordered by the court; or

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

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

441—202.6(234) Placement.

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

a. The information provided will include:

(1) The child's full name and date of birth;

(2) The names, work addresses, and telephone numbers of the placement worker and the worker's supervisor, including a home telephone, cell phone, or on-call number;

(3) The names, addresses, and telephone numbers of the child's physician and dentist;

(4) The names, addresses, and telephone numbers of significant relatives of the child, including parents, grandparents, brothers and sisters, aunts and uncles, and any other significant persons (for an adopted child, the adoptive parents and adoptive relatives);

(5) The case permanency plan;

(6) The results of a physical examination, including immunization history;

(7) The child's medical needs, including allergies, physical limitations, dental and medical recommendations, and special needs of HIV;

(8) Behavioral patterns including safety-related information;

(9) Educational arrangements, including but not limited to the school the child attends, special education needs, and school contacts;

(10) The placement contract or agreement, including the date of acceptance for care;

(11) Medical authorizations, service authorizations, and other releases as needed; and

(12) If the child is a Native American, the identification of the child's tribe and tribal social service agency, including telephone number and contact person.

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

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

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

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

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

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

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

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

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

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

a. Evaluate the continuing necessity for foster care placement.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

202.9(1) *Living arrangements.*

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

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

(2) A scattered-site setting, which is the less restrictive of the two types of living arrangements. Up to three children supervised by one agency may reside in individual housing arrangements, such as

apartments or residential housing, located in one building. Children must be able to contact supervising agency staff 24 hours a day, seven days a week.

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

(1) Amount to be paid for the rental unit.

(2) The term of the lease with both a beginning and an ending date.

(3) Rights and responsibilities of the tenant.

(4) Rights and responsibilities of the landlord.

(5) Conditions under which the lease can be terminated.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(1) Comply with applicable state and local zoning, fire, sanitary and safety regulations.

(2) Be located so as to provide reasonably convenient access to schools, places of employment, and services and supports required by the child.

(3) Be reasonably priced so as to fit within the child's budget.

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

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

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

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

(1) Goals, intended to meet the specific needs of the child to achieve self-sufficiency, with projected dates of accomplishment.

(2) Objectives (action steps) to be taken by the child, the child's support system, and staff, with projected dates of accomplishment.

(3) Services to be provided and activities to be undertaken, the frequency of such services, who will provide the services, the child's progress with the goals and objectives, and the child's compliance with the service plan.

(4) A budget, developed with the child, based upon the child's monthly stipend payment, any start-up allowance, any earned or unearned incomes and financially related assistance (e.g., food assistance). Staff will work with the child to ensure payment of bills and receipt of necessary items as outlined in the budget.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

202.9(5) *Termination of services.*

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

(1) No longer meets eligibility criteria;

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

202.11(1) The department will:

a. Help the child plan for the future,

b. Evaluate the child's needs and progress,

c. Supervise the living arrangement,

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

e. Counsel the child in adjusting to the placement.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(1) Education;

(2) Physical and mental health;

(3) Employment;

(4) Housing and money management; and

(5) Supportive relationships.

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

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

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

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

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

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

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

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

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

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

441—202.12(234) Services to parents.

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

a. Promote identification and enhancement of family strengths and protective capacities;

b. Address the factors that resulted in the child's being removed from the family home; and

c. Strengthen family connections to community resources and informal supports.

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

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

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

a. Assess in consultation with the worker's supervisor whether continued breastfeeding by the mother is in the best interest of the child;

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

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

441—202.13(234) Removal of the child.

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

a. When the parent or guardian removes the child from voluntary placement.

b. When the court orders removal of a child from placement.

c. When there is evidence of neglect or physical or sexual abuse.

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

a. There is evidence of abuse, neglect, or exploitation of the child.

b. The child needs a specialized service that the facility does not offer.

c. The child is unable to benefit from the placement as evidenced by lack of progress of the child.

d. There is evidence the facility is unable to provide the care needed by the child and fulfill its responsibilities under the case plan.

e. There is lack of cooperation of the facility or foster home with the department.

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

a. This conference shall not be construed to be a contested case under Iowa Code chapter 17A.

b. The conference will be provided before the child is removed except in instances listed in paragraphs 202.13(1)*"a"* through *"c."* The department will review the propriety of the removal and explain the decision to the foster family.

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

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

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

441—202.15(234) Case permanency plan.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

a. The number of psychiatric medical institutions for children beds for the proposed population that are needed in the area of the state in which the facility would be located, based on the department's most recent needs assessment.

b. The steps the facility has taken toward achieving accreditation from a federally recognized accrediting organization and licensure as a psychiatric medical institution for children.

c. The applicant's ability to provide services and support consistent with the requirements under Iowa Code chapter 232, including but not limited to evidence that:

(1) Children will be served in a setting that is in close proximity to their parents' home.

(2) Each child will receive services consistent with the child's best interests and special psychiatric needs as identified in the child's case permanency plan.

(3) Children and their families will receive services to facilitate the children's return home or other permanent placement.

d. The applicant's ability to provide children with a non-hospital-type living environment if the applicant is not freestanding from a hospital or health care facility.

e. The limits on the number of beds found in Iowa Code section 135H.6(2).

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

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

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

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

a. The standing committee membership may include but is not limited to:

(1) Department staff involved with child welfare, adult services, or transition planning.

(2) Juvenile court services staff.

(3) Adult service system staff.

(4) Education staff.

(5) Service care provider representation.

(6) Others knowledgeable about community resources.

b. Additionally, nonstanding membership may include those knowledgeable about the youth, including the child's court-appointed special advocate, guardian ad litem, and service or care providers.

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

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

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

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

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

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

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

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

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

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

ARC 0755D

INSPECTIONS, APPEALS, AND LICENSING DEPARTMENT[481]

Notice of Intended Action

Proposing rulemaking related to accessible prescription-related measures and providing an opportunity for public comment

The Board of Pharmacy hereby proposes to amend Chapter 552, "Standards—Practice of Pharmacy," Iowa Administrative Code.

Legal Authority for Rulemaking

This rulemaking is proposed under the authority provided in Iowa Code chapter 147 and 2026 Iowa Acts, House File 2585.

State or Federal Law Implemented

This rulemaking implements, in whole or in part, 2026 Iowa Acts, House File 2585.

Purpose and Summary

This proposed rulemaking updates the Board's rules to implement 2026 Iowa Acts, House File 2585. This proposed rulemaking instructs pharmacies licensed by the Board to comply with the new law, which requires every pharmacy in Iowa to either be able to provide prescription labels that are accessible to patients who are blind, visually impaired, or have a print disability or to refer those patients to a pharmacy that can provide such labeling. All references to Iowa Code section 155A.49 are to that section as enacted by 2026 Iowa Acts, House File 2585.

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 7—Chapter 2504.

Public Comment

Any interested person may submit written or oral comments concerning this proposed rulemaking, which must be received by the Department no later than 4:30 p.m. on December 15, 2026. Comments should be directed to:

Laura Riordan Berardi
Department of Inspections, Appeals, and Licensing
6200 Park Avenue, Suite 100
Des Moines, Iowa 50321
Phone: 515.725.2183
Email: laura.berardi@dia.iowa.gov

Public Hearing

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

December 15, 2026	6200 Park Avenue, Suite 100
11 a.m.	Des Moines, Iowa

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

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

Review by Administrative Rules Review Committee

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

The following rulemaking action is proposed:

ITEM 1. Adopt the following **new** subrule 552.21(6):

552.21(6) *Accessible prescription-related measures for persons who are blind, visually impaired, or have other print disabilities.* Pursuant to Iowa Code section 155A.49, upon the request of a patient or

the patient's authorized representative, a pharmacy, except as provided in Iowa Code section 155A.49(3), will provide accessible prescription drug labels, bag tags, and medical guides (labeling) in accordance with the requirements identified in Iowa Code section 155A.49 and as provided herein or will provide an appropriate referral as outlined in paragraph 552.21(6)*"c."*

a. Accessible labeling will be compliant with current industry standards and the United States Government Accountability Office guidelines (Prescription Drug Labels: Actions Needed to Increase Awareness of Best Practices for Accessible Labels for Individuals Who Are Blind or Visually Impaired) published December 9, 2016.

b. A pharmacy will provide notice to the public of the availability of accessible labeling, such as posted signage, a notice on the pharmacy's website that is readable by screen readers, a message in a telephone system, or in another manner that is accessible by the affected patients. At least one audio format is required.

c. A pharmacy that cannot provide accessible labeling in accordance with Iowa Code section 155A.49 and paragraph 552.21(6)*"a"* will refer the patient to a pharmacy that can provide such accessible labeling and ensure continuity of care in conformance with the standard of care.

ARC 0756D

INSPECTIONS, APPEALS, AND LICENSING DEPARTMENT[481]

Notice of Intended Action

Proposing rulemaking related to controlled and precursor substances and providing an opportunity for public comment

The Board of Pharmacy hereby proposes to amend Chapter 553, "Controlled and Precursor Substances," Iowa Administrative Code.

Legal Authority for Rulemaking

This rulemaking is proposed under the authority provided in Iowa Code sections 124.201(4) and 124.201A(2).

State or Federal Law Implemented

This rulemaking implements, in whole or in part, Iowa Code sections 124.201(4) and 124.201A(2).

Purpose and Summary

The purpose of this proposed rulemaking is to add 20 substances to Schedule I, 1 substance to Schedule IV, and 3 substances to the list of precursor substances in the Iowa Controlled Substances Act (CSA) in response to similar scheduling action taken by the federal Drug Enforcement Administration. This proposed rulemaking would add cannabis-derived products that are components of a Food and Drug Administration (FDA)-approved prescription drug medication to Schedule III of the Iowa CSA in response to similar action by the federal Drug Enforcement Administration and as required by Iowa Code section 124.201A(2).

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

Changes from the Regulatory Analysis have been made to better align this proposed rulemaking with Iowa Code section 124.201A(2).

Fiscal Impact

This rulemaking has no fiscal impact to the State of Iowa.

Jobs Impact

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

Waivers

Any person who believes that the application of the discretionary provisions of this rulemaking would result in hardship or injustice to that person may petition the Department for a waiver of the discretionary provisions, if any, pursuant to 7—Chapter 2504.

Public Comment

Any interested person may submit written or oral comments concerning this proposed rulemaking, which must be received by the Board no later than 4:30 p.m. on December 15, 2026. Comments should be directed to:

Jeremiah Junker
Department of Inspections, Appeals, and Licensing
6200 Park Avenue, Suite 100
Des Moines, Iowa 50321
Phone: 515.672.4745
Email: jeremiah.junker@dia.iowa.gov

Public Hearing

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

December 15, 2026	6200 Park Avenue, Suite 100
11:30 a.m.	Des Moines, Iowa

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

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

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 rule 481—553.13(124,124B) and adopt the following **new** rule in lieu thereof:

481—553.13(124,124B) Temporary designation of controlled and precursor substances.

553.13(1) For cannabis-derived products, the board will modify the schedule of controlled substances in accordance with Iowa Code section 124.201A.

553.13(2) Amend Iowa Code section 124.204(4) by adding the following new paragraph:

cr. 1-(4-chlorophenyl)-2-(methylamino)propan-1-one. Other names: 4—CMC, 4-Chloromethcathinone.

cs. 3-methoxyphencyclidine. Other names: 1-(1-(3-methoxyphenyl)cyclohexyl)piperidine; 3-MeO—PCP.

553.13(3) Amend Iowa Code section 124.204(9) by adding the following new paragraphs:

y. 2-(2-((2,3-dihydrobenzofuran-5-yl)methyl)-5-nitro-1H-benzimidazol-1-yl)-N,N-diethylethan-1-amine, its isomers, esters, ethers, salts, and salts of isomers, esters and ethers. Other name: Ethyleneoxynitazene.

z. 2-(2-(benzodioxol-5-ylmethyl)-5-nitro-1H-benzimidazol-1-yl)-N,N-diethylethan-1-amine, its isomers, esters, ethers, salts, and salts of isomers, esters and ethers. Other names: Methylenedioxynitazene; 3',4'-methylenedioxynitazene.

aa. 2-(2-(4-ethoxybenzyl)-5-methyl-1H-benzimidazol-1-yl)-N,N-diethylethan-1-amine, its isomers, esters, ethers, salts, and salts of isomers, esters and ethers. Other name: 5-methyl etodesnitazene.

ab. 2-(2-(4-ethoxybenzyl)-5-nitro-1H-benzimidazol-1-yl)-N-ethylethan-1-amine, its isomers, esters, ethers, salts, and salts of isomers, esters and ethers. Other name: N-desethyl etonitazene.

ac. N-ethyl-2-(5-nitro-2-(4-propoxybenzyl)-1H-benzimidazol-1-yl)ethan-1-amine, its isomers, esters, ethers, salts, and salts of isomers, esters and ethers. Other name: N-desethyl protonitazene.

ad. 2-(2-(4-ethoxybenzyl)-5-nitro-1H-benzimidazol-1-yl)-N,N-dimethylethan-1-amine, its isomers, esters, ethers, salts, and salts of isomers, esters and ethers. Other name: N,N-dimethylamino etonitazene.

ae. 2-(4-isopropoxybenzyl)-5-nitro-1-(2-(pyrrolidin-1-yl)ethyl)-1H-benzimidazole, its isomers, esters, ethers, salts, and salts of isomers, esters and ethers. Other name: N-pyrrolidino isotonitazene.

af. 8-bromo-1-methyl-6-phenyl-4H-benzo[f][1,2,4]triazolo[4,3-a][1,4]diazepine, its salts, isomers, and salts of isomers. Other name: bromazolam.

ag. 2-Fluorodeschloroketamine, its salts, isomers, and salts of isomers. Other names: 2-(2-fluorophenyl)-2-(methylamino)cyclohexan-1-one, 2-FDCK.

ah. O-Desmethyltramadol. Other names: O-DSMT; desmetramadol; 3-[(1R,2R)-2-[(dimethylamino)methyl]-1-hydroxycyclohexyl]phenol.

ai. Methyl (E)-2-((1'S,6'S,7'S)-6'-ethyl-4-methoxy-3-oxo-3',5',6',7',8',8a'-hexahydro-2'H-spiro[indoline-2,1'-indolizine]-7'-yl)-3-methoxyacrylate including its isomers, esters, ethers, salts, and salts of isomers, esters, and ethers, whenever the existence of such isomers, esters, ethers, and salts is possible. Other name: mitragynine pseudoindoxyl. Since nomenclature of this substance is not internationally standardized, compounds of this structure, regardless of numerical designation of atomic positions, are covered.

aj. Methyl (E)-2-((2S,3S,7aS,12aR,12bS)-3-ethyl-7a-hydroxy-8-methoxy-1,2,3,4,6,7,7a,12,12a,12b-decahydroindolo[2,3-a]quinolizin-2-yl)-3-methoxyacrylate including its isomers, esters, ethers, salts, and salts of isomers, esters, and ethers, whenever the existence of such isomers, esters, ethers, and salts is possible. Other names: MGM—15; dihydro-7-hydroxymitragynine. Since nomenclature of this substance is not internationally standardized, compounds of this structure, regardless of numerical designation of atomic positions, are covered.

ak. Methyl (E)-2-((2S,3S,7aS,12aR,12bS)-3-ethyl-9-fluoro-7a-hydroxy-8-methoxy-1,2,3,4,6,7,7a,12,12a,12b-decahydroindolo[2,3-a]quinolizin-2-yl)-3-methoxyacrylate including its isomers, esters, ethers, salts, and salts of isomers, esters, and ethers, whenever the existence of such isomers, esters, eithers, and salts is possible. Other names: MGM—16; 9-fluoro-dihydro-7-hydroxymitragynine; 10-fluoro-dihydro-7-hydroxymitragynine (depending on numbering convention). Since nomenclature of this substance is not internationally standardized, compounds of this structure, regardless of numerical designation of atomic positions, are covered.

al. 1-(1-(1-(4-bromophenyl)ethyl)piperidin-4-yl)-5,6-dichloro-1,3-dihydro-2H-benzo[d]imidazol-2-one, its isomers, esters, ethers, salts, and salts of isomers, esters, and ethers. Other names: 5,6-dichloro brorphine; SR—14968.

am. 5,6-dichloro-1-(1-(4-chlorobenzyl)piperidin-4-yl)-1,3-dihydro-2H-benzo[d]imidazol-2-one, its isomers, esters, ethers, salts, and salts of isomers, esters, and ethers. Other names: 5,6-dichloro desmethylchlorphine; SR—17018.

an. 3-(3-(1-(1-(4-chlorophenyl)ethyl)piperidin-4-yl)-2-oxo-2,3-dihydro-1H-benzo[d]imidazol-1-yl)propanenitrile, its isomers, esters, ethers, salts, and salts of isomers, esters, and ethers. Other names: N-propionitrile chlorphine; cychlorphine.

ao. 8-(1-(4-chlorophenyl)ethyl)-1-phenyl-1,3,8-triazaspiro[4.5]decan-4-one, its isomers, esters, ethers, salts, and salts of isomers, esters, and ethers. Other names: spirochlorphine; R—6890.

553.13(4) Amend Iowa Code section 124B.2(1) by adding the following new paragraphs:

ak. 1-boc-4-piperidone (tert-butyl 4-oxopiperidine-1-carboxylate) and its salts.

al. Propionyl chloride.

am. P2P methyl glycidic acid (2-methyl-3-phenyloxirane-2-carboxylic acid; BMK glycidic acid) and its esters, its optical and geometric isomers, its salts, salts of its optical and geometric isomers and its esters, and any combination thereof, whenever the existence of such is possible, including the following:

(i) Methyl ester of P2P methyl glycidic acid (methyl 2-methyl-3-phenyloxirane-2-carboxylate; P2P methyl glycidicate; BMK methyl glycidicate).

(ii) Ethyl ester of P2P methyl glycidic acid (ethyl 2-methyl-3-phenyloxirane-2-carboxylate; P2P ethyl glycidicate; BMK ethyl glycidicate).

(iii) Propyl ester of P2P methyl glycidic acid (propyl 2-methyl-3-phenyloxirane-2-carboxylate; P2P propyl glycidicate; BMK propyl glycidicate).

(iv) Isopropyl ester of P2P methyl glycidic acid (isopropyl 2-methyl-3-phenyloxirane-2-carboxylate; P2P isopropyl glycidicate; BMK isopropyl glycidicate).

(v) Butyl ester of P2P methyl glycidic acid (butyl 2-methyl-3-phenyloxirane-2-carboxylate; P2P butyl glycidicate; BMK butyl glycidicate).

(vi) Isobutyl ester of P2P methyl glycidic acid (isobutyl 2-methyl-3-phenyloxirane-2-carboxylate; P2P isobutyl glycidicate; BMK isobutyl glycidicate).

(vii) sec-Butyl ester of P2P methyl glycidic acid (sec-butyl 2-methyl-3-phenyloxirane-2-carboxylate; P2P sec-butyl glycidicate; BMK sec-butyl glycidicate.

(viii)tert-Butyl ester of P2P methyl glycidic acid (tert-butyl 2-methyl-3-phenyloxirane-2-carboxylate; P2P tert-butyl glycidicate; BMK tert-butyl glycidicate.

553.13(5) Amend Iowa Code section 124.204(6) by adding the following new paragraph:

n. 1-(4-fluorophenyl)propan-2-amine. Other names: para-fluoroamphetamine, 4—FA, 4-Fluoroamphetamine.

553.13(6) Amend Iowa Code section 124.208(9) by adding the following new paragraphs:

c. Marijuana, as defined in Iowa Code section 124.101(20), in a U.S. Food and Drug Administration-approved prescription drug medication.

d. Marijuana extract, as defined in 21 CFR 1308.11(d), in a U.S. Food and Drug Administration-approved prescription drug medication.

e. Naturally derived delta-9-tetrahydrocannabinols in a U.S. Food and Drug Administration-approved prescription drug medication.

(1) Naturally derived delta-9-tetrahydrocannabinols means those delta-9-tetrahydrocannabinols, except as in paragraphs 553.13(6)*"c"* and *"d,"* that are naturally contained in a plant of the genus Cannabis (cannabis plant).

(2) Naturally derived delta-9-tetrahydrocannabinols do not include any material, compound, mixture, or preparation that falls within the definition of hemp set forth in 7 U.S.C. §1639o.

(3) Naturally derived delta-9-tetrahydrocannabinols do not include any delta-9-tetrahydrocannabinols contained in substances excluded from the definition of marijuana as set forth in Iowa Code section 124.101(20).

553.13(7) Amend Iowa Code section 124.210(3) by adding the following new paragraph:

bi. Cipepofol.

ARC 0754D

INSPECTIONS, APPEALS, AND LICENSING DEPARTMENT[481]

Notice of Intended Action

Proposing rulemaking related to continuing education and providing an opportunity for public comment

The Board of Physician Associates hereby proposes to amend Chapter 782, "Continuing Education for Physician Associates," Iowa Administrative Code.

Legal Authority for Rulemaking

This rulemaking is proposed under the authority provided in Iowa Code sections 147.36, 147.76, 148C.3, 148C.5, 272C.3 and 272C.4.

State or Federal Law Implemented

This rulemaking implements, in whole or in part, 2026 Iowa Acts, House File 2676.

Purpose and Summary

This proposed rulemaking sets a requirement for license holders in health-related professions to complete a minimum of one hour of continuing education on nutrition and metabolic health every four years as a condition of license renewal. This rulemaking implements the changes enacted in 2026 Iowa Acts, House File 2676.

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 7, 2026

No public comments were received.

Fiscal Impact

This rulemaking has no fiscal impact to the State of Iowa.

Jobs Impact

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

Waivers

Any person who believes that the application of the discretionary provisions of this rulemaking would result in hardship or injustice to that person may petition the 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 Board no later than 4:30 p.m. on December 15, 2026. Comments should be directed to:

Michele Christiansen
Department of Inspections, Appeals, and Licensing
6200 Park Avenue, Suite 100
Des Moines, Iowa 50321

Phone: 515.229.3939
Email: michele.christiansen@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 782.3(2) as follows:

782.3(2) *Specific criteria.* Continuing education requirements are as follows:

a. and *b.* No change.

c. A licensee shall complete a minimum of one hour of continuing education on nutrition and metabolic health every four years.

~~*c.*~~ *d.* Licensees who maintain certification by the NCCPA may show proof of meeting the board's CME requirements by providing proof of current certification by the NCCPA for the time period being reviewed or audited.

~~*d.*~~ *e.* A licensee who has prescribed opioids to a patient during the renewal cycle will complete a minimum of two hours of continuing education regarding the guidelines for prescribing opioids for chronic pain, as issued by the Centers for Disease Control and Prevention of the United States Department of Health and Human Services, including recommendations on limitations on dosages and the length of prescriptions, risk factors for abuse, and nonopioid and nonpharmacologic therapy options, as a condition of license renewal. These hours may count toward the 100 hours of continuing education required for license renewal. The licensee will maintain documentation of these hours, which may be subject to audit.

ARC 0752D

INSPECTIONS, APPEALS, AND LICENSING DEPARTMENT[481]

Notice of Intended Action

Proposing rulemaking related to licensure and providing an opportunity for public comment

The Board of Barbering and Cosmetology Arts and Sciences hereby proposes to amend Chapter 940, "Licensure of Barbers and Cosmetologists, Electrologists, Estheticians, Nail Technologists, and Instructors of Barbering and Cosmetology Arts and Sciences," and Chapter 941, "Licensure of Establishments and Schools of Barbering and Cosmetology Arts and Sciences"; to adopt a new Chapter 942, "Establishment Training Program"; and to amend Chapter 943, "Infection Control for Establishments and Schools of Barbering and Cosmetology Arts and Sciences," and Chapter 945, "Discipline for Barbering and Cosmetology Arts and Sciences Licensees, Instructors, Establishments, and Schools," Iowa Administrative Code.

Legal Authority for Rulemaking

This rulemaking is proposed under the authority provided in Iowa Code chapters 17A, 157 and 272C.

State or Federal Law Implemented

This rulemaking implements, in whole or in part, Iowa Code chapters 157 and 272C and 2025 Iowa Acts, House File 711.

Purpose and Summary

This proposed rulemaking amends the rules promulgated by the Board to implement 2025 Iowa Acts, House File 711. This rulemaking allows for a combined course of study to be offered by barber and cosmetology arts and sciences schools, allows instructors to receive compensation for services while not teaching students, and implements the establishment training program.

Regulatory Analysis

A Regulatory Analysis for this rulemaking was published in the Iowa Administrative Bulletin on October 15, 2025. A public hearing was held on the following date(s):

- November 4, 2025

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 February 10, 2026. Comments should be directed to:

Jeremy Anzevino
Department of Inspections, Appeals, and Licensing
6200 Park Avenue, Suite 100
Des Moines, Iowa 50321
Email: jeremy.anzevino@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 subparagraph **940.2(1)"c"(3)** as follows:

(3) If the applicant has graduated from an apprenticeship program, the applicant must direct the Iowa office of apprenticeship registered apprenticeship program sponsor to submit a certificate of completion.

ITEM 2. Amend subparagraph **940.5(2)"b"(2)** as follows:

(2) Obtain from the program a certification of training that contains the following information:

1. Date, location, and course title;
2. Number of contact hours;
3. Name of the manufacturer, including the contact information or name and license number of the school that provided the training;
~~3.~~ 4. Specific identifying description of the microdermabrasion machine covered by the course; and
~~4.~~ 5. Evidence that the training program includes a safety training component that provides a thorough understanding of the procedures to be performed. The training program shall address fundamentals of potential hazards, management and employee responsibilities relating to control measures, and regulatory requirements.

ITEM 3. Amend subparagraph **940.5(3)"c"(2)** as follows:

(2) Obtain from the program a certification of training that contains the following information:

1. Date, location, and course title;
2. Number of contact hours;
3. Name of the product manufacturer, including the contact information or name and license number of the school that provided the training;
~~3.~~ 4. Specific identifying description of the chemical peel process and products covered by the course; and
~~4.~~ 5. Evidence that the training program includes a safety training component that provides a thorough understanding of the procedures to be performed. The training program shall address fundamentals of potential hazards, management and employee responsibilities relating to control measures, and regulatory requirements.

ITEM 4. Amend subrule 940.6(4) as follows:

940.6(4) Persons licensed under this chapter or participating in an establishment training program who provide hair removal, manicuring and nail technology services shall not administer any procedure in which human tissue is cut, shaped, vaporized, or otherwise structurally altered, except for the use of a cuticle nipper.

ITEM 5. Adopt the following **new** implementation sentence in rule **481—940.6(157)**:

This rule is intended to implement Iowa Code section 157.2(3).

ITEM 6. Adopt the following **new** paragraph **941.14(1)"e"**:

e. Esthetics and nail technology combined curriculum. Supervised practical instruction, theory and demonstrations must include core life sciences hours and all practices within the scope of Iowa Code section 157.1(13) and 157.1(25).

Core life sciences	150 hours
Esthetics theory	115 hours
Nail technology theory	50 hours
Applied practical esthetics instruction	335 hours
Applied practical nail technology instruction	125 hours
Total course of study	775 hours (26 semester credit hours)

ITEM 7. Adopt the following **new** implementation sentence in rule **481—941.14(157)**:

This rule is intended to implement Iowa Code section 157.10(1)*"d."*

ITEM 8. Amend subrule 941.15(4) as follows:

941.15(4) An instructor shall:

a. Be responsible for and in direct charge of all physical and virtual core and theory classrooms and practical classrooms and clinics at all times; and

b. Familiarize students with the different standard supplies and equipment used in establishments~~; and~~.

~~*c.* Not perform barbering and cosmetology arts and sciences services, with or without compensation, on the school premises except for demonstration purposes, such as continuing education classes consistent with rule 481—941.23(157).~~

ITEM 9. Adopt the following **new** implementation sentence in rule **481—941.15(157)**:

This rule is intended to implement Iowa Code section 157.8A(2).

ITEM 10. Adopt the following **new** 481—Chapter 942:

CHAPTER 942
ESTABLISHMENT TRAINING PROGRAM

481—942.1(157) Definitions.

"Supervision" means within the physical presence of a licensee who is registered to be a supervisor and the licensee is available to assist in providing services.

"Supervisor" means a licensed employee providing supervision to a trainee in the establishment training program. This individual must be a licensee of the board in the discipline for which the supervisor is training.

"Trainee" means an unlicensed employee enrolled in the establishment training program.

This rule is intended to implement Iowa Code chapter 157.

481—942.2(157) Registration. An establishment registering as an establishment training program shall comply with all facility and minimum equipment requirements, safety and infection control provisions, inspection requirements, management requirements, and establishment licensing renewal requirements. The department shall inspect an establishment participating in the program as the department deems necessary.

942.2(1) *Establishment registration.*

a. Establishment owners must register their establishment with the board and must provide:

(1) Establishment license number;

(2) Supervisor license number(s); and

(3) Course of study plan for each practice discipline offered, including adequate training on theory and clinical skills that will provide a reasonable opportunity to pass the examination.

b. The establishment, establishment owner, and the supervisor cannot be under probation or any disciplinary action by the board.

c. The establishment owner must notify the board within 30 days of:

(1) Program closure if the establishment is no longer participating in the establishment training program;

(2) Change in ownership of the establishment; or

(3) Change in supervisor.

942.2(2) *Trainee registration.* Trainees must register with the board and must provide:

a. Name and license number of the establishment where they will be training.

b. Contract with the establishment training program, including the start date, anticipated completion date, and transfer hours accepted from alternate programs/schools, in accordance with these rules.

This rule is intended to implement Iowa Code section 157.12D(1).

481—942.3(157) Employment of trainees. Establishments participating in the establishment training program may employ persons, without regard to the persons' licensure status, to provide services that would otherwise require a license under Iowa Code chapter 157.

942.3(1) Establishment owners will comply with standards set forth in the Fair Labor Standards Act as effective on [effective date of the rulemaking] when a trainee is providing services to customers except when a trainee is providing services to nonpaying customers, working on mannequins, and participating in theory instruction.

942.3(2) Services provided by a trainee must occur under the supervision of a supervisor who regularly provides those services.

a. Supervisors shall only train on services they are licensed to provide.

b. Supervisors may have more than one registered trainee, but each registered supervisor shall supervise no more than six trainees providing services to a customer at one time, and the supervisor must be available to assist in providing services.

c. Any registered supervisor can supervise any registered trainee participating in the establishment training program.

942.3(3) Trainees must receive education while participating in the establishment training program. The establishment training program shall not hold itself out as a school.

a. Trainees must complete two hours of education related to barbering and cosmetology laws and rules of the state and sanitation, as prescribed by the board, prior to offering services permitted under the establishment training program.

b. A trainee must complete at least 2,000 hours of supervised practice under an establishment training program.

c. Recommended course of study.

(1) 1,410 of the 2,000 hours must be clinical instruction.

(2) 590 of the 2,000 hours must be theory instruction. Theory must be taught based on reference materials in accordance with the board-prescribed examination.

d. Each establishment training program must have a contract between the program and the trainee that includes liability insurance and a start date and anticipated end date.

(1) The program must be completed in four years for an average of approximately ten hours per week.

(2) The program may be extended beyond four years for circumstances such as disability, incapacity, or other good cause as approved by the board.

942.3(4) Minimum equipment requirements.

a. The establishment training program must provide the trainee with a list of all equipment required to perform the services on which the supervisor is training.

b. The establishment training program must provide the theory textbook or e-book. The establishment training program may require that the textbook be returned to the establishment at the conclusion of the training program or at any point the trainee leaves the program.

942.3(5) Tuition and fees. The establishment training program and supervisor shall not accept or charge any fee or tuition to the trainee for instruction, rent, or supplies.

942.3(6) All training, education, and instruction must be adequately documented. Establishment owners have the following responsibilities:

a. Ensuring education, training, skills, and competence of persons who provide services in the owner's establishment;

b. Ensuring all supervisors are training within their scope of practice;

c. Tracking trainee hours of completion, including a differentiation between theory and clinical hours completed;

d. Maintaining records and documents pertaining to the trainee's completion of the two hours of education related to barbering and cosmetology laws and rules of the state and sanitation; and

e. Maintaining a daily record of hours. The daily record of hours must list the number of hours earned by each trainee and the nature of training received, designating all clinical experiences; must be

signed or confirmed by the supervisor who provided the training; and must be signed or confirmed by the trainee.

942.3(7) All training received by the trainee must be transportable to any other establishment training program.

a. If a severance of relationship occurs between the program and the trainee, the program must sign an affidavit stating all hours completed by the trainee, to include a differentiation of hours instruction and education for clinical and theory training. The affidavit must be provided to the trainee within ten days of severance.

b. A trainee must complete a new contract with the new establishment training program to include a new start date and anticipated completion date based on formerly completed hours.

This rule is intended to implement Iowa Code section 157.12D(2).

481—942.4(157) Disclosure.

942.4(1) The establishment shall disclose in writing prior to the consumer's receipt of services from a trainee that the establishment is participating in the program and that the provider is not licensed. The disclosure shall be clearly legible and state: "This licensed establishment is registered to participate in an establishment training program. This establishment employs unlicensed providers who work under the supervision of licensed providers. The services you are receiving are from an unlicensed provider participating in this program."

942.4(2) The following are options for providing this disclosure:

a. Display the disclosure statement on all electronic booking sites, the establishment website, and all social media sites prior to the consumer's receipt of services from a trainee;

b. Display the disclosure statement on a sign at the front door of the establishment. The sign must be at least 8" × 11" in size with the disclosure statement printed and clearly legible; and

c. Display the disclosure statement on a sign or placard at the trainee's work station. The sign or placard should be at least 5" × 7" in size with the disclosure statement printed and clearly legible.

This rule is intended to implement Iowa Code section 157.12D(4).

481—942.5(157) Program completion. The trainee must provide to the board an affidavit signed by the supervisor and establishment owner of completing 2,000 hours of supervised practice to take the board-prescribed examination for licensure. The establishment must provide the affidavit to the trainee within ten days following completion of the program.

942.5(1) The trainee must take the board-prescribed examination within six months of program completion.

942.5(2) The trainee can no longer provide barbering and cosmetology arts and sciences services without a license six months after completion of the program. Any services provided during the six months following program completion must be under the supervision of the establishment training program and supervisor.

This rule is intended to implement Iowa Code section 157.3(3).

ITEM 11. Amend rule 481—943.16(157) as follows:

481—943.16(157) Events and services provided outside of a licensed establishment.

943.16(1) Licensed barber and cosmetologists, nail ~~technicians~~ technologists, and estheticians may provide limited services at certain locations (e.g., weddings) outside of a licensed establishment. Limited services:

a. to *c.* No change.

943.16(2) Licensees may provide limited services outside of a licensed establishment as follows:

a. No change.

b. Limited services must be within the scope of practice of the licensed barber and cosmetologist, nail ~~technician~~ technologist, or esthetician.

c. and *d.* No change.

ITEM 12. Amend rule 481—945.2(157,272C) as follows:

481—945.2(157,272C) Grounds for discipline. The board may impose any of the disciplinary sanctions provided in 481—Chapter 504 when the board determines that any of the acts or offenses listed in such chapter or in Iowa Code section 147.55 or any of the following have occurred:

945.2(1) and **945.2(2)** No change.

945.2(3) Permitting an unlicensed employee or person under the licensee's or the licensed school's or establishment's control to perform activities that require a license, unless the individual is participating in the establishment training program.

945.2(4) to **945.2(6)** No change.

945.2(7) An establishment training program endangers human health.

945.2(8) An establishment training program fails to comply with the Fair Labor Standards Act as effective on [effective date of the rulemaking] when trainees are providing services to paying customers.

945.2(9) An establishment training program is unable to pass at least 50 percent of trainees out of the program.

This rule is intended to implement Iowa Code section 157.12D(6).

ITEM 13. Amend subrule 945.3(1) as follows:

945.3(1) Acts or practices by unlicensed persons that require licensure to practice barbering and cosmetology arts and sciences under Iowa Code chapter 157, unless the individual is participating in the establishment training program.

ITEM 14. Adopt the following **new** implementation sentence in rule **481—945.3(157,272C)**:

This rule is intended to implement Iowa Code sections 157.2(1)*"h"* and 157.13(1)*"d."*

ARC 0777D

IOWA FINANCE AUTHORITY[265]

Notice of Intended Action

Proposing rulemaking related to the Iowa rural infrastructure bank revolving loan program and providing an opportunity for public comment

The Iowa Finance Authority hereby proposes to adopt a new Chapter 48, "Iowa Rural Infrastructure Bank Revolving Loan Program," Iowa Administrative Code.

Legal Authority for Rulemaking

This rulemaking is proposed under the authority provided in Iowa Code section 16.5(1)"r" and 2026 Iowa Acts, House File 2771.

State or Federal Law Implemented

This rulemaking implements, in whole or in part, 2026 Iowa Acts, House File 2771.

Purpose and Summary

The Authority proposes to adopt Chapter 48 to implement Iowa Code section 16.240 as enacted by 2026 Iowa Acts, House File 2771. Chapter 48 describes the policies and procedures applicable to the Iowa Rural Infrastructure Bank Revolving Loan Program. The program provides loans to small or medium-sized communities to upgrade water or wastewater infrastructure.

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 the legislation it is intended to implement.

Jobs Impact

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

Waivers

Any person who believes that the application of the discretionary provisions of this rulemaking would result in hardship or injustice to that person may petition the Authority for a waiver of the discretionary provisions, if any, pursuant to 7—Chapter 2504.

Public Comment

Any interested person may submit written comments concerning this proposed rulemaking, which must be received by the Authority no later than 4:30 p.m. on December 15, 2026. Comments should be directed to:

Reid Nennig
Iowa Finance Authority
1963 Bell Avenue, Suite 200
Des Moines, Iowa 50315
Email: reid.nennig@iowafinance.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** 265—Chapter 48:

CHAPTER 48
IOWA RURAL INFRASTRUCTURE BANK REVOLVING LOAN PROGRAM

265—48.1(16) Definitions.

"Authority" means the Iowa finance authority created in Iowa Code section 16.1A.

"Director" means the director of the authority.

"Net revenues" means the same as defined in Iowa Code section 384.80.

"Program" means the rural Iowa infrastructure bank revolving loan program established pursuant to Iowa Code section 16.240 as enacted by 2026 Iowa Acts, House File 2771.

"Project" means a vertical infrastructure project to upgrade water or wastewater infrastructure for which the loan is requested, including a project that is a phase or phases of an upgrade.

"Recipient" means the city receiving funds from the program.

"Small or medium sized community" means the same as defined in Iowa Code section 16.240 as enacted by 2026 Iowa Acts, House File 2771.

"Vertical infrastructure" means the same as defined in Iowa Code section 8.57.

265—48.2(16) Eligibility, application, and approval.

48.2(1) *Eligibility.*

a. Only cities with a population of 11,000 or less are eligible to apply for loans through the program. For the purposes of determining the population of a city, the authority will establish population at the time an application for a loan is submitted based on the most recent population estimate produced by the United States Census Bureau or the most recent decennial census. A project that will serve a population in excess of the population of the applicant city may be eligible for the program if the applicant city or cities are eligible applicants pursuant to this subrule.

b. An applicant that proposes a project that has received funding from any source of funds that initiates from the federal government shall not be eligible for the program. Such funding sources include but are not limited to funds provided by the United States Environmental Protection Agency, the United States Department of Agriculture, Community Development Block Grants, or funds appropriated directly to a project by the United States Congress.

48.2(2) *Application.* Applications for loans shall be submitted to the authority in the form and content established by the authority. Applications will be accepted only during the annual application periods established on the authority's website. The application will include:

a. A description of the project, project budget, and estimated project timeline;

b. The requested loan amount and loan term;

c. The proposed security for the loan and documentation that approval processes have been initiated;

d. The tax status of the loan;

e. The other sources of funds for the project;

f. A pro forma cash flow analysis in a form acceptable to the authority that demonstrates that the net revenues of the borrower are sufficient pursuant to paragraph 48.3(2)*"c"*;

g. Documentation that technical review has been completed and all applicable permits have been secured for the proposed project;

h. An opinion from the applicant's counsel documenting that public procurement procedures have been followed, including but not limited to Iowa Code chapters 26 and 26A; and

i. Any other information reasonably requested by the authority.

48.2(3) *Project segments.* A project that is a subsequent phase of a previously funded project will receive priority over new projects. Loans made for separate phases will be administered separately.

48.2(4) *Loan amount.* Requested loan amounts may be adjusted to reflect costs directly related to the project.

48.2(5) *Board approval.* Complete and eligible loan applications that are recommended for approval based on the criteria in subrule 48.2(6) will be considered by the authority board. The board may approve, deny, or defer an application for a loan.

48.2(6) *Evaluation criteria.* The authority will evaluate each complete and eligible application based on the following criteria:

a. The authority will prioritize projects necessary to achieve or maintain compliance with federal or state drinking water or wastewater requirements, particularly projects involving treatment facilities or processes necessary to protect public health and environmental quality. Distribution, storage, collection, and similar infrastructure projects will receive lower priority unless direct compliance benefits are demonstrated.

b. The authority will prioritize projects that provide the most benefit for residential ratepayers, including but not limited to reduction of utility rates or mitigation of utility rate increases.

c. The authority will prioritize projects demonstrating a high degree of readiness for construction. Readiness may be determined through completion of planning requirements, engineering documentation, environmental reviews, permitting, and other activities necessary to initiate construction.

d. The authority will prioritize projects that demonstrate sufficient financial resources to complete the proposed project and repay the loan. Preference may be given to projects for which all project financing has been secured or is reasonably expected to be secured.

e. The authority will prioritize projects that propose consolidation, interconnection, or sharing of wastewater or drinking water services among multiple systems or communities to provide service on a broader regional basis.

f. In determining whether to award a loan and loan amounts, the authority will also consider the following:

(1) The total amount of moneys available in the fund;

(2) The geographic diversity of awarded projects; and

(3) Whether an application has a record of violations of the law that over a period of time tends to show a consistent pattern or that establishes intentional, criminal, or reckless conduct in violation of such laws.

265—48.3(16) Loans.

48.3(1) *Loan agreements.* The authority will prepare a loan agreement after an application has been approved by the authority board. Prior to execution of the agreement, the recipient shall provide an enforceability opinion and, if applicable, a bond counsel opinion as to the status of interest on the obligation in forms acceptable to the authority.

48.3(2) *Loan terms.*

a. Interest rates. As provided in Iowa Code section 16.240, interest rates for loans under the program shall not exceed 1 percent.

b. Fees. Recipients shall pay a one-time fee at the time of closing of the loan in an amount equal to 2 percent of the amount of the loan.

c. Revenue pledge. The recipient shall establish sufficient revenue sources for the repayment of the loan, as determined by the authority. To ensure repayment of obligations according to the terms of the loan agreement, the recipient shall agree to impose, collect, and increase, if necessary, user charges, taxes, or other dedicated revenue sources identified for the loan repayment in order to maintain annual net revenues at a level equal to at least 110 percent of the amount necessary to pay debt service on all revenue obligations during the next fiscal year. At the discretion of the director or director's designee, the authority may allow other revenue sources and coverage of less than 110 percent of the amount necessary to pay all revenue obligations. At the discretion of the director or director's designee, the authority may require revenue sources and coverage in excess of 110 percent of the amount necessary to pay all revenue obligations if the recipient has a history of default on its revenue obligations or insufficient credit history, as determined by the authority. The loan agreement shall authorize the authority to require revenue adjustment to collect delinquent loan payments.

d. Security.

(1) A loan may be secured by a first lien upon the net revenues of the recipient's system. Loans secured by net revenues of a system may rank on a parity basis with other outstanding obligations, or, with the approval of the director or director's designee, those loans may be subordinate in right of payment to the recipient's other outstanding revenue obligations.

(2) A loan may be secured by a general obligation of the recipient, and the recipient may achieve this through the provision for a levy of taxes to repay the loan.

e. Construction payment schedules. The loan agreement shall include an estimated construction drawdown schedule provided by the recipient.

48.3(3) *Loan commitments.* Loan funds are considered a binding commitment at the time a loan agreement is executed.

48.3(4) *Costs.* The recipient shall use the program loan proceeds solely for the purpose of costs directly related to the approved project. The recipient must document all costs directly related to the project to the satisfaction of the authority before loan proceeds are disbursed.

48.3(5) *Loan amount and repayment period.* All loans shall be made contingent on the availability of funds. The maximum loan term will be 30 years. Repayment of the loan must begin no later than one year after the project is substantially complete.

48.3(6) *Prepayment.* A recipient may prepay a loan, in whole or in part, on any date with the prior written consent of the authority.

265—48.4(16) Administration.

48.4(1) The recipient shall maintain records that document all costs associated with the project. The recipient shall provide access to these records to the authority, the auditor of the state of Iowa, or the agents or designees thereof upon request. The recipient shall retain such records and documents for inspection and audit purposes for a period of three years from the date of the final loan payment.

48.4(2) The recipient shall provide the authority or its agents or designees access to the project site on request for the duration of the loan to verify that the funds are being used for the purpose intended, that the construction work meets applicable state and federal requirements, and that the project is being operated and maintained as designed.

48.4(3) The recipient's accounting procedures shall conform to generally accepted government accounting standards.

48.4(4) The authority may, for cause, find that a recipient is not in compliance with the requirements of the program. Remedies for noncompliance may include penalties up to and including withholding of or return of loan funds. Findings of noncompliance may include but are not limited to the use of loan funds for activities not described in the application for the loan; failure to begin construction within one year of execution of a loan agreement; or failure to comply with any applicable state or federal rules, regulations, or laws.

48.4(5) A recipient shall submit information reasonably required by the authority to make reports to the authority's board, the governor's office, or the general assembly.

These rules are intended to implement Iowa Code section 16.240 as enacted by 2026 Iowa Acts, House File 2771.

ARC 0750D

PUBLIC SAFETY DEPARTMENT[661]

Notice of Intended Action

Proposing rulemaking related to criminal justice information and providing an opportunity for public comment

The Department of Public Safety hereby proposes to rescind Chapter 8, "Criminal Justice Information," Iowa Administrative Code, and to adopt a new Chapter 8 with the same title.

Legal Authority for Rulemaking

This rulemaking is proposed under the authority provided in Iowa Code section 692.10 and Executive Order 10.

State or Federal Law Implemented

This rulemaking implements, in whole or in part, Iowa Code sections 80.5 and 692.14.

Purpose and Summary

Pursuant to Executive Order 10, the Department proposes to rescind Chapter 8 and adopt a new chapter in lieu thereof. The proposed chapter governs terminal access to the Iowa On-line Warrants and Articles (IOWA) criminal justice system.

Regulatory Analysis

A Regulatory Analysis for this rulemaking was published in the Iowa Administrative Bulletin on September 2, 2026. A public hearing was held on the following date(s):

- September 23, 2026

The Department received no comments.

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 rule 661—10.222(17A).

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 16, 2026. Comments should be directed to:

Josie Wagler
Department of Public Safety
Oran Pape State Office Building
215 East 7th Street
Des Moines, Iowa 50319
Phone: 515.725.6185
Email: wagler@dps.state.ia.us

Public Hearing

Public hearings at which persons may present their views orally or in writing will be held as follows:

December 15, 2026 2 to 2:30 p.m.	First Floor Public Conference Room 125 Oran Pape State Office Building Des Moines, Iowa
December 16, 2026 9 to 9:30 a.m.	First Floor Public Conference Room 125 Oran Pape State Office Building Des Moines, Iowa

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

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

Review by Administrative Rules Review Committee

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

The following rulemaking action is proposed:

ITEM 1. Rescind 661—Chapter 8 and adopt the following **new** chapter in lieu thereof:

CHAPTER 8
CRIMINAL JUSTICE INFORMATION

661—8.1 to **8.100** Reserved.

DIVISION I
IOWA ON-LINE WARRANTS AND ARTICLES SYSTEM

661—8.101(80,692) Iowa on-line warrants and articles (IOWA) criminal justice information system. The IOWA criminal justice information system is administered by the division of administrative services. The IOWA system provides criminal justice agency access to traffic record and criminal justice databases through a dedicated telecommunications network.

661—8.102(80) Human immunodeficiency virus-related information. An agency may enter human immunodeficiency virus-related (HIV) information into a wanted or missing person file of the IOWA system and the National Crime Information Center operated by the Federal Bureau of Investigation in a manner consistent with IOWA System Operating Manual. HIV information shall be kept confidential and may be communicated only in accordance with this rule.

661—8.103(80,692) IOWA system security. IOWA system terminal access shall be available to criminal justice agencies as defined by Iowa Code section 692.1(7). Prior to being permitted terminal access to the IOWA system, a criminal justice agency shall meet the following criteria:

8.103(1) All terminals shall be located within the facilities or vehicles of authorized agencies where appropriate physical security can be maintained.

8.103(2) The immediate terminal areas shall be restricted to prevent access by unauthorized individuals.

8.103(3) All persons accessing NCIC and the criminal history files shall have been authorized to operate the terminal by the criminal justice agency administrator, been approved by the department of public safety, received the required training and achieved proficiency certification by the department of public safety. Agencies shall do the following:

a. Complete a background investigation on all applicants for positions with access to NCIC and criminal history files and notify the department of public safety upon completion. The background investigation shall be done to ensure the following:

(1) That the applicant is 18 years of age or older at the time of appointment to the position.

(2) That the applicant is not addicted to drugs or alcohol.

(3) That the applicant has not been convicted of a serious crime.

b. Submit two fingerprint cards on all applicants to the Iowa division of criminal investigation. One card will be used to check for any Iowa criminal history, and the second card will be forwarded to the FBI for a national search of criminal history records.

8.103(4) Where IOWA system terminals are not operated on a 24-hour-per-day basis, the terminals shall be physically secured when unattended.

8.103(5) The criminal justice agency administrator shall be directly responsible for ensuring that information received from the IOWA system is restricted for the official use of agency personnel, other criminal justice agencies, or other agencies authorized in writing by the department of public safety.

8.103(6) Any agency desiring direct access to IOWA system files shall make application to the department. Before authorization is granted, the administrator of the applying agency shall enter into a written agreement with the department of public safety agreeing to abide by all rules, policies and procedures promulgated by the department for system operation, security and discipline. The agreement shall reserve to the department the right to terminate furnishing criminal history or other file information to the applicant agency if abuses are discovered concerning either the security or dissemination requirements of this data.

8.103(7) Any agency that has had its authorization to IOWA system files terminated by the department may appeal the termination to the commissioner of public safety in accordance with 661—Chapter 10.

661—8.104(80,692) Subpoenas and court orders. Any agency or individual in possession of criminal history data received from the department that is served with a subpoena, court order, request for production or other legal process demanding the production of criminal history data shall notify the department in writing so that the department has an opportunity to make a timely resistance.

These rules are intended to implement Iowa Code sections 80.5 and 692.14.

ARC 0749D

PUBLIC SAFETY DEPARTMENT[661]

Notice of Intended Action

Proposing rulemaking related to weapons and Iowa professional permits to carry weapons and providing an opportunity for public comment

The Department of Public Safety hereby proposes to rescind Chapter 91, "Weapons and Iowa Professional Permits to Carry Weapons," Iowa Administrative Code, and to adopt a new Chapter 91 with the same title.

Legal Authority for Rulemaking

This rulemaking is proposed under the authority provided in Iowa Code sections 724.1, 724.6, 724.9, 724.14, and 724.17 and Executive Order 10.

State or Federal Law Implemented

This rulemaking implements, in whole or in part, Iowa Code chapter 724.

Purpose and Summary

Pursuant to Executive Order 10, the Department proposes to rescind Chapter 91 and adopt a new chapter in lieu thereof. The proposed chapter provides application procedures for a permit to carry weapons in Iowa. This chapter also outlines training and curriculum qualifications for an educator professional permit.

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

The Department received no comments.

Fiscal Impact

This rulemaking has no fiscal impact to the State of Iowa.

Jobs Impact

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

Waivers

Any person who believes that the application of the discretionary provisions of this rulemaking would result in hardship or injustice to that person may petition the Department for a waiver of the discretionary provisions, if any, pursuant to 7—Chapter 2504.

Public Comment

Any interested person may submit written or oral comments concerning this proposed rulemaking, which must be received by the Department no later than 4:30 p.m. on December 16, 2026. Comments should be directed to:

Josie Wagler
Department of Public Safety
Oran Pape State Office Building
215 East 7th Street
Des Moines, Iowa 50319
Phone: 515.725.6185
Email: wagler@dps.state.ia.us

Public Hearing

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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.

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Review by Administrative Rules Review Committee

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

The following rulemaking action is proposed:

ITEM 1. Rescind 661—Chapter 91 and adopt the following **new** chapter in lieu thereof:

CHAPTER 91
WEAPONS AND IOWA PROFESSIONAL PERMITS TO CARRY WEAPONS

661—91.1(724) Definitions. The following definitions apply to this chapter:

"Addicted to the use of alcohol" means physiological or psychological dependence on the continued use of alcohol or a maladaptive pattern of alcohol use leading to significant occupational, educational, familial, social, legal, or health-related problems.

"Addicted to the use of alcohol" does not mean nonpathological alcohol use, such as social drinking or occasional or periodic intoxication not accompanied by disruption in social and family relationships, vocational or financial difficulties, or legal problems. "Addicted to the use of alcohol" also does not mean alcohol dependence with sustained full remission, as evidenced by a period of at least 12 months without instances or indicators of alcohol dependence or alcohol abuse. One or more instances of alcohol intoxication alone shall not constitute alcohol addiction unless accompanied by alcohol dependence or a maladaptive pattern of alcohol use leading to significant occupational, educational, familial, social, legal, or health-related problems.

Any of the following shall create a presumption that a person is addicted to the use of alcohol:

1. Affirmation by the person that the person is addicted to the use of alcohol and has not achieved sustained full remission;
2. Treatment for alcohol dependence, abuse, or addiction within the last 12 months, not including follow-up treatment or attendance at support groups during a period of sustained full remission;
3. A diagnosis of alcohol dependence or alcohol abuse from a properly licensed medical or psychological professional in the past 12 months;
4. Two or more arrests, at least one of which resulted in a conviction, for unlawful use or possession of alcohol or other criminal act committed while under the influence of alcohol in the past 12 months;
5. Three or more arrests, at least one of which resulted in a conviction, for unlawful use or possession of alcohol or other criminal act committed while under the influence of alcohol in the past five years if the most recent arrest occurred in the past 12 months;
6. Disciplinary action taken by any employer or organization for prohibited use or possession of alcohol in the past 12 months;
7. Failure to successfully complete alcohol rehabilitation or treatment in the past 12 months;
8. One or more instances of founded child or dependent adult abuse related to alcohol use in the past five years;
9. A test of the person's breath, blood, urine, or other bodily fluid that indicates the person has engaged in unlawful acts involving alcohol, provided that the test was administered within the past 12 months; or
10. Documented reports or information from at least two credible sources that evidence a pattern of conduct indicating that the person is currently addicted to the use of alcohol as defined herein.

"Adjudicated as a mental defective" means the same as defined in 27 CFR 478.11 as amended to [effective date of the rulemaking].

"Annual" means once per calendar year.

"Applicant" means a person who is applying for a permit to carry weapons.

"Approved educator professional permit training" means any training that has satisfied the requirements to provide educational-setting training in Iowa for the purpose of obtaining an Iowa educator professional permit and has been approved by the commissioner.

"Approved training organization" means any firearm training organization that has satisfied the requirements to certify handgun safety training instructors eligible to offer handgun safety training in Iowa for the purpose of obtaining an Iowa permit to carry weapons and has been approved by the commissioner.

"Background check" means an inquiry through the IOWA system to NICS, the IOWA and the National Crime Information Center (NCIC) systems person files and the driver's license file of the applicant as well as other available sources of information to be used to determine eligibility.

"Commissioner" means the commissioner of the department of public safety or, as applicable, the commissioner's designee.

"Committed to a mental institution" means a formal commitment of a person to a mental institution by a court, board, commission, or other lawful authority. The term includes a commitment to a mental institution involuntarily either as an inpatient or outpatient. The term includes commitment for mental defectiveness or mental illness. It also includes commitments for other reasons, such as for drug or alcohol abuse. The term does not include admission to a mental institution for observation or a voluntary admission to a mental institution.

"Crime punishable by imprisonment for a term exceeding one year" means the same as defined in 27 CFR 478.11 as amended to [effective date of the rulemaking].

"Educator professional permit" means a permit issued to a school employee pursuant to Iowa Code section 724.6(1)*"a"*(3) to allow for the concealed carry of a firearm. The permit holder's employer maintains the final authority to determine whether the permit holder may carry a firearm on the employer's grounds. Such a permit is only valid while the permit holder is engaged in the employment stated on the permit.

"Felony" means any crime punishable by imprisonment for a term exceeding one year as defined in this rule or any crime involving a firearm or explosive that is punishable by imprisonment for a term exceeding one year and is classified as a misdemeanor under the laws of this state.

"Firearm training documentation for professional permit" means a copy of a certificate of completion or any similar document indicating completion of any firearm training program course; an affidavit from the instructor, school, organization or group that conducted or taught a firearm training program; a copy of or the display of an honorable discharge or general discharge under honorable conditions or Form DD-214 for personnel released or retired from active duty with the armed forces of the United States; or possession of a certificate of completion of basic training with a service record of successful completion of small arms training and qualification for active duty personnel in the armed forces of the United States.

"Firearm training program" means any National Rifle Association handgun safety training course; any handgun safety training course available to the general public utilizing instructors certified by the National Rifle Association, an organization approved by the department of public safety pursuant to Iowa Code section 724.9A or the Iowa law enforcement academy or another state's department of public safety, state police department, or similar certifying body; any handgun safety training course offered for security guards, investigators, special deputies, or any division or subdivision of a law enforcement or security enforcement agency approved by the department of public safety; or completion of small arms training while serving with the armed forces of the United States. Any person or entity seeking approval by the department of public safety for a handgun safety training course offered for security guards, investigators, special deputies, or any division or subdivision of a law enforcement or security enforcement agency, other than those certified by the National Rifle Association, the department of public safety or the Iowa law enforcement academy, or courses conducted by instructors certified by the National Rifle Association or the Iowa law enforcement academy, shall submit a detailed description of the course content to the commissioner for review. Any handgun safety training course submitted for review shall be reviewed by the commissioner.

"Identification documentation for an Iowa resident" means any of the following:

1. A driver's license or nonoperator identification card that contains a photograph of the person and that has been issued by the department of transportation;

2. A motor vehicle license or nonoperator identification card that contains a photograph of the person; that has been issued by a state other than Iowa and at least one current document indicating Iowa residency, including a residential lease agreement, utility bill, voter registration, tuition receipt for a college or university in Iowa, or other documentation that is acceptable to the officer issuing the permit; and that indicates the intent of the person's presence in Iowa is something other than merely transitory in nature;

3. A document that contains the name, place of residence, date of birth and photograph of the holder issued by or under the authority of the United States, a state or a political subdivision of a state; that is of a type intended or commonly accepted for the purpose of identification of individuals and at least one current document indicating Iowa residency, including a residential lease agreement, utility

bill, voter registration, tuition receipt for a college or university in Iowa, or other documentation that is acceptable to the officer issuing the permit; and that indicates the intent of the person's presence in Iowa is something other than merely transitory in nature;

4. A motor vehicle license or nonoperator identification card that contains a photograph of the person and that has been issued by a state other than Iowa and a document indicating that the person is a member of the United States armed forces on active duty and whose permanent duty station is located in Iowa; or

5. A driver's license or nonoperator identification card that contains a photograph of the person and that has been issued by the department of transportation and an immigration document containing the alien registration number (ARN) of a permanent resident alien or nonimmigrant alien and documentation indicating that the person has resided in the state for at least 90 consecutive days prior to the person's making application. A nonimmigrant alien shall also be required to display a valid hunting license issued in any state, meet the requirements of an exception pursuant to 18 U.S.C. §922(y)(2) as amended to [effective date of the rulemaking], or display a waiver granted by the United States Attorney General.

"Identification documentation for a nonresident" means a motor vehicle license or nonoperator identification card that has been issued by a state other than Iowa and that contains a photograph of the person to whom it was issued.

"Initial familiarization firearm and course of fire training" means a training course of fire with a handgun, which is intended to familiarize, exercise, and improve a person's judgment, reaction, and firearms proficiency under stress when various conditions are present. A variety of scenarios and exercises may be utilized during familiarization course exercises.

"IOWA system" means the Iowa on-line warrants and articles criminal justice information system operated by the department of public safety for use by law enforcement and criminal justice agencies in the exchange of criminal history and other criminal justice information.

"Misdemeanor crime of domestic violence" means the same as defined in 27 CFR 478.11 as amended to [effective date of the rulemaking].

"New application" means an application for an Iowa professional permit to carry weapons or an educator professional permit that is filed when the applicant does not currently hold an Iowa permit to carry weapons or an educator professional permit or when the applicant does not file the application at least 30 days prior to the expiration of a currently held Iowa permit to carry weapons.

"NICS" means the National Instant Criminal Background Check System established by the United States Attorney General pursuant to 18 U.S.C. §922(t) as amended to [effective date of the rulemaking].

"Professional permit to carry weapons" means a permit to carry weapons issued pursuant to Iowa Code section 724.6(1)*"a"*(1), *"a"*(2), *"a"*(3), or *"a"*(4). Such a permit is valid only while the permitted person is engaged in the employment stated on the permit and while the person is traveling to and from that employment.

"Qualification course of fire" means a specifically designated course of fire with the firearm the person will carry in the person's capacity as an educator professional permit holder that measures and documents the firearms proficiency level of the person. A preestablished qualifying score determines the proficiency that impacts the educator professional permit holder's authorization to carry the firearm in the course of the person's duties as an educator professional permit holder. The qualification course of fire standards are the standards adopted by the Iowa law enforcement academy for certified law enforcement in-service handgun qualification.

"Qualifying on a firing range for educator professional permits" means successful completion of an approved initial familiarization firearm and course of fire training and subsequent quarterly requirements of live fire on a firing range.

"Qualifying on a firing range for professional permits to carry weapons" means successful completion of a course of live fire on a firing range under the supervision of an instructor certified by the National Rifle Association, the Iowa law enforcement academy, or another state's department of public safety, state police department, or similar certifying body.

"Quarterly" means a period of three calendar months ending on March 31, June 30, September 30, or December 31.

"Renewal application" means an application for an Iowa professional permit to carry weapons filed at least 30 days prior to the expiration of a currently held permit.

"State employee" means a person whose need to go armed arises out of employment by the state of Iowa. "State employee" includes a railroad special agent as described in Iowa Code chapter 80.

"Unlawful user of or addicted to any controlled substance" means the same as defined in 27 CFR 478.11 as amended to [effective date of the rulemaking].

661—91.2(724) Forms. The following forms, the use of which is required by provisions of this chapter, are provided by the commissioner to Iowa sheriffs:

1. Form WP3. Application for Permit to Acquire Pistols or Revolvers.
2. Form WP5. Application for Permit to Carry Weapons.
3. Form WP6. Revocation/Cancellation of Permit to Carry/Permit to Acquire Weapons.
4. Form WP13. Application for Educator Professional Permit.
5. Form WP14. Notification of Completion of Required Quarterly Training Recruitments for Educator Professional Permit.
6. Form WP15. Application for Approval of Educator Professional Permit Curriculum.
7. Form WP16. Handgun Marksmanship Training Drills.

661—91.3(724) Federal and state prohibitions—permit to carry weapons.

91.3(1) Federal firearm prohibitors are provided in 18 U.S.C. §922(g) and §922(n) as amended to [effective date of the rulemaking].

91.3(2) Iowa Code chapter 724 provides persons ineligible for permits to carry weapons and prohibits the issuance of an Iowa professional permit to carry weapons to any person:

a. Who is less than 18 years of age;

b. Who is addicted to the use of alcohol;

c. For whom probable cause exists to believe, based upon documented specific actions of the person, where at least one of the actions occurred within two years immediately preceding the date of the permit application, that the person is likely to use a weapon unlawfully or in such other manner as would endanger the person's self or others;

d. Who has been convicted of a felony in a state or federal court or who has been adjudicated delinquent on the basis of conduct that would constitute a felony if committed by an adult;

e. Who is subject to a court order that:

(1) Was issued after a hearing for which such person received actual notice and at which such person had an opportunity to participate;

(2) Restrains such person from harassing, stalking, or threatening an intimate partner of such person or child of such intimate partner or person or from engaging in other conduct that would place an intimate partner in reasonable fear of bodily injury to the partner or child; and

(3) Includes a finding that such person represents a credible threat to the physical safety of such intimate partner or child or by its terms explicitly prohibits the use, attempted use, or threatened use of physical force against such intimate partner or child that would reasonably be expected to cause bodily injury;

f. Who has been convicted in any court of a misdemeanor crime of domestic violence; or

g. Who has, within the previous three years, been convicted of any serious or aggravated misdemeanor defined in Iowa Code chapter 708 not involving the use of a firearm or explosive.

661—91.4(724) Application procedures for an Iowa professional permit to carry weapons.

91.4(1) A nonresident of Iowa, educator permit applicant, or a state employee who is required by employment to go armed may apply to the commissioner for a professional permit to carry weapons. The applicant shall comply with all of the following:

a. Submit a fully and accurately completed and signed application for permit to carry weapons.

b. Submit firearm training documentation for a professional permit. For a new application, other than an educator professional permit application, training may have occurred within 24 months prior to the submission of the application.

c. Submit the required fee:

(1) $50 for a new application, or

(2) $25 for a renewal application.

d. Display identification documentation as defined in rule 661—91.1(724) or provide a photocopy thereof.

91.4(2) The commissioner will return an incomplete application to the applicant.

661—91.5(724) Issuance or denial of application for permit to carry weapons.

91.5(1) Upon receipt of a completed application for a permit to carry weapons, a professional permit to carry weapons, or an educator professional permit, a background check shall be conducted to determine whether the applicant is prohibited.

91.5(2) Within 30 days, the commissioner shall approve or deny an application submitted pursuant to subrule 91.4(1). The commissioner's failure to act within 30 days of receipt of a complete application shall result in an application's being deemed to have been approved.

91.5(3) A permit issued pursuant to this chapter may be delivered, at the discretion of the applicant, to the applicant by U.S. mail or may be picked up personally by the applicant or a person designated by the applicant.

91.5(4) In the event an application is denied pursuant to this chapter, the commissioner shall issue a written statement of the reasons for the denial.

91.5(5) The commissioner may conduct a background check annually on a person issued a permit to carry weapons pursuant to this chapter.

661—91.6(724) Suspension or revocation of permit to carry weapons.

91.6(1) When the commissioner finds that a person who has been issued a permit to carry weapons has been arrested for a disqualifying offense or is the subject of proceedings that could lead to the person's ineligibility for such permit, the commissioner may immediately suspend the permit.

91.6(2) A permit holder shall be notified immediately of such suspension by personal service or certified mail. The suspension shall become effective upon the permit holder's receipt of such notice. If the permit holder is notified by personal service, the permit shall be surrendered to the person serving such notice for return to the commissioner. If notified by certified mail, the permit holder will be instructed to return the permit to the commissioner.

91.6(3) If the arrest or proceeding does not result in a disqualifying conviction or finding against the permit holder, the commissioner shall immediately reinstate the permit upon proof of the matter's final disposition and shall return the permit to the permit holder.

91.6(4) If the arrest or proceeding results in a disqualifying conviction or finding against the permit holder, the commissioner shall revoke the permit.

661—91.7(724) Appeals.

91.7(1) If the commissioner denies, suspends or revokes a professional permit to carry weapons or an educator professional permit for any reason other than the federal disqualifiers in subrule 91.3(1) or 91.3(2) or the reasons in paragraph 91.3(3)*"e"* or *"f,"* the applicant or permit holder may file a contested case pursuant to 7—Chapter 2506.

91.7(2) If the commissioner denies, suspends or revokes a professional permit to carry weapons solely for one or more of the federal disqualifiers in subrule 91.3(1) or 91.3(2) or the reasons in paragraph 91.3(3)*"e"* or *"f,"* the applicant or permit holder may pursue relief of the NICS determination pursuant to Public Law 103-159.

91.7(3) The outcome of proceedings conducted pursuant to subrule 91.7(2) shall be binding on the commissioner.

661—91.8(724) Reports and remittance to the state.

91.8(1) Each sheriff shall remit to the commissioner, by the seventh working day of the month that follows the month in which one or more permits to carry a weapon were issued, information about

such permits, including the permit holder's name, date of birth, NICS transaction number, type of permit issued and portion of the fee to be remitted to the department as required by the Iowa Code.

91.8(2) Fees for each reporting period shall be remitted by the sheriff and shall be in the form of a check made payable to Iowa Department of Public Safety.

661—91.9(724) Offensive weapons as collector's items—method of classification. An offensive weapon, other than a machine gun, shall be classified by the commissioner as a collector's item when the firearm is so defined as a curio or relic in 27 CFR 478.11 as published April 1, 2010.

661—91.10(724) Application for approved training organization for permits to carry weapons.

91.10(1) Firearm training organizations seeking approval by the department of public safety to certify individuals as handgun safety training instructors eligible to offer handgun safety training shall meet the criteria outlined in this rule, such as the years of training experience of the organization's primary point of contact or owner, and shall maintain student records, an active website URL, and the ability of the organization's instructors and primary point of contact or owner to legally possess and carry firearms. A firearm training organization seeking approval shall submit the following:

a. A certificate of existence from the secretary of state issued within 60 days of application or, if a non-Iowa corporation, a certificate of authority to do business in Iowa.

b. The course syllabi or lesson plans and the goals or objectives, which shall:

(1) Show, for instructor certification courses, that instructor candidates who successfully complete the courses possess knowledge, competence, and demonstrated proficiency in the area of handgun safety instruction and operation

(2) Demonstrate, for general student courses, that students will receive the basic requirements for a permit to carry a weapon as established by the department of public safety. The courses shall include instruction in the following:

1. Current Iowa laws related to use of deadly force, reasonable force, defense of home, and defense of property;
2. Basic handgun safety, safe handling, safe storage, and safe cleaning; and
3. Handgun nomenclature and the operation of pistols and revolvers.

c. A copy of:

(1) The certificate to be issued by the organization to instructors who complete the program.

(2) The résumé and firearm-related training credentials of the individual serving as the organization's primary point of contact or owner, which shall demonstrate a minimum of five years of cumulative experience as a firearm instructor. This experience shall include firearm instructor duties related to military service or firearm instructor certification by the National Rifle Association or by an organization approved by the department of public safety pursuant to Iowa Code section 724.9A or by the Iowa law enforcement academy or another state's department of public safety, state police department, or similar certifying body.

d. A written description of how the organization will maintain:

(1) Instructor records.

(2) Proficiency of instruction, including staying abreast of statutory changes that may affect what is being taught, and will ensure the instructional practices and integrity of instructors.

e. The URL of a website containing a list of certified instructors or an electronic application that allows users to search and validate instructor credentials.

f. An application processing fee of $500 (the certification of approval is valid for five years).

91.10(2) A firearm training organization seeking to renew its certification of approval must submit:

a. Current lesson plans or course syllabi and course goals or objectives.

b. A certificate of existence from the secretary of state issued within 60 days of application or, if a non-Iowa corporation, a certificate of authority to do business in Iowa.

c. A copy of the updated credentials of the organization's primary point of contact or owner (submit all documentation demonstrating qualification to provide oversight of firearm training

instructors). These credentials must include a minimum of five years of verifiable firearm instructor experience.

d. An application processing fee of $500 (the certification of approval is valid for five years).

91.10(3) The department of public safety may deny, suspend, or revoke the certification of approval of a firearm training organization if the department has reason to believe that the organization or its primary point of contact or owner has:

a. Become ineligible to possess a firearm under Iowa Code chapter 724 or federal law;

b. Knowingly and willfully provided false information to the department;

c. Provided instruction contrary to the established and approved curriculum; or

d. Failed to meet any portion of the instructor certification guidelines as originally approved.

91.10(4) An applicant for certification as a firearm training organization or a certified firearm permit-to-carry instructor has the same appeal rights as set forth in rule 661—91.7(724).

661—91.11(724) Application procedures for an Iowa educator professional permit.

91.11(1) A person who is an employee of a school district, a private school, or an institution of higher education as defined in Iowa Code section 722.11 may apply to the commissioner for an educator professional permit. The applicant shall comply with all of the following:

a. Submit a fully and accurately completed and signed application for an educator professional permit to carry weapons, including documentation of a firearm safety training course provided in Iowa Code section 724.9(1), or proof of current permit to carry.

b. Submit firearm training documentation from the initial live familiarization firearm and course of fire training. For a new application, training must have occurred within the 12-month period prior to the application.

c. Submit documentation of the training required by Iowa Code section 724.6(1)*"a"*(3).

d. Submit the required fee of $50 per application.

e. Display identification documentation as defined in rule 661—91.1(724) or provide a photocopy thereof.

f. Authorize communication between the employing school district and the department for purposes of complying with this chapter. Any correspondence between the school and the department shall not be considered public record.

91.11(2) The commissioner will return an incomplete application to the applicant.

661—91.12(724) Suspension or revocation of an educator professional permit.

91.12(1) When the commissioner finds that a person who has been issued an educator professional permit has been arrested for a disqualifying offense or is the subject of proceedings that could lead to the person's ineligibility for such permit, the commissioner may immediately suspend the permit.

a. If the arrest or proceeding does not result in a disqualifying conviction or finding against the permit holder, the commissioner shall immediately reinstate the educator professional permit upon proof of the matter's final disposition and shall return the permit to the permit holder.

b. If the arrest or proceeding results in a disqualifying conviction or finding against the permit holder, the commissioner shall revoke the permit.

91.12(2) When the commissioner discovers that a person has failed to provide the required annual and quarterly training records in a timely manner, the commissioner will suspend the educator professional permit and may, at the commissioner's discretion, provide the person 30 days to provide the required training documentation. If training documentation is not received after the thirtieth day, the commissioner shall revoke the educator professional permit.

a. If the suspension was for failing to provide training records, and training records indicating training was completed in accordance with Iowa Code section 724.6 are subsequently provided to the department of public safety within 30 days after the educator professional permit holder was notified of the suspension, the commissioner will immediately reinstate the educator professional permit and return the permit to the permit holder.

b. If the educator professional permit holder fails to complete the training required under these rules or fails to provide training documentation to the department of public safety, the commissioner will revoke the permit.

91.12(3) An educator professional permit holder will be notified immediately of such suspension by personal service or certified mail. The suspension becomes effective upon the educator permit holder's receipt of such notice. If the educator permit holder is notified by personal service, the educator professional permit will be surrendered to the person serving such notice for return to the commissioner. If notified by certified mail, the educator professional permit holder will be instructed to return the permit to the commissioner.

91.12(4) Notification of an educator professional permit suspension or revocation will be provided to the superintendent of the school in which the educator professional permit holder is employed.

661—91.13(724) Approval of required training for educator professional permit. Persons or organizations may provide one or more of the trainings required for an educator professional permit. Persons or organizations seeking approval by the department of public safety to provide training required by Iowa Code section 279.84(2), 279.84(3), or 724.6(1)*"a"*(3) will submit the following on department of public safety Form WP15:

91.13(1) The course syllabi or lesson plans and the goals or objectives for student courses as outlined, which demonstrate that students will receive the basic requirements for the required course.

91.13(2) Identification of the person providing the training and sufficient information to determine that the person is competent to provide the training.

661—91.14(724) Educator professional permit training requirements.

91.14(1) To receive an educator professional permit, the applicant must submit proof of successful completion of the following training courses:

a. One-time, in-person legal training as described in rule 661—91.15(724).

b. In-person emergency medical training as described in rule 661—91.16(724).

c. In-person communication training as described in rule 661—91.17(724).

d. In-person live scenario training as described in rule 661—91.18(724).

e. Initial live familiarization firearm and course of fire training as described in rule 661—91.19(724).

91.14(2) To maintain an educator professional permit, the permit holder must submit proof of successful completion of the following annual training courses:

a. Annual in-person emergency medical training as described in rule 661—91.16(724).

b. Annual in-person communication training as described in rule 661—91.17(724).

c. Annual in-person live scenario training as described in rule 661—91.18(724).

91.14(3) To maintain an educator professional permit, in addition to the above requirements, the permit holder must submit proof of successful completion of quarterly live firearm training, including successful completion of the prescribed qualification course.

91.14(4) All trainings shall be submitted to the department of public safety program services bureau via email at wpinfo@dps.state.ia.us.

661—91.15(724) Curriculum for one-time legal training for an educator professional permit. The one-time, in-person legal training for an educator professional permit shall be at minimum three hours and shall include all of the following information:

1. Parameters and limitations of the educator professional permit, including areas of potential liability, and requirements to maintain the permit.
2. State and federal law regarding legal principles of use of force and use of force generally, including modern principles of continuum of force.
3. State and federal laws regarding qualified immunity.
4. State law regarding the Iowa municipal tort claims Act.
5. Workers' compensation law with regard to school critical incidents.

661—91.16(724) Curriculum for annual emergency medical training for an educator professional permit.

91.16(1) Annual live, in-person emergency medical training for an educator professional permit shall be at minimum three hours and will include all of the following information and practical experience:

a. Cardiopulmonary resuscitation (CPR) and cardiac arrest management, including the use of an automated external defibrillator (AED).

b. Basic knowledge of first aid and trauma care, including casualty assessment, hemorrhage control, and assessment and initial treating of penetrating chest and abdominal wounds.

c. Basic knowledge and skills necessary to stop/slow life-threatening blood loss.

91.16(2) A current certification for CPR and first aid shall satisfy two hours of the required training.

661—91.17(724) Curriculum for annual communication training for an educator professional permit. The annual in-person communication training for an educator professional permit shall be at minimum two hours and shall include all of the following information:

1. De-escalation techniques, crisis intervention techniques, and the applicability and limitations of those techniques.
2. Communication capabilities and coordination, including principles of proper communication to first responders, such as communication of location, condition(s), actions, and needs.
3. Reporting of potential school threats, including to the governor's school safety bureau of the department of public safety and the Safe+Sound Iowa app.

661—91.18(724) Curriculum for annual live scenario training for an educator professional permit. The annual in-person live scenario training for an educator professional permit shall be at minimum 12 hours and will include all of the following information and practical experience:

1. Psychology of critical incidents.
2. Tactics of responding to critical incidents in schools.
3. Weapon retention.
4. Scenario-based or simulated training exercises, including both close-quarters and hallway scenarios.

661—91.19(724) Curriculum for firearms training for an educator professional permit. In-person firearms training for an educator professional permit shall consist of an initial live familiarization firearm and course of fire training for new educator professional permit applicants and quarterly continued training after the completion of the initial training.

91.19(1) Educator professional permit holders shall meet the minimum level of proficiency as established by department of public safety rules in the use of any weapon used in the capacity as an educator professional permit holder.

91.19(2) Initial live familiarization firearms and course of fire training, not including the qualification course of fire, will be at minimum 20 hours and will include all of the following:

a. Weapon safety, including but not limited to:

(1) Treating all firearms as if they are loaded,

(2) Pointing the muzzle in a safe direction at all times,

(3) Keeping fingers outside the trigger guard until the person's aim is on target and the person has decided to fire, and

(4) Being sure of the target and what is beyond.

b. Principals of good marksmanship, including but not limited to:

(1) Sight picture,

(2) Trigger squeeze,

(3) Proper stance,

(4) Drawing of the weapon,

(5) Grip of the weapon,

(6) Breathing,
(7) Follow-through, and
(8) Recovery.

c. Dry drills, including but not limited to:
(1) Administrative load,
(2) Combat load,
(3) Tactical load,
(4) Temporary stoppage drill,
(5) Double feed drill, and
(6) Holstering and reholstering.

d. Handgun marksmanship training, including but not limited to the drills prescribed by the department of public safety on Form WP16.

91.19(3) The qualification course of fire will be completed at the end of the initial live familiarization course and at each subsequent quarterly firearms training. This course must be completed utilizing the firearm that will be used in the person's capacity as an educator professional permit holder. The qualification course consists of the standards adopted by the Iowa law enforcement academy for the certified officer in-service handgun qualification course.

91.19(4) If a person fails to successfully satisfy the qualification course of fire after the second attempt, the person must retake the initial familiarization firearm and course of fire training and attempt the qualification course of fire again. If the person fails to successfully satisfy the qualification course of fire after the remedial training, the person must wait until the following quarter and may attempt again as if the person is a first-time applicant.

These rules are intended to implement Iowa Code chapter 724.

ARC 0753D

PUBLIC SAFETY DEPARTMENT[661]

Notice of Intended Action

Proposing rulemaking related to bail enforcement, private investigation, and private security businesses and providing an opportunity for public comment

The Department of Public Safety hereby proposes to rescind Chapter 121, "Bail Enforcement, Private Investigation, and Private Security Businesses," Iowa Administrative Code, and to adopt a new Chapter 121 with the same title.

Legal Authority for Rulemaking

This rulemaking is proposed under the authority provided in Iowa Code section 80A.15 and Executive Order 10.

State or Federal Law Implemented

This rulemaking implements, in whole or in part, Iowa Code chapter 80A.

Purpose and Summary

Pursuant to Executive Order 10, the Department proposes to rescind Chapter 121 and adopt a new chapter in lieu thereof. The purpose of this proposed chapter is to administer the bail enforcement, private investigation, and private security statute (Iowa Code chapter 80A). These rules provide requirements and procedures for any person or organization seeking to obtain a license in Iowa under Iowa Code chapter 80A.

Regulatory Analysis

A Regulatory Analysis for this rulemaking was published in the Iowa Administrative Bulletin on September 2, 2026. A public hearing was held on the following date(s):

- September 23, 2026

The Department received comments from Bright Line Investigations. Comments requested clarification on several rules, many as a result of cross-reference errors that the Department has corrected with the addition of some clarifying language.

Additionally, one change was made in rule 661—121.4(4) to amend the period to complete an application from six months to three months to reflect updated electronic filing processes.

Fiscal Impact

This rulemaking has no fiscal impact to the State of Iowa.

Jobs Impact

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

Waivers

Any person who believes that the application of the discretionary provisions of this rulemaking would result in hardship or injustice to that person may petition the Department for a waiver of the discretionary provisions, if any, pursuant to 7—Chapter 2504.

Public Comment

Any interested person may submit written or oral comments concerning this proposed rulemaking, which must be received by the Department no later than 4:30 p.m. on December 16, 2026. Comments should be directed to:

Josie Wagler
Department of Public Safety
Oran Pape State Office Building
215 East 7th Street
Des Moines, Iowa 50319
Phone: 515.725.6185
Email: wagler@dps.state.ia.us

Public Hearing

Public hearings at which persons may present their views orally or in writing will be held as follows:

December 15, 2026 3:30 to 4 p.m.	First Floor Public Conference Room 125 Oran Pape State Office Building Des Moines, Iowa
December 16, 2026 10:30 to 11 a.m.	First Floor Public Conference Room 125 Oran Pape State Office Building Des Moines, Iowa

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

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

Review by Administrative Rules Review Committee

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

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

The following rulemaking action is proposed:

ITEM 1. Rescind 661—Chapter 121 and adopt the following **new** chapter in lieu thereof:

CHAPTER 121
BAIL ENFORCEMENT, PRIVATE INVESTIGATION, AND PRIVATE SECURITY BUSINESSES

661—121.1(80A) Licensing. The administrative services division administers the bail enforcement, private investigation and private security statute. Any questions, comments, information, requests for information, or application for a license or an identification card should be directed to the Program Services Bureau, Iowa Department of Public Safety, State Public Safety Headquarters Building, 215 East 7th Street, Des Moines, Iowa 50319, or, with the exception of applications, by email to piinfo@dps.state.ia.us.

661—121.2(80A) Definitions. As used in this chapter unless the context otherwise requires:

"Aggravated misdemeanor" means an offense so defined in the Iowa Code or an offense committed in another jurisdiction with a penalty of imprisonment for two years or more.

"Background investigation" means the actions taken by the department to verify that the applicant for a license or employee identification card meets the requirements. Such actions include but are not limited to inquiries to the Iowa on-line warrants and articles (IOWA) criminal justice information system for outstanding arrest warrants, active protection orders, sex offender registry records and Iowa criminal history records. A background investigation shall also include the submission of fingerprints of the applicant to the FBI for a nationwide criminal history record check.

"Bail enforcement agent" means the same as defined in Iowa Code section 80A.1(1).

"Bail enforcement business" means the same as defined in Iowa Code section 80A.1(2).

"Chief law enforcement officer" means the same as defined in Iowa Code section 80A.1(3).

"Commissioner" means the commissioner of the department of public safety or the commissioner's authorized designee.

"Conviction resulting from domestic abuse" means a conviction at any level in any jurisdiction if the conviction has, as an element, the use or attempted use of physical force, or the threatened use of a deadly weapon, committed by a current or former spouse, parent or guardian of the victim; by a person with whom the victim shares a child in common; by a person who is cohabiting with or has cohabited with the victim as a spouse, parent or guardian; or by a person similarly situated to a spouse, parent, or guardian of the victim. Applicable convictions may include but are not limited to crimes of assault, domestic assault, domestic abuse assault, battery, and disorderly conduct and other crimes meeting this definition.

"Defendant" means the principal on a bail bond issued or deposit filed in relation to a criminal proceeding in order to ensure the presence of the defendant at trial.

"Department" means the department of public safety.

"Duplicate license" means a license that is issued to substitute for a license that has been lost or destroyed, except that a "duplicate license" shall not mean a "replacement license" as defined herein.

"Felony" means an offense defined as a felony by the jurisdiction in which the offense was committed.

"Moral turpitude" is an act of baseness, vileness, or depravity or conduct that is contrary to justice, honesty, or good morals. Examples of moral turpitude may include but are not limited to the following:

1. Any act or pattern of conduct involving dishonesty, fraud, or deception;
2. Any act of conducting a bail enforcement, private investigative or private security business in violation of Iowa Code chapter 80A, whether in Iowa or another jurisdiction, or a determination from

another jurisdiction that the individual or entity has violated the bail enforcement, private investigative, or private security laws, rules, or regulations of that jurisdiction;

3. Any act or pattern of conduct of harassment or stalking;
4. Any criminal act of sexual misconduct;
5. Any illegal act of selling, delivery, possession with intent to deliver, or manufacturing drugs;
6. Conviction resulting from domestic abuse.

"Peace officer" means any such individual as designated by Iowa Code section 801.4(11).

"Person" means an individual, partnership, corporation, or other business entity.

"Private investigation business" means the business of making, for hire or reward, an investigation for the purpose of obtaining information on any of the following matters:

1. Crimes or wrongs that are committed or threatened.
2. The habits, conduct, movements, whereabouts, associations, transactions, reputation, or character of a person.
3. The credibility of witnesses or other persons.
4. The location or recovery of lost or stolen property.
5. The cause or origin of or responsibility for fires, accidents, or injuries to property.
6. The truth or falsity of a statement or representation.
7. The detection of deception.
8. The securing of evidence to be used before authorized investigating committees, boards of award or arbitration or in the trial of civil or criminal cases.
9. The locating of owners or heirs of unclaimed funds.

"Private investigative agency" means the same as defined in Iowa Code section 80A.1(10).

"Private security agency" means the same as defined in Iowa Code section 80A.1(11).

"Private security business" means the same as defined in Iowa Code section 80A.1(12).

"Proof of financial responsibility" means proof of the ability of a licensee to respond in damages for liability on account of accidents or wrongdoings occurring subsequent to the effective date of the proof, arising out of ownership and operation of a bail enforcement business, private security business or private investigation business.

"Replacement license" means a license that is issued to substitute for a license that has been lost or destroyed as a result of damage from flooding, storms or other conditions that form a basis for issuance of a disaster emergency proclamation by the governor pursuant to Iowa Code section 29C.6.

"Reserve peace officer" means the same as defined in Iowa Code section 80D.1A(5).

"Uniform" means a manner of dress that is of a particular style and distinctive appearance as distinguished from ordinary clothing customarily used and worn by the general public and that clearly identifies the person as an employee of a licensed agency.

661—121.3(80A) Persons exempt. This chapter does not apply to the following:

121.3(1) An officer or employee of the United States, or a state, or a political subdivision of the United States or of a state while the officer or employee is engaged in the performance of official duties or an employee of a contractor or subcontractor with a federal agency while performing duties pursuant to a contract with the federal agency.

121.3(2) A peace officer engaged in the private security business or the private investigation business with the knowledge and consent of the chief executive officer of the peace officer's law enforcement agency.

121.3(3) A person employed full- or part-time exclusively by one employer in connection with the affairs of the employer.

121.3(4) An attorney licensed to practice in Iowa, while performing duties as an attorney.

121.3(5) A person engaged exclusively in the business of obtaining and furnishing information regarding the financial rating or standing and credit of persons.

121.3(6) A person exclusively employed in making investigations and adjustments for insurance companies. This exemption does not apply to persons who contract with a third party, such as an attorney or a broker, to conduct investigations on behalf of insurance companies. However, this exemption

does apply to independent contractors who contract directly with insurance companies and exclusively conduct insurance investigative work.

121.3(7) A person who is the legal owner of personal property that has been sold under a security agreement, or a conditional sales agreement, or a secured party under the terms of a security interest while the person is performing acts relating to the repossession of the property.

121.3(8) A person engaged in the process of verifying the credentials of physicians and allied health professionals applying for hospital staff privileges.

121.3(9) A person engaged in the business of retrieval and dissemination of public record information.

121.3(10) A person engaged in the business of process service in either a criminal or civil action, where the determination of the whereabouts of the person is only incidental to the service of process.

121.3(11) The business of repossession or recovery of property, including debt collection, where the determination of the whereabouts of the person is only incidental to the repossession or collection.

121.3(12) A person engaged in the business of genealogical research.

121.3(13) A person who sells, installs, maintains, repairs or monitors burglar alarm systems at protected premises or premises to be protected.

121.3(14) Peace officers operating as private investigators and private security guards pursuant to Iowa Code sections 80A.2, 80A.4(1)*"b,"* and 80A.4(3). The department interprets these three references, when read in concert, to mean the following:

a. An individual peace officer may conduct private investigation business or private security business with permission of the officer's chief executive, without securing either a state license or an identification card.

b. Two or more peace officers may form a partnership to conduct private investigation business or private security business without securing either a state license or an identification card. The partnership, association, or business may employ other peace officers to conduct investigation or security functions; however, the chief executive of each partner, association member, owner, or employee must give permission to engage in the business.

c. A partnership owned and operated by peace officers cannot employ nonpeace officers to perform investigation or security functions.

d. An agency licensed by the department cannot have any peace officers involved in the ownership or management of the agency.

e. An agency licensed by the department cannot employ a peace officer to do investigative or security functions.

f. No corporation in the private security or private investigation business is exempt from the license or identification card requirement or limitations on the employment of peace officers.

121.3(15) A person engaged in the business of transporting prisoners under a contract with the Iowa department of corrections or a county sheriff, a similar agency from another state, or the federal government.

121.3(16) A person engaged exclusively in the business of providing courier service and who does not wear the uniform or use a marked motor vehicle of a licensed private security agency.

661—121.4(80A) Licenses. Each person who engages in the operation of a bail enforcement, private investigation, or private security business in this state shall be licensed prior to such activity. Each business requires a separate license. For a license to be valid, the business shall have at least one current valid licensee who is a director, officer, partner or person who is involved in the business in Iowa.

121.4(1) *Jurisdiction.* Any private investigative, private security, or bail enforcement business shall be licensed in Iowa if it is conducting business in Iowa. The department will consider the following factors when determining jurisdiction:

a. Whether the private investigative, private security, or bail enforcement business has an office or place of business in Iowa, is organized in Iowa, or conducts business in Iowa.

b. Whether services are provided to a client who resides in Iowa, is organized in Iowa, or has an office or place of business in Iowa, provided that some of the services are conducted in Iowa.

c. Types of activities that are viewed as demonstrating jurisdiction in Iowa include but are not limited to the following:

(1) A private investigation business conducts an investigation that occurs entirely or partially in Iowa.

(2) A private investigation business investigates a criminal, civil, or administrative case that originates or is filed in Iowa.

(3) A private security business conducts security at any location in Iowa.

(4) A bail enforcement business takes into custody, or attempts to take into custody, a defendant in an Iowa criminal case.

(5) A business provides bodyguard service to a person who resides in or regularly does business in Iowa.

(6) A business provides armored car service to a client who resides in or does business in Iowa if part of the services are conducted in Iowa.

d. Types of activities that are not, by themselves, viewed as demonstrating jurisdiction in Iowa include but are not limited to the following:

(1) A non-Iowa-based private investigation business works on a criminal, civil, or administrative case that originates and is filed in another state but that contains some investigative elements in Iowa.

(2) A non-Iowa-based business provides bodyguard service to a client who does not reside in Iowa and only occasionally does business in Iowa.

(3) A bail enforcement business takes into custody, or attempts to take into custody, a defendant in a criminal case filed in another state.

e. The fact that a business uses the internet to retrieve public record information from Iowa databases does not, absent other factors, establish jurisdiction in Iowa.

121.4(2) *Forms.* An applicant for a license or identification card shall completely execute forms provided by the department. The forms used in the administration of this chapter are as follows:

a. Application for Bail Enforcement Agency License, Private Investigative Agency License and/or Private Security Agency License, Form #PD1.

b. Identification Card Application for: Private Investigator/Private Security Guard/Bail Enforcement Agent, Form #PD2.

c. Application for License Renewal, Form #PD3.

d. FBI Fingerprint Card, Form #FD–258.

e. Limited Liability Company, Form #PD5.

f. License Surety Bond, Form #PD6.

g. Corporate Information, Form #PD7.

h. Identification Card, Form #PD8.

121.4(3) *Application requirements.* An applicant for a license as a bail enforcement agency, private investigative agency or private security agency must submit the following to complete the application process:

a. A completed Application for Bail Enforcement Agency License, Private Investigative Agency License and/or Private Security Agency License (Form #PD1) for a licensee or licensees.

(1) With respect to an applicant that is a corporation, Form #PD1 must be completed by an officer, director, or designated employee who is actively involved in the licensed business in Iowa.

(2) With respect to an applicant that is a partnership or association, Form #PD1 must be completed by a partner, association member, or designated employee.

b. Two completed Fingerprint Cards (Form #FD–258) or fingerprint submission utilizing a department-approved fingerprint vendor and the associated processing fees for each licensee identified in paragraph 121.4(3)*"a."*

c. A completed surety bond form (Form #PD6) issued by a surety company authorized to do business in this state.

d. If the applicant is a corporation, a completed Corporate Information form (Form #PD7).

e. A color photograph of the head and shoulders of each individual identified in paragraph 121.4(3)*"a"* taken not more than one year prior to application.

f. A fee of $100 for each agency license requested, plus $10 for each application form for an employee identification card (Form #PD2) requested pursuant to this subrule.

g. Proof of financial responsibility.

h. Pictures, photocopies or physical descriptions of all uniforms, hats, badges, and insignia to be used by the private security agency.

i. If the applicant is a limited liability company, a completed Limited Liability Company form (Form #PD5).

121.4(4) *Abandonment of applications.* If an applicant for an agency license fails to complete the application within three months after it has been filed, the application shall be deemed abandoned. Any application submitted subsequent to the abandonment of a former application shall be treated as a new application and must be filed in accordance with subrule 121.4(3).

121.4(5) *Proof of financial responsibility.*

a. Proof of financial responsibility shall be given by filing a certificate of insurance from a licensed insurance company demonstrating coverage for general liability or professional liability, completed operations, and personal injury.

b. The certificate shall provide that the insurance shall not be modified or canceled unless 30 days' prior notice is given to the department. Licensees shall have no more than 30 days following any specified expiration dates to comply with insurance requirements. The license shall be automatically revoked if the licensee has not complied with the certificate of insurance requirement within the 30 days.

661—121.5(80A) License requirements.

121.5(1) In order to be considered for a license, the applicant must meet the requirements of Iowa Code section 80A.4; not have been convicted by any court of illegally using, carrying, or possessing a dangerous weapon; and not have a history of mental illness or instability. For purposes of that section, consideration of whether an applicant is of good moral character includes but is not limited to:

a. Any of the applicant's references indicating the applicant is not of good moral character;

b. The sheriff of the county of residence or business or the police chief of the city of residence or business so indicating in writing;

c. The applicant's failing to discharge just obligations;

d. The applicant's writing a check on an account with knowledge that there are insufficient funds to cover it;

e. The applicant's failing to pay employees wages legally due the employees;

f. The applicant's knowingly obstructing justice or interfering in the lawful duties of a peace officer or with any official investigation;

g. Unless rendered confidential by law, the applicant's failing to report:

(1) A serious crime, or

(2) The location of any stolen property;

h. The applicant's committing an act that involves moral turpitude, whether or not a criminal conviction occurred;

i. The applicant's being subject to any court order that restrains the person from harassing, stalking, or threatening an intimate partner of the person or child of the intimate partner or person, or engaging in other conduct that would place an intimate partner in reasonable fear of bodily injury to the partner or child, and includes a finding that the person represents a credible threat to the physical safety of the intimate partner or child or explicitly prohibits the use, attempted use, or threatened use of physical force against the intimate partner or child that would reasonably be expected to cause bodily injury;

j. The applicant's being a registered sex offender in any jurisdiction;

k. The applicant's being the subject of any arrest warrant, mittimus or other court order for detention in any jurisdiction.

121.5(2) Reserved.

661—121.6(80A) Identification cards.

121.6(1) Each person employed by and engaged in the business of a licensed bail enforcement, private investigative or private security agency must obtain an employee identification card from the department and must meet the standards established in Iowa Code section 80A.4. However, applicants for employee identification cards are not required to comply with surety bond or proof of financial responsibility requirements since those requirements have already been met by the licensed agency. For purposes of this rule, an employee who is required to obtain an identification card from the department is an agent or employee of a licensed agency who is engaged in the activities of the business that render it subject to the regulation of Iowa Code chapter 80A. Employees who are engaged exclusively in the unregulated activities of a licensed agency are considered exempt from this standard. Such exempt activities include clerical work, dispatching, building maintenance, vehicle maintenance, payroll and other financial processing, selling and taking tickets, parking cars and other activities that do not provide direct security services and that are generally conducted away from a contracted job site.

121.6(2) To obtain an employee identification card, the licensed agency shall submit:

a. A completed Identification Card Application for: Private Investigator/Private Security Guard/ Bail Enforcement Agent, Form #PD2;

b. A color photograph of the head and shoulders of the applicant; and

c. Two completed Fingerprint Cards (Form #FD–258) or fingerprint submission utilizing a department-approved fingerprint vendor with the associated processing fees.

661—121.7(80A) License and background investigation fees.

121.7(1) A fee of $100 shall accompany each application for a bail enforcement, private investigative or private security license. If the application is approved, the money shall be applied to the license fee; if the application is disapproved, the deposited application fee shall be refunded to the applicant. Application fees shall not be refunded for abandoned applications described in subrule 121.4(4) or for canceled, suspended or revoked licenses.

121.7(2) A nonrefundable fee to cover the cost of processing fingerprint cards through the FBI must be submitted with each new or renewal application and with each application subsequent to a license cancellation or revocation. If fingerprints are rejected as unreadable the first time they are submitted, they may be resubmitted once for no additional fee. If fingerprints are submitted twice and both submissions are rejected as unreadable, subsequent submissions shall require additional processing fees that shall be included with the submissions. Information regarding fees may be obtained by contacting the department as provided in rule 661—121.1(80A).

661—121.8(80A) Display of license. Immediately upon receipt of the license issued by the department, the licensee named therein shall cause such license to be posted and at all times displayed in a conspicuous place in the licensee's principal place of business within the state, so that all persons visiting such place may readily see it. If there is more than one place of business, then there shall be a photocopy of the original license posted in every such place of business. The licensee shall notify the commissioner of each location where a copy of the license is posted. If the licensee has no office in the state of Iowa, the licensee shall post the license at the principal place of business and notify the commissioner of the address where such license is posted. It shall be unlawful for any person holding such license to post such license or to permit such license to be posted upon premises other than those authorized therein. Every license, and each copy thereof, shall be surrendered to the department within seven days after written notice to the holder that such license has been revoked. Failure to comply with any of the provisions of this rule is sufficient cause for revocation of the license.

661—121.9(80A) Duplicate license. The commissioner shall issue a duplicate license upon the payment of $5 and upon receiving a written statement that the original license has been lost, destroyed, stolen or otherwise rendered useless and that if the original license is recovered, the original or the duplicate will be returned immediately to the department.

661—121.10(80A) License renewal.

121.10(1) Each applicant for a license renewal must execute Form #PD3 provided by the department. This renewal form and two completed FBI Fingerprint Cards (Form #FD–258), or fingerprint submission utilizing a department-approved fingerprint vendor, shall be submitted to the commissioner not less than 30 days prior to expiration of the applicant's current license and shall not be processed unless complete. In order for the application to be complete, the applicant must satisfy the requirements of rules 661—121.4(80A), 661—121.5(80A), and 661—121.7(80A) and, for renewals of private investigation licenses, 661—121.21(80A).

121.10(2) In the event the department has not processed a complete renewal application prior to the lapse of the license, the renewal shall be deemed temporarily granted until the department issues a new license or denies the renewal.

a. In no event will a renewal license be granted if the application for renewal is received by the department after the expiration date of the existing license.

b. If the former licensee wishes to continue the bail enforcement, private investigative or private security business, all of the requirements for an initial application must be met.

661—121.11(80A) Employee identification cards.

121.11(1) The employee identification card issued by the commissioner shall include the employee's name and color photograph, agency name and number, type of business, date of issuance and identification card number.

a. The holder shall have this card in the holder's possession at all times when acting within the scope of employment. Failure to do so may result in suspension or revocation of the identification card or the agency license. This identification card shall remain the department's property. When any person to whom a card is issued terminates the person's position for any reason, the card must be surrendered to the commissioner within seven days. In the event of loss, destruction, or theft of this card, the licensee shall within five days of such discovery send to the commissioner a written report that describes the circumstances surrounding the loss, destruction, or theft. If the agency license has been terminated or revoked, the agency must return the license and all identification cards to the commissioner within seven days. The penalty for any knowing or willful misconduct in the use of the identification card may be revocation of the identification card or the agency license or both, depending on the nature and degree of the misconduct.

b. The fee for each application form (Form #PD2) for an original, temporary, or replacement employee identification card is $10.

c. A nonrefundable fee to cover the cost of processing fingerprint cards through the FBI shall be submitted with each new application for an employee identification card. If fingerprints are rejected as unreadable the first time they are submitted, they may be resubmitted once for no additional fee. If fingerprints are submitted twice and both submissions are rejected as unreadable, subsequent submissions shall require additional processing fees that shall be included with the submissions.

121.11(2) Temporary identification cards. The Identification Card Application for: Private Investigator/Private Security Guard/Bail Enforcement Agent, Form #PD2, shall contain a temporary identification card that shall be valid for 14 calendar days from the date of issuance. This temporary identification card shall be issued to new employees of a licensee so that the requirement that employees have in their possession a valid identification card may be met while the application for a permanent identification card is being processed. The application for an employee identification card must be received by the department in sufficient time to allow four business days for processing. Any application for an employee identification card received by the department without the specified minimum time for processing or after the temporary identification card has expired will be voided. A new Form #PD2 must then be resubmitted under the requirements of rule 661—121.6(80A).

121.11(3) Replacement of identification cards. The commissioner shall issue a duplicate employee identification card upon the submission of a complete new application (Form #PD2), with associated fees as required in rule 661—121.6(80A) and upon receipt of a written statement that the original

employee identification card has been lost, destroyed, stolen or otherwise rendered useless. If the original employee identification card is recovered, it shall be returned immediately to the department.

121.11(4) Display of identification cards. When an employee of a licensed agency is acting within the scope of employment and is requested to produce identification, the employee shall promptly display the employee identification card and allow the requester to reasonably examine the identification card and write down any information contained thereon. Failure to comply may result in revocation of the identification card or license. The employee may refuse to comply with the request to produce identification if, and only if, displaying the employee identification card would put the employee or another person in danger or would jeopardize an assignment or investigation.

661—121.12(80A) Badges, uniforms, insignia, patches and hats. No holder of a license or identification card while performing the duties of a private security guard, private investigator, or bail enforcement agent shall wear any uniform, or wear, display, or likewise use any badge, insignia, patch, shield, or the like, without prior written approval of the commissioner. Any person wearing an approved uniform shall carry a valid identification card issued by the department.

121.12(1) The commissioner will not approve any item subject to this rule if in the commissioner's opinion it would cause a person to confuse the operation of the licensed business with that of a law enforcement agency. The commissioner may consider the appearance of the badge, uniform, insignia, patch or hat of the requesting agency, as well as the appearance of badges, uniforms, insignias, patches or hats of law enforcement agencies in or near the area in which the requesting agency performs services. The commissioner may also consider any other information when making a decision regarding the approval of any item subject to this rule.

121.12(2) No badge, insignia, patch or hat will be approved that contains the word or words "police," "officer," "policeman," or "enforcement" or the Great Seal of the State of Iowa. The words "security" and "officer" may be used when they appear as the single term "security officer." The word "enforcement" may be used when it appears as the single term "bail enforcement."

661—121.13(80A) Advertisement, cards, letterhead and the like.

121.13(1) No holder of a license or identification card shall use, display, cause to be printed or distributed in any fraudulent, false, or misleading manner cards, letterheads, circulars, brochures, or any other advertising material or advertisement in which any name or indicia of the license status of the licensee is set forth in any manner other than the name under which the licensee is duly licensed.

121.13(2) Such holder of a license or identification card shall not publish or cause to be published any advertisement, letterhead, circular or statement or phrase of any sort that suggests that the holder is a peace officer.

121.13(3) Any violation of this rule may result in suspension or revocation of the identification card or the license and possible referral for criminal prosecution.

661—121.14(80A) Misleading statements. No holder of a license or identification card may make any statement that indicates or tends to indicate the individual is a peace officer.

661—121.15(80A) Reports. Any private investigative agency licensee who provides services to any client in this state shall make and offer to the client a written report containing the findings and complete details of the investigation, a copy of which shall be retained by the licensee for three years and made available to the commissioner for examination at any reasonable time upon a complaint from the client for whom the report was prepared. In the event a client does not desire a written report, the licensee will note the time and date on the file copy of the report that the client stated no desire for a written report or refused the offer. A private security agency need not submit a written report unless the client requests one.

661—121.16(80A) Denial, cancellation, suspension, or revocation of a license or identification card.

121.16(1) *Actions by the commissioner.* The commissioner may deny, suspend, cancel or revoke a license or identification card(s) for any of the following reasons:

a. Failure to comply with all of the provisions of Iowa Code chapter 80A and 661—Chapter 121.

b. Receipt by the department of a certificate of noncompliance from the child support recovery unit of the department of health and human services, as provided for in Iowa Code chapter 252J.

c. Receipt by the department of written notice that the licensed agency is no longer conducting business and is abandoning the remaining term of the license.

121.16(2) *Voluntary suspension.* The commissioner may allow an agency to place its license in voluntary suspension and may reinstate the license when all requirements are met. The license shall expire at the time of renewal unless all requirements are met.

121.16(3) *Surrender of license and identification card(s).* Every license, and each copy thereof, and all employee identification cards shall be surrendered to the department within seven days after written notice to the holder that such license has been canceled, abandoned, suspended or revoked.

121.16(4) *Surrender of identification card(s).* An employee identification card shall be surrendered to the department within seven days after written notice to the licensee that such employee identification card has been canceled or revoked.

121.16(5) *Temporary denial or suspension.* An agency license or employee identification card shall be temporarily denied or suspended until the outcome of any pending action is known if the result of that action would disqualify the applicant, licensee or employee.

661—121.17(80A) Licensee's duty regarding employees. The licensee shall be held responsible for ascertaining that all the licensee's employees meet the requirements of the bail enforcement, private investigation and private security statute and rules.

121.17(1) The licensee shall report to the commissioner any violations of the statute and rules, and inconsistencies thereof, and take immediate steps to be in compliance with such statute and rules.

121.17(2) The licensee is responsible for ensuring that each employee who is required to obtain an identification card from the department has a valid temporary or permanent identification card in the employee's possession prior to the employee's commencing work.

121.17(3) Failure to meet these requirements may result in suspension or revocation of the license or identification card(s).

661—121.18(80A) Professional permit to carry weapons. Each person seeking a professional permit to carry weapons must meet the requirements of the Iowa Code and 661—Chapter 91.

661—121.19(80A) Appeals. Any action of the department that the applicant or employee considers adverse may be appealed through the process delineated in 7—Chapter 2506.

661—121.20(252J) Child support collection procedures. The following procedures shall apply to actions taken by the department on a certificate of noncompliance received from the department of health and human services pursuant to Iowa Code chapter 252J:

121.20(1) The notice required by Iowa Code section 252J.8 shall be served upon the applicant, identification card holder, or licensee by restricted certified mail, return receipt requested, or personal service in accordance with Iowa Rule of Civil Procedure 1.305.

Alternatively, the licensee, identification card holder, or applicant may accept service personally or through authorized counsel.

121.20(2) The effective date of revocation or suspension of a license or identification card, or denial of the issuance or renewal of a license or identification card, as specified in the notice required by Iowa Code section 252J.8, shall be 60 days following service upon the licensee, identification card holder, or applicant.

121.20(3) Licensees, identification card holders, and applicants for licenses or identification cards shall keep the department informed of all court actions and all child support recovery unit actions taken under or in connection with Iowa Code chapter 252J and shall provide the department with copies, within seven days of filing or issuance, of all applications filed with the district court pursuant to Iowa Code section 252J.9, all court orders entered in such actions, and withdrawals of certificates of noncompliance by the child support recovery unit.

121.20(4) All departmental fees for applications, license or identification card renewal or reinstatement must be paid by the licensee, identification card holder, or applicant before a license will be issued, renewed, or reinstated after the department has denied the issuance or renewal of a license or identification card, or has suspended or revoked a license or identification card pursuant to Iowa Code chapter 252J.

121.20(5) In the event a licensee, identification card holder, or applicant files a timely district court action following service of a department notice pursuant to Iowa Code sections 252J.8 and 252J.9, the department shall continue with the intended action described in the notice upon the receipt of a court order lifting the stay, dismissing the action, or otherwise directing the department to proceed. For the purpose of determining the effective date of revocation or suspension or denial of the issuance or renewal of a license or identification card, the department shall count the number of days before the action was filed and the number of days after the action was disposed of by the court.

661—121.21(80A) Continuing education requirements. The continuing education rules that follow rest upon the premise that the increasing complexity of the private investigation business makes it essential that licensed private investigators continue their education; the public interest requires that private investigators keep themselves continually up to date on developments affecting their practice; and formal programs of continuing education provide private investigators the opportunity to continually update themselves on the expanding body of knowledge required to practice the private investigation profession. Compliance with the continuing education requirements of the department shall be as follows:

Each person who is the holder of a license to operate a private investigative agency is required to comply with the continuing education requirements as a condition precedent to renewal of the person's license.

Each person who is the holder of an identification card to operate as a private investigator is required to comply with the continuing education requirements as a condition precedent to renewal of the employer's agency license.

121.21(1) *Cost of continuing education.* All costs of complying with the continuing education requirements of the department are the responsibility of the licensee who seeks to operate a private investigative agency in this state.

121.21(2) *Basic requirement.* A licensee seeking to renew the licensee's private investigative agency license shall, during the two-year period preceding the agency license expiration date, complete a minimum of 12 hours of acceptable continuing education. Employees of licensees shall, during the two-year period preceding the agency license expiration date, complete a minimum of 12 hours of acceptable continuing education. An employee who has worked for a licensed agency for less than 90 days at the time of the agency license expiration date shall be exempt from the continuing education requirement of this chapter, provided that during the preceding two years the employee has not been employed as a private investigator for a licensed agency or agencies in this state for a combined total of more than 180 days.

a. Applicants who are residents of another state, who are licensed to operate a private investigation agency in their state of residency, and who are actively engaged in the practice in their state of residence shall not be required to meet the basic continuing education requirement if their state of residence requires similar continuing education to maintain their private investigative agency license.

b. The commissioner shall have the authority to make exceptions for reasons of individual hardship including health (certified by a medical doctor), military service, foreign residency, or other good cause.

c. Applicants for new licenses who have held a private investigative agency license in Iowa within the past two years shall complete a minimum of 12 hours of acceptable continuing education during the two-year period preceding the date of application.

121.21(3) *Measurement standards.* The following standards will be used to measure the hours of credit to be given for acceptable continuing education programs completed by individual licensees:

a. Credit will be given for whole hours only, with a minimum of 50 minutes constituting one hour. For example, 100 minutes of continuous instruction would count for two hours; however, more than 50 minutes but less than 100 minutes of continuous instruction would count for only one hour.

b. Only class hours or the equivalent, and not student hours devoted to preparation, may be counted.

c. Service as lecturer or discussion leader of continuing education programs may be counted to the extent that it contributes to the applicant's professional competence.

121.21(4) *Programs that qualify.* The overriding consideration in determining whether a specific program qualifies as acceptable continuing education is that it be a formal program of learning that contributes directly to the professional competence of an individual licensed to practice in this state. It will be left to the individual license holder to determine the course of study to be pursued. Thus, each licensee may study subjects related to the licensee's particular practice.

a. Continuing education programs will qualify only if:

(1) An outline of the program is prepared in advance and preserved.

(2) The program is at least one hour (50-minute period) in length.

(3) The program is conducted by a qualified instructor, discussion leader, or lecturer. A qualified instructor, discussion leader, or lecturer is anyone whose background, training, education or experience makes it appropriate for that person to lead a discussion on the subject matter of the particular program.

(4) A record of attendance is maintained.

b. The following programs are deemed to qualify provided all other requirements of this rule are met:

(1) Professional development programs of recognized national and state private investigation organizations.

(2) Technical sessions at meetings of recognized national private investigation organizations and their chapters.

(3) University or college courses.

1. Each semester hour credit shall equal ten hours toward the requirement.
2. Each quarter hour credit shall equal six hours toward the requirement.
3. Each classroom hour of noncredit courses will equal one qualifying hour.

(4) Formal organized in-firm and interfirm educational programs.

(5) Programs in other recognized organizations (accounting, industrial, legal and others).

(6) Other organized educational programs on technical and other related subjects.

c. The following general subject matters are acceptable as long as they contribute to the professional competence of the individual investigator.

(1) Accounting and auditing.

(2) Management.

(3) Computer science.

(4) Communications arts.

(5) Law.

(6) Functional fields of the business, including but not limited to the following:

1. Accident investigation.
2. Background investigation.
3. Business taxes.
4. Criminal investigation.
5. Court testimony.
6. Employee theft.
7. Process service.
8. Personnel law.
9. Product liability.
10. Public records availability/access.
11. Report writing.
12. Substance use in the workplace.

13. Surveillance techniques.
14. Wage and hour law.
15. Workers' compensation law.

Areas other than those listed above may be acceptable if the licensee can demonstrate that they contribute to the licensee's professional competence. The responsibility for substantiating that a particular program is acceptable and meets the requirements rests solely upon the licensee.

d. Formal correspondence and formal individual study programs contributing directly to the professional competence of an individual that require registration and provide evidence of satisfactory completion will be considered for credit. The amount of credit to be allowed for correspondence and formal individual study programs is to be recommended by the program sponsor and shall not exceed 50 percent of the continuing education requirement.

e. Practical training, also known as field training or on-the-job training, qualifies if it meets the criteria of paragraphs 121.21(4)*"a"* through *"c,"* is accompanied by classroom training in the same topic area, and counts for no more time than the classroom training.

f. The right is specifically reserved to the commissioner to approve or disapprove credit for continuing education claimed under these rules.

121.21(5) *Controls and reporting.*

a. Applicants for license renewal must provide a signed statement, on forms provided by the department, setting forth the continuing education in which the licensee and the licensee's employees have participated in such manner and at such times as prescribed by the commissioner. This information may include:

(1) School, firm or organization conducting the course.
(2) Location of course.
(3) Title of course and description of content.
(4) Principal instructor.
(5) Dates attended.
(6) Hours claimed.

b. The commissioner may require sponsors of courses to furnish attendance lists or any other information the commissioner deems essential for administration of these continuing education rules.

c. The commissioner will verify on a test basis information submitted by licensees. If an application for license renewal is not approved, the applicant will be so notified and may be granted a period of time by the commissioner in which to correct the deficiencies noted.

d. Primary responsibility for documenting the requirements rests with the licensee, and evidence to support fulfillment of those requirements must be retained for a period of three years subsequent to submission of the report claiming the credit. Satisfaction of the requirements, including retention of attendance records and written course outlines, may be accomplished as follows:

(1) For courses taken for scholastic credit in accredited universities and colleges or high school districts, evidence of satisfactory completion of the course will be sufficient. For noncredit courses taken, a statement of the hours of attendance, signed by the instructor, must be obtained by the permit holder.

(2) For correspondence and formal independent study courses, written evidence of completion must be obtained by the licensee.

(3) In all other instances, the licensee must maintain a record of the information listed in subrule 121.21(4) and a copy of the course outline prepared by the course sponsor.

121.21(6) *Compliance.*

a. Renewals. If a licensee fails to comply with continuing education requirements prior to the expiration of the license, the department may grant a temporary 30-day license. If the licensee does not complete the continuing education requirements within the 30-day period, the license renewal shall be denied. If the former licensee then wishes to continue the private investigation business, all of the requirements for an initial application must be met. This includes continuing education requirements if the new application is submitted within two years of the date on which the last license became invalid.

b. New applications for previously licensed persons. If an applicant for a private investigative agency license has been licensed in Iowa within the past two years, continuing education requirements must be met. Failure to comply shall result in the denial of the license until such time as the requirements are met.

c. Employees. If any employee of a licensee fails to comply with continuing education requirements, the employee's identification card shall be revoked and the licensee shall surrender the identification card to the department. An employee may reapply for an identification card as if it were an initial application when continuing education requirements have been met.

661—121.22(80A) Reciprocity.

121.22(1) *Eligibility.* A temporary permit to conduct business in Iowa may be issued to a private investigative or private security agency licensed in another state provided that the requirements and qualifications in the licensing state are similar to those in Iowa and that the licensing state allows similar privileges by reciprocity. A temporary permit may be issued for a period not to exceed 90 days and is not renewable. Employees of an agency granted a temporary permit must comply with Iowa employee requirements in rules 661—121.6(80A) and 661—121.11(80A).

121.22(2) *Requirements.* In order to be considered for a temporary permit, the applicant must undergo a background investigation by the department and shall submit the following:

a. Proof of a current valid bail enforcement, private investigative or private security license in another state. Such license shall be of the same license type as the temporary permit requested from Iowa.

b. A completed Application for Bail Enforcement Agency License, Private Investigative Agency License and/or Private Security Agency License (Form #PD1).

c. Two completed FBI Fingerprint Cards (Form #FD–258) or fingerprint submission utilizing a department-approved fingerprint vendor with the associated processing fees.

d. Proof of surety bond issued by a surety company authorized to do business in this state (Form #PD6).

e. Proof of insurance.

f. If the applicant is:

(1) A corporation, a complete Corporate Information form (Form #PD7);

(2) A limited liability company, a completed Limited Liability Company form (Form #PD5).

g. A color photograph of the head and shoulders of the applicant, taken not more than one year prior to application.

h. A fee of $100 for each temporary permit requested.

i. An application, with associated fees, for an employee identification card (Form #PD2) for the temporary permit holder.

121.22(3) *Employee identification cards.* The temporary permit holder shall submit an application for an employee identification card for each employee as required in rule 661—121.6(80A).

These rules are intended to implement Iowa Code chapter 80A.

ARC 0751D

PUBLIC SAFETY DEPARTMENT[661]

Notice of Intended Action

Proposing rulemaking related to closed-circuit surveillance systems and providing an opportunity for public comment

The Department of Public Safety hereby proposes to rescind Chapter 141, "Closed Circuit Surveillance Systems," and to adopt a new Chapter 141, "Closed-Circuit Surveillance Systems," Iowa Administrative Code.

Legal Authority for Rulemaking

This rulemaking is proposed under the authority provided in Iowa Code section 99F.4 and Executive Order 10.

State or Federal Law Implemented

This rulemaking implements, in whole or in part, Iowa Code section 99F.4.

Purpose and Summary

Pursuant to Executive Order 10, the Department proposes to rescind Chapter 141 and adopt a new chapter in lieu thereof. The purpose of proposed Chapter 141 is to provide specifications and requirements for closed-circuit surveillance systems in casinos.

A redlined version with tracked changes can be found here.

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

Mary Earnhardt, President and CEO of the Iowa Gaming Association (IGA), attended the hearing. Ms. Earnhardt expressed concern over the increased retention period, use of "IP-based" terminology, surveillance equipment location requirements, staffing requirements, and definition of "catastrophic failure" on behalf of IGA membership. Ms. Earnhardt also submitted written comments on behalf of the IGA.

In response to the IGA's comments, the Department made several changes, including revising the definition of "catastrophic failure" to provide additional clarity, removing the term "IP-based surveillance system" and replacing it with "digital surveillance system," revising language and requirements as they relate to surveillance equipment location, and extending the implementation date for the increased surveillance recording retention period to January 1, 2031.

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 7—Chapter 2504.

Public Comment

Any interested person may submit written or oral comments concerning this proposed rulemaking, which must be received by the Department no later than 4:30 p.m. on December 16, 2026. Comments should be directed to:

Josie Wagler
Department of Public Safety
Oran Pape State Office Building
215 East 7th Street
Des Moines, Iowa 50319
Phone: 515.725.6185
Email: wagler@dps.state.ia.us

Public Hearing

Public hearings at which persons may present their views orally or in writing will be held as follows:

December 15, 2026 3 to 3:30 p.m.	First Floor Public Conference Room 125 Oran Pape State Office Building Des Moines, Iowa
December 16, 2026 10 to 10:30 a.m.	First Floor Public Conference Room 125 Oran Pape State Office Building Des Moines, Iowa

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

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

Review by Administrative Rules Review Committee

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

The following rulemaking action is proposed:

ITEM 1. Rescind 661—Chapter 141 and adopt the following **new** chapter in lieu thereof:

CHAPTER 141
CLOSED-CIRCUIT SURVEILLANCE SYSTEMS

661—141.1(99F) Definitions. The following definitions apply to this chapter:

"Administrator" means the administrator of the commission.

"Applicant" means any person applying for an occupational license or applying for a license to operate an excursion gambling boat, or the officers and members of the board of directors of a qualified sponsoring organization located in Iowa.

"Casino surveillance" means the observation of gambling activities in a gaming facility licensed by the commission.

"Catastrophic failure" means an event in which the surveillance system becomes inoperable, unresponsive, or unavailable that prevents the operators from effectively monitoring the gaming areas, recording the gaming areas, or both, and a cause and remedy cannot be determined in a reasonable amount of time.

"Closed network" or *"closed circuit"* means all digital recording equipment and all other associated surveillance equipment that shall be designed, configured, and maintained on a separate and exclusive network system located on the same premises as the casino or on property adjacent to the casino that has been approved by the DCI for the location of surveillance equipment pursuant to subrule 141.8(1). This closed network system shall not be touched by, connected to, or partitioned from any other network unless approval has been received from the assistant director for gaming operations of the DCI. Approval or disapproval of such a request by the assistant director is subject to review by the director of investigative operations or the commissioner of public safety.

"Commission" means the Iowa racing and gaming commission.

"DCI" means the division of criminal investigation, Iowa department of public safety.

"Dedicated coverage" means camera coverage where the sole function is to view and record a specific area whenever activity is occurring in that area.

"Designated sports wagering area" means an area, as designated by a licensee and approved by the commission, in which sports wagering is conducted.

"Digital surveillance system" means a unified surveillance infrastructure in which video signals are generated, transmitted, and stored entirely in a digital format. This requires that all individual cameras, transmission media, and recording architectures operate natively in a digital format.

"Gambling activities" means participating in any form of on-site wagering as defined by Iowa Code chapter 99F and approved by the commission; the movement, storage, and handling of uncounted gambling revenues; the manual exchange of moneys for forms of wagering credit on the gaming floor; public entrance into and public egress from the gaming floor, except that egress through emergency exits that are actively alarmed is not included; and any other activities so defined by the commission.

"Gambling game" means any game of chance authorized by the commission.

"Gangplank" means the walkways that passengers use to embark and disembark from the excursion gambling boat.

"Land-based facility" means the licensee's operation where the soft count room is located, if other than on an excursion gambling boat.

"Licensee" means a qualified sponsoring organization conducting gambling games on an excursion gambling boat or in a racetrack enclosure licensed by the Iowa racing and gaming commission under Iowa Code section 99F.7.

"Locked-down mode" means that the gaming facility is closed for an extended period of time due to an exigent event beyond normally scheduled closure. All currency and cheques have been verified and secured if reasonable and circumstances allow.

"Operator" means an entity licensed by the Iowa racing and gaming commission to operate an excursion gambling boat or racetrack enclosure.

"Slot change booth" means a structure on the floor of a licensed gaming establishment that houses a coin-counting device that is utilized to redeem coins or tickets from patrons.

661—141.2(99F) Closed-circuit surveillance system.

141.2(1) Every licensee shall install, maintain and operate, on the same premises where the casino is located or, with the approval of the DCI, on a property adjacent to the casino, a closed-circuit surveillance system, including a digital recording system, according to specifications set forth in these rules and provide to the commission and the DCI access at all times to the system or its signal.

141.2(2) Any casino issued a license on or after July 1, 2004, will be required to install a recording system that is totally digital and that meets the standards outlined in this chapter.

141.2(3) All current licensees shall have in place a completely digital surveillance system by January 1, 2031. For new licensees, surveillance systems must utilize a completely digital surveillance system upon installation. To qualify as completely digital, every individual component of the system—including all video capture devices, transmission media, and recording architectures—must process, transmit, and store data natively in a digital format. The use of analog-to-digital converters, encoders, or hybrid infrastructure to integrate analog components is prohibited after January 1, 2031.

661—141.3(99F) Specified equipment. The closed-circuit surveillance system shall include, at minimum, the following equipment.

141.3(1) *Cameras.* The system shall include pan-tilt-zoom cameras, commonly referred to as PTZ cameras, that are light-sensitive and designed or installed so that the direction of the camera lens is not viewable by the public. Each camera within the system shall have the capability to provide a clear, unobstructed view of the table number of the gaming table or slot machine in color, with the ability to change to black and white. After January 1, 2031, any newly installed cameras that view gaming-related activities and movement or counting of funds must be at a resolution threshold of no lower than 2 megapixels or 1920 x 1080 pixels.

141.3(2) *Date and time generators.* Each system shall be capable of synchronized recording in military time, with both the time and date of the recorded events displayed without obstructing the recorded view.

141.3(3) *Universal power supply.* The system and its equipment must be directly and securely wired in a way to prevent tampering with the system. In the event of a loss in power to the surveillance system, an auxiliary or backup power source must be available and capable of providing uninterrupted power restoration to the elements of the surveillance system that enable surveillance personnel to observe the gaming activity remaining open for play and all areas monitored by dedicated coverage.

141.3(4) *Domes for cameras.* The domes shall be made of sufficient quality and size to accommodate PTZ cameras and shall be capable of accommodating clear, unobstructed views.

141.3(5) *Recorders.* Each camera specified by these standards must possess the capability of having its view displayed on a video or computer monitor and recorded. The surveillance system must include enough monitors and recording capacity to simultaneously display and record multiple gaming, cage, drop, and count room activities and record the views of dedicated coverage. Recording systems shall be capable of copying original images while maintaining the original native format and storing images in a format that contains a method to verify the authenticity of the original recordings and copies. The licensee shall supply the medium for download and transfer of the information.

141.3(6) *Digital systems.*

a. All images and audio shall be digitally recorded and stored on a system with backup and retrieval capabilities.

b. The surveillance system director or manager shall have control and oversight of the digital recording system.

c. All camera coverage and audio in DCI offices and interview rooms are not to be accessed by anyone outside of the DCI without the express permission of the DCI beyond a regular system check.

d. The system shall provide uninterrupted recording while the playback or copy function is used.

e. Areas with coverage shall be recorded at a sufficient rate of images per second so that, when played back in real time, there is no motion loss detectable to the human eye.

f. If the licensee chooses to use a network for the digital recording equipment, it must be a closed network with limited access located on the same premises as the casino or, with the approval of the DCI, on a property adjacent to the casino. Nothing in this paragraph shall be interpreted to prevent the commission from utilizing or transmitting for regulatory purposes images recorded by a video surveillance system.

g. The licensee shall provide the DCI and the commission representative with the necessary software and hardware to review a downloaded recording. Additionally, the licensee shall provide the DCI and the commission representative with printers at their request.

h. The licensee shall be responsible for staffing the surveillance room with licensed staff trained in the use of digital equipment. Surveillance employees shall be capable of downloading or copying digital audio or images, or both, for evidentiary purposes.

661—141.4(99F) Specified surveillance. Every licensee or operator shall conduct and record, as determined by either the commission or the DCI, surveillance that allows clear, unobstructed views of all on-site gambling activities in the following areas of the gaming floor, designated sports wagering area, and related areas, land-based facilities, and racetrack enclosures.

141.4(1) *Slot machines and electronic table games.* Every licensee that exposes these devices for play shall install, maintain, and operate a casino surveillance system capable of monitoring and recording the device number. Dedicated coverage is not required.

141.4(2) *Table games.*

a. The surveillance system must possess the capability to monitor and record all gaming or card table surfaces; table number, including table bank trays with sufficient clarity to permit identification of all chips, cash, card values, and the outcome of the game; dice in craps games with sufficient clarity to read the dice in their stopped position after each roll; and all roulette tables and wheels with sufficient clarity to legibly read and determine the outcome. Each table or card game, with a bankroll, shall have the capability of being monitored and recorded by no less than two cameras. Exceptions include one dedicated camera covering more than one table if the clarity standard can be met.

b. For licensees that offer dealer assisted or semi-automated table games for play shall install, maintain, and operate a casino surveillance system capable of:

(1) Monitoring the dealer terminal and associated controls.

(2) Utilizing dedicated coverage to capture the outcome of each game, as listed in paragraph 141.4(2)*"a,"* to sufficiently detect irregularities, cheating, or collusion between dealers and players.

(3) Recording and retaining the activity in accordance with the established time frame requirements.

141.4(3) *Progressive table games.* Each progressive table game must be monitored by dedicated coverage that provides views of the table surface so that the card values and card suits can be identified and a view of the progressive meter jackpot amount. For linked progressive table meters, at least one linked meter must be covered by dedicated coverage.

141.4(4) *Casino cage, slot change booth, sports wagering counter, sports wagering or ticket redemption center.* The surveillance system must possess the capability to monitor and record a general overview of activities occurring in each casino cage, slot change booth, sports wagering counter, sports wagering or ticket redemption center with sufficient clarity to identify patrons and employees at the counter area, cash drawers, vaults, safes, countertops, coin and currency counting machines, and chip storage and to identify chip, token, and currency denominations. The casino cage, sports wagering counter, and slot change booth area in which fills, credits, sports wagering tickets, and jackpots are transacted must be monitored by dedicated coverage that provides views with sufficient clarity to identify the chip, currency values and the amounts on the fill/credit slips.

141.4(5) *Count rooms.* The surveillance system must possess the capability to monitor and record all areas within the hard or soft count room, including walls, doors, scales, wrapping machines, coin sorters, currency counters, vaults, safes, and general work surfaces, whenever funds or persons are present. The counting surface in the soft count room must be made of a transparent material that maintains its transparency from the view of the camera. Any area where uncounted coin or currency is stored must be monitored by dedicated coverage. In addition, the hard count and soft count process must be monitored by dedicated coverage.

141.4(6) *Movement of funds.* The surveillance system must possess the capability to monitor and record the movement of cash, gaming chips, and drop boxes. All casino and designated sports wagering area entrance and exit doors, elevators, stairs, gangplanks, and loading and unloading areas shall also possess the capability to be monitored and recorded if they are utilized for the movement of uncounted moneys, gaming chips, and redeemable gaming coupons.

141.4(7) *Admissions entrance and exits.* The admissions entrance and exit areas to the gaming floor must be monitored by dedicated coverage with sufficient clarity to identify patrons and employees at the admissions entrance and exit areas.

141.4(8) *Overall views.* The surveillance system must possess the capability to monitor and record the casino pit area and general casino floor with sufficient clarity to permit identification of players, employees, patrons, and spectators.

661—141.5(99F) DCI offices. The following shall be additional mandatory specifications for said room or rooms:

141.5(1) DCI offices shall possess the ability to access surveillance photos via a shared drive or through electronic transmission.

141.5(2) DCI offices shall be provided with equipment allowing audio pickup from soft count rooms that is clear and audible.

141.5(3) All video from interview rooms or detention areas shall be recorded.

141.5(4) All video from DCI interview rooms must be on an independent system that is separate from the main surveillance system or included in the main surveillance system with only the DCI and designated surveillance system manager having access. A system access log shall record any time the surveillance system manager accesses live or recorded video of these areas. If the system is not capable of providing such logs, then a stand-alone solution shall be approved by the DCI. These logs shall be immediately available to the DCI or the commission upon request.

141.5(5) The DCI shall be provided with at least one surveillance workstation consisting of, at minimum, the same monitoring equipment provided at a single work station within the surveillance monitor room unless otherwise approved by the DCI.

661—141.6(99F) Camera lenses. All closed-circuit cameras shall be equipped with lenses of sufficient quality and resolution to clearly show the value of currency, checks, gaming chips, and playing cards.

661—141.7(99F) Lighting. Adequate lighting shall be present in all areas of the casino and count rooms to enable the video surveillance system to provide clear viewing and reproductions.

661—141.8(99F) Surveillance room. There shall be provided in each gambling facility or gambling structure a room specifically utilized to monitor and record gambling activities. The surveillance room shall be staffed with a minimum of two trained surveillance employees at all times while the facility is operating and one trained surveillance employee at all times when the facility is closed, except for brief absences while system coverage is maintained. In addition, licensed gaming facilities may have satellite monitoring equipment. The following are specifications for the operation of equipment in the surveillance room and of satellite monitoring equipment.

141.8(1) *Surveillance equipment location.* All equipment that may be utilized to monitor or record views obtained by a casino surveillance system must remain in a room located on the same premises as the casino or, with the approval of the DCI, on property adjacent to the casino. The satellite monitoring equipment must be capable of being locked or disabled when not in use. The entrance to the casino surveillance room and satellite monitoring equipment room must be secured at all times. The surveillance system server or dedicated surveillance equipment server room shall have one dedicated overview camera. The surveillance system server or dedicated equipment server room will only be accessible by the surveillance department and all additional granted accesses beyond this group must be approved by the DCI and must be logged, excluding exigent circumstances. Surveillance servers in a shared space must be physically separated from other casino operational systems and secured with restricted access.

141.8(2) *Surveillance system personnel.* Personnel assigned to using, maintaining, and supervising of the surveillance system will have clearly defined job descriptions and duties. Personnel shall complete initial and annual operator-developed training and be able to demonstrate competency and proficiency in operation of the surveillance system and knowledge of games and house rules at each property, as documented by the licensee, prior to independent operation of the system. Training records shall be maintained and made available upon request.

141.8(3) *Override capability.* Casino surveillance equipment must have total override capability over any other satellite monitoring equipment in other casino offices, with the exception of the DCI rooms.

141.8(4) *Access.* DCI and commission employees shall at all times be provided immediate access to the casino surveillance room and satellite monitoring equipment. Also, all DCI and commission employees shall have access to all records and areas of such rooms.

141.8(5) *Surveillance logs.* Entries in the log shall be recorded when specific surveillance is requested by the DCI or the commission or whenever any activity that appears unusual, irregular, illegal or in violation of commission rules is observed. Also, all communications received or sent from the surveillance room in regard to surveillance activities or casino operations shall be logged unless otherwise directed by the DCI.

141.8(6) *Surveillance system network drawings.* A copy of the configuration of the casino floor shall be updated and made available within 72 hours of any approved change after adjustments have been made unless otherwise approved by the DCI. The location of any change and the location of surveillance cameras, gaming tables and slot machines by assigned numbers shall also be included. Copies of the blueprints shall be made available immediately upon completion to the DCI and commission. The DCI or the commission may decide that the blueprints be made available in either physical or electronic format.

141.8(7) *Storage and retrieval.* Surveillance personnel shall label and file all recordings for ease of retrieval. The date and time of the recording shall be recorded. Effective January 1, 2031, recordings of public admission entrances, public exits, ATMs, money exchange kiosks, table games and overviews, casino cashier cages and areas where check-cashing activities occur shall be retained for 30 days unless a longer period is specified by the DCI, the commission, or court order. All other recordings shall be retained for at least seven days after recording unless a longer period is specified by the DCI, the commission, or court order. Original audio, video, and digital recordings shall be released to the DCI or commission upon demand.

141.8(8) *Malfunctions.* Each malfunction of surveillance equipment must be repaired within 24 hours of the malfunction. If, after 24 hours, activity in the affected area cannot be monitored, the game or machine shall be closed until such coverage can be provided. A record of all malfunctions shall be kept and reported to the DCI each day. In the event of a dedicated coverage malfunction, the licensee must immediately provide alternative camera coverage or other security measures that will protect the subject activity. If other security measures are taken, the licensee must immediately notify the DCI. The DCI, in its discretion, will determine whether the other security measures are adequate. In the event of a catastrophic failure of the surveillance system, the DCI must be informed immediately, and a determination will be made as to whether gaming is allowed to continue.

141.8(9) *Security.* Entry to the surveillance room and access to satellite monitoring equipment shall be limited to persons approved by the DCI or the commission. A log of personnel entering and exiting the surveillance room and accessing satellite monitoring equipment shall be maintained and submitted to the DCI or the commission upon request.

141.8(10) *Additional specifications.*

a. Audio and video or digital monitoring and recording shall be continuous in the detention areas when someone is being detained. These recordings must be retained for 30 days after the recorded event, unless directed otherwise by the administrator, DCI or court order.

b. The commission, its employees, and DCI agents shall, at all times, be provided immediate access to the surveillance room and all areas of the casino.

141.8(11) *Written plans and alterations.*

a. Every operator or applicant for licensing shall submit to the commission for approval by the administrator and to the DCI for approval a written casino surveillance system plan no later than 60 days prior to the start of gaming operations.

b. A written casino surveillance system plan must include a casino floor plan that shows the placement of the surveillance room and all casino surveillance equipment in relation to the locations specified for coverage and a detailed description of the casino surveillance system and its equipment. In addition, the plan may include other information that evidences compliance with these rules by the licensee, operator or applicant.

c. The operator may submit a written request to the DCI to change the location of the surveillance room, table games, slot machines, and other gaming devices. The surveillance system must also be adjusted, if necessary, to provide the coverage specified by these rules. A DCI agent must approve the change in the surveillance system before the relocated surveillance room, table games, slot machines, or other gaming devices may be placed into operation. Formal documentation depicting DCI approval of any changes will be submitted to the DCI and the commission upon completion and approval.

EXCEPTION: A commission representative may allow a gambling game to be placed in operation pending approval by a DCI agent.

661—141.9(99F) Nongambling hours. Surveillance will be maintained during nongambling hours as follows.

141.9(1) *Movement of funds.* At any time that cleanup operations or money removal is being conducted in the casino area, the surveillance room must be staffed pursuant to rule 661—141.8(99F).

141.9(2) *Locked-down mode.* Any time the casino is closed and in a locked-down mode, sufficient surveillance coverage must be conducted to monitor and record the casino in general so that security

integrity is maintained. During this period, the presence of a trained surveillance employee shall not be required.

661—141.10(99F) Annual review.

141.10(1) *Surveillance system review.* Each licensee shall be subject to an annual surveillance system inspection by the DCI. The review will include:

a. An overall review of the surveillance system and the surveillance system's abilities with the head of surveillance.

b. Verification of required coverages.

c. Image quality testing.

d. System retention abilities.

e. System redundancy and power protection testing.

f. Review of event and system update/upgrade logs and access logs.

141.10(2) *Inspection report.* The licensee shall be provided with a copy of the signed inspection. Any deficiencies or areas for improvement shall be corrected within the timelines agreed upon by the licensee, the commission, and the DCI.

661—141.11(99F) Waivers from requirements. Written requests for waivers of these rules may be filed pursuant to 7—Chapter 2504.

These rules are intended to implement Iowa Code section 99F.4.

ARC 0745D

TRANSPORTATION DEPARTMENT[761]

Notice of Intended Action

Proposing rulemaking related to special permits and providing an opportunity for public comment

The Transportation Department hereby proposes to amend Chapter 511, "Special Permits for Operation and Movement of Vehicles and Loads of Excess Size and Weight," Iowa Administrative Code.

Legal Authority for Rulemaking

This rulemaking is proposed under the authority provided in Iowa Code section 321E.29B.

State or Federal Law Implemented

This rulemaking implements, in whole or in part, Iowa Code section 321E.29B.

Purpose and Summary

The purpose of the proposed amendments is to align the rules with 2026 Iowa Acts, Senate File 2429, which authorizes permit-issuing authorities to issue annual overweight permits for vehicles transporting fluid milk products with a gross vehicle weight of up to 136,000 pounds. The legislation directs the Department to establish, through administrative rulemaking, the required minimum distances of axle configurations for vehicles operating under these permits. The amendments also update the chapter's citations to federal regulations.

Regulatory Analysis

A Regulatory Analysis for this rulemaking was published in the Iowa Administrative Bulletin on August 19, 2026. A public hearing was held on the following date(s):

- September 8, 2026

No public comments were received.

Fiscal Impact

This rulemaking has no fiscal impact to the State of Iowa.

Jobs Impact

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

Waivers

Any person who believes that the application of the discretionary provisions of this rulemaking would result in hardship or injustice to that person may petition the Department for a waiver of the discretionary provisions, if any, pursuant to 761—Chapter 2504.

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 15, 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

Public Hearing

Public hearings at which persons may present their views orally will be held as follows:

December 15, 2026 9 to 9:30 a.m.	Microsoft Teams link Or dial: 515.817.6093 Conference ID: 967 148 419#
December 15, 2026 2 to 2:30 p.m.	Microsoft Teams link Or dial: 515.817.6093 Conference ID: 820 092 850#

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 rule 761—511.16(321,321E) as follows:

761—511.16(321,321E) Annual fluid milk products permits. Annual fluid milk products permits are issued for indivisible loads of fluid milk products for travel when the weight of the vehicle or load exceeds statutory limits. Routing is subject to embargoed bridges and roads and posted speed limits. The owner or operator shall select a route using the vertical clearance map and road construction and

travel restrictions map provided by the ~~department~~ permit-issuing authority. Route, detour and road embargo for fluid milk products information may be found online at www.511ia.org or the department's website for the embargo bridge maps at www.iowadot.gov/mvd/motorcarriers/bridgemap.pdf. For travel on secondary roads, the owner or operator shall contact the local authority to verify any additional restrictions. Annual fluid milk products permits are issued for the following:

511.16(1) Vehicles with indivisible loads of fluid milk products provided the following are not exceeded.

a. to *d.* No change.

e. Distance. Movement is allowed for unlimited distance on the primary road system, including the interstate, provided the vehicle is transporting fluid milk products to or from a milk plant, receiving station, or transfer station; routing through the ~~motor vehicle division~~ permit-issuing authority is not required.

511.16(2) Reserved.

This rule is intended to implement Iowa Code sections 321.454, 321.456, 321.457, 321.463, 321E.2, 321E.3, 321E.8, 321E.10, 321E.15 and 321E.29A and section 321E.29B as amended by 2026 Iowa Acts, Senate File 2429, section 1.

ITEM 2. Rescind subrule 511.17(6) and adopt the following **new** subrule in lieu thereof:

511.17(6) *Annual fluid milk products permits.*

a. For movement under an annual fluid milk products permit, the gross weight on any axle cannot exceed 20,000 pounds with a maximum of 136,000 pounds total gross weight.

b. Vehicles operating under annual fluid milk products permits with a total gross weight of between 0 and 96,000 pounds shall have a minimum axle distance of at least 26 feet from the center of the front axle to the center of the rear axle.

c. Vehicles operating under annual fluid milk products permits with a total gross weight of between 96,001 and 116,000 pounds shall have a minimum axle distance of at least 46 feet from the center of the front axle to the center of the rear axle. If the weight of any axle groups exceeds 96,000 pounds, the minimum distance within those axle groups must be at least 26 feet.

d. Vehicles operating under annual fluid milk products permits with a total gross weight of between 116,001 and 136,000 pounds shall have a minimum axle distance of at least 56 feet from the center of the front axle to the center of the rear axle. If the weight of any axle groups exceeds 96,000 pounds, the minimum distance of those axle groups must be at least 26 feet. If the weight of any axle groups exceeds 116,000 pounds, the minimum distance of those axle groups must be at least 46 feet.

USURY

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

December 1, 2025 — December 31, 2025	6.00%
January 1, 2026 — January 31, 2026	6.00%
February 1, 2026 — February 28, 2026	6.25%
March 1, 2026 — March 31, 2026	6.25%
April 1, 2026 — April 30, 2026	6.25%
May 1, 2026 — May 31, 2026	6.25%
June 1, 2026 — June 30, 2026	6.25%
July 1, 2026 — July 31, 2026	6.50%
August 1, 2026 — August 31, 2026	6.50%
September 1, 2026 — September 30, 2026	6.50%

October 1, 2026 — October 31, 2026	6.75%
November 1, 2026 — November 30, 2026	7.00%
December 1, 2026 — December 31, 2026	7.25%

ARC 0744D

VETERANS AFFAIRS, IOWA DEPARTMENT OF[801]

Notice of Intended Action

Proposing rulemaking related to the veterans license fee fund and providing an opportunity for public comment

The Iowa Department of Veterans Affairs hereby proposes to rescind Chapter 17, "Veterans License Fee Fund," Iowa Administrative Code, and to adopt a new Chapter 17 with the same title.

Legal Authority for Rulemaking

This rulemaking is proposed under the authority provided in Iowa Code sections 35A.5 and 35A.11 and Executive Order 10.

State or Federal Law Implemented

This rulemaking implements, in whole or in part, Iowa Code sections 35A.5 and 35A.11 and Executive Order 10.

Purpose and Summary

The Department is proposing a revised Chapter 17 to update procedures and reduce unnecessary text pursuant to Executive Order 10. Relevant content will be streamlined to provide greater clarity and remove unnecessary elaboration on certain rules.

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 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 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 17, 2026. Comments should be directed to:

Mike Olson
Iowa Department of Veterans Affairs
Camp Dodge, Building 3465
7105 NW 70th Avenue
Johnston, Iowa 50131
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 17, 2026 1 p.m.	Video call link: meet.google.com/eoj-hchy-bfi Or dial: 401.903.4770 Conference ID: 927 612 478#
December 17, 2026 3:30 p.m.	Video call link: meet.google.com/uat-yjdh-edv Or dial: 650.667.3126 Conference ID: 667 104 270#

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 17 and adopt the following **new** chapter in lieu thereof:

CHAPTER 17
VETERANS LICENSE FEE FUND

801—17.1(35A) Purpose. These rules establish guidelines utilized by the commission of veterans affairs for grants and authorized expenditures from the veterans license fee fund to fulfill the responsibilities of the commission.

801—17.2(35A) Grants.

17.2(1) Grant applicants must have nonprofit or governmental status or be a nationally recognized veterans service organization.

17.2(2) The amount of funding awarded to an applicant is at the discretion of the commission. Applications with at least 50 percent of total project or program funding, exclusive of future pledges, are encouraged. Applicants must include a budget for the entire project to include sources and uses of funds and a timeline for completion. Grants may be paid as the last dollar in at the discretion of the commission. Projects and programs should generally be completed within one year of the awarding of the grant.

17.2(3) Recurring requests for funding are not guaranteed but may be granted at the sole discretion of the commission. Grants are not intended to be built into an organizational budget with the expectation for continuous and ongoing funding.

17.2(4) Grant recipients will submit a written report on the effectiveness of the project or program to the commission no later than three months following completion.

17.2(5) The commission will maintain an application form with any additional details and requirements that will be available upon request from the department.

801—17.3(35A) Expenditures. Moneys in this fund may be used for administrative expenses related to the business of the commission of veterans affairs, including outreach and awareness, professional development, mileage, per diem, conference call capabilities, printing, and other costs for meetings.

801—17.4(35A) Administration. This fund will be administered by the department.

These rules are intended to implement Iowa Code section 35A.11.

ARC 0790D

CORRECTIONS DEPARTMENT[201]

Adopted and Filed

Rulemaking related to Iowa state industries

The Department of Corrections hereby rescinds Chapter 37, "Iowa State Industries," Iowa Administrative Code, and adopts a new Chapter 37 with the same title.

Legal Authority for Rulemaking

This rulemaking is adopted under the authority provided in Iowa Code sections 904.108 and 904.804.

State or Federal Law Implemented

This rulemaking implements, in whole or in part, Iowa Code chapter 904.

Purpose and Summary

This rulemaking rescinds and adopts a new Chapter 37 with revised administrative rules to satisfy the requirements of Executive Order 10. The purpose of Chapter 37 is to offer work training opportunities, partner with private sector employers, and produce goods for public and private entities, ultimately improving employability, reducing recidivism, and enhancing public safety. Pursuant to Executive Order 10, the Department conducted a comprehensive review of this chapter to eliminate restrictive terms, obsolete rules, and language that duplicates State statutes. Specifically, this rulemaking does the following:

- Removes all references to the Prison Industries Advisory Board to align administrative rules with the statutory changes mandated by 2024 Iowa Acts, Senate File 2385, which dissolved the Board and transferred duties directly to the Department.
- Simplifies vendor appeal protocols by cleanly adopting by reference the Uniform Rules on Agency Procedure under 7—Chapter 2506.
- Replaces redundant statutory language regarding core functions with citations to the Iowa Code to prevent rules from becoming instantly obsolete when underlying laws shift.
- Maintains procedural compliance with the dual-agency directives between the Department and Iowa Workforce Development (IWD).
- The result is a streamlined chapter that maintains essential public transparency while ensuring alignment with provisions of the Iowa Code.

Public Comment and Changes to Rulemaking

Notice of Intended Action for this rulemaking was published in the Iowa Administrative Bulletin on September 30, 2026, as **ARC 0615D**. Public hearings were held on the following date:

- October 20, 2026

No one attended the public hearings. No public comments were received. No changes from the Notice have been made.

Adoption of Rulemaking

This rulemaking was adopted by the Department on November 4, 2026.

Fiscal Impact

This rulemaking has no fiscal impact to the State of Iowa. This rulemaking maintains existing statutory practices. Iowa State Industries is entirely self-funded and receives no State appropriation.

Jobs Impact

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

Waivers

Any person who believes that the application of the discretionary provisions of this rulemaking would result in hardship or injustice to that person may petition the Department for a waiver of the discretionary provisions, if any, pursuant to 201—Chapter 2504.

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 30, 2026.

The following rulemaking action is adopted:

ITEM 1. Rescind 201—Chapter 37 and adopt the following **new** chapter in lieu thereof:

CHAPTER 37
IOWA STATE INDUSTRIES

201—37.1(904) Function. Iowa state industries, established by Iowa Code chapter 904, is administered by a state director and operates manufacturing, farming, surplus and private sector work programs. Each business is entirely self-funded and receives no state appropriation.

37.1(1) Iowa state industries is charged with making available to offenders of the state correctional institutions opportunities for work in meaningful jobs that will enable the offenders' chances of a successful return to society as law-abiding and self-supporting members of the community upon the offenders' release.

37.1(2) Iowa state industries is further charged with enabling offenders to work in order to provide financial assistance to their dependents, make restitution, pay the cost of board and maintenance in a correctional institution, and accumulate savings upon their eventual return to the community.

This rule is intended to implement Iowa Code section 904.804.

201—37.2(904) Sale of products.

37.2(1) Iowa state industries may sell products as outlined in Iowa Code section 904.815.

37.2(2) Iowa state industries may sell products to a general contractor when the products purchased will be sold to a public entity as provided in Iowa Code section 904.815. The public entity will submit a written request to Iowa state industries specifying the products and quantities to be purchased. Such sales will be limited to contractors involved in construction, renovation, and remodeling projects. Sales to a general contractor above $50,000 will be approved by the state director.

37.2(3) Catalogs are available online at www.iaprisonind.com or at the Iowa state industries showroom and main office, located at 1445 East Grand Avenue, Des Moines, Iowa 50316. Inquiries or requests for a mailed catalog may be made by calling 800.332.7922.

37.2(4) Information may be obtained from or reported to Iowa state industries at the Business Office, 406 North High Street, Anamosa, Iowa 52205; telephone 319.462.3706. Information is also available online at www.iaprisonind.com.

This rule is intended to implement Iowa Code section 904.815.

201—37.3(904) Procurement of goods and services.

37.3(1) The provisions of 11—Chapter 117 are hereby adopted by reference with the following amendments.

a. Strike "department of administrative services" and insert in lieu thereof "Iowa state industries" in all rules.

b. In lieu of the definitions of "department" and "director", insert the following:

"Department" means the division of Iowa state industries.

"Director" means the director of the division of Iowa state industries or the director's designee.

c. Rules 11—117.7(8A) and 11—117.15(8A) and 11—subrule 117.4(3) are not adopted.

d. In lieu of the text of 11—subrule 117.14(1), insert the following: "Purchase of goods. An agency may acquire goods not otherwise available through a master agreement in accordance with the procurement threshold guidelines in 11—subrule 117.5(3)."

37.3(2) For vendor appeals involving a competitive solicitation, 7—Chapter 2506 applies. For all other purchasing actions, including noncompetitive procurement and contract administration, the following process shall apply:

a. Step 1. Appeals will be filed in writing to the Business Manager, Iowa State Industries, 406 North High Street, Anamosa, Iowa 52205, within five working days of notification of the action being appealed. The appeal is to state the specific grounds upon which the vendor is challenging the action. The business manager, Iowa state industries, will notify the vendor in writing of the decision within ten working days.

b. Step 2. If the appeal is not resolved, it may be further appealed by the vendor to the Director of Iowa State Industries, Jessie Parker State Office Building, 510 East 12th Street, Des Moines, Iowa 50319, within ten working days of the notification of the Step 1 appeal response. The director of Iowa state industries will notify the vendor in writing of the decision within 15 working days.

c. Step 3. An unresolved appeal to the Director of Iowa State Industries will be referred to the Director of the Department of Corrections, Jessie Parker State Office Building, 510 East 12th Street, Des Moines, Iowa 50319, within ten working days of the notification of the Step 2 appeal response. The director of the department of corrections will notify the vendor in writing of the decision within 15 working days.

This rule is intended to implement Iowa Code section 904.813.

201—37.4(904) Private sector employment projects.

37.4(1) *Definitions.*

"Deputy director of prison industries" means the department of corrections deputy director responsible for the day-to-day operations of prison industries, including private sector individuals.

"Director" means the same as defined in Iowa Code section 904.101(5).

"Wage range" means the same as described in Iowa Code section 904.809(1)*"c."*

"Workforce development board" means the board created in Iowa Code section 84A.1A.

"Workforce development director" means the same as described in Iowa Code section 84A.1(2).

37.4(2) *Employer application.* Private sector employers requesting offender labor will submit an application to the deputy director of prison industries or designee. Required application information will be provided in accordance with Iowa state industries policies and procedures.

a. Upon receiving an application to use offenders in a private sector work program, the deputy director of prison industries or designee will provide a copy of the private sector work proposal, including job descriptions and proposed wages to the workforce development division administrator.

b. The deputy director of prison industries or designee will send a letter to the department of workforce development requesting the average wage rate for the job(s) the offenders will perform, the current unemployment rate in the county where the work is being performed, and the current employment level of the company that will employ the offenders.

c. The deputy director of prison industries or designee and the warden at the proposed institution will review the proposed projects with the board of supervisors and the sheriff in the county where the project will be located.

37.4(3) *Verification.* Upon written request from the deputy director of prison industries or designee, the workforce development division administrator shall verify the employment levels and prevailing wages paid for similar jobs in the area and provide to the deputy director of prison industries or designee, in writing:

a. The average wage rate for the proposed job(s);

b. The wage range;

c. The current unemployment rate for the county where the work is being performed; and

d. The current employment levels of the company that will employ the offenders based upon the most recent quarter for which data is available.

37.4(4) *Prevailing wages.* The deputy director of prison industries or designee will obtain employment levels in the locale of the proposed job(s) and the prevailing wages for the job(s) in question from the department of workforce development prior to authorizing any private sector work program. The deputy director of prison industries or designee will consider the average wage rate and wage range from the department of workforce development for the appropriate geographic area for which occupational wage information is available. The appropriate geographic area may be statewide. To reduce possible displacement of civilian workers, the deputy director of prison industries shall advise prospective employers and eligible offenders of the following requirements:

a. Offenders shall not be eligible for unemployment compensation while incarcerated.

b. Before the employer initiates work utilizing offender labor, the deputy director of prison industries or designee will provide the baseline number of jobs as established by the department of workforce development.

c. Annually, the deputy director of prison industries or designee will request from the department of workforce development the actual number of civilian workers by employer and will compile a side-by-side comparison of each employer.

37.4(5) *Ineligible projects.* The deputy director of prison industries or designee will evaluate the information from the department of workforce development to verify nondisplacement of civilian workers consistent with Iowa Code section 904.809(1)*"d."*

37.4(6) *Notification and review.*

a. The deputy director of prison industries or designee will provide a copy of the private sector work proposal and the department of workforce development review of the private sector work proposal to the following:

(1) Warden at the proposed work site;

(2) Local labor organization(s); and

(3) Department of Justice, Washington, D.C.

b. Within 14 calendar days of receiving the department of workforce development review, the deputy director of prison industries or designee will consolidate the recommendations for review and approval by the director of corrections.

37.4(7) *Disputes.*

a. Anyone who believes that the private sector work program violates this rule shall advise the department of workforce development. A written complaint may be filed in accordance with rule 877—1.2(84A). The workforce development director shall consult with the deputy director of prison industries before the workforce development board makes a final recommendation(s) to resolve any complaint.

b. The deputy director of prison industries will assist the department of workforce development in compiling all information necessary to resolve the dispute. The workforce development board shall notify the deputy director of prison industries and interested parties in writing of the recommended action to resolve a complaint, which will be binding on all parties.

This rule is intended to implement Iowa Code section 904.809.

201—37.5(904) Utilization of offender labor in construction and maintenance projects.

37.5(1) *Definitions.*

"Director" means the same as defined in Iowa Code section 904.101(5).

"Employer" means a contractor or subcontractor providing maintenance or construction services under contract to the department of corrections or under the department of administrative services.

"Workforce development director" means the same as described in Iowa Code section 84A.1(2).

37.5(2) *Scope.* Utilization of offender labor applies only to contractors or subcontractors providing construction or maintenance services to the department of corrections. The contract authority for providing construction or maintenance services may be the department of administrative services.

37.5(3) *Employer application.* Employers working under contract with the state of Iowa may submit an application to the department of corrections to employ offenders. Requests for such labor shall not include work release offenders assigned to community-based corrections under Iowa Code chapter 904.

a. The employer's application shall include:

(1) Scope of work, including type of work and required number of workers;

(2) Proposed wage rate;

(3) Location;

(4) Duration; and

(5) Reason for utilizing offender labor.

b. The department of corrections will verify through the department of workforce development the average wage rate for the job(s) the offenders will perform, the current unemployment rate in the county where the work is being performed, and the current employment level of the employer that will employ the offenders.

37.5(4) *Verification.* Upon written request from the department of corrections, the workforce development division administrator shall verify the employment levels and prevailing wages paid for similar jobs in the area and provide to the director, in writing:

a. The average wage rate for the proposed job(s);

b. The wage range;

c. The prevailing wage as determined by the U.S. Department of Labor;

d. The current unemployment rate for the county where the work is being performed;

e. The current employment levels of the employer that will employ the offenders based upon the most recent quarter for which data is available.

37.5(5) *Safety training.* The employer shall document that all offenders employed in construction and maintenance projects receive an Occupational Safety and Health Administration (OSHA) 10-Hour outreach course provided free of charge by an authorized OSHA outreach trainer.

37.5(6) *Prevailing wages.*

a. The director will not authorize an employer to employ offenders in hard labor programs without obtaining from the department of workforce development employment levels in the locale of the proposed jobs and the prevailing wages for the jobs in question. The average wage rate and wage range from the department of workforce development will be based on the appropriate geographic area for which occupational wage information is available. The appropriate geographic area may be statewide.

b. To reduce any potential displacement of civilian workers, the director will advise prospective employers and eligible offenders of the following requirements:

(1) Offenders will not be eligible for unemployment compensation while incarcerated.

(2) Before the employer initiates work utilizing offender labor, the director will provide the baseline number of jobs as established by the department of workforce development.

(3) If the contract to employ offender labor exceeds six months, the director will:

1. Request and receive from the workforce development division administrator the average wage rates and wage ranges for jobs currently held by offenders and current employment levels of employers employing offenders; and

2. Compile a side-by-side comparison of each employer.

37.5(7) *Disputes.* Anyone who believes that the employer's application violates this rule shall present concerns in writing to the workforce development board. A written complaint may be filed with the workforce development board for any dispute arising from the implementation of the employer's application in accordance with rule 877—1.3(84A). The workforce development board shall consult with

the director prior to making recommendations. The director will assist the workforce development board in compiling all information necessary to resolve the dispute. The workforce development board shall notify the director and interested parties in writing of the corrective action plan to resolve the dispute, which will be binding on all parties.

This rule is intended to implement Iowa Code section 904.701.

[Filed 11/4/26, effective 12/30/26]
[Published 11/25/26]

EDITOR'S NOTE: For replacement pages for IAC, see IAC Supplement 11/25/26.

ARC 0791D

CORRECTIONS DEPARTMENT[201]

Adopted and Filed

Rulemaking related to community-based corrections

The Department of Corrections hereby rescinds Chapter 40, "Community-Based Corrections Administration," adopts a new Chapter 40, "Community-Based Corrections," and rescinds Chapter 41, "Preconviction Service," Chapter 42, "Probation Services," Chapter 43, "Residential Facilities," Chapter 44, "Work Release," Chapter 45, "Parole," and Chapter 47, "OWI Programs," Iowa Administrative Code.

Legal Authority for Rulemaking

This rulemaking is adopted under the authority provided in Iowa Code section 904.108.

State or Federal Law Implemented

This rulemaking implements, in whole or in part, Iowa Code chapters 321J, 811, 901, 904, 906, 907, 908, and 910.

Purpose and Summary

This rulemaking rescinds and replaces Chapter 40 with a consolidated, unified regulatory framework to satisfy the requirements of Executive Order 10. The purpose of Chapter 40 is to govern the administration and delivery of all Community-Based Corrections (CBC) services across the State's eight district departments, including preconviction, probation, parole, residential, work release, and operating a motor vehicle while under the influence (OWI) programming. Pursuant to Executive Order 10, the Department conducted a comprehensive review of the CBC administrative rules to eliminate restrictive terms, obsolete rules, and language that duplicates State statutes. This rulemaking takes essential mandates previously scattered across standalone chapters (Chapters 40 through 45 and 47) and organizes them into a single cohesive chapter while preserving essential safety and service requirements and achieving the regulatory benefit in a more efficient and less burdensome format.

Public Comment and Changes to Rulemaking

Notice of Intended Action for this rulemaking was published in the Iowa Administrative Bulletin on September 30, 2026, as **ARC 0614D**. Public hearings were held on the following date:

- October 20, 2026

No one attended the public hearings. No public comments were received. No changes from the Notice have been made.

Adoption of Rulemaking

This rulemaking was adopted by the Department on November 4, 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 201—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 30, 2026.

The following rulemaking action is adopted:

ITEM 1. Rescind 201—Chapter 40 and adopt the following **new** chapter in lieu thereof:

TITLE III
COMMUNITY-BASED CORRECTIONS

CHAPTER 40
COMMUNITY-BASED CORRECTIONS

DIVISION I
GENERAL PROVISIONS

201—40.1(904) Title III definitions.

"Community service" means unpaid public service as a condition of probation established pursuant to Iowa Code chapter 907 or in lieu of restitution as authorized in Iowa Code chapter 910.

"Conditions of probation" means the same as described in Iowa Code section 907.6.

"Contraband" means weapons, alcohol, drugs, money, obscene materials, or material advocating disruption of or injury to clients, employees, programs, or physical facilities. "Contraband" also includes anything that is illegal to possess under federal or state law, anything that is prohibited by the facility, or materials that are used in the production of drugs or alcohol or used in conjunction with the taking of illicit drugs.

"Department" means the Iowa department of corrections as defined in Iowa Code section 904.101(4).

"District department" means the same as defined in Iowa Code section 904.101(7).

"District director" means the same as defined in Iowa Code section 904.101(8).

"Deputy director" means the deputy director for community-based corrections of the department.

"Parole" means the same as defined in Iowa Code section 906.1.

"Parole agreement" means the same as described in Iowa Code section 906.11.

"Parole plan" means a document listing place of employment, residence and the supervising parole officer.

"Presentence investigations" means the same as described in Iowa Code sections 901.2 and 901.3.

"Pretrial release" means the same as described in Iowa Code section 811.2.

"Probation" means the same as defined in Iowa Code section 907.1.

"Probation agreement" means the same as described in Iowa Code section 907.6.

"Probation service" means the same as described in Iowa Code section 907.2.

"Restitution plan of payment" means the same as defined in Iowa Code section 910.1(8).

"Supervision" means supervision during the probationary period as described in Iowa Code section 907.8.

This rule is intended to implement Iowa Code section 904.108(1)*"l."*

201—40.2(904) Grievance procedures.

40.2(1) The department will maintain policies and procedures establishing a grievance process applicable to all persons under supervision.

40.2(2) Persons under supervision will be provided notice of the grievance process in accordance with department policy.

This rule is intended to implement Iowa Code section 904.108(1)*"l."*

201—40.3(904) Electronic case records. The department will maintain an electronic case record for all persons under supervision.

40.3(1) The contents of electronic case records will be maintained in accordance with department policy and may include identification data, institutional information, case plans, restitution plans, supervision or release plans, generic notes, disciplinary reports, transfer reports, progress reports, releases of information, and discharge records, as applicable.

40.3(2) Written procedures will govern the security, maintenance, accessibility, closure, and destruction of electronic case records in accordance with department policy.

This rule is intended to implement Iowa Code section 904.108(1)*"l."*

201—40.4(904) Case management system and risk/needs assessment. The department will utilize the statewide approved case management system and a statewide validated risk/needs assessment instrument for persons under supervision when required by statute or department policy.

40.4(1) Risk and needs information will be used to inform supervision and case planning consistent with the risk-need-responsivity model and core correctional practices.

40.4(2) Resources will be prioritized for clients who pose a greater risk to reoffend.

40.4(3) Moderate-risk and high-risk clients will receive evidence-based case planning and case management in accordance with department policy.

This rule is intended to implement Iowa Code section 904.108(1)*"l."*

201—40.5(904,907,910) Restitution. Unless otherwise provided by statute or rule, this rule applies to persons under supervision of the district department.

40.5(1) *Restitution plan of payment.* When restitution is ordered by the court, the department will ensure that a restitution plan of payment is prepared, submitted, reviewed, and modified in accordance with Iowa Code chapter 910.

a. A restitution plan of payment will be developed for any client under supervision who is court ordered to pay restitution unless the court-ordered restitution plan has been completed.

b. Factors that must be considered in developing the restitution plan of payment are outlined in Iowa Code section 910.5(2)*"a"*(1).

c. A copy of the restitution plan will be given to the client in accordance with Iowa Code section 907.8(1).

d. The department will maintain policies and procedures governing the development and modification of restitution plans of payment.

e. The approved restitution plan of payment will be forwarded to the appropriate clerk of court by the district department or to the person responsible for collection if collections are performed by the district department.

40.5(2) *Restitution compliance.* Persons under supervision will comply with the terms of the restitution plan of payment.

a. Payments shall be submitted in a timely manner to the clerk of court or to the department, as applicable.

b. If payments are made to the clerk of court, the client must provide proof of payment to the department.

c. When community service is ordered in lieu of financial restitution, the department will provide statements to the appropriate clerk of court in accordance with department policy.

This rule is intended to implement Iowa Code sections 907.8 and 910.5.

201—40.6(904,906) Transportation reimbursement.

40.6(1) In accordance with Iowa Code sections 904.909 and 906.18, a client under supervision who escapes, absconds, or otherwise violates conditions requiring return to custody must reimburse the department for the actual cost incurred by the department.

40.6(2) Actual cost means the following:

a. Actual salary, to include overtime, of all personnel involved;

b. Actual personal expenses of personnel involved;

c. Ground mileage at the rate paid to state employees;

d. Actual cost of any common carrier fee for personnel and the client. Airfare will be booked at regular coach; and

e. Actual costs of contract services.

This rule is intended to implement Iowa Code sections 904.909 and 906.18.

201—40.7(904) Authorization to carry firearms.

40.7(1) The department may authorize employees to carry a firearm while performing official duties. The department will establish policies and procedures governing the authorization of probation/parole officers and reserve peace officers subject to Iowa Code chapter 80D.

40.7(2) Probation/parole officers and reserve peace officers subject to Iowa Code chapter 80D must complete the Iowa law enforcement academy curriculum before being authorized to carry a firearm. Officers authorized before February 9, 2005, are exempt from this requirement.

This rule is intended to implement Iowa Code section 904.108(1)*"l."*

DIVISION II
PRECONVICTION SERVICES

201—40.8(811,901,904) Preconviction services.

40.8(1) *Pretrial services.*

a. The district department will designate staff to conduct pretrial screenings and administer pretrial release services.

b. The district department will establish a system of communication with law enforcement and the judiciary regarding the availability of pretrial services.

c. The department will maintain policies and procedures governing pretrial services, including but not limited to:

(1) Identification and timely screening of persons eligible for pretrial services,

(2) Screening criteria that require consideration of conditions contained within Iowa Code section 811.2,

(3) Reporting violations of conditions of release to the court,

(4) Supervision of persons released under pretrial services, and

(5) Notifying the supervising agent of any pretrial screenings for existing clients.

d. A grievance process applicable to persons under pretrial supervision will be provided in accordance with rule 201—40.2(904).

e. Electronic case records will be maintained on each active case under supervised release in accordance with rule 201—40.3(904).

40.8(2) *Presentence investigation.*

a. The district department will conduct presentence investigations ordered by the court.

b. The department will maintain policies and procedures governing presentence investigations, including but not limited to:

(1) Preparation of presentence investigation reports in accordance with Iowa Code section 901.3,

(2) Inclusion of the results of a department-approved validated risk assessment,

(3) Timely transmittal of the presentence investigation report to the court, and

(4) Confidential handling of presentence investigation reports in accordance with Iowa Code section 901.4.

This rule is intended to implement Iowa Code chapters 811 and 901 and section 904.108(1)*"l."*

DIVISION III
PROBATION SERVICES

201—40.9(904,907,908,910) Probation services. The department will provide probation services throughout each district department and will maintain policies and procedures governing probation supervision, including but not limited to:

40.9(1) Uniform classification and supervision of probationers.

40.9(2) Use of the statewide approved case management system and a statewide validated risk/needs assessment instrument to inform supervision and case planning consistent with the risk-need-responsivity model and core correctional practices in accordance with rule 201—40.4(904).

40.9(3) Establishment of probation conditions that meet the approval of the court and procedures to ensure clients receive those conditions in writing, including documentation of receipt.

40.9(4) Searches of clients under probation supervision and the search and seizure of their property in accordance with court requirements.

40.9(5) Reporting violations of probation and recommending revocation to the court.

40.9(6) Determining when an arrest may be made or a client should be taken into custody.

40.9(7) Requesting discharge from probation, including recommendations when a client has met court obligations, no longer poses a threat to the community, or cannot benefit substantially from further supervision.

40.9(8) A grievance process for clients under probation supervision in accordance with rule 201—40.2(904).

40.9(9) Maintenance of an electronic case record for each client under supervision in accordance with rule 201—40.3(904).

40.9(10) Preparation, submission, review, and modification of the restitution plan of payment will be conducted in accordance with Iowa Code chapter 910 and rule 201—40.5(904,907,910).

40.9(11) Preparation, submission, review, and modification of the plan of community service in accordance with Iowa Code chapters 907 and 910.

40.9(12) Preparation, submission, review, modification, collection and retention of supervision enrollment fees, including the waiver of fees for persons determined unable to pay, in accordance with Iowa Code section 904.912.

This rule is intended to implement Iowa Code chapter 907 and sections 904.108, 908.11 and 910.5.

DIVISION IV
PAROLE SERVICES

201—40.10(904,906,908,910) Parole services.

40.10(1) *Supervision.* Persons granted parole by the board of parole are supervised by a district department. Conditions of parole are imposed as established and approved by the board of parole.

40.10(2) *Effective date/parole agreement.* Parole is effective only upon the incarcerated individual's acceptance of the terms of parole as evidenced by the signing of the parole agreement unless otherwise prescribed by law. The parole agreement is issued only upon the written order of the board of parole and only after approval of the parole plan. A parolee will not be released on parole prior to execution of the parole agreement. The parole agreement will contain the conditions of parole and the parolee's reporting instructions.

40.10(3) *Delivery of services.* The department will deliver parole services in accordance with department policy and procedures, including but not limited to:

a. The administration of earned and honor time;

b. Authorization of community placement furloughs in accordance with Iowa Code section 904.108(2);

c. Provision of clothing, transportation, and money in accordance with Iowa Code section 906.9;

d. Availability of emergency medical care and response to sudden illness or accidents;

e. Establishment of a grievance process with notice provided in accordance with rule 201—40.2(904); and

f. Development of a restitution plan of payment in accordance with Iowa Code chapter 910 and rule 201—40.5(904,907,910).

40.10(4) *Parole violations.*

a. The department may report violations of parole conditions to the board of parole in accordance with board requirements set forth in rules 205—11.5(908) and 205—11.6(908).

b. With supervisory approval, a parole officer may arrest a parolee when there is probable cause to believe a parole violation has occurred that may result in revocation. All actions of the arresting agent will be in accordance with Iowa Code sections 908.1 and 908.2.

c. When a parolee is believed to have absconded, a preliminary parole violation filing will be submitted and a warrant for arrest requested.

40.10(5) *Voluntary return to institution.* A parolee may voluntarily return to a department institution for treatment or training for a period not to exceed 90 days upon approval of a voluntary return agreement by the district department, institution warden, and parolee, and following a hearing before a parole board administrative law judge.

40.10(6) *Discharge from parole.* Discharge from parole supervision will be determined and administered in accordance with department policy and Iowa Code section 906.15 and requirements set forth in 205—Chapter 12.

40.10(7) *Supervision enrollment fee.* The department will have policies and procedures governing the preparation, submission, review, modification, collection and retention of supervision enrollment fees, including the waiver of fees for persons determined unable to pay, in accordance with Iowa Code section 904.912.

This rule is intended to implement Iowa Code sections 904.108, 904.912, 906.9, 906.11, 906.15, 906.16, 908.1, 908.2 and 910.5.

DIVISION V
RESIDENTIAL FACILITIES

201—40.11(904,907,908,910) Residential facilities.

40.11(1) The department will ensure the admission of residents in accordance with the correctional continuum, court order, release order from the board of parole, or purchase of service agreement or contract with federal correctional agencies.

40.11(2) At intake, facility staff will discuss with each resident program goals, services available, facility rules governing conduct, disciplinary procedures, client fiscal management, residents' rights, communication privileges, and all federal Prison Rape Elimination Act (PREA) orientation and education standards and will obtain written documentation from the resident that these matters were discussed.

40.11(3) Facility staff will know the whereabouts of all residents and ensure that staff are available to residents 24 hours a day.

40.11(4) Provision and maintenance of a safe environment for residents will occur, including compliance with applicable fire, building, health, and safety requirements.

40.11(5) The department will maintain policies and procedures governing residential facilities, including but not limited to:

a. Inventorying and documentation of resident property.

b. Facility rules, sanctions, appeal procedures, and compliance with applicable federal PREA standards.

c. A grievance process applicable to activities other than disciplinary action in accordance with rule 201—40.2(904).

d. Use of physical force by facility staff, including reporting requirements, in accordance with statutes or regulations.

e. Searching of residents and their property, and seizure of property or contraband.

f. Emergency medical care and response to sudden illness or accidents.

g. Handling and administration of prescription and nonprescription medications.

h. Provision of meals meeting recognized minimum daily nutritional requirements and, if food service is provided, compliance with applicable health and safety requirements for food service operations.

i. Procedures for recommending removal or revocation of residential placement consistent with risk reduction.

j. Procedures for requesting discharge from a residential facility when a resident has met court requirements, no longer poses a threat to the community, or cannot benefit substantially from further supervision.

k. Use of the statewide approved case management system and a statewide validated risk/needs assessment instrument to inform supervision and case planning consistent with the risk-need-responsivity model and core correctional practices in accordance with rule 201—40.4(904).

l. Maintenance of an electronic case record for each resident in accordance with rule 201—40.3(904).

This rule is intended to implement Iowa Code section 907.3 and chapters 904, 908, and 910.

DIVISION VI
OWI PROGRAMS

201—40.12(904,910) OWI programs.

40.12(1) *Applicability.* Clients convicted of an offense under Iowa Code chapter 321J, sentenced to the custody of the director of corrections, and assigned to a continuum of programming, including treatment providers, residential facilities, and institutions, will be subject to these rules and department policy governing supervision and treatment.

40.12(2) *Facility selection and oversight.* The department will select appropriate facilities and treatment providers for the risk management and programming of clients. Any facility operated by or under contract with the department will comply with department policies, including all applicable federal PREA standards.

40.12(3) *Administrative responsibility.* The district director is responsible for all programs and clients subject to this rule. Any change in the custody status of clients must be approved by a department official.

40.12(4) *Movement of clients.*

a. The department will utilize standardized placement criteria founded on the presumption that assignment will be made to the least restrictive and most cost-effective component of the continuum for the purposes of risk management, substance use treatment, education, and employment. Criteria established to determine continuum assignment consists of the client's previous criminal record, present

charges and attitude toward treatment. The continuum is defined as consisting of three basic components, namely:

(1) Incarceration until released by the board of parole or expiration of sentence,

(2) Short-term incarceration of approximately 60 days with subsequent transfer to a community corrections OWI residential program, and

(3) Direct placement to a community corrections residential program.

b. When there is insufficient bed space in the community-based correctional program to accommodate the client, the court may order the client to be released on personal recognizance or bond, released to the supervision of the district department, or held in jail.

c. Priority for placement will be based on the date of institutional admission or as soon as practical unless an exception is made by the department for special circumstances.

d. When a client is sentenced and ordered to department supervision and space is unavailable in a community program, or when supervision concerns arise, the district director or designee may request temporary placement at the Iowa medical and classification center (IMCC) or the Iowa correctional institution for women (ICIW), with approval by the deputy director or designee until space is available in the community program.

e. If medical conditions prohibit program participation and community resources, including University Hospitals, are not available to sufficiently meet client needs, the client may be assigned to IMCC/ICIW for treatment until the client's health status permits placement into a community-based correctional program.

f. Transfer of clients may be delayed by the department for security or medical reasons. Clients with active detainers or clients refusing to participate in the program may be transferred to an institution.

g. Clients placed with the department will transfer out of custody to their assigned facility unless an exception is made by the department.

h. The department will maintain policies governing the temporary confinement of clients who present a threat to the safety or security of the public, facility staff, or residents.

i. The department will maintain contingency plans to ensure continuity of custody or programming during emergencies, including fire, tornado, chemical spill, or work stoppage.

j. Clients housed in community facilities may be transferred to IMCC/ICIW on the recommendation of the district director or designee and with the approval of the deputy director or designee for reclassification and assignment to an institution. Transfer recommendations may be made for security, disciplinary, treatment, medical, or legal reasons.

k. Clients whose parole or work release is revoked may be returned to the OWI continuum, if eligible, or returned to the designated classification center for reclassification and placement in an institution.

40.12(5) *Fiscal.*

a. The department will not enter into a subcontract for custody, housing, or treatment of clients without the written approval of the deputy director. Contracts must include provisions protecting the department from liability arising from subcontractor actions.

(1) Subcontractors will be paid only for services on a reimbursement basis.

(2) The department will not pay for substance use treatment otherwise available and funded from other sources.

(3) The department and any subcontractors will, whenever possible, offset the cost of providing substance use treatment with third-party reimbursements.

b. The department will maintain a schedule of daily fees.

c. Clients may not be denied services due to an inability to pay the daily fee.

d. The department will maintain policies and procedures that ensure that all clients surrender their earnings to facility staff for the purpose of financial management and savings. Those policies and procedures will provide for the proper accounting and disbursement of all client funds, including but not limited to deduction of a daily fee where appropriate.

e. Upon request by the district director or designee, the county shall provide temporary confinement of clients allegedly violating the conditions of the assignment to a treatment program. The department will negotiate a reimbursement rate with each county.

f. A county holding clients ordered to jail due to insufficient space in a community-based corrections program will be reimbursed by the department.

g. If a client escapes or participates in an act of absconding from the facility to which the client is assigned, the client will reimburse the department for the cost of transportation in accordance with rule 201—40.6(904,906).

40.12(6) *Program structure.*

a. The district department will provide or arrange 24-hour housing and supervision of clients, either directly or through a contract with other agencies or individuals.

b. Each client will sign a department-approved supervision agreement. Failure to sign or comply with the agreement may result in reason to recommend returning the client to an institution.

c. Clients will participate in an appropriate continuum of programming. To the extent possible, capable clients will be employed a minimum of 30 hours per week.

d. Clients will be allowed to leave the facility for treatment, employment, and food service when those activities are not provided at the facility. In all other circumstances, clients may only leave the facility without supervision in accordance with furlough procedures.

e. Subcontractors will utilize department policies and procedures concerning client discipline.

f. Restitution plans will be established in accordance with Iowa Code chapter 910 and rule 201—40.5(904,907,910).

g. A client identified as needing continuing care will receive follow-up treatment according to the client's identified needs. The client will receive correctional supervision following release from the facility unless the client's sentence has legally expired.

h. Visitation will be provided in accordance with department policy. Visiting privileges may be limited to the extent necessary for treatment, security, or management reasons.

i. Medical care for emergencies, illness, injury, or death will be provided in accordance with department policy.

j. The department will follow established policies governing violations, transfer recommendations, parole recommendations, earned time awards, and earned loss time.

k. The department will follow established policies for responding to an escape or unauthorized absence of a client from a facility, including circumstances indicating flight or criminal activity.

This rule is intended to implement Iowa Code sections 904.513, 904.909 and 910.5.

DIVISION VII
WORK RELEASE

201—40.13(904) Work release.

40.13(1) *Supervision.*

a. Persons committed to the director of the department and approved for work release by the board of parole will be supervised by a district department.

b. Residential facility intake procedures apply in accordance with subrule 40.11(2) and are not restated.

c. Work release clients may be eligible to participate in day reporting in accordance with department policy WR/OWI-19. Day reporting allows selected clients an opportunity to move from a residential facility to a home setting.

40.13(2) *Facility requirements.* The provisions set forth in rule 201—40.11(904,907,908,910) apply to this rule and are not restated.

40.13(3) *Earned time.* Earned time will be awarded in accordance with department policy.

40.13(4) *Continuity of operations.* The department will maintain contingency plans to ensure proper continuation of the program in the event of emergencies, including fire, tornado, chemical spill, or work stoppage.

40.13(5) *Visitation.* Visitation will be provided in accordance with department policy. Visiting privileges may be limited to the extent necessary for security or management reasons.

40.13(6) *Transportation.* Department staff may provide transportation in order to facilitate program objectives or for security purposes.

40.13(7) *Restitution plan of payment.* Restitution plans of payment will be established in accordance with Iowa Code chapter 910 and rule 201—40.5(904,907,910).

40.13(8) *Resident finances.* The department will maintain policies and procedures that ensure that all residents surrender their earnings to the facility in accordance with Iowa Code section 904.905. The department will provide for the proper accounting for the receipt and disbursement of resident earnings.

40.13(9) *Furloughs.* Furloughs for work release clients will be administered in accordance with department policy.

40.13(10) *Violations.* When disciplinary problems occur with residents who have been approved for work release but not yet placed, designated staff will determine whether the situation is serious enough to warrant further review by the board of parole.

a. For purposes of this subrule, designated staff means authorized persons from the district department, the deputy director, or the sending institution.

b. Work release violations may be classified as technical, minor, or major in accordance with department policy, depending on the seriousness and frequency. The classification will determine the sanction or range of sanctions to correspond with the violation(s).

c. Requests for temporary custody in a county jail or municipal holding facility may be issued by authorized staff of the department in those cases where the resident is considered dangerous, likely to flee or in serious violation of the work release program. The requests will be in accordance with Iowa Code section 904.908 and department policy.

d. Residents who are out of place of assignment are considered in serious violation of work release rules and possibly guilty of a felony under Iowa Code section 719.4. Escapes will be reported to designated authorities in accordance with department policy and critical incident policy.

40.13(11) *Reimbursement for transportation.* Transportation costs incurred due to a work release client escaping or absconding will be assessed against the work release client in accordance with rule 201—40.6(904,906).

40.13(12) *Transfers.*

a. Clients guilty of serious work release violations may be recommended for reclassification or transfer by a district department. Designated staff will determine whether the resident is to be transferred to a secure institution.

b. Transfers from one facility to another facility to a designated Iowa classification center may be allowed in special circumstances with the approval of the department.

40.13(13) *Discharge.* Under no circumstance will work release supervision extend beyond the expiration of a work releasee's sentence.

40.13(14) *Federal contracts for work release.* In order to qualify nonfederal work release clients for employment in the performance of federal contracts, under presidential Executive Order 11755, each district department will ascertain:

a. That the rate of pay and other conditions of employment will be at a similar rate and mode to others employed in like duties;

b. That employment of the work release client will not result in the displacement of other persons already employed, not be utilized where a surplus of labor exists, and not harm existing contracts; and

c. Representatives of affected unions will have been consulted.

40.13(15) *Home work release.*

a. Pursuant to Iowa Code section 904.901, home work release provides the opportunity in exceptional circumstances for qualified clients of correctional institutions to return to their homes.

b. Persons committed to the director of the department and approved for home work release by the board of parole will be supervised by a district department.

c. Home work release is additionally governed by the provisions of department policy CBC-RS-02.

This rule is intended to implement Iowa Code sections 904.901 through 904.909.

ITEM 2. Rescind and reserve **201—Chapter 41**.

ITEM 3. Rescind and reserve **201—Chapter 42**.

ITEM 4. Rescind and reserve **201—Chapter 43**.

ITEM 5. Rescind and reserve **201—Chapter 44**.

ITEM 6. Rescind and reserve **201—Chapter 45**.

ITEM 7. Rescind and reserve **201—Chapter 47**.

[Filed 11/4/26, effective 12/30/26]
[Published 11/25/26]
EDITOR'S NOTE: For replacement pages for IAC, see IAC Supplement 11/25/26.

ARC 0792D

CORRECTIONS DEPARTMENT[201]

Adopted and Filed

Rulemaking related to jail facilities

The Department of Corrections hereby rescinds Chapter 50, "Jail Facilities," Iowa Administrative Code, and adopts a new Chapter 50 with the same title.

Legal Authority for Rulemaking

This rulemaking is adopted under the authority provided in Iowa Code section 356.36.

State or Federal Law Implemented

This rulemaking implements, in whole or in part, Iowa Code chapter 356A and sections 17A.10, 17A.12, 80B.11A, 356.36, and 356.43.

Purpose and Summary

The purpose of this rulemaking is to conduct a comprehensive review of Chapter 50 in accordance with the mandates of Executive Order 10. While this chapter was reviewed through the lens of reducing redundancy, the Department has determined that the current language is neither obsolete nor unnecessary. Given the high-risk nature of jail operations and the specific compliance needs of local facilities, the existing language is essential for maintaining clear, unambiguous minimum standards. Rule language has been intentionally retained to provide a single, comprehensive operating manual for jail administrators. Reducing information in these sections or relying solely on statutory cross-references would create a fragmented regulatory landscape, increasing the risk of operational errors and safety failures at the local level. Because these rules serve as the primary benchmark for mandatory annual inspections across Iowa's 96 jail facilities, maintaining the current level of detail is necessary. Rather than broad rescission, the Department implemented targeted updates to clarify standards and improve operational safety across rules 201—50.3(356,356A), 201—50.10(356,356A), 201—50.11(356,356A), 201—50.13(356,356A), 201—50.15(356,356A), 201—50.17(356,356A), and 201—50.22(356,356A).

These specific standards are developed in consultation with stakeholders pursuant to Iowa Code section 356.36, including the Iowa State Sheriffs' and Deputies' Association (ISSDA), the Iowa Chiefs of Police Association, the Iowa State Association of Counties (ISAC), and the League of Cities, that have reached a consensus that these standards are the essential baseline for safe facility management.

Public Comment and Changes to Rulemaking

Notice of Intended Action for this rulemaking was published in the Iowa Administrative Bulletin on September 30, 2026, as **ARC 0613D**. Public hearings were held on the following date:

- October 20, 2026

No one attended the public hearings. No public comments were received. No changes from the Notice have been made.

Adoption of Rulemaking

This rulemaking was adopted by the Department on November 4, 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 201—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 30, 2026.

The following rulemaking action is adopted:

ITEM 1. Rescind 201—Chapter 50 and adopt the following **new** chapter in lieu thereof:

TITLE IV
JAIL INSPECTION STANDARDS

CHAPTER 50
JAIL FACILITIES

201—50.1(356,356A) Definitions. The following are defined terms:

"Activity area" means such area, distinct from the living unit, where prisoners may congregate for programming. This area is to be under constant staff observation.

"Alternative jail facility" means a facility designated pursuant to Iowa Code chapter 356A and that is used as a halfway-house-type facility rather than a jail-type operation. These facilities shall be subject to inspection and accreditation by the state jail inspector utilizing applicable administrative rules for residential facilities pursuant to 201—Chapter 40 and other acceptable operational standards.

"Average daily population" means the average number of prisoners housed daily during any given time period.

"Barrier-free" means no walls or other obstructions impeding contact by staff within their assigned area of operation.

"Capacity" means the number of prisoner occupants that any cell, room, unit, building, facility or combination thereof may accommodate according to the square footage and fixture requirements of the standards.

"Cell" means prisoner occupancy bedroom space with toilet and lavatory facilities.

"Cellblock" means a group of cells with an associated dayroom.

"Classification" means a system of obtaining pertinent information concerning prisoners with which to make a decision on assignment of appropriate housing, security level, and activities.

"Continuous visual observation" means uninterrupted visual contact unaided by closed circuit television (CCTV).

"Dayroom" means a common space shared by prisoners residing in a cell or group of cells; to which prisoners are admitted for activities, such as dining, bathing, or passive recreation; and that is situated immediately adjacent to prisoner sleeping areas.

"Detention area" means that portion of the facility used to confine prisoners.

"Direct supervision jail" means a style of jail construction designed to facilitate direct contact between officers and prisoners. The officer is stationed inside the housing unit. Evaluation and classification of prisoners are ongoing and continuous functions of a direct supervision jail and are based on close contact with prisoners.

"Disability" means a physical or mental impairment that substantially limits one or more of the major life activities of an individual, a record of such an impairment, or being regarded as having such an impairment.

"DOC" means the Iowa department of corrections.

"Dormitory" means an open area for two or more prisoners with all fixtures self-contained. There is no barrier between the sleeping area and other fixtures, such as a shower, a table, recreation equipment, or similar items.

"Emergency situation" means any significant disruption of normal operations caused by riot, strike, escape, fire, natural disaster or other serious incident.

"Evaluation" means an ongoing process whereby judgments are made concerning a prisoner based upon the behavior of that prisoner.

"Existing facility" means any place in use as a jail or for which bids have been let for construction prior to September 12, 2001.

"Holding cell" means a secure room or cell where prisoners may be held up to 24 hours while awaiting the procedure of commitment or release or court appearances.

"Holdover" means a nonsecure area within a law enforcement facility, hospital, mental health facility or other existing public building that is intended to serve as a short-term holding facility for juveniles. A nonsecure area may be a multipurpose area that is unable to be locked.

"Housing unit" means a detention area. This area may be a single-occupancy cell, multiple-occupancy cell, cellblock, or dormitory.

"Inspection unit" means the state jail inspection unit.

"Jail" means any place administered by the county sheriff and designed to hold prisoners 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. The jail administrator shall be responsible for the operation of the facility according to these rules.

"Jailer" means any person who is involved in the booking or supervision of prisoners, who has direct contact with prisoners or who has control over the movement or release of prisoners within the jail. Jailers shall meet the requirements of rules 201—50.10(356,356A) and 201—50.11(356,356A).

"Jail inspector" means the department of corrections employee responsible for inspections of jails and enforcement of these rules by authority of Iowa Code section 356.43.

"Jail supervisor" means any person who is responsible for the routine operation of a jail during assigned duty hours. While this person does not have to be on the premises at all times, the person must be readily available for consultation.

"Juvenile" means any person under the age of 18 years.

"Living unit" means an area within a housing unit and that contains individual sleeping compartments, dayrooms, all necessary personal hygiene fixtures, and sufficient tables and seats to accommodate capacity.

"Lock down" means whenever prisoners are required to be in their individual cells or locked in same.

"Mail" means anything that is sent to or by prisoners through the United States Postal Service.

"Major remodeling" means construction that changes the architectural design of an existing jail and that increases or decreases capacity.

"Medical practitioner" means a licensed physician, licensed osteopathic physician or physician associate or a medical resource, such as a hospital or clinic.

"Mental illness" means a psychiatric illness or disease expressed primarily through abnormalities of thought, feeling, and behavior producing either distress or impaired function.

"Minister" means a trained person ordained or licensed by a bona fide religion to conduct the services of that faith.

"Monitoring" means having a reasonable degree of knowledge or awareness of what activities a prisoner is engaged in during incarceration.

"Multiple-occupancy cell" means a cell designed for more than one prisoner and accessible to a dayroom.

"Nonsecure hold" means a nonsecure area within a law enforcement facility that is intended to serve as a short-term holding facility for juveniles. A nonsecure area may be a multipurpose area that is unable to be locked.

"Person performing jail duties" means all persons directly involved in the provision of services to prisoners or the operation of a jail, except:

1. Outside contractors performing specific housekeeping functions under the direct supervision of a jailer.
2. Individuals such as maintenance personnel, cooks, and janitors, if they do not have direct contact with prisoners or routine access to areas occupied by prisoners.

"Physical jeopardy" means, due to the prisoner's physical or mental condition, the prisoner is in peril of serious physical harm.

"Pod" means a grouping of two or more housing units, usually found in large facilities, that will aid in the control of prisoners.

"Prisoner" means any individual confined in a jail.

"Residential facilities" means the facilities governed by 201—Chapter 40.

"Roving supervising officer" means an officer who provides direct supervision of prisoners by continuously moving through the housing unit, cells, and activity area of the unit.

"Segregation cell" means a single-occupancy cell equipped with tamper-resistant bunks, a toilet, and a wash basin that are of the type recommended for maximum security housing.

"Unencumbered space" is floor space that is not encumbered by furnishings or fixtures. "Unencumbered space" is determined by subtracting the floor area encumbered by furnishings and fixtures from the total floor area. (All fixtures must be in operational position for these calculations.)

"Waiver" means a waiver of a specific standard granted by the DOC in accordance with 201—Chapter 2504.

"Weapons" means any instrument, excluding restraining devices, chemical control agents and electronic control devices, with an intended use of self-defense, protection of another, or to gain or maintain compliance from an individual.

201—50.2(356,356A) General provisions.

50.2(1) *Applicability.* These rules apply to all facilities regulated by Iowa Code chapters 356 and 356A except temporary holding facilities that are covered by 201—Chapter 51.

50.2(2) *Capacity.* Established capacities as determined by these rules shall not be exceeded except in the event of an emergency and then only for such a period of time as is necessary to arrange

for alternate housing or release of sufficient prisoners to bring the number of persons confined into compliance with the rated capacity.

50.2(3) *Right to inspect and visit.* The chief jail inspector or authorized representatives shall visit and inspect jails and may do so on an unannounced basis. Jail personnel and supervisors shall cooperate in inspections and shall exhibit to the inspectors, upon request, all books, records, medical records, data, documents and accounts pertaining to a jail or to the prisoners confined and shall assist inspectors to perform the functions, powers and duties of their office. Provisions of the first paragraph of Iowa Code section 356.43 shall control to the extent of any inconsistency of the provisions of this subrule.

50.2(4) *Other standards.* Nothing contained in these standards shall be construed to prohibit local officials from adopting standards and requirements governing their employees and facilities, provided such standards and requirements exceed and do not conflict with standards mandated in this chapter. These standards shall not be construed as authority to violate any state fire safety standard, building standard, health and safety code, or any constitutional requirement. No jail shall be operated without substantially meeting these rules, absent the granting of a waiver.

50.2(5) *Equal opportunity.* Facilities, programs, and services shall be available on an equitable basis to both males and females even though each standard does not specify that it applies to both males and females.

50.2(6) *Nondiscriminatory treatment.* Each jail administrator shall ensure that staff and prisoners are not subject to discriminatory treatment based upon race, religion, nationality, disability, sex or age absent compelling reason for said discriminatory treatment. Discrimination on the basis of a disability is prohibited in the provision of services, programs, and activities.

201—50.3(356,356A) Inspection and compliance. The chief jail inspector or authorized representatives shall visit and inspect each jail within this state at least annually to determine the degree of compliance with these standards and within 45 days of each inspection shall report the results to the sheriff and the governing body responsible for the facility.

50.3(1) *Notice of noncompliance with minimum standards.* Whenever the jail inspector or designee makes the determination that a jail or other holding facility is not in compliance with established minimum state jail standards, the chief administrator of the affected governmental facility shall be notified by letter posted or personal delivery of the noncompliance status. The notice shall specify:

a. The statute(s) and any rules alleged to have been violated.

b. The deficiencies cited.

c. The time period allowed for the submission of an acceptable plan of compliance within the appropriate time limitation.

d. The right to request a hearing pursuant to rule 201—2506.34(17A,356).

50.3(2) *Enforcement of minimum standards; remedial orders.* Upon receipt of a notice of noncompliance pursuant to subrule 50.3(1), the responsible authorities shall initiate appropriate corrective measures within the time prescribed by the jail inspection unit in its notice (which shall not exceed 90 days) and shall complete the corrections within a reasonable time as prescribed by the notice of noncompliance. The jail inspector may agree with the responsible authorities to a plan of action detailing corrective steps with corresponding time frames that will bring the facility into compliance within a reasonable time. If the responsible officials receiving a notice of noncompliance fail to initiate corrective measures or to complete the corrective measures within the time prescribed, the jail inspection unit may order the jail in question or any portion thereof closed, that further confinement of prisoners or classifications of prisoners in the noncomplying jail or any portion thereof be prohibited, or that all or any number of prisoners then confined be transferred to and maintained in another jail or detention facility, or any combination of remedies as set forth in subrule 50.3(1). This order shall be the notice of noncompliance pursuant to Iowa Code section 356.43 and 201—Chapter 2506 concerning contested cases. The matter shall then proceed in accordance with 7—Chapter 2506. The jail inspector may agree with the responsible authorities to a plan of action detailing corrective steps with corresponding time frames that would bring the facility into compliance within a reasonable time. The remedial order shall

be in writing and shall specifically identify each minimum standard with which the jail has failed to comply. Such remedial order shall become final and effective 30 days after receipt thereof.

50.3(3) *Precedent.* Because rules cannot adequately anticipate all potential specific factual situations and circumstances presented for action, determination or adjudication by the jail inspection unit, the nature of the action taken with regard to any matter or the disposition of any matter pending before the jail inspection unit is not necessarily of meaningful precedential value, and the department shall not be bound by the precedent of any previous action, determination, or adjudication in the subsequent disposition of any matter pending before it. The director or the respondent may request that an informal conference be held to determine whether the noncompliance matter can be resolved in a just manner in furtherance of the public interest. Neither the director nor respondent is required to use this informal procedure. If the director and respondent agree to negotiate a settlement, the various points of the settlement, including a stipulated statement of facts, shall be set forth in writing and shall be binding on both parties.

This rule is intended to implement Iowa Code sections 17A.10, 17A.12 and 356.43.

201—50.4(356,356A) Physical plant—general.

50.4(1) *Building to meet existing codes.* All facilities are required to be structurally sound and to meet existing building code and health code requirements.

50.4(2) *Professional inspections.*

a. The state jail inspector may require for good reason that an agency operating a jail cause it to be examined by an architect, engineer, licensed electrician, health inspector, plumber, heating and air conditioning specialist, food establishment inspector, state fire marshal or fire inspector or any other person with expertise who may be of assistance to the state jail inspector in making an informed decision relative to the jail operation or structure. Inspection by a municipal inspector qualified in these areas may be permitted.

b. Any facility determined to be deficient following inspection may be ordered closed by the jail inspector, or specific conditions limiting its operation may be imposed in lieu of closing. An order of closure shall contain the following:

(1) Statute(s) and rule(s) violated.

(2) A brief description of the deficiencies.

(3) The effective date of the order.

(4) An explanation of remedies required before reopening.

An order of closure shall adhere to subrules 50.3(1) and 50.3(2). This order shall be the notice of noncompliance pursuant to Iowa Code section 356.43 and 201—Chapter 2506 concerning contested cases. The matter shall then proceed in accordance with 7—Chapter 2506.

c. In the event that any agency fails to cooperate in an inspection, the jail inspector may arrange for an inspection and the agency operating the facility shall be financially responsible for any expense involved.

50.4(3) *Heating and ventilation.* All detention and living areas shall be reasonably heated and ventilated, with air flow sufficient to admit fresh air and remove disagreeable odors, to ensure healthful and comfortable living and working conditions for prisoners and staff. Fans and an adequate supply of cold liquids will be made available and utilized when indoor temperatures exceed 85 degrees Fahrenheit.

50.4(4) *Cells.* Maximum security cells shall be equipped with tamper-resistant bunks, secured table(s) and seat(s), plus a toilet and washbasin recommended for jail or prison use. Cells shall have an adequate supply of both hot and cold water; mixing valves may be used. Housing areas of less secure design need not contain tamper-resistant fixtures.

50.4(5) *Lighting.* Lighting shall be a minimum of 20 candlepower at the table top for the purposes of reading and writing. Living areas shall be devoid of dark areas. Hallways, entrances and exits shall be sufficiently lit to observe a person entering or exiting. Light controls shall be out of the control of prisoners. Housing areas may be variably illuminated to allow sleep, but continuous observation of prisoners must be possible. All exits shall be equipped with independent emergency lighting sources.

50.4(6) *Screens.* If windows are opened for ventilation, screens shall be installed and maintained in good repair.

50.4(7) *Electrical.* Drop cords shall not be used as permanent wiring. Electrical service shall meet the requirements of the governmental body permitted by statute to adopt standards for electrical service. Appliances shall plug directly into a fixed receptacle. Emergency generator power shall be available. Emergency generator power shall be tested at regular intervals not less than monthly. A record of test dates shall be maintained.

50.4(8) *Storage.*

a. Storage of any type in primary detention areas is not permitted except for supplies necessary for the operation of the jail.

b. Adequate storage space for prisoners' personal clothing and property shall be provided. Space provided shall be secure, and the prisoner's name or identification number shall be affixed to the storage space. Property shall be inventoried and accounted for as provided in Iowa Code section 804.19.

c. Janitorial supplies shall be stored in a manner to prevent unauthorized prisoner access. Janitorial supplies and equipment shall not be stored in prisoner living areas.

d. Areas used for storage of chemicals, paints, and cleaning supplies shall not be accessible to prisoners and such products shall be stored away from the primary detention area. Such storage shall not be in boiler or furnace rooms.

50.4(9) *Mirrors.* Mirrors within detention areas shall be of tamper-resistant construction and securely fixed in place.

50.4(10) *Firearms lockers.* A place inaccessible to prisoners shall be provided where officers entering the security area can store firearms.

50.4(11) *Noise level.* Prisoner noise inside the jail shall be controlled to ensure an orderly and secure jail operation. Jail policy shall include a rule pertaining to noise level. Prisoners must be advised of the rule.

201—50.5(356,356A) Physical requirements for existing facilities. This rule shall apply to all jails in existence prior to June 30, 1984. In cases where an existing jail undergoes major remodeling after September 12, 2001, rules 201—50.6(356,356A) and 201—50.7(356,356A) shall apply to the area being upgraded.

50.5(1) Each single-occupancy cell for prisoners in normal status shall have a minimum floor area of 40 square feet provided that the prisoner is not required to spend more than 16 hours during any 24-hour period in the cell.

50.5(2) Each single-occupancy cell must provide 50 square feet of floor space for prisoners held more than 16 hours during any 24-hour period.

50.5(3) Multiple-occupancy cells shall provide 40 square feet of floor space for the first prisoner and an additional 20 square feet for each additional prisoner provided that no prisoner is required to spend more than 16 hours in the cell during any 24-hour period.

50.5(4) Prisoners held in multiple-occupancy cells for more than 16 hours during any 24-hour period shall have a minimum of 50 square feet of floor space for the first prisoner and 30 additional square feet of floor space for each additional prisoner.

50.5(5) Except in emergency situations, no multiple-occupancy cell shall house more prisoners than the rated capacity.

50.5(6) Dormitory units shall have a minimum of 60 square feet of floor space per prisoner.

50.5(7) Each single-occupancy cell, multiple-occupancy cell and dormitory unit shall provide the following:

a. A minimum of 7 feet from floor to ceiling height.

b. A bunk of adequate size for normal-sized adults.

c. Access to a functional toilet.

d. Access to a lavatory that furnishes both hot and cold water; mixing valves may be used.

e. Sufficient tables and seats to accommodate the rated capacity of the unit. The tables and seats may be located in the cells or in an adjacent dayroom.

f. A functionally operating shower that furnishes both hot and cold water; mixing valves may be used. This shower may be either in the housing unit itself or in an adjacent area.

50.5(8) Each dayroom shall have a minimum floor area of 30 square feet. There shall be an additional 15 square feet for each prisoner beyond one.

201—50.6(356,356A) Physical requirements for new and remodeled facilities—after June 30, 1984. This rule shall apply to jails that are of new construction and to all major remodeling after June 30, 1984. For jails that are of new construction and for all major remodeling after September 12, 2001, rule 201—50.7(356,356A) shall apply. Plans for any remodeling or new construction shall be submitted to the jail inspection unit prior to letting any bids or commencing any construction subject to this rule. The jail inspection unit shall, within 60 days of receiving plans, review them for compliance with this rule and forward any comments to the submitting authority.

50.6(1) New housing units may be single-occupancy cells, multiple-occupancy cells or dormitory units. Each single-occupancy cell shall have a minimum of 70 square feet of floor space. Each multiple-occupancy cell shall have a minimum of 70 square feet of floor space for the first prisoner and an additional 50 square feet of floor space for each additional prisoner. Dormitory units shall provide a minimum of 60 square feet per prisoner.

50.6(2) All housing units shall provide:

a. No less than 7 feet of space between the floor and ceiling.

b. A bunk of adequate size for normal-sized adults for each prisoner.

c. Sufficient desks/tables and chairs/seats to accommodate the capacity of the housing unit.

d. A dayroom that provides a minimum floor area of 30 square feet for the first prisoner and an additional 15 square feet for each prisoner beyond one (dormitories excluded).

e. A functionally operating shower that produces both hot and cold water.

f. A lavatory that furnishes both hot and cold water for each group of nine prisoners or portion thereof.

g. A functional toilet for each group of nine prisoners or portion thereof.

50.6(3) Each maximum security cell shall have a security-type toilet/lavatory combination fixture that provides adequate hot and cold running water. These cells may rely on common toilet facilities located outside the detention room provided that the prisoner is never involuntarily locked in the room and denied access to the toilet facilities.

50.6(4) Holding cells shall provide a minimum of 20 square feet per prisoner with a total capacity per cell of eight prisoners. Holding cells need not contain any fixture other than a means whereby prisoners may sit. Drinking water and toilet facilities shall be made available under staff supervision. Dayrooms need not be available to prisoners held in holding cells. Holding cells are for detaining persons for a limited period of time, not to exceed 24 hours, except in cases of emergency, while awaiting booking, processing, transfer, court appearance or discharge. Detainees will be supplied blankets if detained overnight in the holding cell. Emergencies are defined as unexpected occurrences, requiring immediate attention, of singular incident and resolution.

50.6(5) The facility shall be designed to admit natural lighting and to give access to outside viewing by prisoners where practical.

50.6(6) The facility shall be designed and constructed so that prisoners may be segregated according to existing laws and regulations.

50.6(7) Except in emergency situations, no housing unit shall house more prisoners than its rated capacity.

50.6(8) All hinged doors serving as required exits shall swing with exit traffic.

201—50.7(356,356A) Physical requirements for new and remodeled facilities—after September 12, 2001. This rule shall apply to jails that are of new construction and all major remodeling or reconstruction after September 12, 2001. Plans for any remodeling or new construction shall be submitted to the jail inspection unit prior to letting any bids or commencing any construction subject to

this rule. The jail inspection unit shall, within 60 days of receiving plans, review them for compliance with this rule and forward any comments to the submitting authority.

50.7(1) New housing units may be single-occupancy cells, multiple-occupancy cells or dormitory units. Each single-occupancy cell shall have a minimum of 70 square feet of floor space. Each multiple-occupancy cell shall have a minimum of 35 square feet of unencumbered floor space for each prisoner. Dormitory units shall provide a minimum of 60 square feet per prisoner.

50.7(2) All housing units shall provide:

a. No less than 7 feet of space between the floor and ceiling.

b. A bunk of adequate size for normal-sized adults for each prisoner.

c. Sufficient desks/tables and chairs/seats to accommodate the capacity of the housing unit.

d. A dayroom that provides a minimum floor area of 30 square feet for the first prisoner and an additional 15 square feet for each prisoner beyond one (dormitories excluded).

e. A functionally operating shower that produces both hot and cold water for each group of 12 prisoners.

f. A lavatory that furnishes both hot and cold water for each group of nine prisoners or portion thereof.

g. A functional toilet for each group of nine prisoners or portion thereof.

50.7(3) Each maximum security cell shall have a security-type toilet/lavatory-combination fixture that provides adequate hot and cold running water. These cells may rely on common toilet facilities located outside the detention room provided that the prisoner is never involuntarily locked in the room and denied access to the toilet facilities.

50.7(4) Holding cells shall provide a minimum of 20 square feet per prisoner with a total capacity per cell of eight prisoners. Holding cells need not contain any fixture other than a means whereby prisoners may sit. Drinking water and toilet facilities shall be made available under staff supervision. Dayrooms need not be available to prisoners held in holding cells. Holding cells are for detaining persons for a limited period of time, not to exceed 24 hours, except in cases of emergency, while awaiting booking, processing, transfer, court appearance or discharge. Detainees will be supplied blankets if detained overnight in the holding cell. Emergencies are defined as unexpected occurrences, requiring immediate attention, of singular incident and resolution.

50.7(5) Exercise areas shall be 15 square feet per prisoner for the maximum number of prisoners expected to use the space at one time in accordance with paragraph 50.18(1)*"c."*

50.7(6) The facility shall be designed to admit natural light and to give access to outside viewing by prisoners where practical.

50.7(7) The facility shall be designed and constructed so that prisoners may be segregated according to existing laws and regulations.

50.7(8) Except in emergency situations, no housing unit shall house more prisoners than its rated capacity.

50.7(9) All hinged doors serving as required exits shall swing with exit traffic.

201—50.8(356,356A) Physical requirements for new and remodeled facilities—after December 28, 2005. This rule shall apply to all jails that are of new construction and to all major remodeling or reconstruction after December 28, 2005.

50.8(1) Cells and dormitory units.

a. Single-occupancy cells shall provide a minimum of 35 square feet of unencumbered floor space. When confinement exceeds ten hours per day, except during administrative segregation or emergencies, there shall be at least 70 square feet of total floor space.

b. Multiple-occupancy cells shall provide a minimum of 25 square feet of unencumbered floor space for each prisoner. When confinement exceeds ten hours per day, except during administrative segregation or emergencies, there shall be at least 35 square feet of unencumbered floor space for each occupant.

c. Dormitory units shall provide a minimum of 60 square feet of floor space for each prisoner, exclusive of lavatories, showers, and toilets.

50.8(2) All housing units shall provide:

a. No less than 7 feet of space between the floor and ceiling.

b. A bunk of adequate size for normal-sized adults for each prisoner and at least 12 inches off the floor.

c. Sufficient desks/tables and chairs/seats to accommodate the capacity of the housing unit.

d. A dayroom that provides a minimum floor area of 35 square feet of space per prisoner (exclusive of lavatories, showers and toilets) for the maximum number of prisoners who use the dayroom at one time. No dayroom shall encompass less than 100 square feet of space (exclusive of lavatories, showers and toilets). Dayrooms shall provide sufficient seating and writing surfaces (dormitories excluded).

e. A functionally operating shower that produces both hot and cold water for each group of 12 prisoners.

f. A lavatory that furnishes both hot and cold water for each group of nine prisoners or portion thereof.

g. A functional toilet/stool for each group of nine prisoners or portion thereof. Urinals may be substituted for up to one-third of the toilets in housing units for male prisoners.

50.8(3) Each maximum-security cell shall have a security-type toilet/lavatory-combination fixture that provides adequate hot and cold running water.

50.8(4) Holding cells/special-needs cells.

a. Holding cells shall provide a minimum of 20 square feet per prisoner with a maximum capacity per cell of eight prisoners. Holding cells need not contain any fixture other than a means whereby prisoners may sit. Drinking water and toilet facilities shall be made available under staff supervision. Dayrooms need not be available to prisoners held in holding cells. Holding cells are for detaining persons for a limited period of time not to exceed 24 hours, except in cases of emergency, while the persons are awaiting booking, processing, transfer, court appearance or discharge. Prisoners will be supplied blankets if detained overnight in the holding cell. Emergencies are defined as unexpected occurrences, requiring immediate attention, of singular incident and resolution.

b. Special-needs cells. A jail may contain one or more single-occupancy cells, designated as special-needs cells, in which to temporarily contain violent persons. The cell shall have not less than 40 square feet of floor space and a ceiling height of not less than 7 feet. The cell shall be constructed to minimize self-injury. Toilet facilities may be controlled from outside the cell and may be in the floor. Water need not be available in the cells, but water shall be accessible from staff upon request.

50.8(5) Exercise areas.

a. This paragraph shall apply to all jails constructed on or before July 1, 2008. Exercise areas may be indoor or outdoor exercise areas and shall contain 15 square feet per prisoner for the maximum number of prisoners expected to use the space at one time but not less than 500 square feet of unencumbered space. Segregation units may have individual exercise areas containing a minimum of 180 square feet of unencumbered space. Exercise areas shall provide opportunity for adequate exercise in accordance with paragraph 50.18(1)*"c."* Exercise areas shall not be the same as dayrooms.

b. This paragraph shall apply to all jails that are of new construction and to all major remodeling or reconstruction after July 1, 2008. Exercise areas may be indoor or outdoor exercise areas and shall contain 15 square feet per prisoner for the maximum number of prisoners expected to use the space at one time but not less than 500 square feet of unencumbered space. Segregation units may have individual exercise areas containing a minimum of 180 square feet of unencumbered space. Exercise areas shall have a minimum ceiling height of 18 feet. Exercise areas shall provide opportunity for adequate exercise in accordance with paragraph 50.18(1)*"c."* Exercise areas shall not be the same as dayrooms.

50.8(6) The facility shall be designed to admit natural light and to give access to outside viewing by prisoners where practical.

50.8(7) The facility shall be designed and constructed so that prisoners may be segregated according to existing laws and regulations.

50.8(8) Except in emergency situations, no housing unit shall house more prisoners than its rated capacity.

50.8(9) All hinged doors serving as required exits shall swing with exit traffic.

201—50.9(356,356A) Fire safety and emergency evacuation.

50.9(1) *Approval of building plans.* All new construction or major remodeling plans shall be approved by the state fire marshal prior to commencement of construction.

50.9(2) *Compliance with state fire marshal rules.* No jail shall be occupied by a prisoner unless the state fire marshal or qualified local fire prevention authority has issued a certificate of inspection within the last 18 calendar months documenting that the jail complies with the fire safety standards for jails included in administrative rules promulgated by the state fire marshal. Jails may be inspected by the state fire marshal, or by personnel of local fire departments deemed by the state fire marshal qualified to conduct inspections, on a schedule determined by the state fire marshal. The state jail inspection unit of the department of corrections, a jail administrator, or the chief executive of an agency that administers a jail may request that the state fire marshal inspect a jail for compliance with fire safety standards. If the state fire marshal finds that a jail is not in substantial compliance with fire safety standards based on such an inspection, the state fire marshal may require the jail administrator to submit to the state fire marshal a plan of correction of violations of these standards. The director of the DOC may initiate proceedings to close the jail if the jail does not comply with the plan of correction.

50.9(3) *Evacuation plan.* The administrator of each jail shall prepare a written plan for emergency evacuation of the facility in the event of fire or other disaster. This plan shall include security arrangements and one or more alternate housing arrangements for displaced prisoners. All personnel employed in the facility shall be thoroughly familiar with this plan, and relevant portions thereof shall be conspicuously posted. Evacuation drills shall be practiced or simulated by all staff on at least an annual basis, and a record thereof shall be maintained according to subrule 50.22(10).

50.9(4) *Release of prisoners.*

a. There shall be a reasonable expectation of the prompt removal of prisoners in the event of a life-threatening situation. Keys for all locks necessary for emergency exit shall be readily accessible and clearly identifiable with cell and door locks.

b. There shall be at least one full set of jail keys, other than those regularly used, stored in a safe place accessible only to appropriate persons, for use in the event of an emergency.

50.9(5) *Fire extinguishers.* All jails shall be equipped with fire extinguishing equipment approved and located in accordance with standards established by the state fire marshal by administrative rule. Fire extinguishers shall be tested at least annually to ensure they remain in operative condition. A record of such checks shall be maintained.

50.9(6) *Emergency lighting.* All exits shall be equipped with independent emergency lighting sources. All corridors and passage aisles shall be illuminated by independent emergency lighting sources. Lighting shall be arranged to ensure no area will be left in darkness.

50.9(7) *Required exits.* Where exits are not immediately accessible from an open floor area, safe and continuous passage aisles or corridors leading directly to every exit shall be maintained and shall be so arranged as to provide access for each prisoner to at least two separate and distinct exits from each floor. Passage aisles or corridors shall be kept clear. A locked exit may be classified as an emergency exit only if necessary keys to locked doors are readily available. Elevators shall not be counted as required exits.

50.9(8) *Fire alarms.* A means of fire detection utilizing equipment of a type meeting requirements established by the state fire marshal shall be installed and maintained. These alarms shall be ceiling-mounted if possible and shall be located and protected from prisoner access. The detection equipment shall be battery-operated or constructed as to continue operating during a power failure. Battery-operated systems shall be tested monthly. Electronic systems shall be tested at least annually. A record of test dates and results shall be maintained according to subrule 50.22(10).

50.9(9) *Heating appliances.* Heating appliances and water heaters shall not be located along the path of required exits.

50.9(10) *Hinged doors.* All hinged doors serving as required exits from an area designed for an occupancy in excess of 50 persons, or as part of a major remodeling project or as part of new construction, shall swing with exit traffic.

50.9(11) *Mattresses.* Only fire-resistant mattresses of a type that will not sustain a flame and certified by an independent testing laboratory and that meet the standards established by the state fire marshal shall be used in jails. Mattresses that are ripped, are excessively cracked or contain large holes shall be replaced. Pillows shall be replaced when torn or excessively cracked.

50.9(12) *Sprinkler heads.* If installed, sprinkler heads accessible to prisoners not under direct supervision must be of the weight-sensitive type, be protected with a sleeve that would hamper the tying of material on the sprinkler head, or be recessed into the wall or ceiling.

201—50.10(356,356A) Minimum standards for jail personnel.

50.10(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 department job specifications.

f. Be an appropriate candidate for employment as determined by the hiring authority's review of a qualified psychological screening.

50.10(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.

50.10(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.

201—50.11(356,356A) Training for jail personnel.

50.11(1) *Initial orientation.* Except in an emergency situation, all persons performing jail duties and dispatchers subject to performing jail duties within the confines of the jail shall meet the following requirements, and the provision of this information and training shall be documented:

a. The individual shall be fully knowledgeable of the administrative rules referring to jail standards.

b. The individual shall be fully knowledgeable of jail rules, written policies and procedures as adopted by the jail administrator.

c. The individual shall have been given specific orientation with respect to a prisoner's rights during confinement and procedures adopted to ensure those rights.

d. If the individual is to have access to a firearm at any time, the individual shall hold a valid permit to carry weapons issued under the authority of Iowa Code chapter 724. The individual shall be professionally trained and qualified in the use of any firearm, electric restraint control device, and chemical control agents prior to use in connection with the individual's duties at the jail.

e. The jail administrator shall, by either written or electronic means, record the acknowledgement of all jailers and jail supervisors attesting that they have full knowledge of the administrative rules referring to jail standards and the written policies and procedures governing the jail's operation.

f. The individual shall have been instructed in the use of required firefighting equipment and the fire and emergency evacuation plan.

g. All staff who administer medication shall be trained in accordance with the Iowa state sheriffs' and deputies' association medication training program or other recognized medication administration course.

50.11(2) *Training documented.* All jailers and jail administrators shall meet and document the completion of all training requirements as specified by the Iowa law enforcement academy training standards as found in 501—Chapter 9. The jail administrator shall, by either written or electronic means, record the acknowledgment of all persons attending the training.

50.11(3) *First aid.* At least one staff member on duty at the facility shall be currently trained in first aid (or the equivalent) and CPR.

This rule is intended to implement Iowa Code section 80B.11A.

201—50.12(356,356A) Standard operating procedures manual. Pursuant to the authority of Iowa Code sections 356.5 and 356.36, each jail shall establish and the jail administrator shall ensure compliance with a standard operating procedures manual to include the following administrative rules: subrules 50.2(5), 50.2(6), 50.4(11), 50.9(3), 50.9(4), 50.10(1) through 50.10(3), and 50.11(1) and rules 201—50.13(356,356A) through 201—50.22(356,356A) as noted. The following standards do not require written policy: subparagraph 50.13(2)*"c"*(3) and subrules 50.15(4), 50.16(4), and 50.16(8).

201—50.13(356,356A) Admission/classification and security.

50.13(1) *Admission and classification.*

a. No person shall be confined or released from confinement without appropriate process or order of court.

b. With the exception of incidental contact under staff supervision, the following classes of prisoners shall be kept separate by architectural design barring conversational and visual contact from each other:

(1) Juveniles and adults (pursuant to Iowa Code section 356.3).

(2) Females from males (exception—alternative jail facilities) (pursuant to Iowa Code section 356.4).

c. The following shall be kept separate whenever possible:

(1) Felons from misdemeanants.

(2) Pretrial prisoners from sentenced prisoners.

(3) Witnesses from prisoners charged with crimes.

d. The following shall be kept physically separated:

(1) Prisoners of whom violence is reasonably anticipated.

(2) Prisoners who are a health risk to others.

(3) Prisoners of whom sexually deviant behavior is reasonably anticipated.

(4) Prisoners likely to be exploited or victimized by others.

e. Detention of juveniles shall be pursuant to Iowa Code section 232.22.

f. All staff involved in the booking process or the supervision of prisoners shall be trained in suicide prevention. At the time of booking, an attempt shall be made (either by observation for marks or scars or direct questioning of the prisoner) to determine if the prisoner is suicidal.

(1) The following questions, or others of equal meaning, shall be incorporated into the booking process with appropriate documentation to aid in suicide prevention:

1. Does the prisoner show signs of depression?
2. Does the prisoner appear overly anxious, afraid, or angry?
3. Does the prisoner appear unusually embarrassed or ashamed?
4. Is the prisoner acting or talking in a strange manner?
5. Does the prisoner appear to be under the influence of alcohol or drugs?
6. Does the prisoner have any scars or marks that indicate a previous suicide attempt?

(2) In all cases, the following questions will be asked of the prisoner:

1. Have you ever tried to hurt yourself?
2. Have you ever attempted to kill yourself?

3. Are you thinking about hurting yourself?

g. Housing for prisoners with disabilities shall be designed for their use, or reasonable accommodations shall be provided for the prisoners' safety and security.

h. Jail personnel shall ask each prisoner within 24 hours of the prisoner's incarceration if the prisoner is a military veteran. If so, jail personnel shall advise the prisoner that the prisoner may be entitled to a visit from a veteran service officer to determine if veteran services are required or available and, within 72 hours, shall provide the prisoner with contact information for the county commission of veteran affairs and provide the prisoner the opportunity to contact the county commission of veteran affairs to schedule a visit from a veteran service officer.

50.13(2) *Security and control.* The jail administrator shall develop and implement written policies and procedures for the jail that provide for the control of prisoners and for the safety of the public and the jail staff. The policy and procedures shall include all of the following.

a. Supervision of prisoners.

(1) Twenty-four-hour supervision of all prisoners shall be provided pursuant to Iowa Code section 356.5(6).

(2) When staff is not within the confinement area of the jail, a staff person shall be in a position to hear prisoners in a life-threatening or emergency situation; or a calling device to summon help will be provided. By policy and practice there shall be a means of ensuring that appropriate personnel will be available on a 24-hour basis to respond to an emergency, including but not limited to fire, assaults, suicide attempts, serious illness, and to preserve order, within a reasonable time period.

(3) At least hourly, personal observation of individual prisoners shall be made and documented. Prisoners considered to be in physical jeopardy because of physical or mental condition, including apparently intoxicated persons, as indicated by the medical history intake process and by personal observation, shall be checked personally at least every 30 minutes until the condition is alleviated. A CCTV-audio monitoring system may supplement but shall not replace personal observations. In order to use a CCTV-audio monitoring system, the following requirements must be met: CCTV and audio must be operational at all times. Visual and audio must be clear and distinct. Observation of shower and restroom activities shall be at the discretion of the jail administrator.

(4) No employee or visitor of one sex shall enter a housing unit occupied by the other sex unless advance notice has been provided except in case of an emergency (does not apply to alternative jail facilities). Advance notice may be provided with respect to but not limited to inmate orientation, inmate handbook, broadcast via inmate notification system, booking notification system, posted notification, or verbal announcement prior to entering the housing unit.

(5) When females are housed in the jail, at least one female staff member shall be on duty in the jail at all times, in accordance with Iowa Code section 356.5(6) (does not apply to alternative jail facilities).

(6) All juveniles arrested for intoxication due to substance abuse shall be personally observed on a continuous basis throughout the period of detention. The activities of juveniles arrested for crimes other than the above shall be monitored at all times, and the juvenile shall be observed by means of personal supervisory checks at no more than 30-minute intervals.

b. Weapons. Except in an emergency situation, no weapons shall be allowed in an area occupied by prisoners.

c. Searches.

(1) All prisoners and property entering or leaving the jail shall be thoroughly searched; searches of persons charged with a simple misdemeanor shall follow provisions of Iowa Code section 804.30. The prisoner's name or identification number shall be affixed to the property or storage space. Receipts shall be made for property taken from prisoners at the time of admission and returned to prisoners at the time of release.

(2) All persons entering a jail may be searched for contraband. Persons may be denied admission if they refuse to consent to a required search.

(3) A search notice shall be posted in a conspicuous place (no policy required).

(4) Prisoner rules shall contain a clear definition of each item permitted in the jail. All other items shall be considered contraband.

(5) Random, unannounced, and irregular searches of areas accessible to prisoners shall be conducted for contraband and weapons.

d. Key control. Jail keys shall be stored in a secure area when not in use. There shall be at least one full set of jail keys, separate from those in use, stored in a safe place accessible only to designated jail personnel for use in the event of an emergency. The jail administrator will identify those persons who may have access to keys.

e. Facility security.

(1) All areas of the jail shall be inspected regularly and frequently and kept clear of large posters, pictures and articles of clothing that obstruct the view of prisoners by jail staff.

(2) All jail locks, doors, bars, windows, screens, grilles and fencing shall be inspected on at least a monthly basis. Any damaged or nonfunctioning equipment or fixtures shall be reported to the jail administrator in writing. The jail administrator shall ensure prompt repair of any damaged or nonfunctioning equipment or fixture.

(3) The jail administrator shall develop written policy and procedures for the movement and transportation of prisoners outside the secure area of the jail. The policy shall require procedures that will ensure the safety of the jail staff and the public and prevent prisoner escape. The policy shall provide procedures for movement of prisoners for medical treatment and to and from the courts and other facilities. The classification and security risk of the prisoner to be moved will determine the number of staff required and the type of restraints to be used, if any.

(4) The jail administrator shall have written plans for situations that threaten facility security. Such situations include but are not limited to bomb threats, riots, hunger strikes, disturbances, hostage situations, escape attempts, medical emergencies, natural disasters and staff work stoppage. The plans shall be made available to all applicable personnel and reviewed by jail staff at least annually and updated as needed.

f. Restraint devices. The jail administrator shall have a written policy on restraint devices. Restraint devices shall not be applied as punishment. Restraint devices shall be used only when a prisoner is a threat to self or others or jeopardizes jail security. There shall be defined circumstances under which supervisory approval is needed prior to application of restraints. Restraint devices shall not be applied for more time than is necessary to alleviate the condition requiring the use of the restraint device. While restrained, prisoners shall be either clothed or covered in a manner that maximizes prisoner privacy. Four/five-point restraints shall be used only when other types of restraints have proven ineffective. If prisoners are restrained in a four/five-point position, the following minimum procedures shall be followed:

(1) Observation by staff shall be continuous. (A CCTV system may be used.)

(2) Personal visual (non-CCTV) observation of the prisoner and the restraint device application shall be made at least every 15 minutes.

(3) Restraint guidelines shall include consideration of an individual's physical and health condition, such as body weight.

(4) All decisions and actions shall be documented.

201—50.14(356,356A) Cleanliness and hygiene.

50.14(1) *Housekeeping.*

a. The jail shall be kept clean and sanitary. Toilets, wash basins, showers and other equipment throughout the facility shall be maintained in good working order. Walls, floors and ceilings shall be well maintained.

(1) Unless cleaning is done by staff, necessary cleaning equipment shall be provided to prisoners. Cleaning equipment shall be removed from the cell and dayroom areas when cleaning is completed.

(2) The jail shall be maintained in a pest-free condition. Persons spraying chemicals shall be certified by the Iowa department of agriculture and land stewardship. Prisoners and staff shall not be directly exposed to the chemicals being used.

b. The jail shall have a sharps disposal container for razors and needles. The facility shall be equipped to handle disposal of contaminated or hazardous waste according to universal health precautions.

50.14(2) *Clothing, bedding, and hygiene items.* Prisoners held in excess of 24 hours shall be provided sanitary bedding and linens sufficient to ensure comfort under existing temperature conditions. These items may be withheld by the jail administrator if deemed necessary pursuant to subrule 50.21(5). A standard issue shall include:

a. Toilet articles necessary for daily personal hygiene.

b. Institutional clothing may be issued.

c. If, upon admission to a jail with an average daily population exceeding ten persons, it is determined that the prisoner will be held longer than 24 hours, facility-provided clothing shall be issued.

d. The laundry means and schedule shall be adequate to meet the daily needs of the prisoners. Prisoners shall receive clean linens and clothing no less than weekly.

50.14(3) *Personal hygiene.*

a. For sanitation and health reasons, prisoners shall be required to keep themselves clean at all times.

b. Unless medically exempted, all prisoners to be held over 24 hours shall be required to shower or bathe.

c. Prisoners may be required to shave or cut their hair only for sanitation.

d. Jail personnel shall establish procedures for prisoner hair care.

e. The sharing of instruments that are subject to blood contamination, such as nonelectric razors and toothbrushes, is prohibited. Electric razors properly sterilized under medically approved conditions may be shared.

201—50.15(356,356A) Medical services. The jail administrator shall establish a written policy and procedure to ensure that prisoners have the opportunity to receive necessary medical attention for the prisoners' objectively serious medical and dental needs that are known to the jail staff. A serious medical need is one that has been diagnosed by a physician or physician associate as requiring treatment or is one that is so obvious that even a layperson would easily recognize the necessity for a physician's or physician associate's attention. The plan shall include a procedure for emergency care. Responsibility for the costs of medical services and products remains that of the prisoner as allowed by Iowa Code section 356.7. However, no prisoner will be denied necessary medical services, dental service, medicine or prostheses because of a lack of ability to pay. Medical and dental prostheses shall be provided only for the serious medical needs of the prisoner as determined by a licensed health care professional. Cosmetic or elective procedures need not be provided.

50.15(1) *Medical resources.* Each jail shall have a designated medical practitioner, which may include a hospital or clinic staffed by licensed physicians, licensed osteopathic physicians or physician associates, designated for the medical supervision, care and treatment of prisoners as deemed necessary and appropriate. Medical practitioners shall be available on a 24-hour basis.

50.15(2) *Trained staff.*

a. All staff who administer medication shall be trained in accordance with the Iowa state sheriffs' and deputies' association medication training program or other recognized medication administration course.

b. At least one staff member on duty at the jail shall be currently trained in first aid (or the equivalent) and CPR.

50.15(3) *Prisoner involvement.* No prisoner shall be involved in any phase of delivery of medical services.

50.15(4) *First-aid kits.* A first-aid kit approved by qualified medical personnel shall be available to staff (no policy required).

50.15(5) *Chemical control agents.* A prisoner affected by a chemical control agent shall be offered a medical examination and appropriate treatment as soon as reasonable.

50.15(6) *Screening upon admission.*

a. Any person who is obviously injured, ill or unconscious shall be examined by qualified medical personnel before being admitted to a jail.

b. Prisoners suspected of having a contagious or communicable disease shall be separated from other prisoners until examined by qualified medical personnel.

c. As a part of the admission procedure, a medical history intake form shall be completed for each person admitted to the jail. The intake procedure shall include screening for potential self-injury or potential suicide. Jail staff with actual knowledge that there is a substantial risk that a prisoner intends to commit suicide shall take reasonable measures to abate that risk. The jail shall have a written suicide prevention plan. Essential elements of the plan shall include annual training to recognize the potential for suicide, communication between staff, appropriate housing and intervention procedures.

d. During times when there is no means of immediate access to the district court, a person arrested on a charge constituting a simple misdemeanor and believed by the arresting officer/agency to be mentally ill, and because of that illness is likely to physically injure the person's self or others, shall be admitted to the jail only after the arresting officer/agency has demonstrated a reasonable effort to comply with the emergency hospitalization procedure, as provided in Iowa Code section 229.22. The jail shall have a written plan to provide prisoners access to services for the detection, diagnosis and treatment of mental illness. The plan shall include a mental health screening process at admission.

e. Prisoners shall be provided with information on how they can obtain necessary medical attention, and the agency's policy and procedure shall also reflect this.

50.15(7) *Medication procedures.*

a. Written policies and procedures pertaining to providing medication shall be established.

b. All prescription medicine shall be securely stored and inventory control practiced. Inventory control shall include documentation of all medication coming into the jail and the amount of medication returned or destroyed when a prisoner is released.

c. A written procedure for recording the taking or administering of all medications shall be established.

Prescription medication, as ordered by a medical practitioner or licensed dentist, shall be provided in accordance with the directions of the prescribing medical practitioner or dentist. Prisoners with medication from a personal medical practitioner or dentist may be evaluated by a medical practitioner or dentist selected by the jail administrator to determine if the present medication is appropriate.

50.15(8) *Medical records.* A separate medical record shall be maintained for each prisoner receiving medical care. The record shall include the illness being treated, medication administered, special diets required, medical isolations and the name of the attending health professional or institution. The record may be kept in the prisoner's file jacket but must be labeled confidential.

50.15(9) *Medication storage.*

a. Prisoners' medications shall be stored at the proper temperature, as defined by the following terms:

(1) Room temperature: temperature maintained between 15 degrees centigrade (59 degrees Fahrenheit) and 30 degrees centigrade (85 degrees Fahrenheit).

(2) Cool: temperature between 8 degrees centigrade (46 degrees Fahrenheit) and 15 degrees centigrade (59 degrees Fahrenheit).

(3) Refrigerate: temperature that is thermostatically maintained between 2 degrees centigrade (36 degrees Fahrenheit) and 8 degrees centigrade (46 degrees Fahrenheit).

(4) All medication required to be "cool" or "refrigerated" shall be stored in a separate refrigerator or in a separate locked container within a refrigerator that is used for other purposes.

b. Any medications bearing an expiration date must not be administered beyond the expiration date.

c. Expired drugs or drugs not in unit dose packaging, whose administration had been discontinued by the attending medical practitioner, shall be destroyed by the jail administrator or designee in the presence of a witness. A record of drug destruction shall be made in each prisoner's medical record. The record shall include the name, the strength and the quantity of the drug destroyed, and the record shall be signed by the jail administrator or designee and by the witness.

d. Medications dispensed by a pharmacy in unit dose packaging may be returned to the dispensing pharmacy pursuant to 481—Chapter 552.

e. Jails utilizing unit dose packaging shall have written policies and procedures providing for the return of drugs so packed to the issuing pharmacy. Policy shall include proper recordkeeping of disposal.

201—50.16(356,356A) General food service requirements.

50.16(1) *Prisoner being held.* If a prisoner is held over a meal period, a meal of adequate nutrition shall be provided.

50.16(2) *Daily meals.* The three meals provided for each 24-hour duration shall be served at reasonable and proper intervals; at least one meal shall be a hot meal. Food must be served at the proper temperature; hot foods shall be reasonably hot and cold foods reasonably cold.

50.16(3) *Time of serving.* Meals shall be served at approximately the same time every day.

50.16(4) *Documentation.* The facility shall document that its food service meets or exceeds nationally recommended minimum dietary allowances for basic nutrition for appropriate age groups. Dietary guidelines meeting the above requirements shall be certified by a qualified nutritionist or dietitian (no policy required).

50.16(5) *Medical diets.* Special diets as prescribed by a medical practitioner shall be followed and documented. The medical practitioner who prescribes the special diet shall specify a date on which the diet will be reviewed for renewal or discontinuation. Unless specified by the prescribing medical practitioner, a certified dietitian shall develop the menu.

50.16(6) *Religious requests.* When a special diet is requested by a prisoner as part of the prisoner's religious beliefs, the facility shall meet that need, unless the facility can demonstrate that its refusal does not impose a substantial burden on the exercise of the prisoner's religion or that its refusal furthers some compelling interest and is the least restrictive means of furthering that interest.

50.16(7) *Punishment.* Deviation from normal feeding procedures shall not be used as punishment.

50.16(8) *Inspection of facilities of outside food service providers.* If food service is provided by outside sources, only a facility with a food establishment license or those required to undergo inspection by other statutes shall be utilized to provide these services. The transfer of food shall be done under sanitary conditions (no policy required).

201—50.17(356,356A) In-house food services.

50.17(1) Food preparation areas shall be clean and sanitary in accordance with state health standards regulating the operation of institutions, food establishments, or equivalent organizations.

50.17(2) All food products shall be stored or refrigerated in compliance with state health standards governing institutional or food establishment operations.

50.17(3) Dishes, utensils, pans and trays shall be sanitized after use in accordance with state health standards for food establishments or institutions.

50.17(4) Staff shall serve or supervise the serving of all meals. Food handlers must be clean and free of illness or disease.

201—50.18(356,356A) Prisoner activities.

50.18(1) *Exercise.* Prisoners held beyond seven days and not leaving the jail pursuant to Iowa Code section 356.26 shall be offered exercise time.

a. A minimum of two one-hour exercise sessions shall be offered during each full calendar week. Playing board games or cards or reading is recreation and is not considered exercise. A record of exercise sessions shall be maintained according to subrule 50.22(15).

b. Restrictions. Exercise requirements may be restricted by disciplinary action.

c. Exercise areas. An exercise area outside the cell shall be available. Such area must provide opportunity for adequate exercise. Corridors and hallways must remain clear of equipment or material and must provide unimpeded access to exits.

d. Suspension of outdoor exercise. Outdoor exercise may be suspended during inclement weather. Appropriate clothing shall be provided for exercise during winter months.

50.18(2) *Religion.* All prisoners shall be afforded a reasonable opportunity to pursue their religious faith. Any infringement upon the opportunity to pursue one's faith must further some compelling interest and must be the least restrictive means of furthering that interest. The jail administrator or designee may plan, direct and supervise all aspects of a religious program, including approval and training of both laypersons and clergy persons ministering faiths represented in the prisoner population.

50.18(3) *Reading material.* A reasonable quantity and variety of reading material shall be made available to prisoners.

a. Access to reading material from an outside source may be restricted to unused material sent directly from the publishing source.

b. Material deemed to be a threat to security or safety within the jail may be denied distribution.

c. Obscene material, as described in Iowa Code section 728.1, may be prohibited.

d. When a prisoner is denied access to a publication, the jail administrator shall inform the prisoner of that denial in writing and shall explain, in writing, the reason(s) for denial.

50.18(4) *Discrimination.* Prisoner activities, programs and services shall be available to prisoners with disabilities.

201—50.19(356,356A) Communication.

50.19(1) *Prisoner mail.*

a. Prisoners held beyond 24 hours shall be furnished a reasonable amount of writing materials upon request. Jail officials may prohibit a prisoner from corresponding with a person who states in writing that the person does not want to correspond with the prisoner. This does not include a "prior approval" list.

b. A reasonable amount of postage shall be provided to indigent prisoners held beyond 24 hours for communication with the courts and for at least two letters per week of a personal nature when other means of communication are not available.

c. General correspondence may be opened and inspected; it may be read for security reasons if the prisoner is notified of this procedure.

d. Privileged correspondence if so marked may be opened only in the presence of the prisoner and then only to detect the presence of contraband; it will not be read except by the prisoner. Privileged correspondence is defined as incoming and outgoing mail to or from:

(1) An attorney;

(2) A judge;

(3) The governor of Iowa;

(4) The ombudsman office;

(5) A member of the state or federal legislature.

e. Written policy, procedure, and practice require that, excluding weekends and holidays, incoming and outgoing letters be held for no more than 24 hours and packages be held for no more than 48 hours for inspection before delivery to the prisoner or post office.

50.19(2) *Telephone calls upon arrest.*

a. Prisoners shall be permitted telephone access to their family or an attorney, or both, without unnecessary delay after arrest at no charge if made within the local calling area as required by Iowa Code section 804.20.

b. Policy and procedures shall be developed to govern prisoner telephone calls. The procedure shall provide for the handling of emergency calls.

c. Prisoners not in segregation status for discipline shall have reasonable access to telephones beyond the requirements of Iowa Code section 804.20.

50.19(3) *Attorneys and ministers.* Attorneys and ministers shall be permitted to visit prisoners upon the request of the prisoner at reasonable hours if security and daily routine are not unduly interrupted.

50.19(4) *General visitation.*

a. All prisoners in normal status shall be allowed reasonable visitation.

b. Rules shall specify who is allowed to visit and when and how often visitors are allowed.

c. Jail staff shall document the date and time of visit, name and address of each person visiting, and name of prisoner visited. Computerized logs are acceptable.

d. A visit may be denied if reasonable suspicion exists that the visit might endanger the security of the facility. A record shall be made of such denial and the reason(s) therefor.

50.19(5) *Detaining non-U.S. citizens.* When non-U.S. citizens are detained, they shall be advised of the right to have their consular officials notified or the nearest consular officials shall be notified of the detention, whichever is required by the Vienna Convention. Consular officials shall be given access to non-U.S. citizens in jail and shall be allowed to provide consular assistance. When a jail administrator becomes aware of the death of a non-U.S. citizen, consular officials shall be notified.

201—50.20(356,356A) Access to the courts. Prisoners who do not have an attorney shall have access to the legal materials the jail decides to provide, in order to facilitate the preparation of legal documents that directly or collaterally attack the prisoner's sentence or that challenge the conditions of the prisoner's confinement.

201—50.21(356,356A) Discipline and grievance procedures.

50.21(1) No prisoner shall be allowed to have authority or disciplinary control over another prisoner.

50.21(2) The use of physical force by staff shall be restricted to instances of justifiable self-protection, the protection of others or property, the prevention of escapes or the suppression of disorder, and then only to the degree necessary to overcome resistance. Corporal punishment is forbidden.

50.21(3) The following information shall be made available to all prisoners and explained to any prisoner unable to read English:

a. A set of rules (including sanctions) and regulations pertaining to the conduct of persons in custody.

b. What services are available to them.

c. A prisoner grievance procedure that includes at least one level of appeal. A jail may limit the use of the grievance process in order to make sure that it is not abused.

50.21(4) Prisoners who have allegedly violated jail rules shall be provided information pertaining to the handling of disciplinary hearings consistent with the due process rights of the accused. This information shall include the following:

a. Notice of charges and hearing.

b. A description of the hearing process. The jail policy and procedures manual shall contain the following:

(1) Written guidelines for resolving minor prisoner infractions that include a written statement of the rule violated and a hearing and decision within seven days, excluding weekends and holidays, by a person not involved in the rule violation. The prisoner may waive the hearing.

(2) A procedure to refer violations of criminal law to the appropriate criminal justice agency.

(3) A policy that requires staff members to prepare a disciplinary report and forward it to a designated staff person. Disciplinary reports shall include the following information:

1. Specific rule(s) violated;
2. A statement of the charge;
3. Any unusual prisoner behavior;
4. Any staff witnesses;
5. An explanation of the event that includes who was involved, what transpired, and the time and location of the occurrence;
6. Any physical evidence and its disposition;
7. Any immediate action taken, including the use of force.

(4) A policy that requires an impartial investigation to begin within 24 hours of the time the violation is reported and be completed without unreasonable delay, unless there are exceptional circumstances for delaying the investigation.

(5) A policy and procedure that provides for prehearing detention of prisoners who are charged with a rule violation. The facility administrator or designee shall review the prisoner's prehearing status within 72 hours.

(6) A policy that prisoners charged with a rule violation receive a written statement of the charge(s), including a description of the incident and specific rule(s) violated. The prisoner shall be given the information at least 24 hours prior to the disciplinary hearing. The hearing may be held in less than 24 hours with the written consent of the prisoner.

(7) A policy and procedure that allows the prisoner to be present at the hearing, unless the prisoner waives that right in writing or is a threat to the security and safety of the facility. Prisoners may be excluded during testimony. Any prisoner's absence shall be documented.

(8) A policy that provides for the disciplinary hearing to be conducted no later than seven days, excluding weekends and holidays, following the report of the alleged rule violation.

(9) A policy that provides for postponement or continuance of the disciplinary hearing for a reasonable period and for good cause. Reasons for postponement or continuance shall be documented.

(10) A policy and procedure that provides for an impartial person or panel of persons to conduct the disciplinary hearing. A record of the proceedings shall be made and maintained for at least two years.

(11) A policy and procedure that allows prisoners an opportunity to make a statement and present documentary evidence at the hearing and to call witnesses on their behalf unless calling witnesses creates a threat to the security or safety of the facility. The reasons for denying such a request shall be documented.

(12) A policy and procedure that allows a staff member or agency representative to assist prisoners at disciplinary hearings. A representative shall be appointed when it is apparent that a prisoner is not capable of collecting and presenting evidence on the prisoner's own behalf.

(13) A policy that disciplinary committee decisions are based solely on information obtained in the hearing process.

(14) A policy and procedure to ensure that a written report is made of the decision and the supporting reasons and that a copy is given to the prisoner. The hearing record and documents shall be kept in the prisoner's file.

(15) A policy that requires the jail administrator or designee to review all disciplinary hearings and dispositions to ensure conformity with the jail policy and procedures.

c. An explanation of the appeal process. The jail policy and procedure manual shall contain a policy and procedure to advise the prisoner that the prisoner may appeal the decision to the jail administrator or designee within 24 hours. The administrator or designee shall affirm or reverse the decision of the disciplinary committee as soon as possible but within 15 days, excluding weekends and holidays.

50.21(5) Deprivation of clothing, bedding, or hygienic supplies shall not be used as discipline or punishment. These items may be withheld from any prisoner who the staff reasonably believes would destroy such items or use them as weapons, for self-injury or to aid in escape.

201—50.22(356,356A) Records. The following records shall be maintained by the jail administrator for two years unless a different period is specified:

50.22(1) Jail calendar. This record shall contain information as required by Iowa Code section 356.6.

50.22(2) Visitor registration. This record shall contain the name and address of the person visiting; name of prisoner visited; and the date, time and duration of the visit.

50.22(3) Jail inspection records. Jail inspection records shall contain the following and be maintained for a minimum period of two years:

a. State fire marshal's certificates.

b. Written reports received from all persons doing official inspections of the jail.

50.22(4) Medical history intake form. Notation of injury upon admission shall be included.

50.22(5) Records of medical care.

50.22(6) Injury reports. Copies of all reports of investigations relating to injuries within the facility shall be maintained by the jail administrator in a separate injury file or referenced in the prisoner file by log for a period of five years.

50.22(7) Disciplinary records.

50.22(8) Property receipts. Property receipts as required by Iowa Code section 804.19 shall be completed and distributed as required.

50.22(9) Menu records. This record shall include letters of documentation issued by a qualified dietitian.

50.22(10) Fire and disaster evacuation plan and record(s) of required fire drills.

50.22(11) Records of staff training.

50.22(12) Disposition of medication. A record shall be kept of the disposition of prescribed medication not taken by a prisoner.

50.22(13) Supervisory checks. A record shall be made to document all required supervisory checks of prisoners.

50.22(14) Incident reports. Records shall be made to document the following:

a. Use of force;

b. Suicide/suicide attempts;

c. Threats to staff, staff assaults, escapes, fires, prisoner abnormal behavior, any verbal or nonverbal references to suicide and self-mutilation.

The state jail inspection unit of the DOC shall be notified within 24 hours of any death, fire, or escape. Attempted suicide, injury to staff or prisoners from assaults, use of force, and prisoner self-inflicted injuries shall be reported to the DOC within 24 hours of the occurrence of the incident, excluding holidays and weekends. A copy of the investigative reports and other records shall be given to the state jail inspector upon request.

50.22(15) Exercise documentation. A record shall be kept relative to date, time and length of exercise periods offered to specific prisoners, cell blocks, tiers, or any other type of cell grouping or housing unit.

201—50.23 Reserved.

201—50.24(356,356A) Nonsecure holds for juveniles.

50.24(1) *Standards for nonsecure hold areas.* The area to be used to detain the juvenile must be an unlocked area such as a lobby, office or other open room. Additionally, the following minimum procedures must be followed:

a. The juvenile is not physically secured to any stationary object.

b. The juvenile is under continuous visual supervision.

c. The juvenile has access to bathroom facilities.

d. A meal or meals shall be provided at usual meal times.

50.24(2) *Supervision of juveniles in nonsecure hold.* Juveniles in nonsecure hold status (see Iowa Code sections 232.19(2) and 232.22(2)) shall have continuous visual supervision by a qualified adult. The jail administrator may contract with an outside agency to perform supervisory functions. Persons performing juvenile supervisory functions must:

a. Be at least 18 years of age.

b. Have received a physical prior to employment.

c. Perform at a staff-to-prisoner ratio that will ensure a safe environment for both the juvenile(s) and the staff.

d. Report any knowledge of child abuse to mandatory child abuse reporters.

e. Have successfully completed a child abuse and criminal background check.

50.24(3) *Prohibited acts.* Each nonsecure site must develop a policy of posted orders that protects juveniles against neglect; exploitation; degrading punishment, such as corporal punishment, verbal abuse, threats, or derogatory remarks about the juvenile or the juvenile's family; binding or tying to

restrict movement; enclosing the juvenile in a confined space, such as a closet, locked room, or similar cubicle; and deprivation of meals.

50.24(4) *Attendant nonsecure area operating procedures.*

a. Attendant shall make certain the juvenile is aware of the policies of the nonsecure holding area.

b. The personal effects of the juvenile shall be placed in a safe, secure place. A property receipt shall be issued to the juvenile.

c. All items given to the juvenile are subject to being searched.

d. Attendant shall pat search juvenile.

50.24(5) *Care and treatment.*

a. Medical.

(1) No juvenile shall be held who is obviously injured, is obviously physically or mentally ill, or in the judgment of the arresting officer is under the influence of drugs or intoxicated from the use of alcohol to the point of needing medical attention without first being examined by a medical practitioner.

(2) In an emergency situation or when the juvenile is suffering severe pain or is in danger of loss of life or permanent injury, medical treatment may be administered without parental consent. When none of the above situations exist, parental consent or judicial concurrence must be made before providing medical treatment.

(3) Juveniles suspected of having a contagious or communicable disease shall be isolated from other juveniles.

(4) There shall be at least one person on duty in the jail supervising the nonsecure hold area who is trained in multimedia first aid and CPR.

(5) First-aid kits shall be immediately available.

(6) Any person providing medication shall be trained in the procedure of providing medication.

(7) As part of the admission procedure, a medical history intake form shall be completed. As part of this procedure, an attempt will be made to determine if the juvenile is suicidal by observing behavior and looking for marks or scars that would indicate previous suicide attempts.

(8) There shall be written policies or procedures pertaining to providing medication.

(9) All medication shall be stored according to state pharmaceutical standards and written inventory control maintained. The inventory shall include the starting number of pills, when pills were provided and by whom, the remaining number of pills at the time the juvenile left the jail, the disposition of the remaining pills, and a staff witness to the disposition of the pills.

(10) Special diets as prescribed by a medical practitioner shall be followed and documented.

(11) When a special diet is required for an individual due to a bona fide religious belief, the jail shall meet that need.

b. Communications.

(1) Juveniles shall be permitted, at no charge, telephone access to their family or an attorney, or both, without unnecessary delay after being taken into custody. Once family or attorney has been contacted, the number of additional calls, if any, will be determined by attendant.

(2) Attorneys and ministers shall be permitted to visit upon request when such visiting will not disrupt security or daily routines of the jail. Determination of additional visits shall be made by attendant.

c. Safety and sanitation.

(1) Walls, floors, and ceiling shall be well maintained.

(2) Facility shall be maintained in a pest-free condition.

(3) Clean bedding, including sheets, blankets, and pillowcases, shall be issued to each juvenile who wishes to sleep between the hours of 9 p.m. and 7 a.m.

(4) Soiled clothing that may affect the health of the juvenile shall be exchanged for clean, jail-provided clothing.

(5) An emergency evacuation plan must be conspicuously posted.

(6) There shall not be less than one AA-ABC fire extinguisher in operable condition for each 3,000 square feet of facility on any given floor of the building.

(7) All exits shall be equipped with independent emergency lighting.

(8) Where exits are not immediately accessible from an open floor area, safe and continuous passage aisles or corridors leading directly to every exit shall be maintained and shall be so arranged as to provide access for each juvenile to at least two separate and distinct exits from each floor. A locked exit may be classified as an emergency exit only if necessary keys to locked doors are on the person of the attendant. Elevators shall not be counted as required exits.

(9) A means of fire detection utilizing equipment of a type tested and approved by Underwriters Laboratories shall be installed and maintained in operational condition according to the factory manual. These alarms shall be ceiling-mounted and of such construction to continue in operation during power failure. Alarms shall be tested on at least a monthly basis. Such test shall be documented.

(10) Only fire-resistant mattresses and pillows approved by the state fire marshal's office shall be used.

d. Staff training requirements.

(1) Attendants shall be knowledgeable of jail policies and procedures pertaining to juvenile nonsecure holds, and acknowledgment of this shall be made by attendant's dated signature.

(2) Nonsecure hold attendants shall have received instruction in the following areas prior to supervising juveniles in a nonsecure holding area:

1. Role of nonsecure hold attendant.
2. Confidentiality issues.
3. Intake procedures—medical and suicide screening.
4. Communication and listening skills.
5. Dealing with a depressed or suicidal juvenile.
6. Overview of state and federal law.
7. Provision of medication.
8. Gentle self-defense.
9. Child abuse identification.

e. Juvenile supervision.

(1) An attendant shall be in the presence of all juveniles held at all times. Same-sex attendant or staff shall be present when juveniles perform bodily functions/shower.

(2) A log shall be maintained at half-hour intervals reflecting the juvenile's activities and behavior.

f. Records. The following records shall be maintained by the jail for a period of at least two years:

(1) Medical history intake form.
(2) Records of medical care.
(3) Injury reports.
(4) Food served.
(5) Records of staff training.
(6) Disposition of medication.
(7) Individual log.
(8) Any use of force reports.
(9) Any suicide or suicide attempts reports.

g. Incident reports. Reports of the following incidents shall be sent to the state jail inspection unit, department of corrections, within 24 hours of incident:

(1) Any injury to juvenile or staff that requires medical attention.
(2) Any use of force by staff.
(3) Any attempted suicide.

The state jail inspection unit, department of corrections, shall be notified within five hours of any successful juvenile suicide that occurred in a nonsecure hold area.

50.24(6) *Exemption from nonsecure hold standards.* Any requests for exemption from nonsecure hold standards shall be submitted according to the waiver provisions under 201—Chapter 2504.

201—50.25(356,356A) Direct supervision jails. Direct supervision jails, in addition to the preceding rules, are subject to the following rules:

50.25(1) There may be contact of different classifications of prisoners in a common activity area only while the prisoners are under continuous direct supervision with the exception of:

a. Prisoners of whom violence is reasonably anticipated (subparagraph 50.13(1)*"d"*(1)).

b. Prisoners who are a health risk to others (subparagraph 50.13(1)*"d"*(2)).

c. Prisoners of whom sexually deviant behavior is reasonably anticipated (subparagraph 50.13(1)*"d"*(3)).

d. Prisoners under the age of 18 (Iowa Code section 356.3). Persons charged in adult court with a forcible felony are to be separated whenever possible.

50.25(2) There shall be separate and distinct staff persons in the jail at all times to perform the following duties:

a. Provide central control or lock doors into or out of the housing unit.

b. Provide direct supervision of prisoners in the housing unit. During hours of lockdown, prisoner checks may be done hourly and documented. Prisoners must be physically observed during these checks.

c. Provide emergency backup to the supervision officer as a priority of assigned duties.

50.25(3) Prisoners classified as maximum security will not be allowed into areas occupied by other prisoners at any time. Maximum security prisoners may be required to exercise or perform other activities in a group with other maximum security prisoners only. Facility staff must weigh the potential for violence prior to admitting any maximum security prisoner into a group.

50.25(4) The housing unit shall not exceed its rated capacity.

50.25(5) Whenever prisoners are not locked down, there shall be sufficient lighting in all areas of living units and activity areas to allow full observation by staff.

50.25(6) Prisoners assigned to one living unit shall not be allowed to enter a different living unit except when permitted to share activities.

50.25(7) Any agency utilizing a direct supervision mode of prisoner management shall ensure that, before accepting prisoners, jail staff shall receive appropriate training in the following areas:

a. Philosophy of direct supervision.

b. Techniques of effective supervision and leadership.

c. Decision-making techniques.

d. Crisis intervention techniques.

e. Effective communication techniques.

f. Classification and evaluation techniques for direct supervision jails.

The training mandated by this chapter is required in addition to the above-listed training requisites.

50.25(8) There shall be a classification system developed that shall include an initial classification determination and an ongoing evaluation of the classification status. This system shall include but not be limited to the following considerations:

a. Individual's criminal history.

b. Individual's present behavior.

c. Individual's present charge.

d. Health.

e. Potential for violence.

f. Sexual deviation.

g. Self-harm or suicide potential.

h. Mental and physical maturity relative to personnel safety.

i. Previous behavior in other institutional settings.

j. Noticeable changes in attitude.

50.25(9) Programming (books, television, work, treatment) shall be available to reduce prisoner idleness. Subjects referred to within the parentheses are illustrative and not inclusive.

50.25(10) Each officer assigned to a housing unit shall have a mechanical or electronic means on the officer's person to summon assistance in times of emergency.

50.25(11) Supervision checks as required by paragraph 50.13(2)*"a"* will continue to be required and documented. CCTV shall not be used for supervision checks. During those periods when prisoners

are out of their cells and in full view of staff, supervisory checks need not be conducted. Supervisory checks will be made when prisoners are allowed in their individual cells.

50.25(12) All incoming prisoners must be thoroughly oriented to expectations, rules, and routines of the jail. All such orientation must be documented.

50.25(13) Policies and procedures shall be developed by the sheriff or designee for the operation of the jail. These policies and procedures shall reflect the rules for direct supervision jails as delineated in this chapter. All staff shall be knowledgeable of and have access to the policy manual and shall receive training in the implementation of said policies and procedures prior to being assigned as a housing unit officer. The sole remedy for breach of these rules is by a proceeding for compliance initiated by request from the department of corrections. The violation of any rule shall not be construed to permit any civil action to recover damages against the state of Iowa, its departments, agents or employees or any county, its agencies or employees.

These rules are intended to implement Iowa Code sections 80B.11A, 356.36, and 356.43 and chapter 356A.

[Filed 11/4/26, effective 12/30/26]
[Published 11/25/26]
EDITOR'S NOTE: For replacement pages for IAC, see IAC Supplement 11/25/26.

ARC 0793D

CORRECTIONS DEPARTMENT[201]

Adopted and Filed

Rulemaking related to temporary holding facilities

The Department of Corrections hereby rescinds Chapter 51, "Temporary Holding Facilities," Iowa Administrative Code, and adopts a new Chapter 51 with the same title.

Legal Authority for Rulemaking

This rulemaking is adopted under the authority provided in Iowa Code section 356.36.

State or Federal Law Implemented

This rulemaking implements, in whole or in part, Iowa Code chapter 356A and sections 17A.10, 17A.12, 80B.11A, 356.36, and 356.43.

Purpose and Summary

The purpose of this rulemaking is to conduct a comprehensive review of Chapter 51 in accordance with the mandates of Executive Order 10. While this chapter was reviewed through the lens of reducing redundancy, the Department has determined that the current language is neither obsolete nor unnecessary. Given the high-risk nature of temporary holding facility operations and the specific compliance needs of local facilities, the existing language is essential for maintaining clear, unambiguous minimum standards. Rule language has been intentionally retained to provide a single comprehensive operating manual for jail administrators. Reducing information in these rules or relying solely on statutory cross-references would create a fragmented regulatory landscape, increasing the risk of operational errors and safety failures at the local level. Because these rules serve as the primary benchmark for mandatory annual inspections across Iowa's six temporary holding facilities, maintaining the current level of detail is necessary. Rather than broad rescission, the Department implemented targeted updates to clarify standards and improve operational safety across rules 201—51.3(356,356A), 201—51.9(356,356A), 201—51.10(356,356A), 201—51.11(356,356A), 201—51.13(356,356A), 201—51.15(356,356A), and 201—51.19(356,356A).

These specific standards are developed in consultation with stakeholders pursuant to Iowa Code section 356.36, including the Iowa State Sheriffs' and Deputies' Association (ISSDA), the Iowa Chiefs of Police Association, the Iowa State Association of Counties (ISAC), and the League of Cities, that have reached a consensus that these standards are the essential baseline for safe facility management.

Public Comment and Changes to Rulemaking

Notice of Intended Action for this rulemaking was published in the Iowa Administrative Bulletin on September 30, 2026, as **ARC 0612D**. Public hearings were held on the following date:

- October 20, 2026

No one attended the public hearing.

One written public comment requested revising paragraph 51.10(3)"b" to include the Health and Safety Institute (HSI) as an eligible Basic Life Support/Cardiopulmonary Resuscitation (BLS/CPR) training provider.

The Department accepted the suggestion in part after consultation with required stakeholders. Rather than expanding the list of specific approved program providers, the Department removed paragraphs 51.10(3)"a" through "c." The rule now broadly requires staff to be trained in first aid and CPR without naming specific providers. This change additionally achieves alignment with 201—subrule 50.11(3). Concurrently, subrule 51.10(2) was revised to remove paragraphs 51.10(2)"a" and "b" to align with 201—subrule 50.11(2) and ensure compliance with Iowa Law Enforcement Academy (ILEA) rules under 501—Chapter 9.

Adoption of Rulemaking

This rulemaking was adopted by the Department on November 4, 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 201—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 30, 2026.

The following rulemaking action is adopted:

ITEM 1. Rescind 201—Chapter 51 and adopt the following **new** chapter in lieu thereof:

CHAPTER 51
TEMPORARY HOLDING FACILITIES

201—51.1(356,356A) Definitions.

"Capacity" means the number of prisoner or detainee occupants that any cell, room, unit, building, facility or combination thereof may accommodate according to the square footage requirements of the standards.

"Cell" means single-occupancy bedroom space with toilet and lavatory facilities.

"Classification" means a system of obtaining pertinent information concerning detainees with which to make a decision on assignment of appropriate housing, security level, and activities.

"Detainee" means any individual confined in a temporary holding facility.

"Detention area" means that portion of the facility used to confine detainees.

"DOC" means the Iowa department of corrections.

"Dormitory" means an open area for two or more detainees with all fixtures self-contained. There is no barrier between the sleeping area and other fixtures, such as a shower, a table, recreation equipment, or similar items.

"Emergency situation" means any significant disruption of normal operations caused by riot, strike, escape, fire, natural disaster or other serious incident.

"Existing facility" means any place in use as a jail or temporary holding facility or for which bids have been let for construction prior to September 12, 2001.

"Facility" means a temporary holding facility as defined by these rules.

"Holding cell" means a secure room or cell where detainees may be held up to 24 hours while awaiting the procedure of commitment or release or court appearances.

"Holdover" means a nonsecure area within a law enforcement facility, hospital, mental health facility or other existing public building that is intended to serve as a short-term holding facility for juveniles. A nonsecure area may be a multipurpose area that is unable to be locked.

"Housing unit" means an individual detention area. This area may be a single-occupancy cell, multiple-occupancy cell, cellblock, or dormitory.

"Inspection unit" means the state jail inspection unit.

"Jail inspector" means the DOC employee responsible for inspections of temporary holding facilities and enforcement of these rules by the authority of Iowa Code section 356.43.

"Juvenile" means any person under the age of 18 years.

"Mail" means anything that is sent to or by a detainee through the United States Postal Service.

"Major remodeling" means construction that changes the architectural design of an existing facility and that increases or decreases capacity.

"Medical practitioner" means a licensed physician, licensed osteopathic physician or physician associate or a medical resource, such as a hospital or clinic.

"Mental illness" means a psychiatric illness or disease expressed primarily through abnormalities of thought, feeling, and behavior producing either distress or impaired function.

"Minister" means a trained person ordained or licensed by a bona fide religion to conduct the services of that faith.

"Monitoring" means having a reasonable degree of knowledge or awareness of what activities a detainee is engaged in during incarceration.

"Multiple-occupancy cell" means a cell designed for no more than six detainees.

"Nonsecure hold" means a nonsecure area within a law enforcement facility that is intended to serve as a short-term holding facility for juveniles. A nonsecure area may be a multipurpose area that is unable to be locked.

"Person performing temporary holding facilities duties" means all persons directly involved in the provision of services to detainees or the operation of a facility except:

1. Outside contractors performing specific housekeeping functions under the direct supervision of a facility supervisor.
2. Individuals such as maintenance personnel, cooks, and janitors, if they do not have direct contact with detainees or routine access to areas occupied by detainees.

"Physical jeopardy" means, due to the detainee's physical or mental condition, the detainee is in peril of serious physical harm.

"Residential facilities" means the facilities governed by 201—Chapter 40.

"Temporary holding facility" means secure holding rooms or cells administered by a law enforcement agency where detainees may be held for a limited period of time, not to exceed 24 hours, and a reasonable time thereafter to arrange for transportation to an appropriate facility. A law enforcement agency is not required to meet the standards for temporary holding facilities provided a detainee is held for less than two hours prior to transportation to an appropriate facility and a trained staff person of the agency is available to respond to, render aid to, or release the detainee in the event of a life-endangering emergency.

"Temporary holding facility administrator" means the executive head of any law enforcement agency, or the executive's designee, operating a temporary holding facility. The temporary holding facility administrator shall be responsible for the operation of the facility according to these rules.

"Temporary holding facility inspector" means the DOC employee responsible for inspection of temporary holding facilities and enforcement of these rules by the authority of Iowa Code section 356.43.

"Temporary holding facility supervisor" means any person who is responsible for the routine operation of the facility during the person's assigned duty hours. This person need not be on the premises at all times but must be readily available for consultation.

"Unencumbered space" means floor space that is not encumbered by furnishings or fixtures. "Unencumbered space" is determined by subtracting the floor area encumbered by furnishings and fixtures from the total floor area. (All fixtures must be in operational position for these calculations.)

"Waiver" means waiver of a specific standard granted by the jail inspection unit in accordance with these rules.

"Weapons" means any instrument, excluding restraining devices, chemical control agents and electronic control devices, with an intended use of self-defense, protection of another, or to gain or maintain compliance from an individual.

201—51.2(356,356A) General provisions. These rules apply to all temporary holding facilities regulated by Iowa Code chapter 356 or 356A.

51.2(1) *Capacity.* Established capacities as determined by these rules shall not be exceeded except in the event of an emergency, and then only for such a period of time as is necessary to arrange for alternate housing or release of sufficient detainees to bring the number of persons confined into compliance with the rated capacity.

51.2(2) *Right to inspect and visit.* The chief jail inspector or authorized representatives shall visit and inspect temporary holding facilities and may do so on an unannounced basis. Facility personnel and supervisors shall cooperate in inspections and shall exhibit to the inspectors, upon request, all books, records, medical records, data, documents and accounts pertaining to a temporary holding facility or to the detainees confined and shall assist inspectors to perform the functions, powers and duties of their office. Provisions of the first paragraph of Iowa Code section 356.43 shall control to the extent of any inconsistency of the provisions of this subrule.

51.2(3) *Other standards.* Nothing contained in these standards shall be construed to prohibit local officials from adopting standards and requirements governing their employees and facilities, provided these standards and requirements exceed and do not conflict with standards mandated in this chapter. These standards shall not be construed as authority to violate any state fire safety standard, building standard, health and safety code, or any constitutional requirement. No facility shall be operated without substantially meeting these rules unless operating under a waiver granted according to the provisions of 201—Chapter 2504.

51.2(4) *Equal opportunity.* Facilities, programs, and services shall be available on an equitable basis to both males and females even though each standard does not specify that it applies to both males and females.

51.2(5) *Nondiscriminatory treatment.* Each facility administrator shall ensure that staff and detainees are not subject to discriminatory treatment based upon race, religion, nationality, disability,

sex or age, absent compelling reason for said discriminatory treatment. Discrimination on the basis of a disability is prohibited in the provision of services, programs and activities.

201—51.3(356,356A) Inspection and compliance. The chief inspector or authorized representatives shall visit and inspect each facility within this state at least annually to determine the degree of compliance with these standards and within 45 days of each inspection shall report the results to the temporary holding facility administrator and the governing body responsible for the facility.

51.3(1) *Notice of noncompliance with minimum standards.* Whenever the jail inspector or designee makes the determination that a temporary holding facility is not in compliance with established minimum standards, the chief administrator of the affected governmental facility shall be notified by letter posted or personal delivery of the noncompliance status. The notice shall specify:

a. The statute(s) and any rules alleged to have been violated.

b. The deficiencies cited.

c. The time period allowed for the submission of an acceptable plan of compliance within the appropriate time limitation.

d. The right to request a hearing pursuant to rule 201—2506.34(17A,356).

51.3(2) *Enforcement of minimum standards; remedial orders.* Upon receipt of a notice of noncompliance pursuant to subrule 51.3(1), the responsible authorities shall initiate appropriate corrective measures within the time prescribed by the jail inspection unit in its notice (which shall not exceed 90 days) and shall complete the corrections within a reasonable time as prescribed by the notice of noncompliance. The jail inspector may agree with the responsible authorities to a plan of action detailing corrective steps with corresponding time frames that will bring the facility into compliance within a reasonable time. If the responsible officials receiving notice of noncompliance fail to initiate corrective measures or to complete the corrective measures within the time prescribed, the jail inspection unit may order the facility in question or any portion thereof closed, that further confinement of detainees or classifications of detainees in the noncomplying facility or any portion thereof be prohibited, or that all or any number of detainees then confined be transferred to and maintained in another facility, or any combination of remedies as set forth in subrule 51.3(1). This order shall be the notice of noncompliance pursuant to Iowa Code section 356.43 and 201—Chapter 2506 concerning contested cases. The matter shall then proceed in accordance with 7—Chapter 2506. The jail inspector may agree with the responsible authorities to a plan of action detailing corrective steps with corresponding time frames that would bring the facility into compliance within a reasonable time. The remedial order shall be in writing and shall specifically identify each minimum standard with which the facility has failed to comply. Such remedial order shall become final and effective 30 days after receipt thereof.

51.3(3) *Precedent.* Because rules cannot adequately anticipate all potential specific factual situations and circumstances presented for action, determination or adjudication by the jail inspection unit, the nature of the action taken with regard to any matter or the disposition of any matter pending before the jail inspection unit is not necessarily of meaningful precedential value, and the department shall not be bound by the precedent of any previous action, determination, or adjudication in the subsequent disposition of any matter pending before it. The director or the respondent may request that an informal conference be held to determine whether the noncompliance matter can be resolved in a just manner in furtherance of the public interest. Neither the director nor respondent is required to use this informal procedure. If the director and respondent agree to negotiate a settlement, the various points of the settlement, including a stipulated statement of facts, shall be set forth in writing and shall be binding on both parties.

This rule is intended to implement Iowa Code sections 17A.10, 17A.12 and 356.43.

201—51.4(356,356A) Physical plant—general.

51.4(1) *Building to meet existing codes.* All facilities are required to be structurally sound and to meet existing building code and health code requirements.

51.4(2) *Professional inspections.*

a. The state jail inspector may require for good reason that an agency operating a facility cause it to be examined by an architect, engineer, licensed electrician, health inspector, plumber, heating and air-conditioning specialist, food establishment inspector, state fire marshal or fire inspector or any other person with expertise who may be of assistance to the state jail inspector in making an informed decision relative to the facility operation or structure. Inspection by a municipal inspector qualified in these areas may be permitted.

b. Any facility determined to be deficient following inspection may be ordered closed by the jail inspector or specific conditions limiting its operation may be imposed in lieu of closing. An order of closure shall contain the following:

(1) Statute(s) and rule(s) violated.

(2) A brief description of the deficiencies.

(3) The effective date of the order.

(4) An explanation of remedies required before reopening.

An order of closure shall adhere to subrules 51.3(1) and 51.3(2).

This order shall be the notice of noncompliance pursuant to Iowa Code section 356.43 and 201—Chapter 2506. The matter shall then proceed in accordance with 7—Chapter 2506.

c. In the event that any agency fails to cooperate in an inspection, the jail inspector may arrange for an inspection and the agency operating the facility shall be financially responsible for any expense involved.

51.4(3) *Heating and ventilation.* All detention and living areas shall be reasonably heated and ventilated, with air flow sufficient to admit fresh air and remove disagreeable odors, to ensure healthful and comfortable living and working conditions for detainees and staff. Fans and an adequate supply of cold liquids will be made available and utilized when indoor temperatures exceed 85 degrees Fahrenheit.

51.4(4) *Cells.* Maximum security cells shall be equipped with tamper-resistant bunks, secured table(s) and seat(s), plus a toilet and wash basin recommended for jail or prison use. Cells shall have an adequate supply of both hot and cold water; mixing valves may be used. Housing areas of less secure design need not contain tamper-resistant fixtures. The cell must be constructed to minimize self-injury. Toilet facilities should be controlled from outside the cell and may be in the floor. Water need not be available in the cells but water must be accessible from staff upon request.

51.4(5) *Lighting.* Lighting shall be a minimum of 20 candlepower at the table top for the purposes of reading and writing. Living areas shall be devoid of dark areas. Lighting adequate to observe persons within the cell area shall be maintained at all times. All entrances, exits and hallways shall be equipped with independent emergency lighting sources. Hallways, entrances and exits shall be sufficiently lit to observe persons entering or exiting. Light controls shall be out of the control of detainees. Housing areas may be variably illuminated to allow sleep, but continuous observation of detainees must be possible.

51.4(6) *Screens.* If windows are opened for ventilation, screens shall be installed and maintained in good repair.

51.4(7) *Electrical facilities.* Drop cords shall not be used as permanent wiring. Electrical service shall meet the requirements of the governmental body permitted by statute to adopt standards for electrical service. Appliances shall plug directly into a fixed receptacle. Emergency generator power shall be available. Emergency generator power shall be tested at regular intervals not less than monthly. A record of test dates shall be maintained.

51.4(8) *Storage.*

a. Storage of any type in primary detention areas is not permitted except for supplies necessary for operation of the facility.

b. Adequate storage space for detainees' personal clothing and property shall be provided. Space provided shall be secure and the detainee's name or identity shall be affixed to the storage space. Property shall be inventoried and accounted for as provided in Iowa Code section 804.19.

c. Janitorial supplies shall be stored in a manner to prevent unauthorized detainee access. Janitorial supplies and equipment shall not be stored in detainee living areas.

d. Areas used for storage of chemicals, paints, and cleaning supplies shall not be accessible to detainees and such products shall be stored away from the primary detention area. Such storage shall not be in boiler or furnace rooms.

51.4(9) *Firearms lockers.* A place inaccessible to detainees shall be provided where officers entering the security area can store firearms.

51.4(10) *Noise level.* Detainee noise inside the facility shall be controlled to ensure an orderly and secure facility operation. The policy and procedures manual shall include a rule pertaining to noise level. Detainees must be advised of the rule.

51.4(11) *Mirrors.* Mirrors within detention areas shall be of tamper-resistant construction and securely fixed in place.

201—51.5(356,356A) Physical requirements for existing facilities. This rule shall apply to all facilities in existence prior to June 30, 1984. In cases where an existing facility undergoes major remodeling, rule 201—51.7(356,356A) shall apply to the area being upgraded.

51.5(1) Each single-occupancy cell for detainees in normal status shall have a minimum floor area of 40 square feet.

51.5(2) Multiple-occupancy cells must have 40 square feet of floor space for the first occupant and an additional 20 square feet for each additional occupant.

51.5(3) Except in emergency situations, no multiple-occupancy cell shall house more detainees than the designed capacity.

51.5(4) Each cell shall provide a minimum of 7 feet from floor to ceiling height.

51.5(5) All cells shall be equipped with bunks sufficient to ensure a bunk for each detainee assigned. Every cell will be equipped with a toilet and lavatory that function properly and supply adequate running water. Bunks must be of a size to accommodate a normal-sized male adult. Toilet and lavatory facilities must be accessible to detainees at all times.

51.5(6) Reserved.

51.5(7) Holding cells are multiple-occupancy space where detainees may be confined only while awaiting processing through administrative or legal procedures. These areas must have at least 40 square feet of floor space for the first detainee with 20 square feet for each additional detainee.

51.5(8) Dormitory units shall have a minimum of 60 square feet of floor space per detainee.

201—51.6(356,356A) Physical requirements for new or remodeled facilities—after June 30, 1984. This rule shall apply to temporary holding facilities that are of new or remodeled construction or let for bid after June 30, 1984. Plans for any remodeling or new construction shall be submitted to the jail inspection unit prior to letting any bids or commencing any construction subject to this rule. The inspection unit shall, within 60 days of receiving plans, review them for compliance with these rules and forward any comments to the submitting authority.

51.6(1) New housing units may be dormitory units, single-occupancy cells or multiple-occupancy cells. Each single-occupancy cell shall have a minimum of 70 square feet of floor space. Each multiple-occupancy cell shall have a minimum of 70 square feet of floor space for the first detainee and an additional 50 square feet of floor space for each additional detainee. Dormitory units shall have a minimum of 35 square feet of unencumbered floor space per detainee.

51.6(2) All new housing units shall provide:

a. No less than 7 feet of space between the floor and ceiling.

b. A bunk of adequate size for normal-sized adults for each detainee.

51.6(3) Each new dormitory unit or single- and multiple-occupancy cell shall have a security-type toilet/lavatory combination fixture that provides adequate running water. These cells may rely on common toilet facilities located outside the detention room provided that the detainee is never involuntarily locked in the room and denied access to the toilet facilities.

51.6(4) The new facility shall be designed to admit natural lighting and to give access to outside viewing by detainees where practical.

51.6(5) The new facility shall be designed and constructed so that detainees may be segregated according to existing laws and regulations.

51.6(6) Except in emergency situations, no housing unit shall house more detainees than its rated capacity.

51.6(7) Holding cells shall provide a minimum of 20 square feet per detainee with a total capacity of eight detainees per cell. Holding cells need not contain any fixture other than a means whereby detainees may sit. Drinking water and toilet facilities shall be made available under staff supervision. Detainees will be supplied blankets if the detainees are detained overnight in the holding cell.

201—51.7(356,356A) Physical requirements for new or remodeled facilities—after September 12, 2001. This rule shall apply to temporary holding facilities that are of new or remodeled construction after September 12, 2001. Plans for any remodeling or new construction shall be submitted to the jail inspection unit prior to letting any bids or commencing any construction subject to this rule. The jail inspection unit shall, within 60 days of receiving plans, review them for compliance with this rule and forward any comments to the submitting authority.

51.7(1) New housing units may be dormitory units, single-occupancy cells or multiple-occupancy cells. Each single-occupancy cell shall have a minimum of 70 square feet of floor space. Each multiple-occupancy cell shall have a minimum of 35 square feet of unencumbered floor space for each detainee. Dormitory units shall provide a minimum of 35 square feet of unencumbered floor space per detainee.

a. This paragraph shall apply to all temporary holding facilities that are of new or remodeled construction after December 28, 2005, and may apply to temporary holding facilities that were constructed prior to December 28, 2005.

(1) Single-occupancy cells shall provide a minimum of 35 square feet of unencumbered floor space. When confinement exceeds ten hours per day, except during administrative segregation or emergencies, there shall be at least 70 square feet of total floor space.

(2) Multiple-occupancy cells shall provide a minimum of 25 square feet of unencumbered floor space for each detainee. When confinement exceeds ten hours per day, except during administrative segregation or emergencies, there shall be at least 35 square feet of unencumbered floor space for each detainee.

(3) Dormitory units shall provide a minimum of 35 square feet of unencumbered floor space for each detainee.

(4) A facility may contain one or more single-occupancy cells, designated as special-needs cells, in which violent persons may be temporarily contained. The cell shall have not less than 40 square feet of floor space and a ceiling height of not less than 7 feet. The cell shall be constructed to minimize self-injury. Toilet facilities may be controlled from outside the cell and may be in the floor. Water need not be available in the cells, but water shall be accessible from staff upon request.

b. Reserved.

51.7(2) All new housing units shall provide:

a. No less than 7 feet of space between the floor and ceiling.

b. A bunk of adequate size for normal-sized adults for each detainee.

51.7(3) Each new dormitory unit or single- or multiple-occupancy cell shall have a security-type toilet/lavatory combination fixture that provides adequate running water for each group of nine detainees or portion thereof. These cells may rely on common toilet facilities located outside the detention room provided that the detainee is never involuntarily locked in the room and denied access to the toilet facilities.

51.7(4) The new facility shall be designed and constructed so that detainees may be segregated according to existing laws and regulations.

51.7(5) Except in emergency situations, no housing unit shall house more detainees than its rated capacity.

51.7(6) Holding cells shall provide a minimum of 20 square feet per detainee with a total capacity of eight detainees per cell. Holding cells need not contain any fixture other than a means whereby

detainees may sit. Drinking water and toilet facilities shall be made available under staff supervision. Detainees will be supplied blankets if detained overnight in the holding cell.

201—51.8(356,356A) Fire safety and emergency evacuation.

51.8(1) *Approval of building plans.* All new construction or major remodeling plans shall be approved prior to commencement of construction by the state fire marshal.

51.8(2) *Compliance with state fire marshal rules.*

a. No facility shall be occupied by a detainee unless the state fire marshal or qualified local fire prevention authority has issued a certificate of inspection within the last 18 calendar months documenting that the facility complies with the fire safety standards for temporary holding facilities included in administrative rules promulgated by the state fire marshal.

b. Temporary holding facilities may be inspected by the state fire marshal, or by personnel of local fire departments deemed by the state fire marshal qualified to conduct inspections, on a schedule determined by the state fire marshal. The state jail inspection unit of the DOC, a temporary holding facility administrator, or the chief executive of an agency that administers a temporary holding facility may request the state fire marshal to inspect a temporary holding facility for compliance with fire safety standards. If the state fire marshal finds, based on such an inspection, that a temporary holding facility is not in substantial compliance with fire safety standards, the state fire marshal may require the facility administrator to submit a plan of correction of violations of these standards to the state fire marshal. The director of the DOC may initiate proceedings to close the temporary holding facility if the facility does not comply with the plan of correction.

51.8(3) *Evacuation plan.* The administrator of each facility shall prepare a written plan for emergency evacuation of the facility in the event of fire or other disaster. This plan shall include security arrangements and one or more alternate housing arrangements for displaced detainees. All personnel employed in the facility shall be thoroughly familiar with this plan, and relevant portions thereof shall be conspicuously posted. Evacuation drills shall be practiced or simulated by all facility staff on at least an annual basis, and a record thereof shall be maintained according to subrule 51.19(9).

51.8(4) *Release of detainees.*

a. There shall be a reasonable expectation of the prompt removal of detainees in the event of a life-threatening situation. Keys for all locks necessary for emergency exit shall be readily accessible and clearly identifiable with cell and door locks.

b. There shall be at least one full set of facility keys, other than those regularly used, stored in a safe place accessible only to appropriate persons, for use in the event of an emergency.

51.8(5) *Fire extinguishers.* All temporary holding facilities shall be equipped with fire extinguishing equipment approved and located in accordance with standards established by the state fire marshal by administrative rule. Fire extinguishers shall be tested at least annually to ensure they remain in operative condition. A record of such checks shall be maintained.

51.8(6) *Emergency lighting.* All exits shall be equipped with independent emergency lighting sources. All corridors and passage aisles shall be illuminated by independent emergency lighting sources. Lighting shall be arranged to ensure that no area will be left in darkness.

51.8(7) *Required exits.* Where exits are not immediately accessible from an open floor area, safe and continuous passage aisles or corridors leading directly to every exit shall be maintained and shall be so arranged as to provide access for each detainee to at least two separate and distinct exits from each floor. Passage aisles or corridors shall be kept clear. A locked exit may be classified as an emergency exit only if necessary keys to locked doors are readily available. Elevators shall not be counted as required exits.

51.8(8) *Fire alarms.* A means of fire detection utilizing equipment of a type meeting requirements established by the state fire marshal shall be installed and maintained in operational condition. These alarms shall be ceiling-mounted if possible and shall be located and protected from detainee access. The detection equipment shall be battery-operated or constructed as to continue operating during a power failure. Battery-operated systems shall be tested monthly. Electronic systems shall be tested at least annually. A record of test dates and results shall be maintained according to subrule 51.19(9).

51.8(9) *Heating appliances.* Heating appliances and water heaters shall not be located along the path of required exits.

51.8(10) *Hinged doors.* All hinged doors serving as required exits from an area designed for an occupancy in excess of 50 persons, or as part of a major remodeling project or as part of new construction, shall swing with exit traffic.

51.8(11) *Mattresses.* Only fire-resistant mattresses of a type that will not sustain a flame and are certified by an independent testing laboratory and that meet the standards established by the state fire marshal shall be used in temporary holding facilities. Mattresses that are ripped, are excessively cracked or contain large holes shall be replaced. Pillows shall be replaced when torn or excessively cracked.

51.8(12) *Sprinkler.* If installed, sprinkler heads accessible to detainees not under direct supervision must be of the weight-sensitive type, be protected with a sleeve that would hamper the tying of material on the sprinkler head, or be recessed into the wall or ceiling.

201—51.9(356,356A) Minimum standards for facility personnel.

51.9(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 department job specification.

f. Be an appropriate candidate for employment as determined by the hiring authority's review of a qualified psychological screening.

51.9(2) *Minimum retention standards.* An employee who has demonstrated inappropriate action beyond a reasonable degree, who is not psychologically fit for facility employment, or who has repeatedly failed to observe these rules will not be retained.

51.9(3) *Conflict of interest.* A person working in a facility will not transact any business with a detainee nor arrange any business transaction with a detainee through another party. The facility will have a written code of ethics that the facility 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.

201—51.10(356,356A) Training for facility personnel.

51.10(1) *Initial orientation.* Except in an emergency situation, all persons performing temporary detention duties shall meet the following requirements, and the provision of this information and training shall be documented.

a. The individual shall be fully knowledgeable of the administrative rules referring to facility standards.

b. The individual shall be fully knowledgeable of facility rules, written policies and procedures as adopted by the administrator.

c. The individual shall have been given specific orientation with respect to a detainee's rights during confinement and procedures adopted to ensure those rights.

d. If the individual is to have access to a firearm at any time, the person shall hold a valid permit to carry weapons issued under the authority of Iowa Code chapter 724.

e. The individual shall be professionally trained and qualified in the use of any firearm, electric restraint control device and chemical control agents prior to their use in connection with the individual's duties at the facility.

f. The individual shall have been instructed in the use of required firefighting equipment and the fire and emergency evacuation plan.

g. All staff providing medication shall be trained in accordance with the Iowa state sheriffs' and deputies' association medication training program or other recognized medication administration course.

h. The holding facility administrator shall, by either written or electronic means, record the acknowledgment of all staff performing temporary holding facility duties, attesting that they have full knowledge of the administrative rules referring to facility standards and the written policies and procedures governing the facility's operation.

51.10(2) *Training documented.* All temporary holding facility workers and administrators shall meet and document training requirements as specified by Iowa law enforcement academy training standards as found in 501—Chapter 9. The facility administrator shall, by either written or electronic means, record the acknowledgment of all persons attending the training.

51.10(3) *First aid.* At least one staff member on duty at the facility shall be trained in first aid (or the equivalent) and cardiopulmonary resuscitation (CPR).

201—51.11(356,356A) Standard operating procedures manual. Pursuant to the authority of Iowa Code sections 356.5 and 356.36, each municipality shall establish and the facility administrator shall ensure compliance with a standard operating procedures manual to include the following administrative rules: subrules 51.2(4), 51.2(5), 51.4(3), 51.4(7), 51.4(10), 51.8(3), 51.8(4), 51.8(5), 51.8(7), 51.8(8), 51.8(11), 51.9(1), 51.9(2), 51.9(3), and 51.10(1) through 51.10(3) and rules 201—51.11(356,356A) through 201—51.19(356,356A) as noted. The following does not require written policy: subrule 51.13(4).

51.11(1) *Admission/classification and security.*

a. No person shall be confined or released from confinement without appropriate process or order of court.

b. With the exception of incidental contact under staff supervision, the following classes of detainees shall be kept separate by architectural design barring conversational and visual contact from each other:

(1) Juveniles and adults (pursuant to Iowa Code section 356.3).

(2) Females from males (pursuant to Iowa Code section 356.4).

c. The following shall be kept separate whenever possible:

(1) Felons from misdemeanants.

(2) Pretrial detainees from sentenced persons.

(3) Witnesses from detainees charged with crimes.

d. The following shall be kept physically separated:

(1) Detainees of whom violence is reasonably anticipated.

(2) Detainees who are a health risk to others.

(3) Detainees of whom sexually deviant behavior is reasonably anticipated.

(4) Prisoners likely to be exploited or victimized by others.

e. Detention of juveniles shall be pursuant to Iowa Code section 232.22.

f. All staff involved in the booking process or the supervision of detainees shall be trained in suicide prevention. At the time of booking, an attempt shall be made (either by observation for marks or scars or direct questioning of the detainee) to determine if the detainee is suicidal.

(1) The following questions, or others of equal meaning, shall be incorporated into the booking process with appropriate documentation to aid in suicide prevention:

1. Does the detainee show signs of depression?
2. Does the detainee appear overly anxious, afraid, or angry?
3. Does the detainee appear unusually embarrassed or ashamed?
4. Is the detainee acting or talking in a strange manner?
5. Does the detainee appear to be under the influence of alcohol or drugs?
6. Does the detainee have any scars or marks that indicate a previous suicide attempt?

(2) In all cases, the following questions will be asked of the detainee:

1. Have you ever tried to hurt yourself?
2. Have you ever attempted to kill yourself?

3. Are you thinking about hurting yourself?

g. Housing for detainees with disabilities shall be designed for the detainees' use, or reasonable accommodations shall be provided for the detainees' safety and security.

h. Temporary holding facility personnel shall ask each detainee within 24 hours of the detainee's incarceration if the detainee is a military veteran. If so, facility personnel shall advise the detainee that the detainee may be entitled to a visit from a veteran service officer to determine if veteran services are required or available and, within 72 hours, shall provide the detainee with contact information for the county commission of veteran affairs and provide the detainee the opportunity to contact the county commission of veteran affairs to schedule a visit from a veteran service officer.

51.11(2) *Security and control.*

a. Supervision of detainees. The facility administrator shall develop and implement written policies and procedures for the facility that provide for the control of detainees and for the safety of the public and the facility staff. The policy and procedures shall include:

(1) Twenty-four-hour supervision of all detainees shall be provided pursuant to Iowa Code section 356.5(6).

(2) When staff is not within the confinement area of the facility, a staff person shall be in a position to hear detainees in a life-threatening or emergency situation; or a calling device to summon help will be provided. By policy and practice there shall be a means of ensuring that appropriate personnel will be available on a 24-hour basis to respond to an emergency, including but not limited to fire, assaults, suicide attempts, serious illness, and to preserve order, within a reasonable time period.

(3) At least hourly, personal observations of individual detainees shall be made and documented. Detainees considered to be in physical jeopardy because of physical or mental condition, including apparently intoxicated persons, as indicated by the medical history intake process and by personal observations, shall be checked personally at least every 30 minutes until the condition is alleviated. Closed circuit television (CCTV)-audio monitoring system may supplement, but shall not replace, personal observations. In order to use a CCTV-audio monitoring system, the following requirements must be met: CCTV and audio must be operational at all times. Visual and audio must be clear and distinct. Observation of shower and restroom activities shall be at the discretion of the facility administrator.

(4) No employee or visitor of one sex shall enter a housing unit occupied by the other sex unless advance notice has been provided except in case of an emergency. Advance notice may be provided with respect to but not limited to inmate orientation, inmate handbook, broadcast via inmate notification system, booking notification system, posted notification, or verbal announcement prior to entering the housing unit.

(5) When females are housed in the facility, at least one female staff member shall be on duty in the facility at all times in accordance with Iowa Code section 356.5(6).

(6) All juveniles arrested for intoxication due to substance abuse shall be personally observed on a continuous basis throughout the period of detention. The activities of juveniles arrested for crimes other than the above shall be monitored at all times, and the juveniles shall be observed by means of personal supervisory checks at no more than 30-minute intervals.

b. Weapons. Except in an emergency situation, no weapons shall be allowed in an area occupied by detainees.

c. Searches.

(1) All detainees and detainees' property entering the facility shall be thoroughly searched; searches of persons charged with simple misdemeanors shall follow provisions of Iowa Code section 804.30.

(2) All persons entering a facility may be searched for contraband. Persons may be denied admission if they refuse to consent to a required search.

(3) A search notice shall be posted in a conspicuous place (no policy required).

(4) Detainee rules shall contain a clear definition of each item permitted in the facility. All other items shall be considered contraband.

(5) Random, unannounced, irregularly scheduled searches of areas accessible to detainees shall be conducted for contraband and weapons.

d. Key control. Facility keys must be stored in a secure area when not in use. There must be at least one full set of facility keys, separate from those in use, stored in a safe place and accessible only to designated facility personnel for use in the event of an emergency. The facility administrator will identify those persons who may have access to keys.

e. Detainees' property. All personal property of detainees shall be inventoried and accounted for according to the provisions of Iowa Code section 804.19.

f. Restraint devices. The facility administrator shall have a written policy on the restraint devices. Restraint devices shall not be applied as punishment. Restraint devices shall be used only when a prisoner is a threat to self or others or jeopardizes facility security. There shall be defined circumstances under which supervisory approval is needed prior to application. Restraint devices shall not be applied for more time than is necessary to alleviate the condition requiring the use of the restraint device. While restrained, detainees shall be either clothed or covered in a manner that maximizes detainee privacy. Four/five-point restraints may be used only when other types of restraints have proven ineffective. If detainees are restrained in a four/five-point position, the following minimum procedures shall be followed:

(1) Observation by staff shall be continuous;

(2) Personal visual observation of the detainee and the restraint device application shall be made at least every 15 minutes;

(3) Restraint guidelines shall include consideration of an individual's physical and health condition, such as body weight; and

(4) All decisions and actions shall be documented.

g. Facility security.

(1) All areas of the facility shall be inspected regularly and frequently and kept clear of large posters, pictures and articles of clothing that obstruct the view of detainees by facility staff.

(2) All facility locks, doors, bars, windows, screens, grilles and fencing shall be inspected on at least a monthly basis. Any damaged or nonfunctioning equipment or fixtures must be reported to the facility administrator in writing. The facility administrator shall ensure prompt repair of any damaged or nonfunctioning equipment or fixture.

(3) The facility administrator shall develop written policy and procedures for the movement or transportation of detainees outside the secure area of the facility. The policy shall require procedures that will ensure the safety of the facility staff and the public and prevent detainee escape. The policy shall provide procedures for movement of detainees for medical treatment and to and from the courts and other facilities. The classification and security risk of the detainee to be moved will determine the number of staff required and the type of restraints to be used, if any.

(4) The facility administrator shall have written plans for situations that threaten facility security. Such situations include but are not limited to bomb threats, riots, hunger strikes, disturbances, hostage situations, escape attempts, medical emergencies, natural disasters and staff work stoppage. The plan shall be made available to all applicable personnel and shall be reviewed by facility staff at least annually and updated as needed.

201—51.12(356,356A) Cleanliness and hygiene.

51.12(1) *Housekeeping.*

a. The temporary holding facility shall be kept clean and sanitary. Toilets, wash basins, showers and other equipment throughout the facility shall be maintained in good working order. Walls, floors and ceilings shall be well maintained.

b. Unless cleaning is done by staff, necessary cleaning equipment shall be provided to detainees. Cleaning equipment shall be removed from the cell when cleaning is complete.

c. The facility shall be maintained in pest-free condition. Persons spraying chemicals shall be certified by the Iowa department of agriculture and land stewardship. Detainees and staff shall not be directly exposed to the chemicals being used.

d. All clothing and linen, if provided, shall be clean and sanitary.

e. The facility shall have a sharps disposal container for razors and needles. The facility shall be equipped to handle disposal of contaminated or hazardous waste according to universal health precautions.

51.12(2) Reserved.

201—51.13(356,356A) Medical services. The facility administrator shall establish a written policy and procedure to ensure that detainees have the opportunity to receive necessary medical attention for the detainee's objectively serious medical and dental needs that are known to the facility staff. A serious medical need is one that has been diagnosed by a physician or physician associate as requiring treatment, or one that is so obvious that even a lay person would easily recognize the necessity for a physician's or physician associate's attention. The plan shall include a procedure for emergency services day or night and a procedure for regular medical attention. Responsibility for the costs of medical services and products remains that of the detainee as allowed by Iowa Code section 356.7. However, no detainee will be denied necessary medical services, dental service, or medicine because of a lack of ability to pay. Medical and dental prostheses shall be provided only for the serious medical needs of the detainee as determined by a licensed health care professional. Cosmetic or elective procedures need not be provided.

51.13(1) *Medical resources.* Each facility shall have a designated medical practitioner, which may include a hospital or clinic staffed by licensed physicians, licensed osteopathic physicians or physician associates, designated for the medical supervision, care and treatment of detainees as deemed necessary and appropriate. Medical practitioners shall be available on a 24-hour basis.

51.13(2) *Trained staff.*

a. All staff providing medication shall be trained in accordance with the Iowa state sheriffs' and deputies' association medication training program or other recognized medication administration course.

b. At least one staff member on duty at the facility shall be currently trained in first aid (or the equivalent) and CPR.

51.13(3) *Detainee involvement.* No detainee shall be involved in any phase of delivery of medical services.

51.13(4) *First-aid kits.* A first-aid kit approved by qualified medical personnel shall be available to staff.

51.13(5) *Chemical control agents.* Detainees affected by a chemical control agent shall be offered a medical examination and appropriate treatment as soon as reasonable.

51.13(6) *Screening upon admission.*

a. Any person who is obviously injured, ill or unconscious shall be examined by qualified medical personnel before being admitted to a facility.

b. Detainees suspected of having a contagious or communicable disease shall be separated from other detainees until examined by qualified medical personnel.

c. As a part of the admission procedure, a medical history intake form shall be completed for each person admitted to the facility. The intake procedure shall include screening for potential self-injury or suicide. Facility staff with actual knowledge that there is a substantial risk that a detainee intends to commit suicide shall take reasonable measures to abate the risk. The facility shall have a written suicide prevention plan. Essential elements of the plan shall include annual staff training to recognize the potential for suicide, communication between staff, appropriate housing, and intervention procedures.

d. During times when there is no means of immediate access to the district court, a person arrested on a charge constituting a simple misdemeanor and believed by the arresting officer/agency to be mentally ill, and because of that illness is likely to physically injure the person's self or others, shall be admitted to the facility only after the arresting officer/agency has demonstrated a reasonable effort to comply with the emergency hospitalization procedure as provided in Iowa Code section 229.22. The facility shall have a written plan to provide detainees access to services for the detection, diagnosis and treatment of mental illness.

e. Detainees shall be provided with information on how they can obtain necessary medical attention, and the facility's policy and procedure shall also reflect this.

51.13(7) *Medication procedures.*

a. Written policies and procedures pertaining to providing medication shall be established.

b. All prescription medicine shall be securely stored and inventory control practiced. Inventory control shall include documentation of all medication coming into the facility and the amount of medication returned or destroyed when a detainee is released.

c. A written procedure for recording the taking or administering of all medications shall be established.

Prescription medication, as ordered by a medical practitioner or licensed dentist, shall be provided in accordance with the directions of the prescribing medical practitioner or dentist. Detainees with medication from a personal medical practitioner or dentist may be evaluated by a medical practitioner or dentist selected by the facility administrator to determine if the present medication is appropriate.

51.13(8) *Medical records.* A separate medical record shall be maintained for each detainee receiving medical care. The record shall include the illness being treated, medication administered, special diets required, medical isolations and the name of the attending health professional or institution. The record may be kept in the detainee's file jacket but must be labeled "confidential."

51.13(9) *Medication storage.*

a. Detainees' medications shall be stored at the proper temperature, as defined by the following terms:

(1) Room temperature: temperature maintained between 15 degrees centigrade (59 degrees Fahrenheit) and 30 degrees centigrade (85 degrees Fahrenheit).

(2) Cool: temperature maintained between 8 degrees centigrade (46 degrees Fahrenheit) and 15 degrees centigrade (59 degrees Fahrenheit).

(3) Refrigerate: temperature that is thermostatically maintained between 2 degrees centigrade (36 degrees Fahrenheit) and 8 degrees centigrade (46 degrees Fahrenheit). All medication required to be "cool" or "refrigerated" shall be stored in a separate refrigerator or in a separate locked container within a refrigerator that is used for other purposes.

b. Any medications bearing an expiration date must not be administered beyond the expiration date.

c. Expired drugs or drugs not in unit dose packaging, whose administration had been discontinued by the attending medical practitioner, shall be destroyed by the facility administrator or designee in the presence of a witness. A record of drug destruction shall be made in each detainee's medical record. The record shall include the name, the strength and the quantity of the drug destroyed, and the record shall be signed by the facility administrator or designee and by the witness.

d. Medications dispensed by a pharmacy in unit dose packaging may be returned to the dispensing pharmacy pursuant to 481—Chapter 552.

e. Facilities utilizing unit dose packaging shall have written policies and procedures providing for the return of drugs so packed to the issuing pharmacy. Policy shall include proper recordkeeping of disposal.

201—51.14(356,356A) General food service requirements.

51.14(1) *Detainee being held.* If a detainee is held over a meal period, a meal of adequate nutrition shall be provided.

51.14(2) *Daily meals.* The three meals provided for each 24-hour duration shall be served at reasonable and proper intervals; at least one meal shall be a hot meal. Food must be served at the proper temperature: hot foods shall be reasonably hot and cold foods reasonably cold.

51.14(3) *Time of serving.* Meals shall be served at approximately the same time every day.

51.14(4) *Medical diets.* Special diets as prescribed by a medical practitioner shall be followed and documented.

51.14(5) *Religious requests.* When a special diet is requested for a detainee due to a bona fide religious belief, the facility shall meet that need unless the facility can demonstrate that its refusal does not impose a substantial burden on the exercise of the detainee's religion or that its refusal furthers some compelling interest and is the least restrictive means of furthering that interest.

51.14(6) *Punishment.* Deviation from normal feeding procedures shall not be used as punishment.

51.14(7) *Inspection of facilities for outside food service providers.* If food service is provided by outside sources, only a facility with a food establishment license or those required to undergo inspection by other statutes shall be utilized to provide these services. The transfer of food shall be done under sanitary conditions (no policy required).

201—51.15(356,356A) In-house food services.

51.15(1) Food preparation areas shall be clean and sanitary in accordance with requirements of the state health standards regulating the operation of institutions, food establishments, or equivalent organizations.

51.15(2) All food products shall be stored or refrigerated in compliance with state health standards governing institutional or food establishment operations.

51.15(3) Dishes, utensils, pans and trays shall be sanitized after use in accordance with state health standards for food establishments or institutions.

51.15(4) Staff shall serve or supervise the serving of all meals. Food handlers must be clean and free of illness or disease.

201—51.16(356,356A) Communication.

51.16(1) *Telephone calls upon arrest.* Detainees shall be permitted telephone access to their family or an attorney, or both, without unnecessary delay after arrest, at no charge if made within the local calling area, as required by Iowa Code section 804.20.

51.16(2) *Attorneys and ministers.* Attorneys and ministers shall be permitted to visit detainees upon request of the detainee at reasonable hours if security and daily routine are not unduly interrupted.

51.16(3) *General visitation.*

a. All detainees in normal status shall be allowed reasonable visitation.

b. Rules shall specify who is allowed to visit and when and how often visitors are allowed.

c. Facility staff shall document the date and time of visit, name and address of each person visiting, and the name of the detainee visited. Computerized logs are acceptable.

d. A visit may be denied if reasonable suspicion exists that the visit might endanger the security of the facility. A record shall be made of such denial and the reason(s) therefor.

51.16(4) *Detaining non-U.S. citizens.* When non-U.S. citizens are detained, they shall be advised of the right to have their consular officials notified or the nearest consular officials shall be notified of the detention, whichever is required by the Vienna Convention. Consular officials shall be given access to non-U.S. citizens in the facility and shall be allowed to provide consular assistance. When a facility administrator becomes aware of the death of a non-U.S. citizen, consular officials shall be notified.

51.16(5) *Detainee mail.*

a. Detainees held beyond 24 hours shall be furnished a reasonable amount of writing materials upon request. Jail officials may prohibit a detainee from corresponding with a person who states in writing that the person does not want to correspond with the detainee. This mail restriction does not include a "prior approval" list.

b. A reasonable amount of postage shall be provided to indigent detainees who are held beyond 24 hours for communication with the courts and for at least two letters per week of a personal nature when other means of communication are not available.

c. General correspondence may be opened and inspected; it may be read for security reasons if the detainee is notified of this procedure.

d. Privileged correspondence if so marked may be opened only in the presence of the detainee and then only to detect the presence of contraband; privileged correspondence will not be read except by the detainee. Privileged correspondence is defined as incoming and outgoing mail to or from:

(1) An attorney;
(2) A judge;
(3) The governor of Iowa;
(4) The ombudsman office;
(5) A member of the state or federal legislature.

e. Written policy, procedure, and practice require that, excluding weekends and holidays, incoming and outgoing letters be held for no more than 24 hours and packages be held for no more than 48 hours for inspection before delivery to the detainee or post office.

201—51.17(356,356A) Access to the courts. Detainees shall be provided at their request pertinent sections of the Iowa Code or city ordinance pertaining to their offense and access to attorneys pursuant to rule 201—51.16(356,356A).

201—51.18(356,356A) Discipline and grievance procedures.

51.18(1) No detainee shall be allowed to have authority or disciplinary control over another detainee.

51.18(2) The use of physical force by staff shall be restricted to instances of justifiable self-protection, the protection of others or property, the prevention of escapes or the suppression of disorder, and then only to the degree necessary to overcome resistance. Corporal punishment is forbidden.

51.18(3) The following information shall be made available to all detainees and explained to any detainee unable to read English:

a. A set of rules (including sanctions) and regulations pertaining to the conduct of persons in custody.

b. What services are available to them.

c. A detainee grievance procedure that includes at least one level of appeal.

51.18(4) Deprivation of clothing, bedding, or hygienic supplies shall not be used as discipline or punishment. These items may be withheld from any detainee who the staff reasonably believes would destroy such items or use them as weapons, for self-injury, to aid in escape, or interfere with the normal operation of the facility.

201—51.19(356,356A) Records. The following records shall be maintained by the facility administrator for two years unless a different period is specified.

51.19(1) Facility calendar. This record shall contain information required by Iowa Code section 356.6.

51.19(2) Visitor registration. This record shall contain the name and address of the person visiting; name of detainee visited; and the date, time and duration of the visit.

51.19(3) Facility inspection records. Facility inspection records shall contain the following and be maintained for a minimum period of two years:

a. State fire marshal's certificates.

b. Written reports received from all persons doing official inspections of the facility.

51.19(4) Medical history intake form. Notation of injury upon admission shall be included.

51.19(5) Records of medical care.

51.19(6) Injury reports. Copies of all reports of investigations relating to injuries within the facility shall be maintained by the facility administrator in a separate injury file or referenced in the detainee file by log for a period of five years.

51.19(7) Disciplinary records.

51.19(8) Property receipts. Property receipts as required by Iowa Code section 804.19 shall be completed and distributed as required.

51.19(9) Fire and disaster evacuation plan and record(s) of required fire drills.

51.19(10) Records of staff training.

51.19(11) Disposition of medication. A record shall be kept of the disposition of prescribed medication not taken by a detainee.

51.19(12) Supervisory checks. A record shall be made to document all required supervisory checks of detainees.

51.19(13) Incident reports. Records shall be made to document the following:

a. Use of force;

b. Suicide/suicide attempts;

c. Threats to staff, staff assaults, fires, detainee abnormal behavior, any verbal or nonverbal references to suicide and self-mutilation.

The state jail inspection unit of the DOC shall be notified within 24 hours of any death, fire, or escape. Attempted suicide, injury to staff or detainees from assaults, use of force, and prisoner self-inflicted injuries shall be reported to the DOC within 24 hours of the occurrence of the incident, excluding holidays and weekends. A copy of the investigative reports and other records shall be given to the state jail inspector upon request.

51.19(14) Menu records. This record shall include letters of documentation issued by a qualified dietitian.

201—51.20(356,356A) Nonsecure holds for juveniles.

51.20(1) *Standards for nonsecure hold areas.* The area to be used to detain the juvenile must be an unlocked area such as a lobby, office or other open room. Additionally, the following minimum procedures must be followed:

a. The juvenile is not physically secured to any stationary object.

b. The juvenile is under continuous visual supervision.

c. The juvenile has access to bathroom facilities.

d. A meal or meals shall be provided at usual mealtimes.

51.20(2) *Supervision of juveniles in nonsecure hold.* Juveniles in nonsecure hold status (see Iowa Code sections 232.19(2) and 232.22(2)) shall have continuous visual supervision by a qualified adult. The holding facility administrator may contract with an outside agency to perform supervisory functions. Persons performing juvenile supervisory functions must:

a. Be at least 18 years of age.

b. Have received a physical prior to employment.

c. Perform at a staff-to-detainee ratio that will ensure a safe environment for both the juvenile(s) and the staff.

d. Report any knowledge of child abuse to mandatory child abuse reporters.

e. Have successfully completed a child abuse and criminal background check.

51.20(3) *Prohibited acts.* Each nonsecure site must develop a policy of posted orders that protects juveniles against neglect; exploitation; and degrading punishment, such as corporal punishment, verbal abuse, threats, or derogatory remarks about the juvenile or the juvenile's family; binding or tying to restrict movement; enclosing the juvenile in a confined space, such as a closet, locked room, or similar cubicle; and deprivation of meals.

51.20(4) *Attendant nonsecure area operating procedures.*

a. Attendant shall make certain the juvenile is aware of the policies of the nonsecure holding area.

b. The personal effects of the juvenile shall be placed in a safe, secure place. A property receipt shall be issued to the juvenile.

c. All items given to the juvenile are subject to being searched.

d. Attendant shall pat search the juvenile.

51.20(5) *Care and treatment.*

a. Medical.

(1) No juvenile shall be held who is obviously injured, is obviously physically or mentally ill or, in the judgment of the arresting officer, is under the influence of drugs or intoxicated from the use of alcohol to the point of needing medical attention without first being examined by a medical practitioner.

(2) In an emergency situation or when the juvenile is suffering severe pain or is in danger of loss of life or permanent injury, medical treatment may be administered without parental consent. When none of the above situations exist, parental consent or judicial concurrence must be made before providing medical treatment.

(3) Juveniles suspected of having a contagious or communicable disease shall be isolated from other juveniles.

(4) There shall be at least one person on duty in the facility containing the nonsecure room who is trained in multimedia first aid and CPR.

(5) First-aid kits shall be immediately available.

(6) Any person providing medication shall be trained in the procedure of providing medication.

(7) As part of the admission procedure, a medical history intake form shall be completed. As part of this procedure, an attempt will be made to determine if the juvenile is suicidal by observing behavior and looking for marks or scars that would indicate previous suicide attempts.

(8) There shall be written policies or procedures pertaining to providing medication.

(9) All medication shall be stored according to state pharmaceutical standards and written inventory control maintained. The inventory shall include the starting number of pills, when pills were provided and by whom, the remaining number of pills at the time the juvenile left the facility, the disposition of the remaining pills, and a staff witness to the disposition of the pills.

(10) Special diets as prescribed by a medical practitioner shall be followed and documented.

(11) When a special diet is required for an individual due to a bona fide religious belief, the facility shall meet that need.

b. Communications.

(1) Juveniles shall be permitted, at no charge, telephone access to their family or an attorney, or both, without unnecessary delay after being taken into custody. Once family or attorney has been contacted, the number of additional calls, if any, will be determined by attendant.

(2) Attorneys and ministers shall be permitted to visit upon request when such visiting will not disrupt security or daily routines of the facility. Determination of additional visits shall be made by attendant.

c. Safety and sanitation.

(1) Walls, floors, and ceiling shall be well maintained.

(2) Facility shall be maintained in a pest-free condition.

(3) Clean bedding, including sheets, blankets, and pillowcases, shall be issued to each juvenile who wishes to sleep between the hours of 9 p.m. and 7 a.m.

(4) Soiled clothing that may affect the health of the juvenile shall be exchanged for clean, facility-provided clothing.

(5) An emergency evacuation plan must be conspicuously posted.

(6) There shall not be less than one AA-ABC fire extinguisher in operable condition for each 3,000 square feet of facility on any given floor of the building.

(7) All exits shall be equipped with independent emergency lighting.

(8) Where exits are not immediately accessible from an open floor area, safe and continuous passage aisles or corridors leading directly to every exit shall be maintained and shall be so arranged as to provide access for each juvenile to at least two separate and distinct exits from each floor. A locked exit may be classified as an emergency exit only if necessary keys to locked doors are on the person of the attendant. Elevators shall not be counted as required exits.

(9) A means of fire detection utilizing equipment of a type tested and approved by Underwriters Laboratories shall be installed and maintained in operational condition according to the factory manual. These alarms shall be ceiling-mounted and of such construction to continue in operation during power failure. Alarms shall be tested on at least a monthly basis. Such test shall be documented.

(10) Only fire-resistant mattresses and pillows approved by the state fire marshal's office shall be used.

d. Staff training requirements.

(1) Attendants shall be knowledgeable of facility policies and procedures pertaining to juvenile nonsecure holds, and acknowledgment of this shall be made by attendant's dated signature.

(2) Nonsecure hold attendants shall have received instruction in the following areas prior to supervising juveniles in a nonsecure holding area:

1. Role of nonsecure hold attendant.
2. Confidentiality issues.
3. Intake procedures—medical and suicide screening.
4. Communication and listening skills.
5. Dealing with a depressed or suicidal juvenile.

6. Overview of state and federal law.
7. Provision of medication.
8. Gentle self-defense.
9. Child abuse identification.

e. Juvenile supervision.

(1) An attendant shall be in the presence of all juveniles held at all times. Same-sex attendant or staff shall be present when juveniles perform bodily functions/shower.

(2) A log shall be maintained at half-hour intervals reflecting the juvenile's activities and behavior.

f. Records. The following records shall be maintained by the facility for a period of at least two years:

(1) Medical history intake form.
(2) Records of medical care.
(3) Injury reports.
(4) Food served.
(5) Records of staff training.
(6) Disposition of medication.
(7) Individual log.
(8) Any use of force reports.
(9) Any suicide or suicide attempts reports.

g. Incident reports. Reports of the following incidents shall be sent to the state jail inspection unit, DOC, within 24 hours of incident:

(1) Any injury to juvenile or staff that requires medical attention.
(2) Any use of force by staff.
(3) Any attempted suicide.

The state jail inspection unit, DOC, shall be notified within five hours of any successful juvenile suicide that occurred in a nonsecure hold area.

51.20(6) *Exemption from nonsecure hold standards.* Any requests for exemption from nonsecure hold standards shall be submitted according to the provisions under 201—Chapter 2504.

These rules are intended to implement Iowa Code sections 80B.11A, 356.36 and 356.43 and chapter 356A.

[Filed 11/4/26, effective 12/30/26]
[Published 11/25/26]
EDITOR'S NOTE: For replacement pages for IAC, see IAC Supplement 11/25/26.

ARC 0766D

HUMAN RIGHTS DEPARTMENT[421]

Adopted and Filed

Rulemaking related to functions of division and juvenile justice youth development program

The Department of Health and Human Services hereby rescinds Chapter 30, "Functions of Division," and Chapter 31, "Juvenile Justice Youth Development Program," Iowa Administrative Code.

Legal Authority for Rulemaking

This rulemaking is adopted under the authority provided in Iowa Code chapter 216A.

State or Federal Law Implemented

This rulemaking implements, in whole or in part, 2023 Iowa Acts, Senate File 514, and Executive Order 10.

Purpose and Summary

As part of the Executive Order 10 Red Tape Review process and pursuant to 2023 Iowa Acts, Senate File 514, regarding government realignment, the Department has moved relevant chapters from the legacy Department of Human Rights agency [421] to agency [441].

The Department consulted with the Department of Public Safety on Chapter 30 and it was determined that the information in this chapter is no longer needed. As such, the Department is rescinding this chapter and will not repromulgate it under agency [441].

Chapter 31 addresses the grant process for funds received through Title II of the federal Juvenile Justice and Delinquency Prevention Act. Because the information in the chapter can be covered in the grant contracts themselves, this chapter is being rescinded and will not be repromulgated under agency [441].

Public Comment and Changes to Rulemaking

Notice of Intended Action for this rulemaking was published in the Iowa Administrative Bulletin on September 30, 2026, as **ARC 0623D**. Public hearings were held on the following date:

- October 20, 2026

No one attended the public hearings. No public comments were received. No changes from the Notice have been made.

Adoption of Rulemaking

This rulemaking was adopted by the Department on November 4, 2026.

Fiscal Impact

This rulemaking has no fiscal impact to the State of Iowa.

Jobs Impact

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

Waivers

Any person who believes that the application of the discretionary provisions of this rulemaking would result in hardship or injustice to that person may petition the Department for a waiver of the discretionary provisions, if any, pursuant to 441—Chapter 2504.

Review by Administrative Rules Review Committee

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

Effective Date

This rulemaking will become effective on January 1, 2027.

The following rulemaking action is adopted:

ITEM 1. Rescind and reserve **421—Chapter 30**.

ITEM 2. Rescind and reserve **421—Chapter 31**.

[Filed 11/4/26, effective 1/1/27]
[Published 11/25/26]
EDITOR'S NOTE: For replacement pages for IAC, see IAC Supplement 11/25/26.

ARC 0767D

HUMAN SERVICES DEPARTMENT[441]

Adopted and Filed

Rulemaking related to amount, duration and scope of medical and remedial services

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

Legal Authority for Rulemaking

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

State or Federal Law Implemented

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

Purpose and Summary

This rulemaking allows rural health clinics (RHCs) to receive Medicaid reimbursement for the provision of dental services. The services would be provided by local dentists who contract with the RHCs.

Public Comment and Changes to Rulemaking

Notice of Intended Action for this rulemaking was published in the Iowa Administrative Bulletin on September 30, 2026, as **ARC 0620D**. A public hearing was held on the following date(s):

- October 20, 2026

Public comments were received in support of the rulemaking from the Iowa Dental Association. Written public comments were also received in support of the rulemaking from Delta Dental, Montgomery County Memorial Hospital and Clinics, and a private practice dentist. No changes from the Notice have been made.

Adoption of Rulemaking

This rulemaking was adopted by the Department on November 4, 2026.

Fiscal Impact

Based upon a 2.94 percent RHC opt-in estimate, this rulemaking will result in a total cost increase of $3,934,581.43, consisting of a $2,736,894.84 federal share and a $1,197,686.59 State share.

Jobs Impact

This rulemaking may positively impact small dental providers by enabling them to receive reimbursement for services provided at RHCs.

Waivers

Any person who believes that the application of the discretionary provisions of this rulemaking would result in hardship or injustice to that person may petition the Department for a waiver of the discretionary provisions, if any, pursuant to 441—Chapter 2504.

Review by Administrative Rules Review Committee

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

Effective Date

This rulemaking will become effective on January 1, 2027.

The following rulemaking action is adopted:

ITEM 1. Adopt the following **new** subrule 78.21(4):

78.21(4) *Dental services.* Payment will be made to rural health clinics for dental services payable under Iowa Medicaid's dental wellness plan as described in 441—Chapter 73.

[Filed 11/4/26, effective 1/1/27]
[Published 11/25/26]
EDITOR'S NOTE: For replacement pages for IAC, see IAC Supplement 11/25/26.

ARC 0768D

HUMAN SERVICES DEPARTMENT[441]

Adopted and Filed

Rulemaking related to residential facilities for children with an intellectual disability or brain injury

The Department of Health and Human Services hereby rescinds Chapter 116, "Licensing and Regulation of Residential Facilities for Children with an Intellectual Disability or Brain Injury," Iowa Administrative Code, and adopts a new Chapter 116 with the same title.

Legal Authority for Rulemaking

This rulemaking is adopted 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 chapter was reviewed as a 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 chapter relates specifically to the licensing and regulation of residential facilities serving children with an intellectual disability or a brain injury.

Public Comment and Changes to Rulemaking

Notice of Intended Action for this rulemaking was published in the Iowa Administrative Bulletin on September 16, 2026, as **ARC 0565D**. Public hearings were held on the following date:

- October 6, 2026

No one attended the public hearings. No public comments were received. No changes from the Notice have been made.

Adoption of Rulemaking

This rulemaking was adopted by the Department on October 23, 2026.

Fiscal Impact

This rulemaking has no fiscal impact to the State of Iowa.

Jobs Impact

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

Waivers

Any person who believes that the application of the discretionary provisions of this rulemaking would result in hardship or injustice to that person may petition the Department for a waiver of the discretionary provisions, if any, pursuant to 441—Chapter 2504.

Review by Administrative Rules Review Committee

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

Effective Date

This rulemaking will become effective on January 1, 2027.

The following rulemaking action is adopted:

ITEM 1. Rescind 441—Chapter 116 and adopt the following **new** chapter in lieu thereof:

CHAPTER 116
LICENSING AND REGULATION OF RESIDENTIAL FACILITIES FOR CHILDREN WITH AN INTELLECTUAL DISABILITY OR BRAIN INJURY

441—116.1(237) Definitions.

"Caseworker" means the same as defined in 441—Chapter 114.

"Casework supervisor" means the same as defined in 441—Chapter 114.

"Child care worker" means the same as defined in rule 441—114.2(237).

"Community residential facility for children with an intellectual disability or brain injury" means the same as a community residential facility as defined in rule 441—114.2(237).

"Comprehensive residential facility for children with an intellectual disability or brain injury" means a comprehensive residential facility as defined in rule 441—115.2(237).

"Direct-service provider" means any employee of an agency whose primary responsibility is the care and programming of the children through direct interactions.

"Indirect-service provider" means an employee of an agency who supervises, coordinates and administers employees and program components.

441—116.2(237) Qualifications of staff.

116.2(1) *Direct-service providers.* Direct-service providers shall be paraprofessionals or professionals meeting all of the following criteria:

a. Paraprofessionals shall:

(1) Be at least 18 years of age.

(2) Have graduated from high school or earned a high school equivalency degree.

(3) Have completed the prescribed agency training program.

(4) Be appropriate to the specific job description of the employing agency.

b. Professionals in the direct-service provider category shall:

(1) Be at least 18 years of age.

(2) Have a bachelor of arts degree in a related field; or an associate of arts degree in a related field and two years' experience specific to the job responsibilities; or two years of higher education in a related field and two years' experience specific to job responsibilities; or four years' experience in programming specific to job responsibilities.

(3) Have completed the prescribed agency training program.

(4) Be appropriate to the specific job description of the employing agency.

116.2(2) *Indirect-service providers.* Indirect-service providers shall meet one of the following education and experience criteria:

a. Have a master of social work degree or a master of arts degree in a related field and one year of experience specific to job responsibilities.

b. Have a bachelor of arts degree in a related field and two years' experience specific to job responsibilities.

c. Have an associate of arts degree in a related field and four years' experience specific to job responsibilities.

d. Have five years' specific treatment program experience relating to the job responsibilities.

441—116.3(237) Staff-to-client ratio. The number and qualifications of the staff will vary depending on the needs of the children. There shall be at least a one-to-four staff-to-client ratio during prime programming time.

441—116.4(237) Program components. In addition to the requirements of 441—subrule 114.8(3), the facility shall have and follow a written procedure that defines who is responsible for overseeing personal hygiene of children and maintaining general orderliness of the facility.

441—116.5(237) Restraint. In addition to the provisions of 441—Chapters 114 and 115, a restraint may be used as stated in the child's individual service plan as approved by the parent or guardian, caseworker, and facility as long as that facility meets the standards for utilizing that particular type of restraint.

These rules are intended to implement Iowa Code chapter 237.

[Filed 10/23/26, effective 1/1/27]
[Published 11/25/26]

EDITOR'S NOTE: For replacement pages for IAC, see IAC Supplement 11/25/26.

ARC 0769D

HUMAN SERVICES DEPARTMENT[441]

Adopted and Filed

Rulemaking related to certificate of need

The Department of Health and Human Services hereby amends Chapter 123, "Certificate of Need Program," and Chapter 124, "Standards for Certificate of Need Review," Iowa Administrative Code.

Legal Authority for Rulemaking

This rulemaking is adopted under the authority provided in Iowa Code section 135.71.

State or Federal Law Implemented

This rulemaking implements, in whole or in part, Iowa Code section 135.71 and 2026 Iowa Acts, House File 2635.

Purpose and Summary

The purpose of this rulemaking is to implement the provisions of 2026 Iowa Acts, House File 2635, which changes the requirements for obtaining a certificate of need by, among other things:

- Eliminating the requirement to submit a letter of intent;
- Eliminating the requirement for a public hearing; and
- Excluding the following from the certificate of need requirement:
  - Cardiac catheterization service;
  - Open heart surgical service;
  - Organ transplantation service; and
  - Some radiation therapy services for the treatment of malignant disease.

Public Comment and Changes to Rulemaking

Notice of Intended Action for this rulemaking was published in the Iowa Administrative Bulletin on September 30, 2026, as **ARC 0618D**. A public hearing was held on the following date(s):

- October 20, 2026

No one attended the public hearing. No public comments were received.

One change from the Notice has been made. In subrule 123.3(1), the word "renewability" should have been "reviewability." That correction has been made.

Adoption of Rulemaking

This rulemaking was adopted by the Department on November 4, 2026.

Fiscal Impact

This rulemaking has no fiscal impact to the State of Iowa.

Jobs Impact

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

Waivers

Any person who believes that the application of the discretionary provisions of this rulemaking would result in hardship or injustice to that person may petition the Department for a waiver of the discretionary provisions, if any, pursuant to 441—Chapter 2504.

Review by Administrative Rules Review Committee

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

Effective Date

This rulemaking will become effective on January 1, 2027.

The following rulemaking action is adopted:

ITEM 1. Amend rule 441—123.1(135) as follows:

441—123.1(135) ~~Definitions~~ Definition. For purposes of this chapter, the following ~~definitions apply~~ definition applies:

"Long-term (acute) care hospital" means a hospital that has been approved to participate in the Title XVIII (Medicare) program as a long-term care hospital-prospective payment system (LTCH-PPS) hospital in accordance with 42 CFR Part 412 as amended to August 1, 2025.

~~*"Radiation therapy service applying ionizing radiation for the treatment of malignant disease using megavoltage external beam equipment,"* as the term applies to new or changed institutional health service in Iowa Code section 135.61(17)*"m"*(4), means the initiation or expansion of this service.~~

ITEM 2. Rescind rule **441—123.2(135)**.

ITEM 3. Renumber rules **441—123.3(135)** to **441—123.12(135)** as **441—123.2(135)** to **441—123.11(135)**.

ITEM 4. Amend renumbered rule 441—123.2(135) as follows:

441—123.2(135) Determination of reviewability. A sponsor of a proposed project may electronically submit a written request for a determination of reviewability as to whether the project requires a certificate of need.

123.2(1) If it is determined that a certificate of need is required, the department will notify the sponsor ~~and the request for nonreviewability will be considered the letter of intent for purposes of subrule 123.2(2)~~ of the determination of reviewability and the sponsor will be allowed to submit an electronic application immediately.

123.2(2) If it is determined that a certificate of need is not required, the department will notify the sponsor of the determination of nonreviewability.

ITEM 5. Amend renumbered rule 441—123.3(135) as follows:

441—123.3(135) Submission of application.

123.3(1) Application form.

a. A sponsor of a proposed project for a new or changed institutional health service will submit to the department an electronic application for certificate of need using the appropriate application form found on the certificate of need website. All information requested in the application form is required in the absence of a waiver by the department.

b. and *c.* No change.

123.3(2) No change.

123.3(3) The notice of an accepted application issued pursuant to Iowa Code section 135.65(2) will inform the applicant and affected persons of the deadlines for the electronic submission to the department of written ~~statements~~ public comments or other materials.

ITEM 6. Amend renumbered subrule 123.4(2) as follows:

123.4(2) Public comments on an application.

a. The department will receive written public comments on an application during a time frame prescribed by the department for each application. ~~Oral comments will be received at a public hearing set by the department.~~

b. No change.

ITEM 7. Amend renumbered subrules 123.5(1) to 123.5(3) as follows:

123.5(1) An applicant will electronically submit a written request for summary review and a copy of the application and all attachments. ~~An applicant is not required to submit a letter of intent pursuant to Iowa Code section 135.64 prior to submitting a written request for a summary review.~~

123.5(2) The eligibility of an application for summary review pursuant to Iowa Code section 135.66 ~~does not mandate or require such review. The department will make the decision as to whether an application will be reviewed in the summary review process~~ will be at the department's discretion.

123.5(3) Upon receipt of a ~~written~~ request for summary review, an application, and the fee required by Iowa Code section 135.62(1), the department will notify the applicant ~~in writing~~ within 15 calendar days if the application is complete and if a summary review will be granted.

ITEM 8. Amend renumbered subrule 123.6(2) as follows:

123.6(2) An extension by the department made pursuant to subrule ~~123.7(1)~~ 123.6(1) will in no case be more than ~~60~~ 30 calendar days beyond the time a decision is required under Iowa Code section 135.68 unless the applicant and the department agree.

ITEM 9. Amend renumbered subrule 123.7(1) as follows:

123.7(1) An applicant or any affected person who has participated or sought unsuccessfully to participate in the formal review procedure prescribed in Iowa Code section 135.65 may, for good cause shown, electronically file an application for rehearing ~~in writing~~ with the department stating the specific grounds therefor and the relief sought within 20 calendar days after the date of the issuance of the final decision on an application for certificate of need.

ITEM 10. Amend renumbered rule 441—123.8(135) as follows:

441—123.8(135) Finality. The certificate of need application process is continuous beginning with submission of ~~a letter of intent or request for waiver of a letter of intent~~ an application through issuance of a final decision by the department subject to judicial review under Iowa Code chapter 17A.

123.8(1) The following stages of the process are intermediate and subject to judicial review only to the extent the stages meet criteria for intermediate review under Iowa Code section 17A.19:

a. A decision by the department pursuant to rule ~~441—123.3(135)~~ 441—123.2(135) that a proposed project does not require a certificate of need;

b. A decision by the department to ~~waive submission of the letter of intent and substitute~~ conduct summary review; and

c. No change.

123.8(2) No change.

ITEM 11. Amend renumbered subrule 123.10(1) as follows:

123.10(1) Once a project has been approved by the department, no changes that vary from or alter the number of approved beds, the approved services or the approved cost by an amount indicated in subrule ~~123.11(2)~~ 123.10(2) may be made unless requested by the applicant and approved by the department. Requests should be ~~made in writing and~~ filed with the department electronically.

ITEM 12. Rescind rule **441—124.1(135)**.

ITEM 13. Rescind rule **441—124.2(135)**.

ITEM 14. Renumber rules **441—124.3(135)** to **441—124.6(135)** as **441—124.1(135)** to **441—124.4(135)**.

ITEM 15. Amend renumbered subrule 124.1(2) as follows:

124.1(2) *Definitions.* The following definitions apply to the terms used in this rule:

~~*"Active oncology service"* means full, multidisciplinary cancer care, provided by a medical team that would include: surgery, gynecology, medical oncology, radiation oncology, pathology, diagnostic radiology and nuclear medicine. The surgery specialties that might be available would include: thoracic, abdominal, genitourinary and gynecological. The active oncology staff would include those specialists with training in oncology, hematology, and pathology and who spend at least half of their time at the institution.~~

"Applicant" means a facility or a consortium of facilities within an area or a physician or group of physicians.

~~*"Chemotherapy service"* means the treatment of cancer by chemical agents.~~

"Computerized tomographic (CT) scanner" means a diagnostic tool that rotates around the body and that sends X-ray beams through the body or brain. The X-ray beams that emerge from the body or brain are absorbed by a detector. Differences in the amount of X-rays absorbed by the detector indicate

differences in tissue density. As the scanner rotates, it takes many images of a volume or cross-section. The images on the detector are transmitted to a computer that displays on a monitor a reconstructed cross-sectional slice or volume. Contrast media is often injected to alter absorption of the detector. If the scan is repeated, it is called enhancement. Studies of the heart, arteries and veins may be done with contrast only.

"CT consortia" means a cooperative venture in which two or more institutions form a separate entity that is created for the purpose of owning, leasing, planning for, and maintaining the use of the scanner. Each facility in the consortium maintains its autonomy for all other services.

"Emergency medical service (EMS) level II trauma service" means the level of various services and staffing that qualify a facility to be designated by the department, using the facilities categorization criteria of such services that is in effect on the date of the enactment of this standard.

"Enhanced scan" means a scan performed on a patient who has been administered a contrast medium so that specific organs or areas of the body will be displayed more distinctly on the scan image.

"General imaging procedures" means a radiological diagnostic procedure performed on an X-ray machine or similar radiological diagnostic instrument.

"Head scanner" means a scanner capable of imaging only the brain and structures adjacent to the head.

"Minimum shared-market area for a scanner" (hereafter referred to as "area") means the smallest geographic area within which any scanner installation is judged to affect the utilization rate of any other scanner in the community (as defined by the U.S. Bureau of the Census) or a standard metropolitan statistical area (where an area is so designated).

"Radiotherapy service" means the therapeutic application of megavoltage radiation, using a linear accelerator or cobalt unit. The availability of such service at a hospital would necessitate personnel trained in the therapeutic application of radiology.

"Shared service agreement" means a multi-institutional arrangement for coordination or consolidation of services or sharing of support services. Among the various types of arrangements are referred services, purchased or joint contract services, multisponsored services and regional services.

"Whole body scanner" means a scanner capable of imaging the entire body.

ITEM 16. Amend renumbered subparagraph **124.1(3)"a"(2)** as follows:

(2) An applicant in an area with one or more scanners.

1. An applicant must meet the requirement of need described in subparagraph ~~124.4(3)~~ 124.2(3)*"a"*(1), and

2. No change.

3. University of Iowa Health Care is specifically exempted from consideration under numbered paragraph ~~124.3(3)~~ 124.3(2)*"a"*(2)"2" because it has a service area that encompasses the entire state and adjoining states. The utilization statistics for scanners at the University of Nebraska Medical Center and Creighton University Medical Center – Bergan Mercy (both in Omaha) will not affect the need for scanners at hospitals in Council Bluffs.

ITEM 17. Amend renumbered subparagraph **124.3(3)"b"(1)** as follows:

(1) An applicant must meet the requirement of need described in paragraph ~~124.5(3)~~ 124.3(3)*"a,"* and

ITEM 18. Amend renumbered subrule 124.4(3) as follows:

124.4(3) *Availability and need.* (Iowa Code section 135.63(1)*"c," "d," "e," "g,"* and *"h"*)

a. No change.

b. An applicant in an area with one or more PET units currently in operation or approved by the certificate of need program for operation.

Existing PET units within the area (whether basic or enhanced) should have been operating at a minimum of 1,000 PET procedures during the most recent annual period as reported to the certificate of need program according to paragraph ~~124.6(4)~~ 124.4(4)*"e."*

[Filed 11/4/26, effective 1/1/27]
[Published 11/25/26]
EDITOR'S NOTE: For replacement pages for IAC, see IAC Supplement 11/25/26.

ARC 0770D

HUMAN SERVICES DEPARTMENT[441]

Adopted and Filed

Rulemaking related to general provisions

The Department of Health and Human Services hereby rescinds Chapter 130, "General Provisions," Iowa Administrative Code, and adopts a new Chapter 130 with the same title.

Legal Authority for Rulemaking

This rulemaking is adopted under the authority provided in Iowa Code section 234.6.

State or Federal Law Implemented

This rulemaking implements, in whole or in part, Iowa Code section 234.6.

Purpose and Summary

This chapter provides general information and guidance related to application and eligibility for, and provision of, services from the Department.

This chapter underwent a Red Tape Review pursuant to Executive Order 10. As a result of the review, the Department replaced restrictive terms and deleted outdated and redundant information.

Public Comment and Changes to Rulemaking

Notice of Intended Action for this rulemaking was published in the Iowa Administrative Bulletin on September 30, 2026, as **ARC 0617D**. Public hearings were held on the following date:

- October 20, 2026

No one attended the public hearings. No public comments were received. No changes from the Notice have been made.

Adoption of Rulemaking

This rulemaking was adopted by the Department on November 4, 2026.

Fiscal Impact

This rulemaking has no fiscal impact to the State of Iowa.

Jobs Impact

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

Waivers

Any person who believes that the application of the discretionary provisions of this rulemaking would result in hardship or injustice to that person may petition the Department for a waiver of the discretionary provisions, if any, pursuant to 441—Chapter 2504.

Review by Administrative Rules Review Committee

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

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

Effective Date

This rulemaking will become effective on January 1, 2027.

The following rulemaking action is adopted:

ITEM 1. Rescind 441—Chapter 130 and adopt the following **new** chapter in lieu thereof:

TITLE XIII
SERVICE ADMINISTRATION

CHAPTER 130
GENERAL PROVISIONS

441—130.1(234) Definitions.

"Family" includes the following members:

1. Legal spouses (including common law) who reside in the same household.
2. Natural, adoptive, or stepmother or stepfather and children who reside in the same household.
3. An individual or a child who lives alone or who resides with a person, or persons, not legally responsible for the child's support.

"Family-centered services" means services provided by the department pursuant to 441—Chapter 172.

"Temporary absence" means:

a. A medical absence anticipated to be less than three months;
b. An absence for the purpose of education or employment; or
c. When a family member is absent and intends to return home within three months.

441—130.2(234) Application.

130.2(1) Application for social services shall be made at any department office on forms prescribed by the department. Application for services shall be made on an Application for All Social Services form.

130.2(2) The application may be filed by the applicant; the applicant's authorized representative; or, where the applicant is incompetent or incapacitated, someone acting responsibly for the applicant.

130.2(3) The date of application is the date a signed application form is received in the department office.

130.2(4) The application will be approved or denied within 30 days from the date of application and the applicant notified of the decision. The decision will be mailed or given to the applicant on the date the determination is made, except that for services ordered by the court, the court order provided by the court and the case permanency plan provided by the department shall serve as notification. When individual case management services are being provided, the application will be approved or denied no later than the date that the department service manager, who is part of the interdisciplinary team, signs the individual program plan.

130.2(5) Eligibility will be redetermined in the same manner as an application at least every six months for family-centered services. For all other services, eligibility will be redetermined in the same manner as an application at least every 12 months.

441—130.3(234) Eligibility.

130.3(1) Eligibility factors for services available through the department are individual need for a service and family income except when services are provided without regard to income or when services are directed in a court order.

a. Individual need is established when the service to be provided is directed at and will facilitate an individual in reaching or maintaining one of the goals and objectives in 130.6(1). Except when the court establishes need, the department will establish individual need in accordance with each individual service's rules. The department will determine the number of units to be provided.

b. The block grant service to be provided will be contained in the pre-expenditure report and listed for the specific district and county. Service available through the department and funded by resources other than the social service block grant is identified in rules for that specific service.

c. Service will be provided only when funds are available for service delivery.

d. Persons are financially eligible for services when they are in one of the following categories:

(1) Income maintenance status. They are recipients of the family investment program (FIP), those whose income was taken into account in determining the needs of FIP recipients, recipients of supplemental security income or state supplementary assistance, or those in the 300 percent group as defined in 441—subrule 75.6(4).

(2) Income eligible status. The monthly gross income is based on family size. Family size income levels are found on the department's website.

e. Certain services are provided without regard to income, which means family income is not considered in determining eligibility. The services provided without regard to income are information and referral, child protective assessment, child abuse treatment, child abuse prevention services, including protective child care services, family-centered services, dependent adult abuse evaluation, dependent adult abuse treatment, dependent adult abuse prevention services, and purchased adoption services to individuals and families referred by the department.

f. In certain cases, the department will provide services directed in a court order.

130.3(2) To be eligible for services, the person must be living in the state of Iowa. Living in the state includes those persons living in Iowa for a temporary period, other than for the purpose of vacation.

130.3(3) In determining gross income, all income received by an individual from sources identified by the U.S. Census Bureau in computing median income is considered and includes money wages or salary, net income from nonfarm self-employment, net income from farm self-employment, social security, dividends, interest, income from estates or trusts, net rental income and royalties, public assistance or welfare payments, pensions and annuities, unemployment compensation, worker's compensation, alimony, child support, and veterans pensions. Excluded from the computation of monthly gross income are the following:

a. Per capita payments to or funds held in trust for any individual in satisfaction of a judgment of the Indian claims commission or the court of claims.

b. Payments made pursuant to the Alaska Claims Settlement Act as amended to August 1, 2026, to the extent such payments are exempt from taxation under Section 21(a) of the Act as amended to August 1, 2026.

c. Money received from the sale of property unless the person was engaged in the business of selling such property.

d. Withdrawals of bank deposits.

e. Money borrowed.

f. Tax refunds.

g. Gifts.

h. Lump sum inheritances or insurance payments or settlements.

i. Capital gains.

j. The value of USDA-donated foods.

k. The value of supplemental food assistance under the Child Nutrition Act of 1966 as amended to August 1, 2026, and the special food program for children under the National School Lunch Act as amended to August 1, 2026.

l. Earnings of a child 14 years of age or under.

m. Loans and grants obtained and used under conditions that preclude their use for current living expenses.

n. Any grant or loan to any undergraduate student for educational purposes made or insured under the Higher Education Act as amended to August 1, 2026.

o. Home produce utilized for household consumption.

p. Stipends received by persons for participating in the foster grandparent program.

q. The first $65 plus 50 percent of the remainder of income earned in a sheltered workshop or work activity setting.

r. Payments from the low-income home energy assistance program (LIHEAP).

s. In determining eligibility for purchase of local services, one-third of the income of a disabled survivor who is a recipient of child's insurance benefits under the federal old-age, survivors, and disability insurance program established under Title II of the federal Social Security Act as amended to August 1, 2026.

t. In determining eligibility for purchase of local services, one-third of the income of a person who receives social security permanent disability benefits.

u. Agent Orange settlement payments.

v. Rent reimbursement provided under Iowa Code chapter 425.

w. Moneys received under the federal Social Security Persons Achieving Self-Sufficiency (PASS) program or the Income-Related Work Expense (IRWE) program.

130.3(4) Temporary absence. The composition of the family group does not change when one, or more, of the group members is temporarily absent from the household.

441—130.4(234) Adverse service actions.

130.4(1) *Denial.* Services will be denied when it is determined by the department that:

a. The client is not in need of service;

b. The client is not financially eligible;

c. The service to be provided is not in the Social Services Block Grant Pre-Expenditure Report;

d. There is another community resource available to provide the service or a similar service free of charge to the client that will meet the client's needs;

e. In cases other than protective service investigation, the client, parent, or representative refuses to sign the application form;

f. The service for which the client is eligible is currently not available; or

g. Funding is not available to provide the service.

130.4(2) *Termination.* A particular service may be terminated when the department determines any one or combination of the following factors:

a. The specific need to attain the goals and objectives to which the service was directed has been achieved;

b. After repeated assessment, it is evident that the family or individual is unable to achieve or maintain the goals set forth in the individual client service plan;

c. After repeated efforts, it is evident that the family or individual is unwilling to accept further service;

d. The client's income or resources exceed the financial guidelines, or the client no longer meets other eligibility criteria established by the department for the service;

e. The service is no longer offered or available from the department;

f. Another community resource is available to provide the service or a similar service free of charge to the client that will meet the client's needs;

g. The client refuses to allow documentation of eligibility as to need, income, and resources; or

h. Funding is not available to provide the service.

130.4(3) *Reduction.* A particular service may be reduced when the department determines one of the following:

a. Continued provision of service at its current level is not necessary. The department will determine the level to which the service may be reduced without jeopardizing the client's continued progress toward achieving or maintaining the goal.

b. Another community resource is available to provide the same or similar service to the client at no financial cost to the client, that will meet the client's needs.

c. Funding is not available to continue the service at the current level. The client will be reassessed to determine the level of service to be provided.

130.4(4) *Pending changes.* The department will endeavor to make clients aware of pending changes in services to be provided by social services block grant from one program year to the next, particularly for those services that will no longer be available. This requirement also applies to time-limited services.

130.4(5) *Notice and appeal.* Notice of adverse service actions will be issued in accordance with 441—Chapter 16 and may be appealed pursuant to 441—Chapter 2506.

441—130.5(234) Social casework. For each active service case, when service is provided directly, purchased, or by a combination of methods, the department will:

130.5(1) Determine eligibility.

130.5(2) Ensure there is a department case plan for each individual or family based on assessment of strengths and needs. The department will furnish appropriate sections of the initial plan and of all updated department case plans to the provider agency when services are purchased for an individual. When individual case management services are being provided, the individual case management services provider shall distribute the case plans.

130.5(3) Refer the client to other agencies through proper channels and coordinate all people involved in the case. When individual case management services are being provided, the individual case management services provider shall be responsible for making referrals and coordinating workers as specified in the individual program plan.

130.5(4) Enter information to the service reporting system.

130.5(5) Monitor the case to ensure that eligibility continues, services are received, plans are adjusted as needed, services reporting system reporting is correct, and the case is canceled when appropriate, according to these rules.

130.5(6) Ensure that services are unavailable elsewhere without cost to the client.

441—130.6(234) Case plan. The department will develop a case plan with or on behalf of persons approved to receive services. However, a case plan is not required (1) for child or adult protective assessment, (2) for foster care cases in which the department does not have custody, guardianship or a voluntary placement agreement, or (3) when child care is the only service. A case plan will be developed with or on behalf of every other person approved to receive services unless the person has a case manager as specified in 441—Chapter 24. When department services are provided before an individual program plan in compliance with 441—Chapter 24 is approved, a department case plan will be developed according to the requirements of this rule. When individual case management services are being provided, the rules in 441—Chapter 24 on time limits, plan format and on who develops the plan will apply for adults and for children whose services are not under court jurisdiction. The department will determine eligibility for those services provided by the department; however, a separate department case plan need not be developed. If the individual program plan does not include sufficient information to meet department service requirements or the requirements in this chapter, the person providing department social casework will complete either a case plan or addendum and coordinate distribution to the persons who receive the individual program plan with the case manager.

The case plan will become part of the client's case record. The client shall participate in the development of this plan to the extent possible. The case plan will be consistent with other service or program plans. A copy of the case plan will be provided to the client or, when indicated, to the parent or representative of the client. For adult services, the case plan will be recorded using an individual service plan. For children's services, the case plan will be known as the case permanency plan and will be prepared using a family case plan.

130.6(1) Services will be directed toward the social services block grant goals of:

a. Achieving or maintaining self-support to prevent, reduce or eliminate dependency.

b. Achieving or maintaining self-sufficiency, including reduction or prevention of dependency.

c. Preventing or remedying neglect, abuse or exploitation of children or adults unable to protect their own interest or preserving, rehabilitating or reuniting families.

d. Preventing or reducing inappropriate institutional care by providing for community-based care, home-based care, or other forms of less intensive care.

e. Securing referral or admission for institutional care when other forms of care are not appropriate or providing services to individuals in institutions.

130.6(2) The recorded case plan will contain but not be limited to the following:

a. The goal and objective to which the plan is directed, stated in a clear manner indicating the specific services required to achieve or maintain the goals to meet the needs of the particular client.

b. Activities of clients and others involved in the plan related to specific services. These will be measurable and have time frames for completion.

c. A summary of all pertinent information relating to the client and the client's situation relative to need, containing but not limited to the following:

(1) Emotional behavior.

(2) Social aspects.

(3) Historical perspective.

(4) Reasons for success or lack of success.

(5) Safety-related information indicating whether a 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. The safety-related information will be withheld only if ordered by the court or if 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.

(6) An assessment of whether continued breastfeeding by a child's mother is in the best interest of the child and a plan to support the mother's breastfeeding efforts, if appropriate.

d. Information on case entries that will substantiate the client's eligibility for service.

e. A target date for reevaluation of the case plan based on assessment of need that shall not exceed six months.

f. A review of financial eligibility in accordance with 130.2(5).

g. The reason for termination or reduction of any or all services.

130.6(3) The case plan will be developed and filed in the case record as follows:

a. In child welfare cases, the case plan will be developed in partnership with the child, the family, and the caregiver.

(1) The recommendations from the child protective assessment and the safety plan developed with the family will be considered an initial case plan.

(2) A case permanency plan that meets the requirements of Iowa Code section 232.2 will be filed within 60 days from the date the child enters foster care or the date the department opens a child welfare service case, whichever occurs first.

b. For all other cases, the case plan shall be developed before services begin unless there is an unanticipated provision of service for the protection and well-being of a client. In that case, the case plan will be filed within 45 days from the date that services begin.

130.6(4) The reevaluation of the case plan will include all components listed under 130.6(2) and will be filed at least every six months or more often when there are significant changes, when required by the court, or when required according to the rules of the service.

130.6(5) The case plan may be amended between evaluation periods. Participants in the plan will receive a copy of the amendment.

441—130.7(234) Entitlement. There is no automatic right to ongoing service in any service category from one fiscal year to the next.

These rules are intended to implement Iowa Code section 234.6.

[Filed 11/4/26, effective 1/1/27]
[Published 11/25/26]
EDITOR'S NOTE: For replacement pages for IAC, see IAC Supplement 11/25/26.

ARC 0771D

HUMAN SERVICES DEPARTMENT[441]

Adopted and Filed

Rulemaking related to funding for local services

The Department of Health and Human Services hereby rescinds Chapter 153, "Funding for Local Services," Iowa Administrative Code, and adopts a new Chapter 153 with the same title.

Legal Authority for Rulemaking

This rulemaking is adopted under the authority provided in Iowa Code sections 218.4 and 234.6.

State or Federal Law Implemented

This rulemaking implements, in whole or in part, Iowa Code section 234.6 and 2026 Iowa Acts, Senate File 2488.

Purpose and Summary

This chapter was reviewed as a part of the Red Tape Review process laid out by Executive Order 10. As a result of the Red Tape Review for this chapter, restrictive terms were removed, duplicative information was streamlined, and language was changed to be in line with modern procedures and practices. This chapter sets forth the requirements for reporting required for receipt of federal Social Services Block Grant (SSBG) funds and service availability and allocation methodology related to those funds.

In addition, this rulemaking implements division II of 2026 Iowa Acts, Senate File 2488, which repeals Iowa Code section 232.188, "decategorization of child welfare and juvenile justice funding." Previously, Division II of Chapter 153 detailed the decategorization initiative. Because that initiative has been discontinued, the Department removed Division II of this chapter.

Public Comment and Changes to Rulemaking

Notice of Intended Action for this rulemaking was published in the Iowa Administrative Bulletin on September 16, 2026, as **ARC 0563D**. Public hearings were held on the following date:

- October 6, 2026

No one attended the public hearings. No public comments were received.

Changes from the Notice have been made. The Department updated the chapter's implementation sentence, as well as the Purpose and Summary section of this preamble, to reflect implementation of division II of 2026 Iowa Acts, Senate File 2488.

Adoption of Rulemaking

This rulemaking was adopted by the Department on October 23, 2026.

Fiscal Impact

The Department's appropriation for Child Protective Services was decreased by $1.7 million to end the Child Protective Services Decategorization Program.

Jobs Impact

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

Waivers

Any person who believes that the application of the discretionary provisions of this rulemaking would result in hardship or injustice to that person may petition the Department for a waiver of the discretionary provisions, if any, pursuant to 441—Chapter 2504.

Review by Administrative Rules Review Committee

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

Effective Date

This rulemaking will become effective on January 1, 2027.

The following rulemaking action is adopted:

ITEM 1. Rescind 441—Chapter 153 and adopt the following **new** chapter in lieu thereof:

CHAPTER 153
FUNDING FOR LOCAL SERVICES

441—153.1(234) Development of pre-expenditure report and intended use plan.

153.1(1) The department will develop the social services block grant pre-expenditure report and intended use plan on an annual basis. The report and plan will be developed in accordance with 45 CFR Part 96, Subpart G, as amended to August 1, 2026. The report and plan will describe the services to be funded, the areas in which services are available, and the amount of funding available. The plan will also indicate the source of the funding.

153.1(2) The department will issue a proposed pre-expenditure report and intended use plan before publication of the final report and plan. The proposed report and plan will be available for public review and comment.

153.1(3) The department will announce the time and scope of public review each year. The announcement will indicate where the proposed report and plan can be viewed.

153.1(4) The department will accept comments about the pre-expenditure report and intended use plan during the specified public review and comment period.

153.1(5) The department will consider public comments when developing the final pre-expenditure report and intended use plan.

153.1(6) A copy of the final pre-expenditure report and intended use plan will be available on the department's website.

441—153.2(234) Amendment to pre-expenditure report and intended use plan.

153.2(1) The pre-expenditure report and intended use plan may be amended throughout the year. The department may file an amendment changing the type, scope or duration of a service. Decisions to change a direct service or state-purchased service will be made by the department. Prior to filing an amendment, the department will evaluate available funds and the effect any change will have on clients.

153.2(2) An amendment in the pre-expenditure report and intended use plan will be posted on the department's website at least 30 days prior to the effective date of the change. However, in the event funding for the service has been exhausted, an amendment will be posted immediately notifying the public that the service will no longer be available.

a. The department will, whenever possible, give advance notice of a service termination made necessary because funds have been exhausted.

b. When a service is added or extended, an amendment may be posted immediately, and a 30-day posting period is not required.

153.2(3) Individuals or groups may submit written comments to the department.

153.2(4) Nothing in this rule will supersede the requirement for notifying clients of adverse action as provided in rule 441—130.5(234).

441—153.3(234) Service availability.

153.3(1) A client seeking services shall apply for services from the department.

a. The department will determine eligibility according to rule 441—130.3(234).

b. The department will develop a case plan to monitor the client's progress toward achieving goals as identified in rule 441—130.7(234).

153.3(2) A client shall receive a service for which the client is eligible, subject to the provisions of 441—Chapter 130, when the service is listed in the geographic area in which the client resides.

153.3(3) When federal law prohibits the use of federal funds for the social services block grant, state funds shall be used to pay for services to persons the department has defined as eligible.

441—153.4(234) Allocation of block grant funds.

153.4(1) The department will follow a cost allocation plan for determining the appropriate administrative costs to be funded with block grant moneys.

153.4(2) Funding for services will be allocated in accordance with the annual budgeting process. The department's annual budget is available for review on the department's website. Costs may be shifted in and between service areas to ensure continued statewide availability of services.

441—153.5(234) Expenditure of supplemental funds. When supplemental funds are issued through the social services block grant as emergency disaster relief, the department will administer the funds in compliance with the terms of the federal award.

These rules are intended to implement Iowa Code section 234.6 and 2026 Iowa Acts, Senate File 2488, division II.

[Filed 10/23/26, effective 1/1/27]
[Published 11/25/26]

EDITOR'S NOTE: For replacement pages for IAC, see IAC Supplement 11/25/26.

ARC 0772D

HUMAN SERVICES DEPARTMENT[441]

Adopted and Filed

Rulemaking related to juvenile detention reimbursement

The Department of Health and Human Services hereby rescinds Chapter 167, "Juvenile Detention Reimbursement," Iowa Administrative Code, and adopts a new Chapter 167 with the same title.

Legal Authority for Rulemaking

This rulemaking is adopted under the authority provided in Iowa Code section 232.142.

State or Federal Law Implemented

This rulemaking implements, in whole or in part, Iowa Code section 232.142.

Purpose and Summary

This chapter was reviewed as a part of the Red Tape Review as set forth by Executive Order 10. As a part of this review, restrictive terms were eliminated and rules were updated to reflect modern practices. This chapter sets forth rules for eligible juvenile detention homes to receive reimbursement from the Department for the cost of operating the detention homes.

Public Comment and Changes to Rulemaking

Notice of Intended Action for this rulemaking was published in the Iowa Administrative Bulletin on September 30, 2026, as **ARC 0626D**. Public hearings were held on the following date:

- October 20, 2026

No one attended the public hearings. No public comments were received. No changes from the Notice have been made.

Adoption of Rulemaking

This rulemaking was adopted by the Department on November 4, 2026.

Fiscal Impact

This rulemaking has no fiscal impact to the State of Iowa.

Jobs Impact

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

Waivers

Any person who believes that the application of the discretionary provisions of this rulemaking would result in hardship or injustice to that person may petition the Department for a waiver of the discretionary provisions, if any, pursuant to 441—Chapter 2504.

Review by Administrative Rules Review Committee

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

Effective Date

This rulemaking will become effective on January 1, 2027.

The following rulemaking action is adopted:

ITEM 1. Rescind 441—Chapter 167 and adopt the following **new** chapter in lieu thereof:

CHAPTER 167
JUVENILE DETENTION REIMBURSEMENT

441—167.1(232) Definitions.

"Allowable costs" means those expenses of the county or multicounty related to the establishment, improvements, operation, and maintenance of county or multicounty juvenile detention homes.

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

"Detained" means the period of time a youth is physically occupying a bed in a juvenile detention home, that is, from the time of intake at the juvenile detention home (nothing prior to this) to the time a youth is discharged from the bed at the home (nothing after this).

"Eligible costs" are those allowable costs that are directly attributable to the function of detaining youth in the home, from the point of intake through discharge from the home.

"In-home detention" means a detention program that confines a child to the child's residence as an alternative to secure detention at a juvenile detention home. In-home detention allows limited movement for approved activities like school, work or medical appointments and aims to provide supervision of children while enabling them to maintain some responsibilities and relationships outside of a secure juvenile detention home.

441—167.2(232) Availability of funds. Any year that the Iowa legislature makes funds available for this program, the department will accept requests for reimbursement from eligible facilities.

441—167.3(232) Eligible detention homes. County and multicounty juvenile detention homes shall be eligible for reimbursement under this program when:

167.3(1) The home:

a. Is approved by the department under the standards of Iowa Code chapter 232.

b. Submits the following completed forms and audits by March 15, or within ten days of completion if after March 15, of the year following the conclusion of the state fiscal year for which reimbursement will be made.

(1) A written statement identifying the eligible total net cost that will be claimed.

(2) A copy of the department-authorized financial and statistical report for juvenile detention homes.

(3) A copy of the home's certified audit containing financial information for the period for which reimbursement is being claimed.

c. Has an independent certified public accountant or an independent accounting firm complete the financial and statistical report and certify the fair presentation of the report. The preparer shall have the experience necessary to complete the report in accordance with generally accepted accounting principles (GAAP) and the instructions for completing the financial and statistical report.

167.3(2) The department has reviewed the information submitted and determined that the costs to be claimed meet eligibility requirements. Eligible costs are based on the portions of the allowable costs that are directly attributable to the function of detaining youth in the home.

a. Costs are not eligible for reimbursement if a supplemental funding, reimbursement, or refund source is available to the home. County payments to an eligible home for the function of detaining youth in the home are not considered to be supplemental funding, reimbursement, or refund sources for the purpose of this subrule. Ineligible costs include but are not limited to:

(1) Refundable deposits.

(2) Services funded by sources other than the juvenile detention reimbursement program.

(3) Operational activities.

b. Costs attributed to portions of the home not directly used for detaining children.

c. Costs of alternatives to detaining youth in the approved detention home. Alternative services ineligible for reimbursement include but are not limited to:

(1) Community tracking and monitoring activities.

(2) Transportation during the time a youth is detained that is not related to service or care and keep or that is the responsibility of or funded by another source.

(3) Outreach services.

(4) In-home detention.

d. Capital expenses are depreciated over the useful life of the item following GAAP. The annual depreciated amount for items that are eligible costs may be claimed for reimbursement.

(1) Capital expenses include items costing more than $5,000 that have a useful life of over two years.

(2) Depreciation schedules shall be filed with the department annually.

441—167.4(232) Available reimbursement. The reimbursement for the participating detention homes will be based on the distribution formula authorized by Iowa Code section 232.142.

441—167.5(232) Reimbursement by the department. Reimbursement will only be made to those participating juvenile detention homes that the department has determined to have complied with these rules.

These rules are intended to implement Iowa Code section 232.142.

[Filed 11/4/26, effective 1/1/27]
[Published 11/25/26]

EDITOR'S NOTE: For replacement pages for IAC, see IAC Supplement 11/25/26.

ARC 0773D

HUMAN SERVICES DEPARTMENT[441]

Adopted and Filed

Rulemaking related to child care services

The Department of Health and Human Services hereby rescinds Chapter 170, "Child Care Services," Iowa Administrative Code, and adopts a new Chapter 170 with the same title.

Legal Authority for Rulemaking

This rulemaking is adopted under the authority provided in Iowa Code sections 237A.13 and 237A.29.

State or Federal Law Implemented

This rulemaking implements, in whole or in part, Iowa Code sections 237A.13 and 237A.29.

Purpose and Summary

This chapter was reviewed as part of the Red Tape Review process laid out by Executive Order 10. Through the Red Tape Review process, restrictive terms were removed, duplicative information was streamlined, and language was changed to be in line with modern procedures and practices. This chapter establishes requirements for the payment of child care services. Child care services are for children of low-income parents who are in academic or vocational training, employed or looking for employment, unable to care for children due to physical or mental illness, or needing protective services to prevent or alleviate child abuse or neglect. Services may be provided in a licensed child care center, a registered child development home, the child's own home, or a nonregistered family child care home.

Public Comment and Changes to Rulemaking

Notice of Intended Action for this rulemaking was published in the Iowa Administrative Bulletin on September 30, 2026, as **ARC 0625D**. Public hearings were held on the following date:

- October 20, 2026

No one attended the public hearings. No public comments were received. No changes from the Notice have been made.

Adoption of Rulemaking

This rulemaking was adopted by the Department on November 4, 2026.

Fiscal Impact

This rulemaking has no fiscal impact to the State of Iowa.

Jobs Impact

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

Waivers

Any person who believes that the application of the discretionary provisions of this rulemaking would result in hardship or injustice to that person may petition the Department for a waiver of the discretionary provisions, if any, pursuant to 441—Chapter 2504.

Review by Administrative Rules Review Committee

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

Effective Date

This rulemaking will become effective on January 1, 2027.

The following rulemaking action is adopted:

ITEM 1. Rescind 441—Chapter 170 and adopt the following **new** chapter in lieu thereof:

TITLE XV
INDIVIDUAL AND FAMILY SUPPORT
AND PROTECTIVE SERVICES

CHAPTER 170
CHILD CARE SERVICES

441—170.1(237A) Definitions.

"Child care" means the same as defined in Iowa Code section 237A.1.

"Child care facility" means the same as defined in Iowa Code section 237A.1.

"Child with protective needs" means a child who is in foster care or has a case file that identifies child care as a safety or well-being need to prevent or alleviate the effects of child abuse or neglect. Child care is provided as part of a safety plan during a child abuse or child in need of assistance assessment or as part of the service plan established in the family's case plan. This designation means that the child has at least one of the following:

1. An open child abuse assessment;
2. An open child in need of assistance assessment;
3. An open child welfare case as a result of a child abuse assessment;
4. A petition on file for a child in need of assistance adjudication; or
5. Adjudication as a child in need of assistance.

"Client" means a current or former recipient of the child care assistance program.

"Client error" means and may result from:

1. False or misleading statements, oral or written, regarding the client's income, resources, or other circumstances that affect eligibility or the amount of assistance received;
2. Failure to timely report changes in income, resources, or other circumstances that affect eligibility or the amount of assistance received;
3. Failure to timely report the receipt of child care units in excess of the number approved by the department;

4. Failure to comply with the need for service requirements.

"Department error" means child care assistance incorrectly paid for the client because of action attributed to the department as the result of one or more of the following circumstances:

1. Loss or misfiling of forms or documents.
2. Errors in typing or copying.
3. Computer input errors.
4. Mathematical errors.
5. Failure to determine eligibility correctly or to certify assistance in the correct amount when all essential information was available to the department.
6. Failure to make timely changes in assistance following amendments of policies that require the changes by a specific date.

"Food services" means the preparation and serving of nutritionally balanced meals and snacks.

"Intentional program violation" means and may result from knowingly making or causing to be made a false statement or a misrepresentation of a material fact, failing to disclose a material fact, or committing a fraudulent practice to receive benefits in an amount greater than the amount the client or provider is entitled to receive.

"In-home" means care that is provided within the child's own home.

"Net profit from self-employment" means gross income less the costs of producing the income other than depreciation. A net loss in self-employment income cannot be offset from other earned or unearned income.

"Overpayment" means any benefit or payment received in an amount greater than the amount the client or provider is entitled to receive.

"Parent" means the parent or the person who serves in the capacity of the parent of the child receiving child care assistance services.

"Program and activities" means the daily schedule of experiences in a child care setting.

"PROMISE JOBS" means the department's work and training program, promoting independence and self-sufficiency through employment job opportunities and basic skills as described in 441—Chapter 93.

"Provider" means a licensed child care center, a registered child development home, a caretaker who provides care for a child in the child's home, or a nonregistered child care home.

"Provider error" means and may result from:

1. Presentation for payment of any false or fraudulent claim for services or merchandise;
2. Submitting false information for the purpose of obtaining greater compensation than that to which the provider is legally entitled;
3. Failure to report the receipt of a child care assistance payment in excess of that approved by the department;
4. Charging the department an amount for services rendered over and above what is charged private pay clients for the same services;
5. Failure to maintain a copy of attendance records signed by the parent and the provider.

"Recoupment" means the repayment of an overpayment by the client or provider or both.

"Signature" means a person's name written in a distinctive way as a form of identification and will include but not be limited to wet ink signatures and electronic verification options such as picture/face recognition, PIN entry, digital fingerprint, biometric verification, or electronic signature that is unique to the person signing.

"Special needs child" means the same as defined in Iowa Code section 237A.1.

"Supervision" means the care, protection, and guidance of a child.

"Timely" means within ten calendar days.

"Unit(s) of service" means a half day that will be up to 5 hours of service per 24-hour period.

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

441—170.2(237A,239B) Eligibility requirements. A person deemed eligible for benefits under this chapter is subject to all other state child care assistance requirements including but not limited to provider requirements under Iowa Code chapter 237A and provider reimbursement methodology. The department will determine the number of units of service to be approved.

170.2(1) *Financial eligibility.* Financial eligibility for child care assistance will be based on federal poverty levels as determined by the Office of Management and Budget and on Iowa's median family income as determined by the U.S. Census Bureau. Poverty guidelines and median family income amounts are updated annually. Changes will go into effect for the child care assistance program on July 1 of each year.

a. Income limits.

(1) For initial eligibility, an applicant family's nonexempt gross monthly income cannot exceed the amounts as described in Iowa Code section 237A.13(2).

(2) For ongoing eligibility, at the time of a family's annual eligibility redetermination, if the family's nonexempt gross monthly income exceeds the amounts in subparagraph 170.2(1)*"a"*(1), the family may continue to be eligible as long as the family's nonexempt gross monthly income does not exceed the amounts in this subparagraph.

1. 225 percent of the federal poverty level applicable to the family size for children needing basic care or special-needs care; or

2. 85 percent of Iowa's median family income, if that figure is lower than the standard in numbered paragraph 170.2(1)*"a"*(2)"1."

(3) For ongoing eligibility, at the time of a family's annual eligibility redetermination, if the family's nonexempt gross monthly income exceeds the amounts in subparagraphs 170.2(1)*"a"*(1) and *"a"*(2), the family may continue to be eligible as long as the family's nonexempt gross monthly income does not exceed the amounts as described in Iowa Code section 237A.14(1).

b. Exceptions to income limits. Exception to income limits can be made under certain circumstances:

(1) A person who is participating in activities approved under the PROMISE JOBS program is eligible for child care assistance without regard to income if there is a need for child care services.

(2) A person who is part of the family investment program or whose earned income was taken into account in determining the needs of a family investment program recipient is eligible for child care assistance without regard to income if there is a need for child care services.

(3) A person who is employed by a child care facility or child care home that is accepting child care assistance and who is eligible under Iowa Code section 237A.13A as enacted by 2026 Iowa Acts, House File 2514, is eligible for child care assistance without regard to income if there is a need for child care services. The family will be assigned a copay as specified by the department based on the family's nonexempt gross monthly income.

(4) Protective child care services are provided without regard to income.

(5) Child care services for licensed foster parents who need child care for foster children are provided without regard to income.

(6) In certain cases, the department will provide child care services as directed in a court order.

c. Determining gross income. Eligibility will be determined using a projection of income based on the best estimate of future income. In determining a family's gross monthly income, the department will consider all income received by a family member from sources identified by the U.S. Census Bureau in computing median income unless excluded under paragraph 170.2(1)*"d."*

(1) Income considered will include wages or salary, net profit from self-employment, social security, dividends, interest, income from estates or trusts, net rental income and royalties, public assistance or welfare payments, pensions and annuities, unemployment compensation, workers' compensation, alimony, child support, veterans pensions, cash payments, casino profits, railroad retirement, permanent disability insurance, strike pay, and living allowance payments made to participants of the AmeriCorps program.

(2) Income will be projected using gross income received in the previous 30-day period or an average of the income from a longer period of time if indicative of future income.

(3) Anticipated changes to future income will be considered for new employment using an employer statement of earnings or other verification from the income source.

(4) For seasonal workers, the monthly gross income will be determined by calculating the total amount of income earned in a 12-month period preceding the date of application and dividing the total amount by 12.

d. Income exclusions. The following sources are excluded from the computation of monthly gross income:

(1) Money received from the sale of property unless the person was engaged in the business of selling property.

(2) Withdrawals of bank deposits.

(3) Money borrowed.

(4) Tax refunds.

(5) Federal or state earned income tax credit.

(6) Reimbursement from the employer for job-related expenses.

(7) Gifts.

(8) Lump-sum inheritances or insurance payments or settlements.

(9) Capital gains.

(10) The value of the Supplemental Nutrition Assistance Program (SNAP) allotment under the Food and Nutrition Act of 2008 as amended to August 1, 2026.

(11) The value of USDA-donated foods.

(12) The value of supplemental food assistance under the Child Nutrition Act of 1966 as amended to August 1, 2026, and the special food program for children under the National School Lunch Act as amended to August 1, 2026.

(13) Earnings of a minor unless the minor is the parent on the application.

(14) The income of the parents with whom a teen parent resides.

(15) Loans and grants obtained and used under conditions that preclude their use for current living expenses.

(16) Any grant or loan to any undergraduate student for educational purposes made or insured under the Higher Education Act as amended to August 1, 2026.

(17) Stipends received for participating in the foster grandparent program.

(18) Payments from the subsidized guardianship waiver program.

(19) Any adoption subsidy payments received from the department.

(20) Payments from the federal Low-Income Home Energy Assistance Program (LIHEAP).

(21) For children with special needs, income spent on any regular ongoing cost that is specific to that child's disability.

(22) Moneys received under the federal Social Security Persons Achieving Self-Sufficiency (PASS) program or the Income-Related Work Expense (IRWE) program.

(23) Payments from the transition to independence program (TIP).

(24) Stipends from the preparation for adult living (PAL) program.

(25) Income received by a Supplemental Security Income recipient if the recipient's earned income was considered in determining the needs of a family investment program recipient.

(26) Payments to volunteers participating in the Volunteers in Service to America (VISTA) program.

(27) Census earnings received by temporary workers from the Bureau of the Census.

(28) Payments from the Iowa individual assistance grant program (IIAGP).

(29) Per capita payments from or funds held in trust in satisfaction of a judgment of the Indian Claims Commission or the court of claims.

(30) Payments made pursuant to Real Estate Settlement Procedures Act (RESPA) as amended to August 1, 2026, to the extent the payments are exempt from taxation.

(31) Payments for major disaster and emergency assistance provided under the Disaster Relief Act of 1974 as amended to August 1, 2026, and, the Disaster Relief and Emergency Assistance Amendments of 1988 as amended to August 1, 2026.

e. Family size. The following people shall be included in the family size for the determination of eligibility:

(1) Legal spouses who reside in the same household.

(2) Natural mother or father, adoptive mother or father, or stepmother or stepfather, and children who reside in the same household.

(3) A child or children who live with a person or persons not legally responsible for the child's support.

f. Effect of temporary absence. The composition of the family does not change when a family member is temporarily absent from the household. A family member may be absent from the home temporarily for the following reasons:

(1) An absence for the purpose of education or employment.

(2) An absence due to medical reasons that is anticipated to last less than three months.

(3) Any absence when the person intends to return home within three months.

g. Resource limits. For initial and ongoing eligibility, family resources cannot exceed $1 million.

170.2(2) *General eligibility requirements.* In addition to meeting financial requirements, the child needing services must meet age, residency, and citizenship requirements. Each parent in the household must have at least one need for service and shall cooperate with the department's quality control review and with investigations conducted by the department of inspections, appeals, and licensing.

a. Age. Child care will be provided only to children up to age 13, unless the child is a special needs child, in which case child care will be provided up to age 19. When a child reaches the age of 13 or, as applicable, the age of 19, during the certification period, eligibility will continue until the end of the approved certification period.

b. Residency. To be eligible for child care services, the person must be living in the state of Iowa. Residency will include those persons living in Iowa for a temporary period, other than for the purpose of vacation.

c. Citizenship. As a condition of eligibility, the applicant shall attest to the child's citizenship or alien status by signing the Child Care Assistance Application form. Child care assistance payments may be made only for a child who:

(1) Is a citizen or national of the United States; or

(2) Is a qualified alien as defined at 8 U.S.C. Section 1641 as amended to August 1, 2026.

1. The applicant shall furnish documentation of the alien status of any child declared to be a qualified alien.

2. A child who is a qualified alien is not eligible for child care assistance for a period of five years beginning on the date of the child's entry into the United States with qualified alien status. The five-year prohibition from receiving assistance does not apply to qualified aliens described at 8 U.S.C. Section 1613 as amended to August 1, 2026.

d. Need for service. Assistance will be provided to a two-parent family only during the parents' coinciding hours of participation in training, employment, or job search. Each parent in the household shall meet one or more of the following requirements:

(1) The parent is in academic or vocational training in full-time status. Child care services may be provided for the parent's hours of participation in academic or vocational training and for actual travel time between the child care location and the training facility.

1. Child care provided while the parent participates in postsecondary education leading up to a baccalaureate degree program or vocational training will be limited to a 24-month lifetime limit. PROMISE JOBS child care allowances provided while the parent is a recipient of the family investment program and participating in PROMISE JOBS components in postsecondary education or training will count toward the 24-month lifetime limit.

2. Payment will not be approved for child-care during training in the following circumstances:

- The training is for jobs paying less than minimum wage.
- A parent who possesses a baccalaureate degree wants to take additional college coursework unless the coursework is to obtain a teaching certificate or complete continuing education units.
- The course or training is one that the parent has previously completed.

- The parent wants to participate in online or distance learning from the parent's own home, and the training facility does not require specified hours of attendance.

(2) The parent is employed an average of 32 or more hours per week (28 hours per week if the family includes a special needs child) during the month. Child care services may be provided for the hours of employment, or for sleep time during daytime hours, and for actual travel time between the child care location and the place of employment.

(3) The parent has a child with protective needs for child care. The department will determine the hours of need for a child with protective needs, regardless of the parent's hours of participation in training, employment, or job search. The child welfare case file will document the eligibility for service of the child with protective needs.

(4) The parent is absent from the home due to inpatient hospitalization or outpatient treatment because of physical or mental illness, or is present but due to medical incapacity is unable to care for the child or participate in work or training, as verified by a physician. Eligibility under this paragraph is limited to parents who become temporarily medically incapacitated, or to instances of one parent in a two-parent household being permanently disabled, while eligible for child care assistance based on the need criteria in subparagraph 170.2(2)*"d"*(1) or *"d"*(2).

1. Child care assistance will continue to be available through the authorized certification period after the parent becomes temporarily medically incapacitated.
2. The number of units of service authorized will be determined as follows:

- For a single-parent family, the number of units authorized for the period of incapacity will not exceed the number of units authorized for the family before the onset of incapacity.
- For a two-parent family where one parent is temporarily or permanently incapacitated, the units of service authorized will be based on the need of the parent who is not incapacitated.

(5) The parent is looking for employment. Child care for job search hours will be limited to only those hours the parent is actually looking for employment, including travel time. Job search will be limited to a maximum of 90 consecutive days.

1. For applicants, job searching will be approved for a maximum of 90 consecutive days. If the parent has not started employment within 90 days, assistance will be canceled.
2. For ongoing participants, job search will be limited to a maximum of 90 consecutive days.

(6) The parent needs child care services due to participation in activities approved under the PROMISE JOBS program.

(7) The family is part of the family investment program and there is a need for child care services due to employment or participation in vocational training or education. A family who meets this requirement due to employment is not required to work a minimum number of hours. If a parent in a family investment program household remains in the home, child care assistance can be paid if that parent receives supplemental security income.

(8) The parent is employed and participating in academic or vocational training for an average of 32 or more hours per week (28 hours per week if the family includes a special needs child) during the month.

(9) Family eligibility will continue during an approved certification period when a temporary lapse in need for service for a parent occurs. A temporary lapse in a parent's need for service is allowed when a time-limited absence from work, training or education program occurs due to:

1. Need to care for a family member.
2. An illness.
3. Maternity leave.
4. Family Medical Leave Act (FMLA) as amended to August 1, 2026, situations for household members.
5. Participation in a treatment/rehabilitation program.
6. Any reduction in employment or vocational training or education hours that fall below the minimum number set forth in subparagraph 170.2(2)*"d"*(1), *"d"*(2) or *"d"*(8) as long as the parent continues to work or attend training or education.
7. Any student holiday or break for a parent participating in training or education.

8. Any interruption in work for a seasonal worker who is not working between regular industry work seasons.

(10) Family eligibility will be canceled if the lapse in need is not temporary because the lapse will continue with no established end date.

e. Cooperation. Parents shall cooperate with the department when the department selects the family's case for quality control review to verify eligibility. Parents shall also cooperate with investigations conducted by the department of inspections, appeals, and licensing to determine whether information supplied by the parent regarding eligibility for child care assistance is complete and correct.

(1) Failure to cooperate will serve as a basis for cancellation or denial of the family's child care assistance.

(2) Once assistance is denied or canceled for failure to cooperate, the family may reapply but will not be considered for approval until cooperation occurs.

170.2(3) *Priority for assistance.* Child care services will be provided only when funds are available. Funds available for child care assistance will first be used to continue assistance to families currently receiving child care assistance and to families with protective child care needs or licensed foster parents who need child care for foster children. When funds are insufficient, families applying for services must meet the specific requirements in this subrule.

a. Priority groups. Priority groups will be determined according to Iowa Code section 237A.13(9).

b. Exceptions to priority groups. The following are eligible for child care assistance and will not be prevented from receiving benefits by waiting lists for child care services:

(1) Families with protective child care needs.

(2) Recipients of the family investment program or those whose earned income was taken into account in determining the needs of family investment program recipients.

(3) Families who receive a state adoption subsidy for a child.

(4) Families who are experiencing homelessness.

(5) Licensed foster parents who need child care for foster children.

c. Effect on need for service. Families approved under a priority group are not required to meet the requirements in paragraph 170.2(2)*"d,"* except at review or redetermination.

170.2(4) *Reporting changes.* The parent may report any changes in circumstances affecting these eligibility requirements and changes in the choice of provider to the department worker or the PROMISE JOBS worker within ten calendar days of the change.

a. Timely reporting. If the change is timely reported, the effective date of the change will be the date when the change occurred.

b. Non-timely reporting. If the change is not timely reported, the effective date of the change will be the date when the change is reported to the department office or the PROMISE JOBS office.

c. Exceptions. The following changes must be reported:

(1) Changes in income when the family's gross monthly income exceeds 85 percent of Iowa's median family income.

(2) A lapse in a parent's need for service that is not temporary.

(3) A change in residency outside of the state of Iowa.

(4) No eligible child remains in the home.

d. Changes not required to report. The department will disregard any reported changes that are not required to be reported unless the change would cause the authorized units to be increased or the family copay amount to be decreased.

441—170.3(237A,239B) Application and determination of eligibility.

170.3(1) *Application process.* Application for child care assistance may be made online using the electronic application available on the family portal, at any local office of the department, or by mailing an application to the department.

a. At the end of a certification period, ongoing eligibility is determined by completing the Child Care Assistance Review form.

b. The application may be filed by the applicant; by the applicant's authorized representative; or, when the applicant is incompetent or incapacitated, by a responsible person acting on behalf of the applicant.

c. The date of application is the date a signed application form containing a legible name and address is received by the department. An electronic or paper application delivered to a closed office is considered to be received on the first day following the day the office was last open that is not a weekend or state holiday.

d. Families who are determined eligible for child care assistance will be approved for a certification period of at least 12 months. Families who fail to complete the review and redetermination process will lose eligibility at the end of the certification period.

170.3(2) *Exceptions to application requirement.* An application is not required for:

a. A person who is participating in activities approved under the PROMISE JOBS program.

b. Recipients of the family investment program or those whose earned income was taken into account in determining the needs of family investment program recipients. The date of application is the date the family requests child care assistance from the department.

c. Children with protective needs.

d. Licensed foster parents who need child care for foster children.

e. Child care services provided under a court order.

170.3(3) *Application processing.* The department will promptly approve or deny an application based on priority groups and the date the application was received.

a. The department, or PROMISE JOBS program as applicable, will determine the number of units of service authorized for each eligible family and will:

(1) Inform the family through the notice of decision; and

(2) Inform the family's provider through the Certificate of Enrollment form.

b. Unless a provider or applicant indicates otherwise, delivery of notice shall be effectuated through electronic means.

c. The effective date of assistance will be the date of application or the date the need for service began, whichever is later. When an application is not required, the effective date will be as follows:

(1) For a person participating in activities under the PROMISE JOBS program, the effective date of child care assistance will be the date the person becomes a PROMISE JOBS participant or the date the person has a need for child care assistance to participate in an approved PROMISE JOBS activity as described in 441—Chapter 93, whichever is later.

(2) For a family receiving family investment program benefits, the effective date of child care assistance will be no earlier than the effective date of family investment program benefits, 30 days before the date of application for child care assistance, or the date the need for service began, whichever is the latest.

(3) For a family with protective service needs, the effective date of assistance will be the date the family signs the Application for All Social Services form.

(4) When child care services are provided under a court order, the effective date of assistance will be the date specified in the court order or the date of the court order if no date is specified.

(5) For a family whose application was denied for failure to provide requested information but who provides all information necessary to determine eligibility, including verification of all changes in circumstances, within 14 days of the denial, the effective date of assistance will be the date that all information required to establish eligibility is provided. If the fourteenth calendar day falls on a weekend or state holiday, the family will have until the next business day to provide the information.

170.3(4) *Waiting lists for child care services.*

a. When the department has determined that there may be insufficient funding, applications for child care assistance will be taken only for the priority groups for which funds have been determined available according to subrule 170.2(3).

b. When the department determines that there is adequate funding, the department will notify the public regarding the availability of funds.

170.3(5) *Review and redetermination.* The department will redetermine a family's financial and general eligibility for child care assistance no sooner than 12 months following the initial determination or most recent redetermination.

a. The department will use information gathered on the Child Care Assistance Review form to redetermine eligibility, except when the family is not required to complete a review form as provided in paragraph 170.3(5)*"b."*

(1) If the family does not return a complete review form to the department by the end of the certification period, the family must reapply for benefits, except as provided in paragraph 170.3(6)*"a."* A returned Child Care Assistance Review form is complete when all items are answered, the form is signed and dated by the applicant, and is accompanied by all verification needed to determine continued eligibility.

(2) The department will redetermine only general eligibility for recipients eligible under paragraph 170.2(1)*"b."*

(3) If eligibility under paragraph 170.2(1)*"b"* ends, the department will redetermine financial and general eligibility for child care assistance. The redetermination of eligibility will be completed within 30 days.

b. Families who have children with protective needs, licensed foster parents who need child care for foster children, and families who are receiving child care assistance because the parent is participating in activities under the PROMISE JOBS program are not required to complete the Child Care Assistance Review form. The department will gather information needed to redetermine general eligibility. If the department needs information from the family, the department will send a written request to the family. If the family does not return the requested information by the due date, the family must reapply for child care assistance, except as provided in paragraph 170.3(6)*"a."*

170.3(6) *Reinstatement.* Assistance will be reinstated without a new application when all necessary information is provided before the effective date of expiration or cancellation and eligibility can be reestablished. If there is a change in circumstances, the change must be verified before the case will be reinstated.

a. Grace period. Assistance will be reinstated without a new application when all information necessary to determine eligibility, including verification of all changes in circumstances, is provided within 14 calendar days of the effective date of expiration or cancellation and eligibility can be reestablished. If the fourteenth calendar day falls on a weekend or state holiday, the family will have until the next business day to provide the information. The effective date of child care assistance will be the date that all information required to establish eligibility is provided.

b. Denial. Child care assistance will be denied when the department determines that:

(1) The client is not in need of service;

(2) The client is not financially eligible;

(3) There is another resource available to provide the service or a similar service free of charge that allows parents to select from the full range of eligible providers;

(4) Funding is not available;

(5) An application is required and the client or representative refuses or fails to sign the application form;

(6) The client refuses or fails to supply information or verification requested or to request assistance and authorize the department to secure the required information or verification from other sources. Signing a general authorization for release of information to the department does not meet this responsibility; or

(7) The client fails to cooperate with a quality control review or with an investigation conducted by the department of inspections, appeals, and licensing.

c. Termination. Child care assistance may be terminated when the department determines that:

(1) The client no longer meets the eligibility criteria in subrule 170.2(2);

(2) The client's income exceeds the financial guidelines;

(3) Another resource is available to provide the service or a similar service free of charge that allows parents to select from the full range of eligible providers;

(4) Funding is not available;

(5) The client makes a false or misleading statement, misrepresents, conceals, or withholds facts;

(6) The client refuses or fails to supply information or verification requested or to request assistance and authorize the department to secure the required information or verification from other sources; or

(7) The client fails to cooperate with a quality control review or with an investigation conducted by the department of inspections, appeals, and licensing.

441—170.4(237A) Elements of service provision.

170.4(1) *Fees.* Fees for services received will be charged to clients according to the schedules in this subrule, except that fees will not be charged to clients receiving services without regard to income.

a. Sliding fee schedule.

(1) For families whose eligibility is established in subparagraphs 170.2(1)*"a"*(1) and *"a"*(2), the child care assistance and child care assistance plus programs fee schedule, dated July 2026, found on the department's website is effective for eligibility determinations made on or after July 1, 2026. The fee is a per-unit charge that is applied to the child in the family who receives the largest number of units of service. The fee will be charged for only one child in the family, regardless of how many children receive assistance.

(2) For families whose eligibility is established in subparagraph 170.2(1)*"a"*(3), the child care assistance exit program fee schedule, dated July 2026, found on the department's website is effective for eligibility determinations made on or after July 1, 2026. The fee is a percentage of the cost of child care for each child in the family who receives service.

b. Collection. The provider will collect fees from clients and maintain records of fees collected. These records will be available for audit by the department.

c. Inability of client to pay fees. Child care assistance may be continued without a fee, or with a reduced fee, when a client reports in writing the inability to pay the assessed fee due to the existence of one or more of the conditions set forth below. Before reducing the fee, the department will assess the case to verify that the condition exists and to determine whether a reduced fee can be charged. The reduced fee will then be charged for the remainder of the certification period. Reduced fees may be justified by:

(1) Extensive medical bills for which there is no payment through insurance coverage or other assistance.

(2) Shelter costs that exceed 30 percent of the household income.

(3) Utility costs not including the cost of a telephone that exceed 15 percent of the household income.

170.4(2) *Method of provision.* Parents shall be allowed to exercise their choice for in-home care, except when the parent meets the need for service under subparagraph 170.2(2)*"d"*(3), as long as the conditions in paragraph 170.4(7)*"d"* are met. When the child meets the need for service under subparagraph 170.2(2)*"d"*(3), parents shall be allowed to exercise their choice of licensed, registered, or non-registered child care provider, except when the department determines it is not in the best interest of the child. The provider must meet one of the applicable requirements set forth in this subrule.

a. Licensed child care center. A child care center shall be licensed by the department to meet the requirements set forth in 441—Chapter 109 and shall have a current Certificate of License form.

b. Registered child development home. A child development home shall meet the requirements for registration set forth in 441—Chapter 110 and shall have a current Certificate of Child Care Home Registration form.

c. Non-registered child care home. A non-registered child care home shall have an approved Payment Application form and a current Child Care Assistance Provider Agreement with the department. Non-registered child care homes are required to meet minimum health and safety standards as set forth in 441—Chapter 110.

d. In-home care. In-home providers who provide care for the child in the family home must sign the Payment Application for Non-registered Providers and Child Care Assistance Provider Agreement forms. In-home providers must meet the following components as set forth in:

(1) 441—paragraph 110.10(1)*"a,"* professional development for preservice training;

(2) 441—paragraph 110.10(1)*"b,"* professional development for mandatory reporting of child abuse;

(3) 441—paragraph 110.10(1)*"c,"* professional development for first-aid and cardiopulmonary resuscitation (CPR) training; and

(4) 441—subrule 110.11(3), record checks.

e. Out-of-state provider. A child care provider who is not located in Iowa may be selected by the parent so long as the out-of-state child care provider verifies that the provider meets the licensing requirements to be a provider in the state in which the provider operates.

170.4(3) *Components of service program.* Every child eligible for child care services will receive supervision, food services, and programs and activities, and may receive transportation.

170.4(4) *Payment.* The department will make payment for child care provided to an eligible family when the family reports their choice of provider to the department and the provider has an approved Child Care Assistance Provider Agreement form on file.

a. Rate of payment. The rate of payment for child care services, except for in-home care, which will be paid in accordance with paragraph 170.4(4)*"d,"* will be the actual rate charged by the provider for a private individual, not to exceed the maximum rates applicable to the provider type and age group as shown below.

(1) Half-day rates are calculated by dividing the provider's weekly rate from the Child Care Assistance Provider Agreement form by five to get the daily rate and then dividing this daily amount by two to get the half-day rate.

(2) To be eligible for the special-needs rate, the parent must submit documentation to the department that the child needing services has been assessed by a qualified professional and meets the definition for a "special needs child," and the provider must submit documentation to the department of the support being provided based on the description of the child's special needs, including adaptive equipment, more careful supervision, or special staff training.

Table 1
Half-Day Rate Ceilings for (Licensed Center)

	No Quality Rating		Quality Rating 1 or 2		Quality Rating 3 or 4		Quality Rating 5	
Age Group	Basic	Special Needs	Basic	Special Needs	Basic	Special Needs	Basic	Special Needs
Infant and Toddler	$25.66	$51.94	$25.66	$51.94	$25.66	$51.94	$27.00	$51.94
Preschool	$19.50	$30.43	$20.25	$30.43	$21.50	$30.43	$22.97	$30.43
School Age	$16.50	$30.34	$17.10	$30.34	$17.50	$30.34	$18.50	$30.34

Table 2
Half-Day Rate Ceilings for (Child Development Home A/B)

	No Quality Rating		Quality Rating 1 or 2		Quality Rating 3 or 4		Quality Rating 5	
Age Group	Basic	Special Needs	Basic	Special Needs	Basic	Special Needs	Basic	Special Needs
Infant and Toddler	$16.63	$24.95	$16.63	$24.95	$16.63	$24.95	$17.50	$26.25
Preschool	$15.00	$22.50	$15.50	$23.25	$16.00	$24.00	$17.00	$25.50
School Age	$15.00	$22.50	$15.25	$22.88	$15.50	$23.25	$15.75	$23.63

Table 3
Half-Day Rate Ceilings for (Child Development Home C)

	No Quality Rating		Quality Rating 1 or 2		Quality Rating 3 or 4		Quality Rating 5	
Age Group	Basic	Special Needs	Basic	Special Needs	Basic	Special Needs	Basic	Special Needs
Infant and Toddler	$18.00	$27.00	$18.00	$27.00	$18.00	$27.00	$18.50	$27.75
Preschool	$16.28	$24.42	$17.00	$25.50	$17.50	$26.25	$18.50	$27.75

School Age	$15.00	$22.50	$15.75	$23.63	$16.44	$24.66	$17.50	$26.25

Table 4
Half-Day Rate Ceilings for Child Care Home (Not Registered)

Age Group	Basic	Special Needs
Infant and Toddler	$16.63	$24.95
Preschool	$15.00	$22.50
School Age	$15.00	$22.50

b. The following definitions apply in the use of the rate tables:

(1) "Licensed center" means those providers as detailed in 170.4(2)*"a."*

(2) "Child development home A/B" or "child development home C" means those providers as defined in paragraph 170.4(2)*"b."*

(3) Under age group, "infant and toddler" means age two weeks to three years.

(4) "Preschool" means three years to school age.

(5) "School age" means a child in attendance in full-day or half-day classes.

(6) A child care facility that is rated under the quality rating system will be paid according to the corresponding quality rating payment level in the tables above only during the period the rating is valid as defined in 441—Chapter 118. If the child care facility does not have a quality rating or its quality rating expires, the child care facility will be paid according to the "no quality rating" payment level. A child care facility whose quality rating has expired will not receive backdated payments once a new rating is awarded.

(7) For a child care facility rated "quality rating 5," if a renewal application is received before the current rating period expires, the child care facility will continue to be paid according to the "quality rating 5" payment level until a decision is made on the IQ4K application.

c. Payment for days of absence. Payment may be made to a child care provider for an individual child not in attendance at a child care facility or home not to exceed four days per calendar month providing that the child is regularly scheduled on those days and the provider also charges a private individual for days of absence.

d. Payment for in-home care. Payment may be made for in-home care when there are three or more children in a family who require child care services. The rate of payment for in-home care will be the state's minimum wage amount.

e. Limitations on payment. Payment will not be made for therapeutic services that are provided in the care setting and include but are not limited to services such as speech, hearing, physical and other therapies; individual or group counseling; therapeutic recreation; and crisis intervention. Payment will not be made for educational services that are provided in the care setting and include but are not limited to services such as private tutoring and homeschool instruction.

f. Review of the calculation of the rate of payment. Maximum rate ceilings cannot be appealed. A provider who is in disagreement with the calculation of the half-day rate as set forth in paragraph 170.4(4)*"a"* may request a review within 15 calendar days of notification of the rate in question. The department will provide a written response within 15 calendar days of receipt of the request for review.

g. Submission of claims. The department will issue payment when the provider submits correctly completed documentation of attendance and charges. The department will pay for no more than the number of units of service authorized in the notice of decision issued.

(1) Providers shall submit documentation of attendance and charges within six months of the care being provided. Submission of claims older than six months are subject to special review and may be rejected.

(2) The provider shall keep the attendance records for a period of five years after the billing date.

(3) Providers shall submit a claim in one of the following ways:

1. Using the Child Care Assistance Billing/Attendance form, or

2. Using an electronic request for payment submitted through the provider portal or other approved child care management system. Providers using an electronic method shall ensure attendance records

include the child's name, the dates, the daily time in and time out entries for days the child was in care, and the signature of the parent or other designee certifying the attendance is accurate.

441—170.5(237A) Adverse actions.

170.5(1) *Provider agreement.* The department may refuse to enter into or may revoke a child care assistance provider agreement if any of the following occur:

a. The department finds the provider is not following the minimum health and safety regulatory requirements as set forth in 441—Chapters 109 and 110.

b. The provider has submitted claims for payment for which the provider is not entitled.

c. The provider fails to cooperate with an investigation conducted by the department of inspections, appeals, and licensing to determine whether information the provider supplied to the department regarding payment for child care services is complete and correct. Once the agreement is revoked for failure to cooperate, the department will not enter into a new agreement with the provider until cooperation occurs.

d. The provider does not meet one of the applicable requirements set forth in subrule 170.4(2).

e. The provider fails to comply with any of the terms and conditions of the department.

f. An overpayment of funds with a balance of $3,000 or more exists for a provider and that provider fails to enter into a repayment agreement with the department of inspections, appeals, and licensing or does not make payments according to the repayment agreement on file.

170.5(2) *Provider agreement sanction.* If the provider agreement is terminated for any of the reasons in subrule 170.5(1), the agreement will remain terminated for the time periods set forth below:

a. The first time the agreement is terminated, the provider may reapply for another agreement at any time.

b. The second time the agreement is terminated, the provider cannot reapply for another agreement for 12 months from the effective date of termination.

c. The third or subsequent time the agreement is terminated, the provider cannot reapply for another agreement for 36 months from the effective date of termination.

d. The department will not act on an application for a child care assistance provider agreement submitted by a provider during the sanction period.

e. The department is not required to approve an application submitted by a provider following the sanction period. When the provider has an overpayment on record, evidence of an active payment agreement and payments made will be taken into consideration.

170.5(3) *Client child care assistance benefits sanction.* If child care assistance is terminated for any of the reasons in subparagraphs 170.3(6)*"c"*(5) through *"c"*(7), the case will remain terminated for the time periods set forth below:

a. The first time the case is terminated, the client may submit a new application for assistance at any time.

b. The second time the case is terminated, the client cannot reapply for 12 months from the effective date of termination.

c. The third time the case is terminated, the client cannot reapply for 36 months from the effective date of termination.

d. The department will not act on an application for child care assistance submitted by a client during the sanction period.

e. The department is not required to approve an application submitted by a client following the sanction period. When the client has an overpayment on record, evidence of an active payment agreement and payments made will be taken into consideration.

441—170.6(237A) Appeals. Notice of adverse action will be given in accordance with 441—Chapter 16. The right to appeal will be given in accordance with 441—Chapter 2506.

441—170.7(237A) Provider fraud.

170.7(1) *Fraud.* The department will consider a child care provider to have committed fraud when an intentional program violation results in:

a. The department of inspections, appeals, and licensing finds in an administrative or judicial proceeding a provider to have obtained child care assistance payment(s) for which the provider was not eligible in an amount in excess of $1,000; or

b. The provider has agreed to entry of a civil judgment or judgment by confession that includes a conclusion of law that the provider has obtained child care assistance payment in an amount in excess of $1,000 for which the provider was not eligible.

170.7(2) *Potential provider sanctions.* Potential sanctions are set forth in Iowa Code section 237A.29.

170.7(3) *Factors considered in determining level of sanction.* The department will consider factors in determining the sanction(s) to be imposed according to Iowa Code section 237A.29(2)*"c."*

170.7(4) *Mitigating factors.* If the sanction determined according to subrule 170.7(2) is suspension from or ineligibility for receipt of child care assistance payment, the department will determine whether it is appropriate to reduce the level of a sanction for the particular case, considering:

a. Prior provision of provider education.

b. Provider willingness to obey program rules.

c. A lesser sanction will be sufficient to resolve the violation.

441—170.8(237A) Client fraud.

170.8(1) *Program violation.* An individual who is found by the department of inspections, appeals, and licensing in an administrative proceeding, or by a court in a judicial proceeding, to have committed an intentional program violation or has agreed to entry of a civil judgment or judgment by confession that includes a conclusion of law that the individual has committed an intentional program violation, is disqualified from receiving the child care assistance benefits. If an individual is found to have committed an intentional program violation, a sanction must be imposed on the individual found to have committed the intentional program violation and the household as set forth in 45 CFR Section 98.68(b)(2) as amended to August 1, 2026. The sanction will be determined by the department after the administrative or judicial proceeding or without a hearing if the individual waives the right to a hearing by agreement to entry of a civil judgment or judgment by confession.

170.8(2) *Potential client sanctions resulting from fraud.* The period of disqualification is:

a. For a first violation, the individual is disqualified for one year;

b. For a second violation, the individual is disqualified for two years; and

c. For a third violation, the individual is permanently disqualified.

441—170.9(237A) Child care assistance overpayments. All child care assistance overpayments will be subject to recoupment.

170.9(1) *Notification and appeals.* All clients or providers will be notified when it is determined that an overpayment exists. Notification will include the amount of, date of, and reason for the overpayment. The department will provide additional information regarding the computation of the overpayment upon the client's or provider's request. The client or provider may appeal the computation of the overpayment and any action to recover the overpayment in accordance with 441—Chapter 2506.

170.9(2) *Determination of overpayments.* All overpayments due to client, provider, or department error or due to benefits or payments issued pending an appeal decision will be recouped. Recoupment of overpayments resulting from benefits or payments issued pending a decision on an appeal hearing will not occur until after a final appeal decision is issued and the department prevails. Overpayments will be computed as if the information had been acted upon timely.

170.9(3) *Failure to cooperate.* Failure by the client to cooperate in the investigation of alleged overpayments will result in ineligibility for the months in question and the overpayment will be the total amount of assistance received during those months. Failure by the provider to cooperate in the investigation of alleged overpayments will result in payments being recouped for the months in question.

170.9(4) *Payment agreement.* The client or provider may choose to make a lump-sum payment or make periodic installment payments as agreed to with the department. Failure to negotiate an approved payment agreement may result in further collection action.

170.9(5) *Procedures for recoupment.*

a. When the department determines that an overpayment exists, the department will submit the case to the department of inspections, appeals, and licensing for investigation, recoupment, or referral for possible prosecution.

b. The department of inspections, appeals, and licensing will initiate recoupment by notifying the debtor of the overpayment.

c. When financial circumstances change, the department of inspections, appeals, and licensing has the authority to revise the recoupment plan.

d. Recoupment for overpayments due to client error or due to department error that affected eligibility will be made from the parent who received child care assistance at the time the overpayment occurred. When two parents were in the home at the time the overpayment occurred, both parents are equally responsible for repayment of the overpayment.

e. Recoupment for overpayments due to provider error or due to department error that affected benefits will be made from the provider.

f. Recoupment for overpayments caused by both the provider and client will be collected from both the provider and client equally.

170.9(6) *Suspension and waiver.* Recoupment will be suspended on non-fraud overpayments when the amount of the overpayment is less than $35. Recoupment will be waived on non-fraud overpayments of less than $35 that have been held in suspense for three years.

These rules are intended to implement Iowa Code sections 237A.13, 237A.14, and 237A.29.

[Filed 11/4/26, effective 1/1/27]
[Published 11/25/26]

EDITOR'S NOTE: For replacement pages for IAC, see IAC Supplement 11/25/26.

ARC 0774D

HUMAN SERVICES DEPARTMENT[441]

Adopted and Filed

Rulemaking related to dependent adult abuse

The Department of Health and Human Services hereby rescinds Chapter 176, "Dependent Adult Abuse," Iowa Administrative Code, and adopts a new Chapter 176 with the same title.

Legal Authority for Rulemaking

This rulemaking is adopted under the authority provided in Iowa Code section 218.4 and chapter 235B.

State or Federal Law Implemented

This rulemaking implements, in whole or in part, Iowa Code chapters 218 and 235B.

Purpose and Summary

This chapter was reviewed under Executive Order 10. As a result, duplicative terms were removed, restrictive terms were reduced, and the rules were streamlined and updated to reflect current practices. This chapter outlines the ways that dependent adult abuse reports can be received, describes the investigative process, and sets forth rules for responding to an allegation of dependent adult abuse.

Public Comment and Changes to Rulemaking

Notice of Intended Action for this rulemaking was published in the Iowa Administrative Bulletin on September 16, 2026, as **ARC 0564D**. Public hearings were held on the following date:

- October 6, 2026

No one attended the public hearings. No public comments were received. No changes from the Notice have been made.

Adoption of Rulemaking

This rulemaking was adopted by the Department on October 23, 2026.

Fiscal Impact

This rulemaking has no fiscal impact to the State of Iowa.

Jobs Impact

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

Waivers

Any person who believes that the application of the discretionary provisions of this rulemaking would result in hardship or injustice to that person may petition the Department for a waiver of the discretionary provisions, if any, pursuant to 441—Chapter 2504.

Review by Administrative Rules Review Committee

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

Effective Date

This rulemaking will become effective on January 1, 2027.

The following rulemaking action is adopted:

ITEM 1. Rescind 441—Chapter 176 and adopt the following **new** chapter in lieu thereof:

CHAPTER 176
DEPENDENT ADULT ABUSE

441—176.1(235B) Definitions.

"Assault" means the same as defined in Iowa Code section 708.1.

"At-risk adult" means a dependent adult whose personal health or safety is at risk due to impairments, the environment, a substance use disorder, a lack of services or social supports, a refusal to accept services, or other risk factors identified through an assessment.

"Caretaker" means the same as set forth in Iowa Code section 235B.2.

"Collateral sources" means any agency or person who is providing, either in a professional or paraprofessional capacity, service to the dependent adult, including but not limited to doctors, counselors, and public health nurses.

"Denial of critical care" exists when the dependent adult's basic needs are denied or ignored to such an extent that there is imminent danger of the dependent adult suffering injury or death.

"Dependent adult" means the same as set forth in Iowa Code section 235B.2.

"Dependent adult abuse" means the same as set forth in Iowa Code section 235B.2.

"Expungement" means the process of permanently deleting electronic and printed materials regarding dependent adult abuse information in compliance with Iowa Code section 235B.9.

"Finding" means the department's determination, following an investigation, of whether dependent adult abuse or self-neglect occurred.

"Immediately" means within 24 hours when referring to mandatory reporters reporting suspected abuse of a dependent adult.

"Imminent" means occurring or likely to occur soon.

"Investigation" means the process of examining and gathering information about an allegation of dependent adult abuse to determine if the circumstances of the allegation meet the standards of evidence for a finding.

"Investigative summary" means the written documentation of an investigation that summarizes the information gathered, including all actions taken or contemplated, the analysis of the evidence, and the finding of whether dependent adult abuse or self-neglect occurred.

"Multidisciplinary team" means a membership of individuals who possess knowledge and skills related to the diagnosis, assessment, and disposition of dependent adult abuse cases and who are professionals practicing in the disciplines of medicine, public health, social work, law, law enforcement and other disciplines relative to dependent adults.

"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 to the extent that the tissue cannot 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, or physical injury that is at variance with the history given of it.

"Registry" means the central registry for dependent adult abuse information established in Iowa Code section 235B.5.

"Report" means a verbal or written statement, made to the department, that alleges that dependent adult abuse has occurred.

441—176.2(235B) Denial of critical care. A finding of denial of critical care shall be made only when the caretaker or dependent adult had the financial ability to obtain the necessary critical care need or when financial or other reasonable means were offered and the caretaker or dependent adult refused or failed to utilize them. It includes the failure, by the act or omission on the part of the caretaker or the dependent adult, to provide minimum food, shelter, clothing, supervision, physical care, mental health care, or other care necessary to maintain the dependent adult's health and welfare when financially able to do so or when offered financial or other reasonable means to do so.

441—176.3(235B) Appropriate report. Upon receipt of a dependent adult abuse report, the department will conduct an intake sufficient to determine whether the allegation meets criteria and constitutes a report of dependent adult abuse as defined in Iowa Code section 235B.2.

176.3(1) Abuse reports. Dependent adult abuse reports will be investigated when all of the following criteria are alleged to be met:

a. There is a reasonable belief the person is a dependent adult.

b. Dependent adult abuse as defined in Iowa Code section 235B.2 is suspected.

c. The alleged person responsible is:

(1) A caretaker in reports of physical injury, assault, unreasonable confinement or cruel punishment of a dependent adult; commission of a sexual offense; exploitation; personal degradation; and deprivation of food, shelter, clothing, supervision, physical or mental health care and other care necessary to maintain life or health.

(2) The dependent adult in reports of deprivation of food, shelter, clothing, supervision, physical or mental health care and other care necessary to maintain life or health due to the adult's own acts or omissions pursuant to Iowa Code section 235B.2(5)*"a."*

176.3(2) Nondependent adult abuse situations. In addition to the circumstances established in Iowa Code section 235B.2(5)*"b,"* the following are also not dependent adult abuse situations:

a. A report of domestic abuse under Iowa Code chapter 236 does not in and of itself constitute a report of dependent adult abuse.

b. An allegation pertaining to correctional staff as caretakers when the alleged victim is a person legally incarcerated in a penal setting, either in a local jail or confined to the custody of the director of the department of corrections.

176.3(3) Dependent adult acts or omissions. The investigative summary of dependent adult abuse that is the result of the acts or omissions of the dependent adult will be collected and maintained as set forth in Iowa Code section 235B.3(1)*"b."*

176.3(4) Confirmed, not registered finding. Physical abuse, denial of critical care by a caretaker, or personal degradation investigative summaries that would otherwise be founded will be classified as confirmed, not registered if the abuse is determined to be minor, isolated, and unlikely to reoccur. Such investigative summaries will not be included on the registry. Access to confirmed, not registered dependent adult abuse information will be authorized pursuant to Iowa Code section 235B.6(3).

441—176.4(235B) Reporters. As a function of the registry, the department will take reports from mandatory reporters or any other person who believes dependent adult abuse has occurred.

176.4(1) Mandatory reporters shall report suspected abuse of a dependent adult within 24 hours of becoming aware of an abusive incident.

176.4(2) The reporter may use a department-prescribed form or a form developed by the reporter that meets the requirements of Iowa Code section 235B.3.

441—176.5(235B) Reporting procedure.

176.5(1) Each report made may be orally or in writing to the department.

176.5(2) When the person making the report has reason to believe that immediate protection for the dependent adult is advisable, that person will be asked to also make an oral report to an appropriate law enforcement agency.

176.5(3) The department will provide access to all reports alleging dependent adult abuse to the appropriate county attorney.

176.5(4) The report may contain the following information, or as much thereof as the person making the report is able to furnish:

a. The names and home addresses of the dependent adult, appropriate relatives, caretakers, and other persons believed to be responsible for the care of the dependent adult.

b. The dependent adult's present whereabouts if not the same as the address given.

c. The reason the adult is believed to be dependent.

d. The dependent adult's age.

e. The nature and extent of the dependent adult abuse, including evidence of previous dependent adult abuse.

f. Information concerning suspected dependent adult abuse of other dependent adults in the same residence.

g. Other information that the person making the report believes might be helpful in establishing the cause of the abuse or the identity of the person or persons responsible for the abuse, or helpful in providing assistance to the dependent adult.

h. The name and address of the person making the report.

176.5(5) A report will be received whether or not it contains all of the information requested in subrule 176.5(4) and may be made to the department, county attorney, or law enforcement agency. When the report is made to any agency other than the department, that agency shall promptly refer the report to the department.

441—176.6(235B) Duties of the department upon receipt of report.

176.6(1) When a report is received and meets the criteria pursuant to Iowa Code section 235B.2(5)*"a,"* the department will promptly commence an investigation, except that the department of inspections, appeals, and licensing is responsible for the investigation and disposition of a case of dependent adult abuse in a health care facility pursuant to Iowa Code chapter 235E, including hospitals as defined in Iowa Code section 135B.1 and facilities as defined in Iowa Code section 135C.1. The department will forward all reports and other information concerning dependent adult abuse in a health

care facility to the department of inspections, appeals, and licensing on the first working day following the submission of the report.

176.6(2) The investigative summary will include all of the following:

a. Identification of the nature, extent, and cause of the dependent adult abuse, if any, to the dependent adult named in the report.

b. The identity of the person or persons responsible for the dependent adult abuse.

c. An examination of whether other dependent adults in the same residence have been subjected to dependent adult abuse.

d. A critical explanation of all other statutory requirements outlined in Iowa Code chapter 235B.

176.6(3) With the consent of the dependent adult or caretaker, investigations may include a visit to the residence of the dependent adult named in the report and an examination of the dependent adult.

a. If permission to enter the residence and to examine the dependent adult is refused, the district court, upon a showing of probable cause that a dependent adult has been abused, may authorize a person, authorized by the department, to enter the residence of and to examine the dependent adult.

b. Upon a showing of probable cause that a dependent adult has been financially exploited, a court may authorize a person, also authorized by the department, to gain access to the financial records that the department reasonably believes are related to the resources of the dependent adult.

176.6(4) Completion of investigation. Upon completion of the investigation, the department will complete a written investigative summary that describes its findings and includes all actions taken or contemplated.

a. The department will complete its investigative summary within 20 business days of the receipt of the reported abuse allegations unless an extension of time for good cause is granted. The department may grant an extension for a maximum of 30 business days. No more than three extensions will be granted.

b. Upon completion of an investigation, the department will enter its investigative summary into the electronic dependent adult reporting and evaluation system (DARES).

176.6(5) Investigative summary to county attorney. The department will provide access to the investigative summary to the appropriate county attorney.

176.6(6) During the investigation, the department will complete an assessment of services needed by a dependent adult believed to be the victim of abuse, the dependent adult's family, or a caretaker. The department will explain that the department does not have independent legal authority to compel the acceptance of protective services. Upon voluntary acceptance of the offer of services, the department will make referrals or may provide necessary protective services to eligible dependent adults, family members, and caretakers.

176.6(7) Notification of licensing authority. Based on information discovered during an investigation of dependent adult abuse in a program providing care to a dependent adult as authorized pursuant to Iowa Code section 235B.6(2)*"c"* and for the purpose of assuring safety and mitigating risk to dependent adults, the department will notify the licensing or accrediting authority for the program, the governing body of the program, and the administrator in charge of the program of any of the following occurs:

a. A violation of program policy noted in the investigation.

b. An instance in which program policy or lack of program policy may have contributed to the dependent adult abuse.

c. An instance in which general practice in the program appears to differ from the program's policy.

176.6(8) Services by other agencies. The department may approve agencies considered capable and appropriate to provide services during the course of an investigation to dependent adults who are suspected of being abused or neglected.

a. The department may make a referral to an approved agency to provide services to a dependent adult who is suspected of being abused or neglected in conjunction with an abuse investigation on the dependent adult.

b. The department may use information obtained during services provided by the approved agency in the abuse investigation. The department has complete authority in determining the conclusions of the abuse investigation.

176.6(9) Assessment of dependency and risk. During a dependent adult abuse investigation, the department will complete an assessment of the adult pursuant to Iowa Code section 235B.16A(2). The department will assess:

a. The adult's dependency,

b. The risk to the adult's health or safety, and

c. The areas in which the adult is either dependent or independent.

176.6(10) Follow up for at-risk adults. When it has not been possible or necessary to obtain a court order for services to an at-risk adult, the department will attempt to empower the at-risk adult to agree to accept services or to participate in developing a plan to mitigate risk and safety on a form prescribed by the department. If the at-risk adult refuses to develop a plan to mitigate risk and safety or to accept recommended services, the department will provide periodic visits at the conclusion of the investigation. Periodic visits will be conducted with the at-risk adult. The department has no authority to share information or obtain information with any other individuals during the course of periodic visits. Periodic visits should not be used as a means to continue gathering investigation information.

a. Purpose. The purpose of the periodic visits will be to:

(1) Assess the at-risk adult for increased risk or impairment,

(2) Monitor the at-risk adult's situation to determine the feasibility of intervening with protective services, and

(3) Empower the at-risk adult to accept recommended services or to engage in developing a plan to mitigate risk and safety.

b. Exemption. If it has been determined there is a physical threat to the safety of the department employee who is attempting to visit an at-risk adult, the department will not attempt a periodic visit unless the physical threat to safety has been removed.

c. Considerations to continue periodic visits from one month to the next. Periodic visits will continue if:

(1) The at-risk adult's health or safety has deteriorated somewhat but not to the point that a court order is necessary; or

(2) The at-risk adult's health or safety has remained the same and there is a possibility the at-risk adult may in the future agree to services or participate in developing a plan to mitigate risk and safety.

d. Criteria to end periodic visits. Periodic visits will be terminated when:

(1) The at-risk adult agrees to services and services are arranged;

(2) The at-risk adult agrees to the development of a plan to mitigate risk and safety;

(3) The at-risk adult's health or safety has deteriorated to the point that the department has requested court action;

(4) A new allegation of abuse is accepted; or

(5) The at-risk adult's health or safety has not changed for three months after the conclusion of the investigation and there appears no possibility the adult will ever agree to services.

441—176.7(235B) Investigation.

176.7(1) After receipt of a report alleging dependent adult abuse that meets criteria as outlined in subrule 176.3(1), a dependent adult abuse investigation will be initiated and will be assigned to a department employee. The department will make an effort to observe and examine the dependent adult and evaluate the dependent adult's safety.

a. When report information indicates an immediate risk of death, immediate risk of serious or irreparable harm, or immediate risk of significant loss of income, assets, or resources to the dependent adult, the initial response will occur no later than 24 hours after receipt of a report of dependent adult abuse.

b. When report information does not indicate an immediate risk of death, serious or irreparable harm, or significant loss of income, assets, or resources, the initial response will occur no later than 72 hours after receipt of a report of dependent adult abuse.

c. When reasonable efforts have been made to observe the adult subject within the specified time frames and the department has established that there is no need to observe and no risk to the adult subject, the observation of the adult subject may be delayed or waived with supervisory approval.

176.7(2) After receipt of the report alleging dependent adult abuse, the department employee will conduct an investigation to determine whether the information as reported, other known information, and any information gathered as a result of the worker's contact with collateral sources or other collateral contacts would tend to corroborate the alleged abuse.

176.7(3) If, following acceptance of a report, information obtained during initial case activity establishes that the report was accepted on materially inaccurate reported facts and does not fall within the scope of Iowa Code chapter 235B, the department employee may, with department approval, terminate the investigation and submit the investigative summary. In such cases, completion of assessments required under Iowa Code section 235B.16A is not required.

441—176.8(235B) Registry records. Registry records will be kept in the name of the dependent adult and cross-referenced in the name of the alleged person responsible (if applicable).

441—176.9(235B) Dependent adult abuse information disseminated.

176.9(1) *Requests for information.* Written requests for dependent adult abuse information by the subject of a report may be submitted to the county office of the department on the department-prescribed forms.

a. Oral requests for dependent adult abuse information may be made to the county office or the registry when the person making the request believes that the information is needed immediately and the person is authorized to access the information, pursuant to the requirements of Iowa Code section 235B.6.

b. If a request is made orally by telephone, a written request shall be filed within 72 hours of the oral request on the department-prescribed form. When an oral request to the county office to obtain dependent adult abuse information is granted by the registry, the county shall document the approval to the registry on the department-prescribed form.

c. All other requests for information shall be made to the registry in writing pursuant to the requirements of Iowa Code section 235B.7.

176.9(2) *Verification of identity.* The county office will verify the identity of the person making the request on the department-prescribed form. Upon verification of the identity of the person making the request, the county office will transmit the request to the registry. The registry will verify the identity of persons making requests for information directly to the registry by telephone, mail, or fax, or in person on the appropriate department-prescribed form.

176.9(3) *Approval of requests.* The department will grant access to dependent adult abuse information as authorized by Iowa Code section 235B.6. Upon approval of any request for dependent adult abuse information authorized by this rule, the department may withhold the name of the person who made the report of dependent adult abuse pursuant to Iowa Code section 22.7(18).

176.9(4) *Requests concerning applicants for employment and employees of health care programs.* A health care program making a request for dependent adult abuse information for the purpose of determining employability, as authorized by Iowa Code section 235B.6(2)*"e"*(6) and *"e"*(7), shall request the information directly from the registry or obtain the information from the single contact repository (SING).

176.9(5) *Requests concerning employees of department facilities.* The department may conduct periodic background checks as needed. The department will inform the hiring authority only upon a finding that the results of a background check have a direct bearing on employability of the person employed. When the personnel office determines that the information has no direct bearing on employability, the hiring authority will be notified that no job-related dependent adult abuse information

is available. If the registry and local office files contain no information, the hiring authority will be so informed.

176.9(6) *Dependent adult abuse information disseminated and redisseminated.* Notwithstanding requests pursuant to Iowa Code section 235B.7, written requests and oral requests are not required for dependent adult abuse information that is disseminated to an employee of the department, a district court, the attorney representing the department as authorized by Iowa Code section 235B.6, or the office of the attorney general.

176.9(7) *Required notification.* The department will make a reasonable attempt to notify dependent adult abuse subjects as described in Iowa Code section 235B.6(2)*"a"* of the outcome of the dependent adult abuse investigation. The department shall subsequently send a written notice to the report subjects that will include information regarding the finding, the confidentiality provisions of Iowa Code sections 235B.6 and 235B.12, and the procedures for correction or expungement and appeal of dependent adult abuse information as provided in Iowa Code section 235B.10.

176.9(8) *Reporter notification.* Following the reporting of suspected dependent adult abuse, the department will inform the mandatory or permissive reporter, orally or by other appropriate means, whether the department commenced an investigation or if the concern was referred to another agency.

176.9(9) *Subjects informed of abuse history.* The department may inform a subject of a dependent adult abuse investigation of a person's abuse history if the department determines at any time that disclosure is necessary for the protection of the dependent adult. A subject may be informed that a person is listed on the child or dependent adult abuse registry as having a finding of founded abuse or is listed on the sex offender registry.

441—176.10(235B) Examination of information. Pursuant to Iowa Code section 235B.10, any person, or that person's attorney, requesting to examine the information in the registry that refers to that person shall be allowed to inspect the information after providing appropriate identification.

441—176.11(235B) Dependent adult abuse information registry. The department will create a central abuse registry for dependent adult abuse information. The registry will collect, retain, and disseminate dependent adult abuse information from DARES as described in Iowa Code section 235B.9.

441—176.12(235B) Multidisciplinary teams.

176.12(1) *Purpose of multidisciplinary teams.* The department will establish multidisciplinary teams for the purpose of assisting the department in assessment, diagnosis, and disposition of reported dependent adult abuse cases. The disposition of a case may include the provision for treatment recommendations and services.

176.12(2) *Execution of team agreement.* When the team is established, the department and all team members shall execute an agreement on a form prescribed by the department.

a. The team will be consulted solely for the purpose of assisting the department in the assessment, diagnosis, and treatment of dependent adult abuse cases.

b. Any team member may cause a dependent adult abuse case to be reviewed if approved by the department.

c. No team members shall redisseminate dependent adult abuse information obtained solely through the multidisciplinary team. This shall not preclude redissemination of information as authorized by Iowa Code section 235B.6 when an individual team member has received information as a result of another authorized access provision of the Iowa Code.

d. The department may consider the recommendation of the team in a specific dependent adult abuse case but will not be bound by the recommendations.

e. Any document produced by the team pertaining to an individual case shall be made a part of the file for the case and shall be subject to all confidentiality provisions of Iowa Code sections 235B.6 and 235B.8.

f. Any written records maintained by the team that identify an individual dependent adult abuse case shall be destroyed when the agreement lapses.

g. Consultation team members shall serve without compensation.

h. Any party to the contract may withdraw with or without cause upon the giving of 30 days' notice.

i. All agreements must include the date on which the agreement will expire.

176.12(3) *Filing of agreement.* Whenever a team is created, a copy of the executed agreement will be kept by the department, in addition to any other requirements placed upon execution of the agreement by the department.

441—176.13(235B) Request for correction or expungement. The department is responsible for correction or expungement of investigative summaries prepared by department staff. The department of inspections, appeals, and licensing is responsible for correction or expungement of investigative summaries prepared by that department's staff.

176.13(1) When a request for correction or expungement pursuant to Iowa Code section 235B.10 is received by the registry, the registry will record the request and promptly forward it to the appropriate area for review. The determinations made will be binding on the registry.

176.13(2) Unless the designated department corrects the information or findings as requested, the designated department shall provide the person making the request with an opportunity for a hearing as provided by 441—Chapter 2506 to correct the information or the findings. The department may defer the hearing until the conclusion of a pending district court case relating to the information or findings.

These rules are intended to implement Iowa Code chapter 235B.

[Filed 10/23/26, effective 1/1/27]
[Published 11/25/26]

EDITOR'S NOTE: For replacement pages for IAC, see IAC Supplement 11/25/26.

ARC 0775D

HUMAN SERVICES DEPARTMENT[441]

Adopted and Filed

Rulemaking related to aftercare services program

The Department of Health and Human Services hereby rescinds Chapter 187, "Aftercare Services Program," Iowa Administrative Code, and adopts a new Chapter 187 with the same title.

Legal Authority for Rulemaking

This rulemaking is adopted under the authority provided in Iowa Code section 234.46.

State or Federal Law Implemented

This rulemaking implements, in whole or in part, Iowa Code section 234.46 and the Foster Care Independence Acts of 1999.

Purpose and Summary

This chapter was reviewed under Executive Order 10. As a result, duplicative terms were removed, restrictive terms were reduced, and the rules were streamlined and updated to reflect current practices.

This chapter outlines the program services and support opportunities available to youth who are transitioning from foster care, the State Training School, or a court-ordered Iowa juvenile detention center to adulthood. The program offers voluntary services and financial benefits to eligible youth up to the age of 23.

Public Comment and Changes to Rulemaking

Notice of Intended Action for this rulemaking was published in the Iowa Administrative Bulletin on September 16, 2026, as **ARC 0566D**. Public hearings were held on the following date:

- October 6, 2026

No one attended the public hearings. No public comments were received. No changes from the Notice have been made.

Adoption of Rulemaking

This rulemaking was adopted by the Department on October 23, 2026.

Fiscal Impact

This rulemaking has no fiscal impact to the State of Iowa.

Jobs Impact

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

Waivers

Any person who believes that the application of the discretionary provisions of this rulemaking would result in hardship or injustice to that person may petition the Department for a waiver of the discretionary provisions, if any, pursuant to 441—Chapter 2504.

Review by Administrative Rules Review Committee

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

Effective Date

This rulemaking will become effective on January 1, 2027.

The following rulemaking action is adopted:

ITEM 1. Rescind 441—Chapter 187 and adopt the following **new** chapter in lieu thereof:

CHAPTER 187
AFTERCARE SERVICES PROGRAM

441—187.1(234) Aftercare services program eligibility requirements. To be eligible for aftercare services, a youth needs to meet the following requirements.

187.1(1) *Residence.* The youth must be a resident of Iowa.

187.1(2) *Age.* The youth must be at least 17 years of age but less than 23 years of age.

187.1(3) *Out-of-home placement experience.*

a. Preservices. The youth must meet eligibility requirements for preservices as described below:

(1) The youth is at least 17 years of age;

(2) The youth is placed in foster care, the state training school, or a court-ordered Iowa juvenile detention center; was adopted from foster care after reaching 16 years of age; or entered a subsidized guardianship arrangement from foster care after reaching 16 years of age; and

(3) The youth has access to funding for preservices provided in contract that has not been fully expended for the contract year.

b. Core services. The youth must meet eligibility requirements for core services as described below:

(1) The youth is 18, 19, or 20 years of age; and

(2) The youth exited foster care, the state training school, or a court-ordered Iowa juvenile detention center:

1. On or after the youth's eighteenth birthday;

2. Between the ages of 17½ and 18 after having been in any combination of foster care, the state training school, or a court-ordered Iowa juvenile detention center for at least one day in at least 6 of the 12 calendar months prior to the youth leaving placement; or

(3) The youth was adopted from foster care on or after the youth's sixteenth birthday; or

(4) The youth entered a subsidized guardianship arrangement from foster care on or after the youth's sixteenth birthday.

c. Extended services. The youth must meet eligibility requirements for extended services as described below:

(1) The youth resides in Iowa;

(2) The youth is 21 or 22 years of age; and

(3) The youth has access to funding for extended services provided in contract that has not been fully expended for the contract year.

d. Definition of foster care. For purposes of this chapter, "foster care" is defined as 24-hour substitute care for a child who is placed away from the child's parents or guardians and for whom the department or juvenile court services has placement and care responsibility through either a court order or voluntary agreement.

(1) A placement may meet this definition of foster care regardless of whether:

1. The placement is licensed and the state or a local agency makes payments for the child's care;

2. Adoption subsidy payments are being made before the finalization of adoption; or

3. There is federal matching of any payments made.

(2) Foster care may include but is not limited to placement in:

1. A foster family home;

2. A foster care group home;

3. An emergency shelter;

4. Supervised apartment living;

5. A preadoptive home;

6. The home of a relative or suitable person; or

7. A psychiatric medical institution for children (PMIC).

187.1(4) *Responsibility.* The youth must:

a. Actively take part in developing and participating in an individual self-sufficiency plan; and

b. Indicate recognition and acceptance of personal responsibility in the transition toward self-sufficiency, which includes meeting with the self-sufficiency advocate regularly and as described in the youth's individual self-sufficiency plan.

441—187.2(234) Services and supports provided. The aftercare services program delivered by a provider contracted by the department shall provide the following services and supports to eligible youth.

187.2(1) *Preservices.* Informational and trust-building activities may be provided to a youth placed out of home who is expected to participate in aftercare services at 18 years of age or older. The department may provide funds; however, funds provided to the youth in preservices will be deducted from available start-up funds in the youth's first year of participation in core services.

187.2(2) *Core services.* Case management services shall be offered to youth at a safe and convenient location. Activities shall include but are not limited to all of the following:

a. Development of an individual self-sufficiency plan based on an assessment of the youth's strengths and needs. Each core services participant shall have a plan to identify:

(1) The youth's goals for achieving self-sufficiency;

(2) The target date for reaching the goals; and

(3) The tasks, responsible parties, time frames, and desired outcomes needed to reach the goals.

b. Services to develop a budget and money management skills training.

c. Services to assist the youth in establishing or reestablishing relationships with significant adults.

d. Services to facilitate the youth's access to community resources.

e. Life skills training, as identified in the youth's individual self-sufficiency plan. Life skills training shall include skills to help the youth in establishing and maintaining safe and stable housing, education goals, employment goals, health and health care coverage, healthy relationships, or other life skills that the youth may need to succeed independently.

f. Additional case management activities necessary for youth to successfully transition to adulthood and as described in the individual self-sufficiency plan.

g. Individual face-to-face contact with the youth at the frequency defined in the youth's individual self-sufficiency plan and according to the youth's changing needs. If a youth is a resident of Iowa but is attending a postsecondary education program in another state, the program administrator or designee shall approve an alternative method for maintaining contact with the youth if or when it is a hardship for the youth to physically be in Iowa.

h. Ongoing assessment, including evaluation and coordination of the services, supports, and life skills training being provided to assist the youth in reaching self-sufficiency goals and to determine if and what progress is being made. The case manager shall amend any goals, outcomes, tasks, responsible parties, and time frames in the plan along with services, supports, and life skills training provided as necessary to assist the youth in achieving self-sufficiency.

187.2(3) *Extended services.* Extended services may be provided to youth, and may include life skills training, periodic check-ins, referrals to needed services, limited payments to youth, or other services determined to be valuable to the youth's development. Funds, limited to an annual per-participant amount identified in the contract, may be provided. Prior to receiving available funds, the youth is required to meet with the advocate and discuss the reason the youth is accessing funds and prior efforts to meet the need. The youth may also be asked to provide documentation of income.

187.2(4) *Start-up allowance.* When a youth between the ages of 17 and 21 is receiving or is expected to receive core services, and is actively participating in the program, the program administrator or designee may authorize and provide payment to a youth as described below:

a. The start-up allowance is intended to assist in covering the initial costs of establishing the youth's living arrangement, such as by paying rental or utility deposits, purchasing food, or purchasing necessary household items.

b. The start-up allowance is limited to amounts designated in the contract.

187.2(5) *Vendor payments.* When a youth qualifies for core services in accordance with subrule 187.3(2), and is actively participating in the program, the program administrator or designee may authorize and provide payment to a youth as described below:

a. To receive a vendor payment, the youth must demonstrate that there are no other means to meet the needs that would be covered by the vendor payment. The youth shall contribute toward the cost of meeting the identified need, to the extent the youth is able. A youth receiving a preparation for adult living (PAL) stipend, preservices, or extended services is not eligible for a vendor payment.

b. Vendor payments may include but are not limited to:

(1) Health care-related expenses;

(2) Transportation assistance;

(3) Costs related to employment and education;

(4) Clothing; and

(5) Room and board.

c. The amount available for a 12-month period of service shall be noted in the contract.

187.2(6) *PAL stipend.* When an eligible youth is actively participating in the program, the eligible youth may receive the PAL program services as described in Iowa Code section 234.46 and as follows:

a. To receive the PAL stipend, the youth must:

(1) Have met eligibility requirements in Iowa Code section 234.46(1) upon reaching the age of 18 and meet eligibility requirements in rule 441—187.1(234).

(2) Have exited foster care, the state training school, or a court-ordered Iowa juvenile detention center as identified by Iowa Code chapter 232 on or after the youth's eighteenth birthday.

(3) Meet one or more of the following criteria:

1. Be enrolled in or actively pursuing enrollment in postsecondary education, a training program, or work training; or

2. Be employed for 80 hours per month or be actively seeking that level of employment; or

3. Be attending an accredited school full-time pursuing a course of study leading to a high school diploma; or

4. Be attending an instructional program leading to a high school equivalency diploma.

b. The maximum monthly stipend shall be provided after completion of the youth's budget. The maximum amounts provided to a youth shall be stated in the contract and based on program eligibility and guidelines, as follows:

(1) The monthly stipend shall be prorated based on the number of days of youth participation for those entering and exiting the program during the month.

(2) When the monthly unearned income of the youth exceeds the overall maximum monthly stipend offered in the preparation for the adult living program, the youth is not eligible for payments unless unused startup funds remain.

(3) When the net earnings of the youth exceed the overall maximum monthly stipend offered in the PAL program, the monthly stipend is reduced by 50 cents for every dollar earned by the youth over the monthly maximum stipend.

(4) All earned and unearned income received by the youth during the 30 days before the determination shall be used to project future income. If the 30-day period is not indicative of future income, income from a longer period or verification of anticipated income from the income source may be used to project future income.

(5) Nonrecurring lump-sum payments are excluded as income. Nonrecurring lump-sum payments can include one-time payments received for such things as income tax refunds, rebates, credits, refunds of security deposits on rental property or utilities, and retroactive payments for past months' benefits such as social security, unemployment insurance, or public assistance.

(6) The youth shall timely report the beginning and ending of earned and unearned income. A report is considered timely when made within ten days from the receipt of income or the date income ended.

(7) When the youth timely reports a change in income, the youth's prospective eligibility and stipend amount for the following month shall be determined based on the change.

(8) Recoupment shall be made for any overpayment due to failure to timely report a change in income or for benefits paid during an administrative appeal if the department's action is ultimately upheld. Recoupment may be made through a reasonable reduction of any future stipends.

(9) Recoupment cannot be made when a youth timely reports a change in income and the change is timely acted upon.

(10) The stipend may be paid to the youth, the foster family, or another payee other than a department employee. The payee shall be agreed upon by the parties involved and specified in the individual self-sufficiency plan.

(11) The maximum stipend may be based on the age of the youth.

187.2(7) *Extended services allowance.* A youth 21 or 22 years of age may receive extended services funds if they meet all of the following criteria:

a. The youth is participating in extended services.

b. A budget discussion has been timely completed by the youth with a self-sufficiency advocate.

c. The need has been identified in the individual self-sufficiency plan.

d. The extended services funds approved for the youth have not exceeded contracted amounts for a six-month period calculated from the date of initiation of extended services.

441—187.3(234) Termination of aftercare services.

187.3(1) A youth may be discharged from the aftercare services program for any of the following reasons:

a. The youth fails to follow individual self-sufficiency plan components and expectations as determined by the program administrator or designee.

b. The youth fails to meet regularly with the self-sufficiency advocate without good cause as determined by the program administrator or designee.

c. The youth voluntarily withdraws from the program.

d. The youth is no longer a resident of Iowa.

e. The youth has entered a residential services program and has resided there for 60 days. "Residential services program" means a program where housing and support services are provided, including but not limited to homeless shelters, habilitation homes or transitional living programs.

f. The youth reaches 23 years of age.

187.3(2) Aftercare services and supports may be terminated for up to six months as determined by the program administrator or designee when a youth intentionally physically threatens or injures program staff or an employee of an aftercare provider agency.

187.3(3) The PAL stipend may be suspended or terminated if the youth fails to meet work or education eligibility requirements for 30 consecutive days without good cause as determined by the program administrator or designee.

187.3(4) The PAL stipend may be suspended or terminated if the youth fails to maintain satisfactory progress as defined by the education or training program in which the youth is enrolled. A youth who is not making satisfactory progress may stay in the PAL program component of the aftercare services program by choosing the work option.

187.3(5) The youth intentionally misrepresents income or expenditures or spends funds in a manner inconsistent with their intended purpose. The program administrator may request receipts or acceptable evidence that funds went to the intended purpose.

187.3(6) There are insufficient funds.

187.3(7) Unless otherwise stated, a youth whose aftercare service is terminated in accordance with this rule may return to the program after a minimum of at least 30 days. However, if the youth has received three or more notices of termination within a 12-month period, the youth cannot return until at least three months have passed from the date of the third notification.

441—187.4(234) Waiting list. The program administrator or designee shall create a waiting list when all funds for the aftercare services program are committed for the fiscal year. Names will be entered on the waiting list on a first-come, first-served basis once the youth is determined eligible.

441—187.5(234) Administration. The department may contract with another state agency or a private organization to perform the administrative and case management functions necessary to administer the aftercare services program.

441—187.6(234) Appeal. Notice of adverse action taken by the department shall be issued in accordance with 441—Chapter 16, and the right to appeal shall be given in accordance with 441—Chapter 2506.

These rules are intended to implement Iowa Code section 234.46 and the Foster Care Independence Act of 1999.

[Filed 10/23/26, effective 1/1/27]
[Published 11/25/26]
EDITOR'S NOTE: For replacement pages for IAC, see IAC Supplement 11/25/26.

ARC 0776D

HUMAN SERVICES DEPARTMENT[441]

Adopted and Filed

Rulemaking related to state unit on aging and area agency on aging

The Department of Health and Human Services hereby amends Chapter 226, "State Unit on Aging Responsibilities," and Chapter 227, "Area Agency on Aging Responsibilities," Iowa Administrative Code.

Legal Authority for Rulemaking

This rulemaking is adopted under the authority provided in Iowa Code chapter 231.

State or Federal Law Implemented

This rulemaking implements, in whole or in part, Iowa Code chapter 231.

Purpose and Summary

This rulemaking makes clarifying updates to two chapters under the purview of the Department's Division of Aging and Disability Services.

Amendments to Chapter 226 create two distinct pathways for approval of amendments to the State Plan on Aging. Current rules for amendments to the State Plan require a public hearing, review by the Council on Health and Human Services, the Governor's signature, and submission to the federal Administration on Aging 45 days before the desired effective date. 45 CFR 1321.31 sets forth that there are two types of State Plan Amendments—those requiring prior approval and those requiring notification to the Assistant Secretary for Aging only. The amendments to Chapter 226 align with federal law by specifically enumerating the two distinct processes.

Similarly, amendments to Chapter 227 remove the requirement that area agencies on aging (AAAs) seek and receive approval from the Department on contracts that are operational in nature, for example, a contract for snow removal services. 45 CFR Part 1321 and guidance from the federal Administration for Community Living both indicate that such contracts do not require prior approval from the Department.

Public Comment and Changes to Rulemaking

Notice of Intended Action for this rulemaking was published in the Iowa Administrative Bulletin on September 30, 2026, as **ARC 0619D**. A public hearing was held on the following date(s):

- October 20, 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 Department on November 4, 2026.

Fiscal Impact

This rulemaking has no fiscal impact to the State of Iowa.

Jobs Impact

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

Waivers

Any person who believes that the application of the discretionary provisions of this rulemaking would result in hardship or injustice to that person may petition the Department for a waiver of the discretionary provisions, if any, pursuant to 441—Chapter 2504.

Review by Administrative Rules Review Committee

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

Effective Date

This rulemaking will become effective on January 1, 2027.

The following rulemaking action is adopted:

ITEM 1. Amend rule 441—226.4(231) as follows:

441—226.4(231) State plan on aging.

226.4(1) *Authority.* As the state unit on aging, the department will develop and administer a state plan on aging ~~or state plan amendment pursuant to the federal Act.~~ and any state plan amendments made pursuant to the federal Act; 45 CFR Parts 1321 and 1324 as amended to October 1, 2025; and Iowa Code chapter 231.

226.4(2) *Multiyear state plan on aging.* The department will develop and submit for approval a two-, three-, or four-year state plan on aging in compliance with the federal Act; 45 CFR 1321 and 1324 as amended to October 1, 2025; Iowa Code chapter 231; and the procedures, ~~and associated~~ instructions, and guidance~~, and direction specified~~ issued by the federal Administration on Aging.

226.4(3) *State plan amendment.* The department may, in its discretion, develop and submit to the federal Administration on Aging ~~for consideration~~ an amendment to the state plan on aging at any time. Each amendment will be processed pursuant to 45 CFR 1321.31 as follows:

a. Amendments requiring approval by the Assistant Secretary for Aging must follow the process outlined in subrule 226.4(4).

b. Amendments requiring notice only are not subject to subrule 226.4(4) unless otherwise required by law.

226.4(4) *State plan on aging and state plan amendment requiring approval review process.* Once the department develops the state plan on aging or state plan amendment requiring prior approval, the department will comply with the following chronological review and comment process:

a. to *d.* No change.

226.4(5) and **226.4(6)** No change.

ITEM 2. Amend subrule 227.10(2) as follows:

227.10(2) *Contracts and commercial relationships.* A contract or agreement between an area agency on aging and an outside entity will not restrict the area agency on aging from contracting with other entities that provide similar services. All contracts and commercial relationships must avoid conflicts of interest as detailed in rule 441—225.3(231).

Notwithstanding the foregoing, 45 CFR Part 1321 as amended to October 1, 2025, and guidance from the federal Administration for Community Living govern operational and maintenance contracts. Such contracts do not require per-event state unit on aging approval beyond area plan budgeting. Each area agency on aging will maintain a file of all current contracts and contracts up to three years. These files will be made available for monitoring and assessment by the department. For the purposes of this subrule, "operational and maintenance contracts" are contracts with for-profit vendors for items

including but not limited to building maintenance; heating, ventilation, and air conditioning (HVAC); information technology (IT) support; fleet repair; janitorial services; and utilities.

~~*a.* Each area agency on aging will maintain a file of all current contracts and contracts up to three years. These files will be made available for monitoring and assessment by the department.~~

~~*b.* Each area agency on aging must request prior approval from the department 30 days prior to signing the contract for any proposed service contracts with for-profit organizations.~~

[Filed 11/4/26, effective 1/1/27]
[Published 11/25/26]
EDITOR'S NOTE: For replacement pages for IAC, see IAC Supplement 11/25/26.

ARC 0784D

PUBLIC HEALTH DEPARTMENT[641]

Adopted and Filed

Rulemaking related to out-of-hospital do-not-resuscitate orders

The Department of Health and Human Services hereby amends Chapter 142, "Out-of-Hospital Do-Not-Resuscitate Orders," Iowa Administrative Code.

Legal Authority for Rulemaking

This rulemaking is adopted under the authority provided in Iowa Code chapter 147A and section 144A.7A.

State or Federal Law Implemented

This rulemaking implements, in whole or in part, Iowa Code chapter 147A and section 144A.7A and 2026 Iowa Acts, House File 2305.

Purpose and Summary

This rulemaking implements 2026 Iowa Acts, House File 2305, by updating the definition of who can serve as an attending provider for the purposes of an out-of-hospital do-not-resuscitate (OOH DNR) order. That legislation changed the definition of "attending physician" to "attending provider," and added licensed advanced registered nurse practitioners in addition to physicians and physician associates.

Public Comment and Changes to Rulemaking

Notice of Intended Action for this rulemaking was published in the Iowa Administrative Bulletin on September 30, 2026, as **ARC 0621D**. A public hearing was held on the following date(s):

- October 20, 2026

No one attended the public hearing. No public comments were received.

One change from the Notice in the preamble has been made. The Department expanded the Purpose and Summary section to provide a better explanation of the rulemaking.

Adoption of Rulemaking

This rulemaking was adopted by the Department on November 4, 2026.

Fiscal Impact

This rulemaking has no fiscal impact to the State of Iowa.

Jobs Impact

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

Waivers

Any person who believes that the application of the discretionary provisions of this rulemaking would result in hardship or injustice to that person may petition the Department for a waiver of the discretionary provisions, if any, pursuant to 441—Chapter 2504.

Review by Administrative Rules Review Committee

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

Effective Date

This rulemaking will become effective on January 1, 2027.

The following rulemaking action is adopted:

ITEM 1. Amend rule **641—142.1(144A)**, definitions of "Attending physician," "Health care provider," "Life-sustaining procedure," "Out-of-hospital do-not-resuscitate order," "Resuscitation" and "Terminal condition," as follows:

"Attending ~~physician~~ provider" means ~~a physician selected by, or assigned to, the patient who has primary responsibility for the treatment and care of the patient~~ the same as defined in Iowa Code section 135J.1.

"Health care provider" means ~~a person, including an emergency medical care provider, who is licensed, certified, or otherwise authorized or permitted by the law of this state to administer health care in the ordinary course of business or in the practice of a profession~~ the same as defined in Iowa Code section 144A.2.

"Life-sustaining procedure" means ~~any medical procedure, treatment, or intervention, including resuscitation, which utilizes mechanical or artificial means to sustain, restore or supplant a spontaneous vital function, and when applied to a patient in a terminal condition, would serve only to prolong the dying process. "Life-sustaining procedure" does not include the provision of nutrition or hydration except when required to be provided parenterally or through intubation or the administration of medication or performance of any medical procedure deemed necessary to provide comfort care or to alleviate pain~~ the same as defined in Iowa Code section 144A.2.

"Out-of-hospital do-not-resuscitate order" or *"OOH DNR order"* means ~~a written order on a form approved by the department, signed by an attending physician, executed in accordance with the requirements of Iowa Code section 144A.7A and issued consistent with Iowa Code section 144A.2, that directs the withholding or withdrawal of resuscitation when an adult patient in a terminal condition is outside the hospital~~ the same as defined in Iowa Code section 144A.2.

"Resuscitation" means ~~any medical intervention that utilizes mechanical or artificial means to sustain, restore, or supplant a spontaneous vital function, including but not limited to chest compression, defibrillation, intubation, and emergency drugs intended to alter cardiac function or otherwise to sustain life~~ the same as defined in Iowa Code section 144A.2.

"Terminal condition" means ~~an incurable or irreversible condition that, without the administration of life-sustaining procedures, will, in the opinion of the attending physician, result in death within a relatively short period of time or a state of permanent unconsciousness from which, to a reasonable degree of medical certainty, there can be no recovery~~ the same as defined in Iowa Code section 144A.2.

ITEM 2. Rescind the definition of "Attending physician associate" in rule **641—142.1(144A)**.

ITEM 3. Amend subrule 142.2(1) as follows:

142.2(1) ~~*OOH DNR physician or physician associate*~~ *Attending provider order.* The department designates the OOH DNR order form contained in Appendix A as the uniform OOH DNR order form

to be used statewide. If an attending ~~physician or attending physician associate~~ provider issues an OOH DNR order for a qualified patient, the ~~physician or physician associate~~ attending provider must use the form contained in Appendix A.

ITEM 4. Amend subrule 142.4(1) as follows:

142.4(1) *Attending ~~physicians or attending physician associates~~ providers who issue OOH DNR orders.* The attending ~~physician or attending physician associate~~ provider should ensure that the following are accomplished:

a. and *b.* No change.

c. If the qualified patient or individual legally authorized to act on the patient's behalf decides that the patient should not be resuscitated, the attending ~~physician or attending physician associate~~ provider may issue the OOH DNR order on the prescribed uniform order form. The order will direct health care providers to withhold or withdraw resuscitation.

d. to *f.* No change.

ITEM 5. Amend rule 641—142.7(144A) as follows:

641—142.7(144A) Transfer of patients. Attending providers shall comply with the provisions of Iowa Code section 144A.8.

~~**142.7(1)** An attending physician or attending physician associate who is unwilling to comply with an OOH DNR order or who is unwilling to comply with the provisions of Iowa Code section 144A.7A shall take all reasonable steps to effect the transfer of the patient to another physician or physician associate.~~

~~**142.7(2)** If the policies of a hospital, nursing home, home health care agency, hospice or other health care organization preclude compliance with the OOH DNR order of a qualified patient, the provider shall take all reasonable steps to effect the transfer of the patient to an organization in which the provisions of Iowa Code section 144A.7A can be carried out.~~

ITEM 6. Amend **641—Chapter 142**, Appendix A, as follows:

APPENDIX A

Iowa Department of Health and Human Services
OUT-OF-HOSPITAL DO-NOT-RESUSCITATE ORDER
(Please type or print)

Date of Order: _____/_____/_____
Patient Information:
Name: (Last)_____(First)_____(Middle)_____
Address: _____(City)_____(Zip)_____
Date of Birth: _____/_____/_____ Sex (Circle): M or F
Name of Hospice or Care Facility (if applicable): _____

Attending ~~Physician or Physician Associate~~ Provider Order

As the attending ~~physician or attending physician associate~~ provider for the above-named patient, I certify that this individual is over 18 years of age and has a terminal diagnosis. After consultation with this patient (or the patient's legal representative), I hereby direct any and all health care providers, including qualified emergency medical services (EMS) personnel, to withhold or withdraw the following life-sustaining procedures in accordance with Iowa law (Iowa Code chapter 142A):

- Cardiopulmonary Resuscitation/Cardiac Compression (Chest Compressions).
- Endotracheal Intubation/Artificial or Mechanical Ventilation (Advance Airway Management).
- Defibrillation and Related Procedures.
- Use of Resuscitation Drugs.

This directive does NOT apply to other medical interventions for comfort care.

_____ _____/_____/_____
Signature of Attending ~~Physician (MD, DO) or Attending Physician Associate~~ Provider **Date**

_____ (_____)_____-_____
Printed Name of Attending ~~Physician or Attending Physician Associate~~ Provider **~~Physician's or Physician Associate's~~ Provider's Telephone (Emergency)**

To the extent that it is possible, a person designated by the patient may revoke this order on the patient's behalf. If the patient wishes to authorize any other person(s) to revoke this order, the patient MUST list those persons' names below:

Name: _____
Name: _____
Name: _____
Name: _____

Patients, please note: Directions for obtaining a uniform identifier are listed on the back of this form. The uniform identifier is the key way the health care provider and/or EMS personnel can quickly recognize that you have an Out-of-Hospital Do-Not-Resuscitate order. If you are not wearing an identifier, the health care provider and/or EMS personnel may not realize that you do not want to be resuscitated.

~~**Physicians or physician associates**~~ **Attending providers, please note:** Information regarding the completion of an Out-of-Hospital Do-Not-Resuscitate order is on the back of this form.

APPENDIX A

Directions for obtaining a uniform identifier:

The uniform identifier may be obtained through MedicAlert®[1], which requires:

1. A completed MedicAlert® application, which is available in physician, ~~or~~ physician associate, or ARNP offices or through MedicAlert® by phoning (800)432-5378 or by visiting the website www.medicalert.org, and submitting the fee.
2. A copy of this completed OOH DNR order, which must accompany the MedicAlert® application or be sent to MedicAlert® prior to the identifier's being mailed.

[1]*MedicAlert® is a nonprofit 501C membership organization.*

Suggested guidelines for ~~physicians or physician associates~~ attending providers:

1. Please review the Iowa Out-of-Hospital Do-Not-Resuscitate order and related protocol with the patient/patient's legal representative(s). The following points may be helpful:

- Patient/patient's legal representative(s) listed on this order must understand the significance of this order, that in the event the patient's heart or breathing stops or malfunctions, the anticipated result of this order is death.
- Patient/patient's legal representative(s) listed on this order may revoke this directive at any time. However, the desire to revoke must be communicated to the EMS or other health care professionals at the scene.
- It is important to emphasize that this order does not apply to medical interventions to make the patient more comfortable.
- The importance of wearing the uniform identifier for those qualified patients who would benefit from the mobility this offers should be stressed. It is also helpful to walk patients through the process they must follow to acquire the identifier.

2. Provide a copy of this order to the patient/patient's legal representative(s) listed on this order and place the original in the patient's medical records.

The OOH DNR Order form is available through the department's website.

ITEM 7. Amend **641—Chapter 142**, Appendix B, as follows:

APPENDIX B

EMS OUT-OF-HOSPITAL DO-NOT-RESUSCITATE PROTOCOL

Purpose: This protocol is intended to avoid unwarranted resuscitation by emergency care providers in the out-of-hospital setting for a *qualified patient*.[1] There must be a valid Out-of-Hospital Do-Not-Resuscitate (OOH DNR) order signed by the qualified patient's attending ~~physician or physician associate~~ provider or the presence of the OOH DNR identifier indicating the existence of a valid OOH DNR order.

No resuscitation: Means withholding any medical intervention that utilizes mechanical or artificial means to sustain, restore, or supplant a spontaneous vital function, including but not limited to:

1. Chest compressions,
2. Defibrillation,
3. Esophageal/tracheal/double-lumen airway; endotracheal intubation, or
4. Emergency drugs to alter cardiac or respiratory function or otherwise sustain life.

Patient criteria: The following patients are recognized as qualified patients to receive no resuscitation:

1. The presence of the uniform OOH DNR order or uniform OOH DNR identifier, or
2. The presence of the attending ~~physician or attending physician associate~~ provider to provide direct verbal orders for care of the patient.

The presence of a signed ~~physician or physician associate~~ attending provider order on a form other than the uniform OOH DNR order form approved by the department may be honored if approved by the service program EMS medical director. However, the immunities provided by law apply only in the presence of the uniform OOH DNR order or uniform OOH DNR identifier. When the uniform OOH DNR order or uniform OOH DNR identifier is not present, contact must be made with on-line medical control and on-line medical control must concur that no resuscitation is appropriate.

Revocation: An OOH DNR order is deemed revoked at any time that a patient, or an individual authorized to act on the patient's behalf as listed on the OOH DNR order, is able to communicate in any manner the intent that the order be revoked. The personal wishes of family members or other individuals who are not authorized in the order to act on the patient's behalf shall not supersede a valid OOH DNR order.

Comfort Care (♥): When a patient has met the criteria for no resuscitation under the foregoing information, the emergency care provider should continue to provide that care which is intended to make the patient comfortable (a.k.a. **♥Comfort Care**). Whether other types of care are indicated will depend upon individual circumstances for which medical control may be contacted by or through the responding ambulance service personnel.

♥Comfort Care *may include but is not limited to:*

1. *Pain medication.*
2. *Fluid therapy.*
3. *Respiratory assistance (oxygen and suctioning).*

[1]*Qualified patient* means an adult patient determined by an attending ~~physician or attending physician associate~~ provider to be in a terminal condition for which the attending ~~physician or attending physician associate~~ provider has issued an Out-of-Hospital DNR order in accordance with the law. (Rule 641—142.1(144A), definitions)

[Filed 11/4/26, effective 1/1/27]
[Published 11/25/26]
EDITOR'S NOTE: For replacement pages for IAC, see IAC Supplement 11/25/26.

ARC 0785D

PUBLIC HEALTH DEPARTMENT[641]

Adopted and Filed

Rulemaking related to perinatal health care and smokefree air

The Department of Health and Human Services hereby amends Chapter 150, "Iowa Regionalized System of Perinatal Health Care," and Chapter 153, "Smokefree Air," Iowa Administrative Code.

Legal Authority for Rulemaking

This rulemaking is adopted under the authority provided in Iowa Code sections 135.11(22) and 142D.8(1).

State or Federal Law Implemented

This rulemaking implements, in whole or in part, Iowa Code chapter 142D and section 135.11(22).

Purpose and Summary

During the 2024 Red Tape Review of Chapter 150, the reverification cycle for hospital level of care designation within the regionalized system of perinatal health care was changed from every three years to every six years. While the term was changed in subrule 150.5(3), the Department inadvertently did not make the corresponding change to the definition of "reverification" in rule 641—150.2(135). This rulemaking corrects that oversight.

During the 2023 Red Tape Review of Chapter 153, the Department deleted the definition of "retail tobacco store" because it was repeated verbatim from Iowa Code chapter 142D. With the definition of "retail tobacco store" deleted, the Department also deleted the definition of "incidental to the sale of tobacco products" because it contained the term "retail tobacco store." The Department's philosophy on Red Tape Reviews has evolved since 2023, and rather than delete a definition that is verbatim from the Iowa Code, the Department would now keep the definition and cite the corresponding Iowa Code section. This rulemaking restores the definition of "retail tobacco store," citing Iowa Code chapter 142D, and restores the definition of "incidental to the sale of tobacco products." Both definitions are critical to the Department's enforcement of the Smokefree Air Act outlined in Iowa Code chapter 142D.

Public Comment and Changes to Rulemaking

Notice of Intended Action for this rulemaking was published in the Iowa Administrative Bulletin on September 30, 2026, as **ARC 0622D**. A public hearing was held on the following date(s):

- October 20, 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 Department on November 4, 2026.

Fiscal Impact

This rulemaking has no fiscal impact to the State of Iowa.

Jobs Impact

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

Waivers

Any person who believes that the application of the discretionary provisions of this rulemaking would result in hardship or injustice to that person may petition the Department for a waiver of the discretionary provisions, if any, pursuant to 441—Chapter 2504.

Review by Administrative Rules Review Committee

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

Effective Date

This rulemaking will become effective on January 1, 2027.

The following rulemaking action is adopted:

ITEM 1. Amend rule **641—150.2(135)**, definition of "Reverification," as follows:

"Reverification" means the process of periodic review, conducted at least every ~~three~~ six years, to certify that a hospital has maintained its designated level of care in accordance with criteria established under these rules for hospitals that are participating in the regionalized system of perinatal health care.

ITEM 2. Adopt the following **new** definitions of "Incidental to the sale of tobacco products" and "Retail tobacco store" in rule **641—153.1(142D)**:

"Incidental to the sale of tobacco products" means that the gross revenue of a retail tobacco store derived from the sale of products other than tobacco products is not more than 20 percent of the retail tobacco store's total gross revenue.

"Retail tobacco store" means the same as defined in Iowa Code chapter 142D.

[Filed 11/4/26, effective 1/1/27]
[Published 11/25/26]

EDITOR'S NOTE: For replacement pages for IAC, see IAC Supplement 11/25/26.

ARC 0786D

PUBLIC HEALTH DEPARTMENT[641]

Adopted and Filed

Rulemaking related to medical cannabidiol program

The Department of Health and Human Services hereby amends Chapter 154, "Medical Cannabidiol Program," Iowa Administrative Code.

Legal Authority for Rulemaking

This rulemaking is adopted under the authority provided in Iowa Code chapter 124E.

State or Federal Law Implemented

This rulemaking implements, in whole or in part, Iowa Code chapter 124E and 2026 Iowa Acts, House File 990.

Purpose and Summary

This rulemaking implements in part 2026 Iowa Acts, House File 990, by removing the residency requirement for patients participating in Iowa's medical cannabidiol program. Previous law required patients served by the program to be permanent residents of the State of Iowa. As a result of eliminating the Iowa residency requirement for participation in the medical cannabidiol program, any otherwise qualified nonresident may apply for registration. The Department anticipates that the change will primarily impact qualified Nebraska residents since Nebraska is the only bordering state that does not currently have an operational medical or adult-use cannabis program. Although Nebraska has taken steps to establish a medical cannabidiol program, implementation has experienced significant delays and setbacks.

In addition, this rulemaking restores language inadvertently removed during the 2023 Red Tape Review process. Prior to the 2023 Red Tape Review, proof of veteran status qualified an applicant for a reduced patient application fee, lowering the fee from $100 to $25. This provision was inadvertently removed during the Red Tape Review process and is being restored. It is important to note that authorization for a lesser fee for veterans does not explicitly appear in Iowa Code chapter 124E; however, this reduced fee provision was previously discussed at a meeting of the Administrative Rules Review Committee (ARRC), and at the time, the ARRC agreed that a reduced fee was important and appropriate for those with veteran status.

Public Comment and Changes to Rulemaking

Notice of Intended Action for this rulemaking was published in the Iowa Administrative Bulletin on September 30, 2026, as **ARC 0624D**. A public hearing was held on the following date(s):

- October 20, 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 Department on November 4, 2026.

Fiscal Impact

This rulemaking has no fiscal impact to the State of Iowa.

Jobs Impact

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

Waivers

Any person who believes that the application of the discretionary provisions of this rulemaking would result in hardship or injustice to that person may petition the Department for a waiver of the discretionary provisions, if any, pursuant to 441—Chapter 2504.

Review by Administrative Rules Review Committee

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

Effective Date

This rulemaking will become effective on January 1, 2027.

The following rulemaking action is adopted:

ITEM 1. Amend rule **641—154.1(124E)**, definitions of "Medical assistance program," "Patient" and "Valid photo identification," as follows:

"Medical assistance program" means ~~IA Health Link, Medicaid Fee-for-Service, or hawki,~~ a medical assistance program as administered by ~~the Iowa~~ a state, territory, or district Medicaid ~~enterprise of the department~~ program.

"Patient" means a person ~~who is a permanent resident of the state of Iowa~~ who suffers from a debilitating medical condition that qualifies for the use of medical cannabidiol pursuant to Iowa Code chapter 124E and these rules.

"Valid photo identification" means any of the following for a patient or primary caregiver: (1) a valid ~~Iowa~~ driver's license, (2) a valid ~~Iowa~~ nonoperator's identification card, or (3) an alternative form of valid photo identification. An individual who possesses or is eligible for a driver's license or a nonoperator's identification card shall present such document as valid photo identification. An individual who is ineligible to obtain a driver's license or a nonoperator's identification card may apply for an exemption and request submission of an alternative form of valid photo identification. An individual who applies for an exemption is subject to verification of the primary caregiver's identity through a process established by the department to ensure the genuineness, regularity, and legality of the alternative form of valid photo identification.

ITEM 2. Amend subrule 154.3(3) as follows:

154.3(3) A registration card issued to a patient shall contain all of the following:

a. The patient's full legal name, ~~Iowa~~ current residence address, date of birth, and sex, as shown on the patient's valid photo identification. If the patient's information has changed since the issuance of the patient's valid photo identification, the patient shall first update the patient's valid identification to reflect the patient's current information.

b. to *d.* No change.

ITEM 3. Amend rule 641—154.11(124E) as follows:

641—154.11(124E) ~~Fees~~ Registration card fees. All registration card fees are nonrefundable. ~~Application fees are established in Iowa Code section 124E.4.~~

154.11(1) *Patient medical cannabidiol registration card fee.*

a. A registration card fee of $100 applies to all patients unless the patient qualifies for a reduced patient registration card fee under paragraph 154.11(1)*"b."*

b. If a patient attests to receiving social security disability benefits, supplemental security insurance payments, enrollment in a medical assistance program, or military veteran status, the patient registration card fee is reduced to $25.

154.11(2) *Primary caregiver medical cannabidiol registration card and renewal fees.*

a. A registration card fee of $25 applies to all primary caregivers.

b. A renewal fee of $25 applies to all primary caregivers.

ITEM 4. Amend paragraph **154.39(2)"a"** as follows:

a. Verify the patient or primary caregiver's identity using acceptable photo identification and that the patient or primary caregiver is over 18 years of age. Acceptable photo identification includes:

(1) A valid ~~Iowa~~ driver's license;

(2) A valid ~~Iowa~~ nonoperator's identification card;

(3) to (5) No change.

[Filed 11/4/26, effective 1/1/27]
[Published 11/25/26]
EDITOR'S NOTE: For replacement pages for IAC, see IAC Supplement 11/25/26.

ARC 0778D

PUBLIC SAFETY DEPARTMENT[661]

Adopted and Filed

Rulemaking related to the department

The Department of Public Safety hereby rescinds Chapter 1, "The Department," Iowa Administrative Code, and adopts a new Chapter 1 with the same title.

Legal Authority for Rulemaking

This rulemaking is adopted under the authority provided in Iowa Code section 17A.3 and Executive Order 10.

State or Federal Law Implemented

This rulemaking implements, in whole or in part, Iowa Code chapter 80 and section 17A.3.

Purpose and Summary

Pursuant to Executive Order 10, the Department hereby rescinds Chapter 1 and adopts a new chapter in lieu thereof. The chapter establishes how the Department is organized and where offices are located, as well as how the public may make submissions or requests for information. This chapter also outlines the construction of the Department's rules.

Public Comment and Changes to Rulemaking

Notice of Intended Action for this rulemaking was published in the Iowa Administrative Bulletin on September 30, 2026, as **ARC 0608D**. A public hearing was held on the following date(s):

- October 20, 2026
- October 21, 2026

No one attended the public hearings. No public comments were received. No changes from the Notice have been made.

Adoption of Rulemaking

This rulemaking was adopted by the Department on November 4, 2026.

Fiscal Impact

This rulemaking has no fiscal impact to the State of Iowa.

Jobs Impact

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

Waivers

Any person who believes that the application of the discretionary provisions of this rulemaking would result in hardship or injustice to that person may petition the Department for a waiver of the discretionary provisions, if any, pursuant to 7—Chapter 2504.

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 30, 2026.

The following rulemaking action is adopted:

ITEM 1. Rescind 661—Chapter 1 and adopt the following **new** chapter in lieu thereof:

CHAPTER 1
THE DEPARTMENT

661—1.1(17A) Organization. The department of public safety is administered by a commissioner who is appointed consistent with Iowa Code section 80.2. The duties of the department shall be allocated consistent with Iowa Code section 80.4.

661—1.2(17A) Offices.

1.2(1) Office. The principal office for the department is that of the commissioner in the State Public Safety Headquarters Building in the Capitol Complex in Des Moines. Its mailing address is the Department of Public Safety, State Public Safety Headquarters Building, 215 East 7th Street, Des Moines, Iowa 50319. The principal offices of the divisions of the department are also located in the State Public Safety Headquarters Building.

1.2(2) Addresses of district headquarters, fire marshals, radio stations and other offices located outside the principal headquarters may be obtained at the department's principal office.

661—1.3(17A) Methods by which and location where the public may obtain information or make submissions or requests. Persons wishing to obtain information from, report information to, or make submissions to the department may contact any of the offices in rule 661—1.2(17A).

661—1.4(17A) Construction of rules. All of the rules of the commissioner and the department are promulgated to describe the department and its procedure, to elaborate on or define some statutory language and to regulate some activities. Iowa Code chapter 4 is hereby adopted by reference so as to apply when construing these rules. When the words "statutes" or "general assembly" appear in Iowa Code chapter 4, it is intended the words "rules" and "commissioner" are to be inserted in lieu thereof. Iowa Code chapter 4 is adopted by reference at least so far as is applicable and not inconsistent with the intent of these rules or repugnant to the context of these rules.

These rules are intended to implement Iowa Code section 17A.3.

[Filed 11/4/26, effective 12/30/26]
[Published 11/25/26]

EDITOR'S NOTE: For replacement pages for IAC, see IAC Supplement 11/25/26.

ARC 0779D

PUBLIC SAFETY DEPARTMENT[661]

Adopted and Filed

Rulemaking related to special railway agents

The Department of Public Safety hereby rescinds Chapter 13, "Special Railway Agents," Iowa Administrative Code, and adopts a new Chapter 13 with the same title.

Legal Authority for Rulemaking

This rulemaking is adopted under the authority provided in Iowa Code section 80.25 and Executive Order 10.

State or Federal Law Implemented

This rulemaking implements, in whole or in part, Iowa Code section 80.25.

Purpose and Summary

Pursuant to Executive Order 10, the Department hereby rescinds Chapter 13 and adopts a new chapter in lieu thereof. The chapter establishes training, standards, and application processes for special railway agents in Iowa.

Public Comment and Changes to Rulemaking

Notice of Intended Action for this rulemaking was published in the Iowa Administrative Bulletin on September 30, 2026, as **ARC 0607D**. A public hearing was held on the following date(s):

- October 20, 2026
- October 21, 2026

No one attended the public hearings. No public comments were received. No changes from the Notice have been made.

Adoption of Rulemaking

This rulemaking was adopted by the Department on November 4, 2026.

Fiscal Impact

This rulemaking has no fiscal impact to the State of Iowa.

Jobs Impact

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

Waivers

Any person who believes that the application of the discretionary provisions of this rulemaking would result in hardship or injustice to that person may petition the Department for a waiver of the discretionary provisions, if any, pursuant to 7—Chapter 2504.

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 30, 2026.

The following rulemaking action is adopted:

ITEM 1. Rescind 661—Chapter 13 and adopt the following **new** chapter in lieu thereof:

CHAPTER 13
SPECIAL RAILWAY AGENTS

661—13.1(17A,80) Appointment of railway special agents. The division of professional development and support services processes applications for appointment as railway special agents from persons who are regularly employed by a railroad so those persons may protect railroad property.

661—13.2(17A,80) Standards and training requirements. All applicants shall meet minimum standards to qualify as law enforcement officers as established in the Iowa law enforcement academy rules and will meet all training requirements of the Iowa law enforcement academy.

661—13.3(17A,80) Letter of request. The chief special agent of the railroad company shall submit a letter of request for the appointment of a railroad employee as railway special agent, including the applicant's full name. This letter and all other correspondence is to be sent to this division.

661—13.4(17A,80) Application packet. Each railway special agent applicant shall complete an application provided by the department. The application submission packet will include the 3″ × 3″ photograph, as required, and two additional photographs measuring 1½″ × 1½″ suitable for the identification card. The application packet will also include information regarding the background investigation completed by the railroad employer, including:

13.4(1) Written comments from former employers in reference to honesty, integrity, character, personality and working performance of the applicant.

13.4(2) Written comments by personnel with any state, municipal or county law enforcement agency about the applicant and the applicant's prior employment and residences.

13.4(3) A check with all creditors for payment record and obligations.

13.4(4) A check with the clerk of court in the applicant's county of residence for any court action, civil or criminal.

13.4(5) A check with the county recorder's office where the applicant resides to determine any property listed in the applicant's name and liens that may be on file.

13.4(6) A check with the credit bureau where the applicant resides or has been employed for the applicant's credit rating.

13.4(7) Certified copies of any educational records that are available (high school and college transcripts) and DD201 military form, if any.

661—13.5(17A,80) Review of application. Upon receipt of all material necessary for the appointment of a railway special agent, the division will process the application. All material will be reviewed and maintained in the administrative services division headquarters' files. The division will conduct further investigation of the applicant, which may include a check of driver's license and motor vehicle files, criminal history data records and verification of the fact that income tax returns have been filed with the Iowa department of revenue.

661—13.6(17A,80) Surety bond. Before appointment, a surety bond issued by an Iowa-licensed bonding or surety company in the amount of $5,000 will be submitted by the requesting railroad company. The surety bond shall name the railway special agent and the bond shall state that the bonded person is a duly appointed railway special agent. Surety bonds shall be issued for each person and

remain in effect until 30 days after the company providing the bond gives notice to the department that the bond will be terminated.

661—13.7(17A,80) Weapons permit. If the applicant needs a weapons permit, the application shall show that the requirements outlined in 661—Chapter 91 have been fulfilled. Each railroad employer of a railway special agent will file with this division Form WP1 or WP2 to renew the weapons permit. Continuous weapons training is required to ensure that each railway special agent demonstrates necessary proficiency in the use of weapons.

661—13.8(17A,80) Identification card. After the application is approved, the railroad company will be issued an identification card for the applicant. This card should have affixed one fingerprint and the signature of the applicant. It shall then be returned to the administrative services division for authentication signatures.

661—13.9(17A,80) Notification. The railroad company shall notify the administrative services division, within five working days, when any of the following take place:

13.9(1) The railway special agent appointed by the department is terminated from employment, and provide the railway special agent's identification card and weapon permit.

13.9(2) The railway special agent has been hospitalized for a long-term illness or is undergoing psychiatric evaluation or treatment.

These rules are intended to implement Iowa Code section 80.25.

[Filed 11/4/26, effective 12/30/26]
[Published 11/25/26]
EDITOR'S NOTE: For replacement pages for IAC, see IAC Supplement 11/25/26.

ARC 0780D

PUBLIC SAFETY DEPARTMENT[661]

Adopted and Filed

Rulemaking related to missing persons

The Department of Public Safety hereby rescinds Chapter 89, "Missing Persons," Iowa Administrative Code, and adopts a new Chapter 89 with the same title.

Legal Authority for Rulemaking

This rulemaking is adopted under the authority provided in Iowa Code sections 80H.6 and 694.10.

State or Federal Law Implemented

This rulemaking implements, in whole or in part, Iowa Code chapters 80H and 694.

Purpose and Summary

Pursuant to Executive Order 10, the Department is rescinding Chapter 89 and adopting a new chapter in lieu thereof. The chapter outlines the duties of and program information for the Missing Person Information Clearinghouse (MPIC) within the Iowa Division of Criminal Investigation and provides criteria and activation/termination procedures for Iowa AMBER Alerts and Blue Alerts.

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 0532D**. A public hearing was held on the following date(s):

- September 22, 2026
- September 23, 2026

No one attended the public hearings. No public comments were received.

The following changes from the Notice have been made as a result of the Department's recently updated MPIC website processes that were not originally contemplated in the Notice. The Department also identified additional outdated language and made updates to reflect current practices and terminology.

1. "Iowa state patrol communications" was replaced with "the department" in subrules 89.201(1), 89.202(1), and 89.202(6) and rule 661—89.302(80H).
2. In subrules 89.202(3) and 89.304(3), "emergency alert system (EAS) to Iowa broadcasters" was replaced with "Integrated Public Alert and Warning System" to reflect current technology.
3. References to facsimile transmission in subrules 89.202(2), 89.202(3), 89.304(2), and 89.304(5) were removed.
4. The State of Iowa AMBER Alert Notification Plan Facsimile Transmission Packet was replaced with Iowa AMBER Alert Activation Request Form in subrules 89.202(2) and 89.304(2).
5. In rule 661—89.203(694), "missing person alert or a missing child" was replaced with "an endangered persons advisory."

Adoption of Rulemaking

This rulemaking was adopted by the Department on November 4, 2026.

Fiscal Impact

This rulemaking has no fiscal impact to the State of Iowa.

Jobs Impact

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

Waivers

Any person who believes that the application of the discretionary provisions of this rulemaking would result in hardship or injustice to that person may petition the Department for a waiver of the discretionary provisions, if any, pursuant to 7—Chapter 2504.

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 30, 2026.

The following rulemaking action is adopted:

ITEM 1. Rescind 661—Chapter 89 and adopt the following **new** chapter in lieu thereof:

CHAPTER 89
MISSING PERSONS

661—89.1 to **89.99** Reserved.

DIVISION I
MISSING PERSON INFORMATION CLEARINGHOUSE

661—89.100(694) Missing person information clearinghouse. The missing person information clearinghouse is established in the division of criminal investigation to provide the services identified in Iowa Code section 694.10.

661—89.101(694) Administration of missing person information clearinghouse. The division of criminal investigation administers the missing person information clearinghouse, and all questions, comments, or requests for, or submission of, information should be directed to the clearinghouse at the division of criminal investigation. Inquiries by mail should be addressed to Missing Person Information Clearinghouse, Division of Criminal Investigation, Iowa Department of Public Safety, State Public Safety Headquarters Building, 215 East 7th Street, Des Moines, Iowa 50319. Inquiries by email should be addressed to mpicinfo@dps.state.ia.us.

661—89.102(694) Definitions. The following definitions apply to rules 661—89.100(694) through 661—89.106(694).

"Approved" means having met the criteria set forth by the department.

"Clearinghouse" means the missing person information clearinghouse in the division of criminal investigation of the department.

"Commissioner" means the commissioner of the department or the commissioner's authorized designee.

"Department" means the Iowa department of public safety.

"Missing person" means the same as defined in Iowa Code section 694.1.

"Missing person report" means a report filed by a law enforcement agency or a private individual with the clearinghouse on a missing person report form.

"Missing person report form" means a form designated by the department for use by private citizens and law enforcement agencies to report missing person information to the clearinghouse. Law enforcement agencies may use forms other than the form designated by the department to submit missing person information to the clearinghouse, provided that all of the information requested on the designated form is provided.

"Prevention and education materials" means those materials that are designed to aid in the prevention of child abduction and to address risks of the exploitation of missing children and that are used in conjunction with a prevention and education program.

"Prevention and education programs" means those programs that have as their primary purpose the prevention of child abduction and of the exploitation of missing children.

"Programs and materials registry" or *"registry"* means a list of prevention and education materials and programs approved by the department.

661—89.103(694) Program information.

89.103(1) A toll-free telephone line (1.800.346.5507) is available 24 hours a day, seven days a week, to collect and disseminate information concerning missing persons in Iowa.

89.103(2) Current information on Iowa missing persons, including photographs when available, is available on the website of the clearinghouse at missingpersons.iowa.gov.

89.103(3) After filing a complaint of a missing person with a law enforcement agency, the person filing the complaint may submit information to the clearinghouse on a missing person report form, which may be obtained from the clearinghouse or any law enforcement agency.

89.103(4) After a missing person complaint has been filed with a law enforcement agency, any person may submit information on a missing person report form to the clearinghouse.

661—89.104(694) Prevention and education programs and materials.

89.104(1) The clearinghouse shall maintain a registry of approved prevention and education programs and materials regarding missing and runaway children.

89.104(2) Any person or group wishing to submit prevention and education programs and materials for approval and inclusion in the registry may contact the clearinghouse in order to request information on submitting prevention and education programs and materials for approval.

89.104(3) The clearinghouse shall consider prevention and education programs and materials submitted for approval only upon receipt by the clearinghouse of all specified materials. Any modification to approved programs or materials require approval. No prevention and education programs or materials may be represented as having been approved by the clearinghouse or the department unless they have been approved and placed on the registry. Prevention and education programs and materials that have been approved by the National Center for Missing and Exploited Children are deemed to be approved by the department.

89.104(4) Prevention or education programs or materials may be rejected if it is determined that materials utilized or content of the program is other than that which was submitted to the clearinghouse for approval, or if it is determined that information provided in previously approved prevention and education programs and materials is outdated or misleading. Prevention or education programs or materials for which approval has been withdrawn by the clearinghouse will be removed from the registry.

89.104(5) If prevention or education programs or materials submitted to the clearinghouse are rejected or removed from the registry, the person or group that submitted the programs or materials may appeal the rejection or removal to the commissioner within 30 days of the date on which the clearinghouse notified the person or group of the rejection or removal. A proceeding arising from this rule shall be a contested case and shall be subject to 7—Chapter 2506.

89.104(6) Any individual may file a complaint with the clearinghouse regarding prevention and education programs and materials on the registry. Complaints shall be directed to the clearinghouse in writing.

661—89.105(694) Release of information. Prevention and education materials and program information filed with the clearinghouse for review are open records. Information received by the department that pertains to a missing person, other than criminal investigative data, shall be open records unless deemed confidential pursuant to Iowa Code chapter 22, 692 or 694 or other provision of law.

661—89.106(694) Dissemination.

89.106(1) The clearinghouse shall distribute missing person information that contains the names, photographs, descriptions, and information related to the events surrounding the disappearance of missing persons through publication on the clearinghouse website. The law enforcement agency or person to contact if a missing person is located and the names of all located missing persons will be included in the information shown on the website.

89.106(2) Each week the clearinghouse shall produce, update, and publish public service announcements on the clearinghouse website. A media outlet may request to receive the weekly public service announcement by email by subscribing to the email notification service available through the department website.

661—89.107 to **89.199** Reserved.

DIVISION II
AMBER ALERT PROGRAM

661—89.200(694) AMBER alert program. The AMBER alert program is a cooperative effort of the department, the department of transportation, the lottery authority, the Iowa association of broadcasters,

the Iowa state association of sheriffs and deputies, local law enforcement agencies, and the national weather service.

661—89.201(694) Criteria.

89.201(1) An AMBER alert shall be issued by the department upon receipt of a request from a law enforcement agency, provided that the following criteria for issuance of an AMBER alert are met:

a. Law enforcement has confirmed that a person has been abducted, and an entry has been made into the Iowa On-line Warrants and Articles (IOWA) System identifying the person as missing.

b. The person who has been abducted is under the age of 18.

c. Law enforcement believes the circumstances surrounding the abduction indicate that the child is in danger of serious bodily injury or death.

d. There is enough descriptive information about the child, abductor, or suspect's vehicle to believe that an immediate broadcast alert will help.

89.201(2) The criteria should be interpreted broadly so as to protect the safety of the abducted child and to maintain the integrity of the AMBER alert program and criteria.

661—89.202(694) Activation procedures.

89.202(1) An Iowa AMBER alert shall be issued by the department upon receipt of a request from a participating law enforcement agency, provided that the criteria established in rule 661—89.201(694) are met.

89.202(2) In order to initiate an Iowa AMBER alert, a law enforcement agency shall submit a completed copy of the Iowa AMBER Alert Activation Request Form to the Des Moines station of Iowa state patrol communications. If transmission to the Des Moines station is not feasible, transmission may be made to the Cedar Rapids station of Iowa state patrol communications.

89.202(3) Upon receipt by Iowa state patrol communications of a completed activation packet and if the AMBER alert criteria established in rule 661—89.201(694) are met, an AMBER alert shall be transmitted via the Integrated Public Alert and Warning System.

89.202(4) After initiation of an AMBER alert, additional information may be submitted by the participating law enforcement agency by facsimile transmission, email, or telephone.

89.202(5) After initiation of an AMBER alert, available information shall be posted on the Iowa AMBER alert website at www.iowaamberalert.org.

89.202(6) The department may direct the issuance of an Iowa AMBER alert, upon receiving a request to do so from another state in which an AMBER alert has been issued, provided that there is evidence that the abductor may be traveling with the abducted child to or through Iowa.

89.202(7) An Iowa AMBER alert shall terminate if the child who was abducted is located or if five hours have elapsed since the initiation of the alert. An alert may be renewed.

89.202(8) If an Iowa AMBER alert is requested and if the circumstances indicate that a person is missing, the information shall be transmitted promptly to the Iowa missing person information clearinghouse.

661—89.203(694) Alternative alert if criteria are not satisfied. If an AMBER alert has been requested and the criteria established in rule 661—89.201(694) are not satisfied, the department may issue an endangered persons advisory.

These rules are intended to implement Iowa Code chapter 694.

661—89.204 to **89.299** Reserved.

DIVISION III
BLUE ALERT PROGRAM

661—89.300(80H) Blue alert program. This chapter implements the Iowa blue alert program.

661—89.301(80H) Definitions. The definitions in Iowa Code section 80H.1 are adopted and incorporated herein. In addition:

"In the line of duty" or *"on duty"* means the peace officer is working within the scope of a peace officer, or there is evidence the death or serious injury of the peace officer or the fact the peace officer is missing is related to the peace officer's actions within the scope of a law enforcement officer.

"Serious injury" means the same as defined in Iowa Code section 702.18.

661—89.302(80H) Criteria for alert for officer injury or death or for missing officer. A blue alert shall be issued by the department upon receipt of a request from a law enforcement agency, provided the criteria in Iowa Code section 80H.3 are met.

661—89.303(80H) Alternative alert if criteria are not satisfied. If a blue alert has been requested and the criteria established in Iowa Code chapter 80H are not satisfied, the department may broadcast identifying information of the suspect, issue a missing person alert, or both.

661—89.304(80H) Activation procedures.

89.304(1) An Iowa blue alert shall be issued by department communications upon receipt of a request from a participating law enforcement agency, provided the criteria established in Iowa Code chapter 80H are met.

89.304(2) In order to initiate an Iowa blue alert, a law enforcement agency shall submit a completed copy of the Iowa Blue Alert Activation Request Form to the Des Moines station of department communications. If transmission to the Des Moines station is not feasible, transmission may be made to the Cedar Rapids station of department communications.

89.304(3) Upon establishment of the blue alert criteria established in Iowa Code section 80H.3, the department shall transmit a blue alert through the Integrated Public Alert and Warning System.

89.304(4) Upon the transmission of a blue alert, the department shall post the alert on its website, which is accessible by the public at dps.iowa.gov.

89.304(5) After an initial blue alert transmission, additional information may be submitted by the participating law enforcement agency.

89.304(6) The department may direct the transmission of an Iowa blue alert upon request from another state, provided that there is evidence the suspect may be present in Iowa.

89.304(7) The blue alert transmission may be directed to a specific geographic location within the state if the department communications bureau determines that the nature of the event makes it probable that the suspect or peace officer did not leave a certain geographic location of the state.

These rules are intended to implement Iowa Code chapter 80H.

[Filed 11/4/26, effective 12/30/26]
[Published 11/25/26]

EDITOR'S NOTE: For replacement pages for IAC, see IAC Supplement 11/25/26.

ARC 0781D

PUBLIC SAFETY DEPARTMENT[661]

Adopted and Filed

Rulemaking related to identification cards

The Department of Public Safety hereby rescinds Chapter 93, "Identification Cards for Former Peace Officers of the Iowa Department of Public Safety," Iowa Administrative Code, and adopts a new Chapter 93 with the same title.

Legal Authority for Rulemaking

This rulemaking is adopted under the authority provided in Executive Order 10 and 18 U.S.C. §926C.

State or Federal Law Implemented

This rulemaking implements, in whole or in part, 18 U.S.C. §926C.

Purpose and Summary

Pursuant to Executive Order 10, the Department is rescinding Chapter 93 and adopting a new chapter in lieu thereof. These rules provide a procedure for a qualified former member of the Department to apply for a new or duplicate former peace officer identification (ID) card after the person is no longer employed by the Department as a peace officer, to complete required annual firearms qualification under auspices of the Department and receive a card certifying that such required annual firearms qualification has been completed, and to appeal decisions of the Department not to issue a former peace officer identification card or an annual firearms qualification card.

Public Comment and Changes to Rulemaking

Notice of Intended Action for this rulemaking was published in the Iowa Administrative Bulletin on September 30, 2026, as **ARC 0628D**. A public hearing was held on the following date(s):

- October 20, 2026
- October 21, 2026

No one attended the public hearings. No public comments were received. No changes from the Notice have been made.

Adoption of Rulemaking

This rulemaking was adopted by the Department on November 4, 2026.

Fiscal Impact

This rulemaking has no fiscal impact to the State of Iowa.

Jobs Impact

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

Waivers

Any person who believes that the application of the discretionary provisions of this rulemaking would result in hardship or injustice to that person may petition the Department for a waiver of the discretionary provisions, if any, pursuant to 7—Chapter 2504.

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 30, 2026.

The following rulemaking action is adopted:

ITEM 1. Rescind 661—Chapter 93 and adopt the following **new** chapter in lieu thereof:

CHAPTER 93
IDENTIFICATION CARDS FOR FORMER PEACE OFFICERS OF THE IOWA DEPARTMENT OF PUBLIC SAFETY

661—93.1(18USC926C) General provisions. It is the policy of the department of public safety to provide any qualified former peace officer member of the department with a permanent card that identifies the holder as a qualified former law enforcement officer upon separation from employment as a peace officer with the department. These rules provide a procedure for a qualified former member of the department to apply for a new or duplicate former peace officer ID card after the person is no longer employed by the department as a peace officer, to complete required annual firearms qualification under auspices of the department and receive a card certifying that such required annual firearms qualification has been completed, and to appeal decisions of the department not to issue a former peace officer identification card or an annual firearms qualification card.

661—93.2(18USC926C) Definitions. The following definitions apply to the rules in this chapter:

"Commissioner" means the commissioner of the department of public safety.

"Department" means the Iowa department of public safety.

"Former peace officer identification (ID) card" means a photographic identification card issued by the department to a qualified former law enforcement officer with the department.

"Qualified former law enforcement officer" means a person who:

1. Retired or separated in good standing from service with the department as a law enforcement officer; and
2. Was not officially found by a qualified medical professional employed by the department to be unqualified for reasons relating to mental health; and
3. Did not enter into an agreement with the department in which the officer acknowledged that the officer was not qualified for reasons relating to mental health; and
4. Before such retirement or separation, was authorized by law to engage in or supervise the prevention, detection, investigation, or prosecution of, or the incarceration of any person for, any violation of law and had statutory powers of arrest; and
5. Met one of the following two requirements:

- Before such retirement or separation, was regularly employed as a law enforcement officer for an aggregate of ten years or more; or
- Retired from service with the department, after completing any applicable probationary period of such service, due to an accidental disability, as determined by the board of directors of the department peace officers' retirement, accident, and disability system, pursuant to Iowa Code section 97A.6 and rule 661—401.1(97A).

661—93.3(18USC926C) Application for former peace officer ID card.

93.3(1) A qualified former law enforcement officer of the department may apply for a former peace officer identification card prior to retirement or any time after such retirement becomes effective.

93.3(2) Application shall be made on a form available from the office of the commissioner.

93.3(3) The completed application form may be submitted to the Iowa Department of Public Safety, Office of the Commissioner, 215 East 7th Street, Des Moines, Iowa 50319.

93.3(4) Upon receipt of a completed application, the department shall verify that the applicant met the requirements for issuance of a former peace officer identification card at the time of separation from employment with the department.

93.3(5) If the applicant met all of the requirements for a qualified former law enforcement officer at the time of separation from employment as a peace officer with the department, the application shall be approved, unless the commissioner is aware of information that would disqualify the applicant that arose from conduct or circumstances that occurred after the time of separation. Issuance of a former

peace officer identification card by the department implies no warranty of the continuing eligibility of the former peace officer to carry a concealed weapon pursuant to 18 U.S.C. §926C.

93.3(6) If the applicant did not meet all of the requirements for a qualified former law enforcement officer at the time of separation from employment as a peace officer with the department or if the commissioner is aware of information that would disqualify the applicant based on conduct or circumstances that occurred after separation from the department, then the application shall be denied and the applicant shall be notified of the denial.

93.3(7) The commissioner shall notify an approved applicant and shall provide instructions for completion of the issuance process. Such instructions may include a requirement for the applicant to be present at a time and location designated by the department to be photographed for the identification card.

93.3(8) Issuance of an initial former peace officer identification card shall be at no charge to the qualified former law enforcement officer.

93.3(9) If a qualified former peace officer of the department loses an identification card, or if a card is damaged, a replacement may be issued. The former officer shall notify the office of the commissioner of the loss or damage and may apply for a replacement card.

661—93.4(18USC926C) Annual firearms qualification—certification card.

93.4(1) Qualified former law enforcement officers with the department may participate in annual firearms qualification offered by the department and, upon successful completion of the annual firearms qualification, receive proof thereof from the department. A card certifying successful completion of the annual qualification and specifying the date of the qualification shall be issued by the firearms instructor conducting the qualification on behalf of the department to each qualified former law enforcement officer who has successfully completed the qualification. A card certifying successful completion of the qualification shall be issued by department personnel only to a qualified former law enforcement officer with the department who successfully completes the annual firearms qualification under the auspices of the department. Participation in annual firearms qualification offered by the department is restricted to qualified former law enforcement officers with the department who are residents of the state of Iowa at the time of the qualification.

NOTE: Any qualified former law enforcement officer with the department may participate in annual firearms qualification offered by a certified firearms instructor other than under the auspices of the department. A card to certify proof of successful completion of annual firearms qualification may be issued only by the firearms instructor who conducts the qualification.

93.4(2) Annual firearms qualification shall be offered periodically and at various locations in the state to qualified retired and former officers of the department who reside in Iowa. While the department will make a good-faith effort to notify all qualified and former peace officer members of the department who reside in Iowa of the availability of such training, it is the responsibility of each qualified former peace officer member of the department to inquire about such training if the qualified former peace officer wishes to use the qualification or training to obtain the annual certification of firearms qualification required under 18 U.S.C. §926C.

93.4(3) A qualified former law enforcement officer with the department who resides in Iowa shall be offered the opportunity to participate in annual firearms qualification at no cost to the qualified former officer, except that any former officer of the department who participates in annual firearms qualification offered under the auspices of the department shall supply any firearm, ammunition, or equipment required to be used in the qualification.

93.4(4) A qualified former law enforcement officer with the department residing in Iowa who plans to participate in firearms qualification or firearms familiarization training offered by the department should inquire via email to the department prior to the qualification or training as to what information and material the qualified former peace officer is required to provide at the training. An application form for an annual firearms qualification shall be provided electronically to the qualified former peace officer member. The qualified former peace officer member shall complete the application form and submit it to the instructor prior to the start of the qualification or training.

93.4(5) An instructor supervising annual qualification or training on behalf of the department shall refuse to admit a former law enforcement officer with the department to the qualification session or training if the former law enforcement officer with the department is not a resident of the state of Iowa at the time of qualification or the instructor knows that the former law enforcement officer with the department does not meet the requirements for possession of a firearm under state or federal law or is otherwise unable to meet the requirements to be a qualified former law enforcement officer under the provisions of 18 U.S.C. §926C. An instructor may refuse to admit any qualified former law enforcement officer with the department to an annual firearms qualification if, in the judgment of the instructor, participation in the session by the qualified former law enforcement officer would be unsafe.

93.4(6) If the qualified former law enforcement officer with the department satisfies the requirements for annual firearms qualification, the instructor shall complete and issue the qualified former law enforcement officer an annual firearms qualification certification card on a form provided by the department. If the former law enforcement officer with the department fails to attain a qualifying score, the instructor shall notify the former law enforcement officer with the department.

661—93.5(17A) Appeals. Any action taken by the department that adversely affects the applicant may be appealed through the process delineated in 7—Chapter 2505.

These rules are intended to implement 18 U.S.C. §926C.

[Filed 11/4/26, effective 12/30/26]
[Published 11/25/26]

EDITOR'S NOTE: For replacement pages for IAC, see IAC Supplement 11/25/26.

ARC 0782D

PUBLIC SAFETY DEPARTMENT[661]

Adopted and Filed

Rulemaking related to volunteer emergency services provider death benefits

The Department of Public Safety hereby rescinds Chapter 291, "Volunteer Emergency Services Provider Death Benefits," Iowa Administrative Code, and adopts a new Chapter 291 with the same title.

Legal Authority for Rulemaking

This rulemaking is adopted under the authority provided in Iowa Code section 100B.10 and Executive Order 10.

State or Federal Law Implemented

This rulemaking implements, in whole or in part, Iowa Code section 100B.31.

Purpose and Summary

Pursuant to Executive Order 10, the Department hereby rescinds Chapter 291 and adopts a new chapter in lieu thereof. The chapter carries out the Volunteer Emergency Services Provider Death Benefit Program through defining eligibility and application processes.

Public Comment and Changes to Rulemaking

Notice of Intended Action for this rulemaking was published in the Iowa Administrative Bulletin on September 30, 2026, as **ARC 0609D**. A public hearing was held on the following date(s):

- October 20, 2026
- October 21, 2026

No one attended the public hearings. No public comments were received. No changes from the Notice have been made.

Adoption of Rulemaking

This rulemaking was adopted by the Department on November 4, 2026.

Fiscal Impact

This rulemaking has no fiscal impact to the State of Iowa.

Jobs Impact

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

Waivers

Any person who believes that the application of the discretionary provisions of this rulemaking would result in hardship or injustice to that person may petition the Department for a waiver of the discretionary provisions, if any, pursuant to 7—Chapter 2504.

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 30, 2026.

The following rulemaking action is adopted:

ITEM 1. Rescind 661—Chapter 291 and adopt the following **new** chapter in lieu thereof:

CHAPTER 291
VOLUNTEER EMERGENCY SERVICES PROVIDER DEATH BENEFITS

661—291.1(100B) Volunteer emergency services provider death benefit program.

291.1(1) There is established within the fire marshal division a volunteer emergency services provider death benefit program with responsibility for administering the payment of death benefits to beneficiaries of volunteer emergency services providers who die in the line of duty, as provided in Iowa Code section 100B.31.

291.1(2) Information about the program may be obtained by mail from the Volunteer Emergency Services Provider Death Benefit Program, Fire Marshal Division, Department of Public Safety, State Public Safety Headquarters Building, 215 East 7th Street, Des Moines, Iowa 50319; by telephone at 515.725.6150; or by email at fminfo@dps.state.ia.us.

661—291.2(100B) Eligibility. The beneficiary of a volunteer emergency services provider who is killed in the line of duty is eligible for a lump-sum payment of $100,000 from the volunteer emergency services provider death benefit program, provided that application is made to the program in accordance with requirements established in this chapter and all eligibility criteria are satisfied.

291.2(1) *Application.* Application forms for the volunteer emergency services provider death benefit program may be obtained on request from the fire marshal division. The fire marshal may accept a legible copy of a completed application for the federal Public Safety Officers' Benefits Program. Completed application forms shall be sent to the program through the above contact information.

A completed application form shall be accompanied by a letter from the chief or other responsible supervisory official of the department in which the volunteer emergency services provider was serving at the time of the line-of-duty death, certifying that the death was the direct and proximate result of a traumatic personal injury incurred in the line of duty as a volunteer. Any evidence or proof available to the chief or responsible supervisory official to support the claim shall accompany the letter.

291.2(2) *Definitions.* The following definitions apply to the volunteer emergency services provider death benefit program.

"Beneficiary" means the surviving spouse of the volunteer emergency services provider who died in the line of duty. If there is no surviving spouse, and there is a surviving child or surviving children of the volunteer emergency services provider, then "beneficiary" means the surviving child of the member. If there is more than one surviving child, the children are cobeneficiaries who shall share equally in the lump-sum payment of the death benefit. If there is no surviving spouse or child of the volunteer emergency services provider, "beneficiary" means the surviving father or mother of the volunteer emergency services provider if either or both survives at the time of the line-of-duty death of the volunteer emergency services provider. If both the mother and father of the volunteer emergency services provider survive at the time of the line-of-duty death of the volunteer emergency services provider, then the father and mother are cobeneficiaries who shall share equally in the lump-sum payment. If there is no surviving spouse, child, or parent at the time of the line-of-duty death of the volunteer emergency services provider, then "beneficiary" means the estate of the deceased volunteer emergency services provider.

"Line-of-duty death" means the death of a volunteer emergency services provider that was the direct and proximate result of a traumatic personal injury incurred in the line of duty as a volunteer. The death is not a line-of-duty death if any of the exclusions in Iowa Code section 100B.31(2) apply.

661—291.3(100B) Determination. After receiving an application for benefits from the volunteer emergency services provider death benefit program, the fire marshal shall make a determination as to whether or not the application meets the requirements for payment of benefits. The fire marshal may require the beneficiary or the chief or responsible supervisory official who has certified that the death is a line-of-duty death to submit any additional information that the fire marshal deems material to making the determination. If the determination is that the requirements for payment of benefits have been met, the fire marshal shall notify the beneficiary or cobeneficiaries and shall request that the department of revenue issue a warrant payable to the beneficiary or cobeneficiaries as applicable.

291.3(1) *Denial and notification.* If the fire marshal determines that the eligibility criteria have not been met, the fire marshal shall notify in writing the beneficiary or cobeneficiaries and the chief or responsible supervisory official who certified that the death occurred in the line of duty of the determination and of the reason or reasons for the denial.

291.3(2) *Appeals.* If an application for payment from the volunteer emergency services provider program is denied, the beneficiary or any cobeneficiary may appeal that decision to the commissioner of public safety by filing an appeal in writing to the commissioner of public safety within 30 days of the date of the denial of the application by the fire marshal. Appeals shall be processed in accordance with contested case procedures specified in 7—Chapter 2506.

These rules are intended to implement Iowa Code section 100B.31.

[Filed 11/4/26, effective 12/30/26]
[Published 11/25/26]
EDITOR'S NOTE: For replacement pages for IAC, see IAC Supplement 11/25/26.

ARC 0783D

PUBLIC SAFETY DEPARTMENT[661]

Adopted and Filed

Rulemaking related to statewide interoperable communications system board

The Department of Public Safety hereby rescinds Chapter 600, "Statewide Interoperable Communications System Board," Iowa Administrative Code, and adopts a new Chapter 600 with the same title.

Legal Authority for Rulemaking

This rulemaking is adopted under the authority provided in Iowa Code section 80.28 and Executive Order 10.

State or Federal Law Implemented

This rulemaking implements, in whole or in part, Iowa Code section 80.29.

Purpose and Summary

Pursuant to Executive Order 10, the Department hereby rescinds Chapter 600 and adopts a new chapter in lieu thereof. The chapter provides for board structure and procedures as it relates to the Iowa Statewide Interoperable Communications System Board (ISICSB).

Public Comment and Changes to Rulemaking

Notice of Intended Action for this rulemaking was published in the Iowa Administrative Bulletin on September 30, 2026, as **ARC 0610D**. A public hearing was held on the following date(s):

- October 20, 2026
- October 21, 2026

No one attended the public hearings. No public comments were received. No changes from the Notice have been made.

Adoption of Rulemaking

This rulemaking was adopted by the Department on November 4, 2026.

Fiscal Impact

This rulemaking has no fiscal impact to the State of Iowa.

Jobs Impact

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

Waivers

Any person who believes that the application of the discretionary provisions of this rulemaking would result in hardship or injustice to that person may petition the Department for a waiver of the discretionary provisions, if any, pursuant to 7—Chapter 2504.

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 30, 2026.

The following rulemaking action is adopted:

ITEM 1. Rescind 661—Chapter 600 and adopt the following **new** chapter in lieu thereof:

CHAPTER 600
STATEWIDE INTEROPERABLE COMMUNICATIONS SYSTEM BOARD

661—600.1(80) Establishment of board. The Iowa statewide interoperable communications system board is established in Iowa Code section 80.28.

661—600.2(80) Definitions. The following definitions apply to the rules in this chapter:

"Board" means the statewide interoperable communications system board established in Iowa Code section 80.28.

"Interoperability" means the same as defined in Iowa Code section 80.28(1).

"Legal counsel to the board" means the assistant attorney general assigned to provide legal advice and representation to the board.

"Quorum" means two-thirds or more of the current voting members of the board.

661—600.3(80) Statewide interoperability coordinator. The board may select and appoint a person who is not a member of the board as the statewide interoperability coordinator to coordinate work performed on behalf of the board and to complete tasks related to the mission of the board as assigned by the board or by the chairperson of the board with board approval.

661—600.4(80) Board procedures. The board shall operate under the following procedures.

600.4(1) *Membership.* The board shall include seven voting members and four ex officio, nonvoting members who are members of the Iowa general assembly, as provided in Iowa Code section 80.28.

600.4(2) *Meetings.*

a. The board shall meet at least once a quarter at a time and place determined by the board. Additional meetings may be called by:

(1) The chairperson,

(2) The vice chairperson, or

(3) The statewide interoperability coordinator, at the request of three or more voting members of the board.

b. If a quorum is not present at a scheduled meeting of the board, the members of the board who are present may convene, may take testimony and public comment, and may engage in discussion of board business, but shall not take any action other than to adjourn.

c. Notice of all meetings of the board shall be given in accordance with the provisions of Iowa Code section 21.4.

d. All meetings of the board are public meetings and shall be conducted in accordance with Iowa Code section 21.3.

(1) A portion of any board meeting may be closed to the public for any of the reasons enumerated in Iowa Code section 21.5 and only subsequent to the procedures specified in Iowa Code section 21.5 to be followed by a public body in order to close a meeting to the public. If a board meeting has been closed to the public, the board shall not adjourn while in closed session, and may do so only after the meeting has been reopened to the public.

(2) The chairperson or vice chairperson may extend invitations to subject matter experts or other parties to address items on the agenda of the board at meetings of the board.

(3) Members of the public shall be afforded an opportunity to address the board at each regular meeting during a period labeled "public comment period" on the agenda, subject to reasonable time limits established by the person presiding at the meeting.

(4) Remote telephonic access to a meeting of the board may be provided at the request of a board member or a member of the public consistent with Iowa Code chapter 21.

e. Meetings of the board shall be conducted in accordance with Roberts Rules of Order, 12th edition.

600.4(3) *Officers.* Officers of the board shall be a chairperson and a vice chairperson.

a. Election of the chairperson and the vice chairperson shall take place at a regular meeting of the board.

b. The chairperson and the vice chairperson shall each be elected for a two-year term, commencing at the conclusion of the meeting at which the election takes place.

c. The chairperson and the vice chairperson shall each be a voting member of the board.

d. If the chairperson or the vice chairperson ceases to be a voting member of the board, or if the chairperson or the vice chairperson resigns from the position, the position shall become vacant. If the position of the chairperson becomes vacant, the vice chairperson shall become chairperson and shall serve the remainder of the two-year term to which the chairperson had been elected, and the position of vice chairperson shall become vacant. If the position of vice chairperson has become vacant, an election to fill the remainder of the two-year term shall be conducted at the next regular meeting of the board following the occurrence of the vacancy.

e. Election to the position of chairperson or vice chairperson shall require a majority of the voting members of the board who are present and voting at a meeting at which a quorum of the board is in attendance.

f. If the board fails to elect a chairperson or a vice chairperson at the board meeting when a term of office ends, the incumbent chairperson or vice chairperson shall continue to serve until a successor is elected.

661—600.5(80) Committees.

600.5(1) *Standing committees.* A standing committee may be created or disbanded by majority vote of the voting members of the board present at any board meeting.

a. The chairperson of each standing committee shall be a voting member of the board.

b. Persons who are not voting members of the board may serve on a standing committee.

c. The chairperson of the board, with approval of the board, shall appoint members of the standing committee.

600.5(2) *Ad hoc committees.* The chairperson may establish ad hoc committees for specific purposes and terms and may appoint persons to those committees in an advisory capacity based upon their expertise in the subject matter.

661—600.6(80) Board finances. Operational expenses of the board and of the statewide interoperability coordinator shall be paid from funds available to the department of public safety or the department of transportation, pursuant to an agreement between those agencies, except that expenses related to participation on the board by employees of state agencies shall be borne by their respective agencies.

661—600.7(80) Contracts. The board may enter into contracts with other entities to carry out tasks in pursuit of the board's purpose. Any such contract shall be entered into subject to approval of the legal counsel to the board and shall comply with the rules of the department of administrative services and any other applicable state laws regarding purchases by state agencies.

661—600.8(80) Competitive grants. If funds are available to the board to award grants on a competitive basis for projects to further the purposes of the board, the chairperson shall appoint an advisory committee to review grant applications. The chairperson of the advisory committee shall be a

voting member of the board, although other members may be members of the board or other persons with expertise helpful in evaluating grant applications. The statewide interoperability coordinator shall, prior to the solicitation of applications for the grant funds and with the approval of the board, develop a grant application form and an evaluation methodology that shall be understandable and made available to any prospective applicant. The availability of grant funds shall be made known as widely as practicable prior to the deadline for accepting applications.

661—600.9(80) Additional information. Additional descriptive and explanatory information about the board and its procedures and about interoperability issues may be found on the website of the board at isicsb.iowa.gov/index.html.

These rules are intended to implement Iowa Code section 80.29.

[Filed 11/4/26, effective 12/30/26]
[Published 11/25/26]

EDITOR'S NOTE: For replacement pages for IAC, see IAC Supplement 11/25/26.

ARC 0787D

WORKFORCE DEVELOPMENT DEPARTMENT[871]

Adopted and Filed

Rulemaking related to claims and benefits

The Workforce Development Department hereby amends Chapter 24, "Claims and Benefits," Iowa Administrative Code.

Legal Authority for Rulemaking

This rulemaking is adopted under the authority provided in Iowa Code chapters 17A and 96.

State or Federal Law Implemented

This rulemaking implements, in whole or in part, Iowa Code chapters 17A and 96.

Purpose and Summary

The purpose of this chapter is to provide procedures for unemployment insurance claims and benefits pursuant to Iowa Code chapter 96.

Public Comment and Changes to Rulemaking

Notice of Intended Action for this rulemaking was published in the Iowa Administrative Bulletin on September 30, 2026, as **ARC 0631D**. Public hearings were held on the following date:

- October 20, 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 Director of the Department on November 4, 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.

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 30, 2026.

The following rulemaking action is adopted:

ITEM 1. Rescind rule 871—24.2(96) and adopt the following **new** rule in lieu thereof:

871—24.2(96) Procedures for workers desiring to file a claim for benefits for unemployment insurance.

24.2(1) Filing a benefit claim.

a. In order to establish a benefit year during which an individual may receive unemployment benefits, the individual, once separated from employment, must file an initial claim, verify their identity, and register for work. The claim may be filed electronically or by other means prescribed by the department. A claim filed in accordance with this rule is considered filed as of Sunday of the week in which the claim is filed.

b. When filing an initial claim for benefits, an individual must provide the following information to the department:

(1) The name and complete mailing address of the individual's last employing unit or employer.

(2) Work history for all employers within the individual's base period.

(3) The location of the last job.

(4) The last day of work.

(5) The reason for separation from work.

(6) Certification that the individual is unemployed.

(7) Certification that the individual registers for work.

(8) The individual's last occupation.

(9) Number, full name, social security number, date of birth, and relationship of any dependents claimed.

1. "Spouse" is defined as an individual who does not earn more than $120 in gross wages in one week. The reference week for this monetary determination is the gross wages earned by the spouse in the calendar week immediately preceding the claim's effective date.

2. "Dependent" means an individual who has been claimed for the preceding tax year on the claimant's income tax return. The same dependent may not be claimed on two separate monetarily eligible concurrent established benefit years. An individual may not claim a spouse as a dependent if the spouse has listed the claimant as a dependent on a current claim.

(10) The individual's social security number and alien registration number, if applicable.

(11) Such other information as requested by the department.

c. All claimants on an initial claim must state that the claimant is registered for work and list the claimant's principal occupation. A deferral code will be assigned to the claimant to control the type of registration that is made. Code assignments are based on all facts obtained at the time of the claim filing.

A deferral code change can be made at any time during the benefit year if additional information is obtained by the agency. The deferral codes are:

(1) Deferral code "temporary layoff" is assigned to claimants who are "temporarily unemployed" as defined in Iowa Code section 96.1A(37)*"c."* Claimants assigned this deferral code are reviewed and changed to "no deferral" as applicable.

(2) Deferral code "refused to bump" is assigned to claimants who have left employment in lieu of exercising their right to bump or oust a fellow employee with less seniority or priority from the fellow employee's job. Refused to bump claimants have only the search for work provision of Iowa Code section 96.4(3) and the disqualification provision for failure to apply for or to accept suitable work of Iowa Code section 96.5(3) waived. The refused to bump code does not apply to weeks claimed under the extended benefit or federal supplemental compensation programs.

(3) Deferral code "union member" is assigned to claimants who are members of unions or trades or who are professionals having their own placement facilities. Claimants assigned to this deferral code will be registered for work. A paid-up membership must be maintained, and weekly contact to check for available work is required. Loss of membership will result in a change to "no deferral."

(4) Deferral code "attached to STC employer" is assigned to workers who are employed on a reduced workweek with an employer that is under a department-approved short-time compensation contract. This code pertains to an individual who worked full or part time and will again work full or part time if the individual's employment, although temporarily suspended, has not been terminated. Once the contract expires, claimants assigned to this code are reviewed for placement in the appropriate deferral code.

(5) Deferral code "DUA" is assigned to claimants who are part of a federally declared emergency. Once the emergency period expires, claimants assigned this code are reviewed for placement in the appropriate deferral code.

(6) "No deferral" is assigned to individuals who do not otherwise meet the qualifications for a different deferral code. Claimants in this category must complete and document reemployment activities as established by the department.

Nothing in this rule shall be construed as prohibiting an authorized representative of the department from requiring claimants for unemployment insurance benefits to avail themselves of workforce development center referral and counseling services if deemed beneficial and necessary to obtain prompt reemployment, nor shall anything in this rule be construed to deny referral or counseling service to claimants for unemployment insurance benefits.

d. In order to maintain continuing eligibility for benefits during any continuous period of unemployment, an individual must report as directed by the department. If the individual has moved to another locality, the individual may register and report in person at a workforce development center at the time previously specified for the reporting.

(1) An individual who files a weekly continued claim will have the benefit payment automatically deposited weekly on a debit card specified by the department or to an account specified by the claimant.

(2) The department retains the ultimate authority to choose the method of reporting and payment.

e. After the initial claim has been filed, the claimant will receive a notice of monetary eligibility. If the claimant is eligible for benefits, this notice will state the date on which the benefit year will begin, the amount per week, and the maximum amount for which the claimant is eligible.

f. No benefit payment is allowed until the individual claiming benefits has completed a continued claim online or as otherwise directed by the department.

(1) The claim must be submitted between 8 a.m. on the Sunday following the Saturday of the weekly reporting period and not later than close of business on the Friday following the weekly reporting period.

(2) An individual using the weekly continued claim system is to personally file the claim on the system unless the individual is disabled and has received prior approval from the department.

(3) The claim must include the following:

1. That the individual continues the claim for benefits;

2. That except as otherwise indicated, during the period covered by the claim, the individual was fully or partially unemployed, earned no gross wages and received no benefits, and was able and available for work;

3. That the individual is participating in and compliant with the department's reemployment case management program established under Iowa Code section 96.11(17);

4. That the individual understands there are penalties for false statements in connection with the claim;

5. That the individual has reported any job offer received during the period covered by the claim;

6. That the individual understands the individual's responsibility to review the claim records to ensure there is no delay in filing the weekly claim to remain in continuous reporting status. Failure to file claims each week will require a claimant to submit a claim application to reactivate the claim;

7. Other information required by the department.

g. Effective starting date for the benefit year.

(1) Filing for benefits is effective as of Sunday of the current calendar week in which, subsequent to the individual's separation from work, an individual files a claim for benefits.

(2) The claim may only be backdated prior to the first day of the calendar week in which the claimant does report and file a claim if the claimant filed an interstate claim against another state that has been determined as ineligible.

(3) When the benefit year expires on any day but Saturday, the effective date of the new claim is the Sunday of the current week in which the claim is filed even though it may overlap into the old benefit year up to six days. However, backdating is not allowed at the change of a calendar quarter if the backdating would cause an overlap of the same quarter in two base periods. When the overlap situation occurs, the effective date of the new claim may be postdated up to six days. If the claimant has benefits remaining on the old claim, the claimant may be eligible for benefits for that period by extending the old benefit year up to six days.

h. An individual is entitled to partial benefits for partial unemployment as per Iowa Code section 96.1A(37)*"b."* If the individual has been placed on reduced employment, the individual may be entitled to partial benefits and should file a claim in accordance with the instructions pertaining to the partial claims procedure.

i. Any individual who is disqualified for benefits because of the individual's failure to report may appeal to the department for the right to establish good cause for failure to report because of extraordinary circumstances. A representative of the department may deny the request, and the decision may be appealed to an administrative law judge for a hearing and decision on the merits. If the petition is allowed, the petitioner will be allowed to file a claim for and receive full benefits for each week for which such claim is filed, if otherwise eligible.

24.2(2) Filing a claim for unemployment insurance benefits (not applicable to interstate claims).

a. A notice of claim filing, which includes the name and social security number of the individual claiming benefits, will be sent to each base period employer on record and the last employer if different than the base period employer unless the separation issue has previously been adjudicated.

b. Even though the claims taker may believe that the claimant cannot meet the eligibility conditions established by statute, the claims taker will in no instance refuse to accept a claim from any unemployed individual. If the claimant elects to file a claim, even though the claimant's eligibility may be questionable, the claim will be accepted without hesitance. The claimant may be required to provide adequate proof of identification such as a driver's license, proof of citizenship, car registration or union membership card or supply personally identifying information.

c. If a claim filed in a previous quarter was ineligible because of no wage records or lack of qualifying earnings, a benefit year has not been established and a new claim will be taken. A new claim should not be taken if the claimant previously filed an ineligible claim in the same quarter unless the claimant insists on filing after being advised of ineligibility. The claims taker will notify the claimant that another claim filed in the same quarter would also be ineligible because additional wage credits (if any) would not be available until a subsequent quarter. The claimant should be advised to file a new claim during the first full week of the next calendar quarter.

d. If the check of the files does not disclose a previous claim and the claimant states that a claim has not been filed during the past year, a new claim will be taken.

e. Partially unemployed claims.

(1) A partially unemployed individual will:

1. File a claim for benefits in the same manner as an initial claim for unemployment insurance.
2. Report all wages that are earned for each week benefits are claimed.

(2) A claimant in a continuous reporting status, employed with the same employer, may exceed the claimant's weekly benefit amount plus $15 for four consecutive weeks before the individual is required to file an additional claim for benefits.

f. If the check of the files does not disclose a monetarily valid claim in another state, a new claim will be taken.

24.2(3) Filing a claim for unemployment insurance benefits (interstate only).

a. All interstate claimants must file an Iowa claim.

b. When the department is acting as an agent for another state unemployment insurance agency with respect to the filing of an initial claim for benefits, the interstate claimant must complete and file an Initial Interstate Claim unless otherwise directed by the interstate handbook for interstate claims-taking provided by the Employment and Training Administration of the United States Department of Labor.

24.2(4) Cancellation of unemployment insurance claim.

a. An individual may direct a request for cancellation of an unemployment insurance claim to the benefits bureau of the unemployment insurance services division. The statement must include the specific reason for the request and contain as much pertinent information as possible so that a decision can be made. A notice with the result of the request will be sent.

b. A cancellation request that is the result of employer coercion or intimidation will be denied and the employer may be subjected to serious misdemeanor charges.

c. If a cancellation request is received within the ten-day protest period and before payment is made, the benefits bureau may upon review cancel the claim for the following reasons:

(1) The individual found employment or returned to regular employment within the protest period.

(2) Cancellation would allow the individual to refile at the change of a calendar quarter to obtain an increase in the weekly or maximum benefit amount or the individual would receive more entitlement from another state.

(3) The individual filed a claim in good faith under the assumption of being separated and no actual separation occurred.

(4) The individual did not want to establish a benefit year because of eligibility for a low weekly or maximum benefit amount.

d. Other valid reasons for cancellation whether or not the ten-day protest period has expired.

(1) The individual has an unexpired unemployment insurance claim in another state and is eligible for a remaining balance of benefits.

(2) The individual received erroneous information regarding entitlement or eligibility to unemployment insurance benefits from an employee of the department.

(3) The individual has an unexpired railroad unemployment insurance claim with a remaining benefit balance that was filed prior to the unemployment insurance claim.

(4) The individual exercises the option to cancel a combined wage claim within the ten days allowed by federal regulation.

(5) The individual has previously filed a military claim in another state or territory. Wages erroneously assigned to Iowa must be deleted and an interstate claim filed.

(6) Federal wages have previously been assigned to another state or territory or are assignable to another state or territory under federal regulation. Federal wages erroneously assigned to Iowa must be deleted and the appropriate type of claim filed.

(7) If the Iowa wages are erroneous and deleted, and the wages from one other state were used, the claim shall be canceled and the wages returned to the transferring state.

e. If a claim is canceled and becomes final with no appeal being filed, a valid claim with Iowa as the paying state may not be reestablished with the same effective date.

f. If it is determined a claim has been filed under an incorrect social security number, the claim will be voided rather than canceled.

g. All unemployment insurance claims canceled will be clearly identified as such and the administrative record of the individual's file shall be destroyed three years after final action.

This rule is intended to implement Iowa Code sections 96.3(3), 96.3(4), 96.4(1), 96.4(3), 96.5(1)*"h,"* 96.5(3), 96.6(1), 96.6(2), 96.15, 96.16, 96.1A and 96.20.

ITEM 2. Rescind rule 871—24.15(96) and adopt the following **new** rule in lieu thereof:

871—24.15(96) Benefit eligibility conditions. To be eligible to receive benefits, the individual bears the burden of establishing, and the department must find, that the individual is able to work, available for work, and earnestly and actively seeking work.

24.15(1) *Able to work.* An individual must be physically and mentally able to work in some gainful employment, not necessarily in the individual's customary occupation.

a. Illness, injury or pregnancy. Each case is decided upon an individual basis, recognizing that various work opportunities present different physical requirements. A statement from a medical practitioner is considered prima facie evidence of the physical ability of the individual to perform the work required. A pregnant individual must meet the same criteria for determining ableness as do all other individuals.

b. Interpretation of ability to work. The law provides that an individual must be able to work to be eligible for benefits. This means that the individual must be physically able to work, not necessarily in the individual's customary occupation, but able to work in some reasonably suitable, comparable, gainful, full-time endeavor, other than self-employment, which is generally available in the labor market in which the individual resides.

24.15(2) *Available for work.* The availability requirement is satisfied when an individual is genuinely attached to the labor market (e.g. the individual is willing, able, and ready to accept suitable work that the individual does not have good cause to refuse). Under unemployment insurance laws, it is the availability of an individual who is tested, and the labor market is therefore described in terms of the individual. A labor market for an individual means a market for the type of service the individual offers in the geographical area in which the individual offers the service. It does not mean that job vacancies must exist. It means only that the type of services that an individual is offering is generally performed in the geographical area in which the individual is offering the services.

a. Shift restriction. The individual does not have to be available for a particular shift. If an individual is available for work on the same basis on which the individual's wage credits were earned and if after considering the restrictions as to hours of work, etc., imposed by the individual there exists a reasonable expectation of securing employment, then the individual meets the requirement of being available for work.

b. Intermittent employment. An individual cannot limit employability to only temporary or intermittent work until recalled by a regular employer.

c. Jury duty. The individual is considered available for work while serving on jury duty because time spent in jury service is not a personal service performed under a contract of hire in an employment situation but rather a public duty required by law. Jury duty does not render the individual as employed and ineligible for benefits even though it may involve the individual full-time.

d. Work release program while incarcerated. For those individuals incarcerated in jail, the work release program usually does not meet the availability requirements of Iowa Code section 96.4(3), but the department will review any situation concerning an incarcerated individual who can meet the requirements of Iowa Code section 96.4(3).

e. Available for part of week. Each case is decided on its own merits. Generally, if the individual is available for the major portion of the workweek, the individual is considered to be available for work.

f. On-call workers.

(1) Substitute workers (e.g., post office clerks, railroad extra board workers) who hold themselves available for one employer and who do not accept other work, are not available for work within the meaning of the law and are not eligible for benefits.

(2) Substitute teachers. The question of eligibility of substitute teachers is subjective in nature and is determined on an individual case basis. The substitute teacher is considered an instructional employee and is subject to the same limitations as other instructional employees. As far as payment of benefits between contracts or terms and during customary and established periods of holiday recesses is concerned, benefits are denied if the substitute teacher has a contract or reasonable assurance that the substitute teacher will perform service in the period immediately following the vacation or holiday recess. A substitute teacher is not disqualified if the individual is able and available for work, making an earnest and active search for work each week, placing no restrictions on employment and is genuinely attached to the labor market.

(3) An individual whose wage credits earned in the base period of the claim consist exclusively of wage credits from on-call work, such as a banquet worker, railway worker, or substitute school teacher, is not considered an unemployed individual within the meaning of Iowa Code section 96.1A(37)*"a"* and *"b."* An individual who is willing to accept only on-call work is not considered to be available for work.

g. Leave of absence. A leave of absence negotiated with the consent of both employer and employee is deemed a period of voluntary unemployment for the employee who is considered ineligible for benefits for the period.

(1) If at the end of a period or term of negotiated leave of absence the employer fails to reemploy the employee, the individual is considered laid off and eligible for benefits.

(2) If the employee fails to return at the end of the leave of absence and subsequently becomes unemployed, the individual is considered as having voluntarily quit and is ineligible for benefits.

(3) The period or term of a leave of absence may be extended, but only if there is evidence that both parties have voluntarily agreed.

h. Effect of religious convictions on Sabbath day work. An individual is considered as available for work if the precepts of the individual's religion prohibit work on the Sabbath. An individual who refuses to work on the Sabbath designated by the individual's religion because of conscientious observance of the Sabbath as a matter of religious conviction is also deemed to have good cause for refusing the work.

i. Available for work. To be considered available for work, an individual must at all times be in a position to accept suitable employment during periods when the work is normally performed. As an individual's length of unemployment increases and the individual has been unable to find work in the individual's customary occupation, the individual may be required to seek work in some other occupation in which job openings exist. If that does not seem likely to result in employment, the individual may be required to accept counseling for possible retraining or a change in occupation.

j. Reasonable expectation of securing employment. An individual may not be eligible for benefits if the individual has imposed limitations that leave the individual no reasonable expectation of securing employment. Restrictions may relate to type of work, hours, wages, location of work, etc., or may be physical restrictions.

k. Corporate officers. To be considered available, the corporate officer must meet the same tests of availability as are met by other individuals.

l. Lawfully authorized work. An individual who is not lawfully authorized to work within the United States is considered unavailable for work.

24.15(3) *Earnestly and actively seeking work.* It is essential that the individual personally and diligently search for work. Mere registration at a workforce development center does not establish that the individual is earnestly and actively seeking work. Iowa Code section 96.4(3) requires that an individual participate in and comply with the department's reemployment case management (RCM) program. Participation in RCM may include participation in reemployment activities, RCM appointments, career planning appointments, or live activities. Individuals who are required to participate in reemployment activities are identified in the first week after their claim to participate in RCM.

a. Basic requirements.

(1) At the start of a benefit claim, individuals are required to participate in a virtual workshop related to continued unemployment insurance eligibility. This workshop may include information

regarding proper certification of weekly claims, reemployment requirements, and the requirements to be considered able and available for work.

(2) Claimants will be provided notice of the requirement to participate in the RCM program and will receive notice of a scheduled first appointment. Topics of the initial RCM appointment will include but not be limited to enrollment into Title III of the federal Workforce Innovation and Opportunity Act (WIOA), Public Law 113-128; review of benefit claim status; assessment of continued benefit eligibility; and referrals to appropriate partner services.

(3) Topics of subsequent RCM appointments may include but not be limited to review of benefit claim status, assessment of continued benefit eligibility, and referrals to appropriate partner services.

(4) During RCM appointments, an individual reemployment plan will be developed detailing when the customer is scheduled to attend additional appointments or other reemployment activities, including career planning appointments or live workshops.

(5) Reemployment activities must be recorded as directed by the department.

b. To meet the requirement that an individual is earnestly and actively seeking work for the claim week, the department may deem an individual to be participating and compliant with RCM when the individual has truthfully certified on the individual's weekly claim that the individual has performed a minimum of four reemployment activities and documented and reported each activity to the department.

(1) At least three of the four reemployment activities for the purpose of this paragraph shall consist of applying for a potential job opening by submitting a resume or application through any of the following means:

1. Online.
2. In person.
3. Email.
4. Facsimile.
5. Mail.

(2) Additional reemployment activities for the purpose of this paragraph consist of any of the following:

1. Registering with a placement facility of a school or college.
2. Interviewing for a job virtually, in person, or at a job fair.
3. Attending an employment workshop organized or approved by the department, which may include completing an online or in-person job search workshop, job club, or job search networking meeting.
4. Attending a job fair sponsored or approved by the department.
5. Attending a scheduled career networking meeting with the department.
6. With the assistance and guidance of the department, completing a reemployment plan, which may include completing career direction research or work such as a job search plan or a targeted employer list.
7. Participating in job search counseling with a department career planner.
8. Attending an appointment with a core program partner authorized by the WIOA.
9. Participating in online or in-person mock interviews organized or approved by the department.
10. Completing a career-related assessment approved by the department and reviewed with a department career planner.
11. Completing a civil service examination.

(3) Unreasonable limitations by an individual as to salary, hours or conditions of work can indicate that the individual is not earnestly seeking work. The department expects each individual claiming benefits to conduct themselves as would any normal, prudent individual who is out of work. An individual is considered to have failed to make an effort to secure work if the department finds that the individual has followed a course of action designed to discourage prospective employers from hiring the individual in suitable work.

c. Noncompliance. An individual will be ineligible for benefits for any period for which the department finds that the individual has failed to make an earnest and active search for work.

(1) Individuals are expected to follow all benefit and RCM requirements for the duration of their claim and the department may review their reemployment activities at any time for compliance.

(2) Refusal to participate in RCM appointments or failure to complete the agreed upon reemployment activities may lead to an interruption in benefits until the activity is rescheduled or completed.

(3) The claimant's most recent weekly certification will be reviewed to determine if they are applying for suitable positions. A suitable position is one for which the applicant is qualified or one that the applicant would be willing to accept based upon information provided.

d. Exceptions.

(1) Members of unions or professional organizations who normally obtain their employment through union or professional organizations are considered as earnestly and actively seeking work if they maintain active contact with the union's business agent or with the placement officer in the professional organization. A paid-up membership must be maintained if this is a requirement for placement service. The trade, profession, or union to which the individual belongs must have an active hiring hall or placement facility, and the trade, profession, or union must be the source customarily used by employers in filling their job openings. Registering with the individual's union hiring or placement facility is sufficient, except when all benefit rights to regular benefits are exhausted and Iowa is in an extended benefit period or similar program such as the federal supplemental compensation program. Mere registration at a union or reporting to a union hiring hall or registration with a placement facility of the individual's professional organization does not satisfy the extended benefit systematic and sustained effort to find work, and individuals complete reemployment activities.

(2) The requirement for seeking work is waived if all of the following conditions apply:

1. The individual is attached to a regular job or industry.

2. The individual is a high-skilled worker. For purposes of this numbered paragraph, "high-skilled worker" means a worker whose job or position requires more than a basic competency, license, or qualification. The worker must have an advanced competency, license, or qualification that demonstrates specialization and expertise in a field.

3. The individual is on a short-term temporary layoff. For purposes of this numbered paragraph, "short-term temporary layoff" means a layoff period of 16 weeks or less due to seasonal weather conditions that impact the ability to perform work limited to the following trades with a specific return-to-work date verified by the employer:

- Highway construction, repair, or maintenance; or
- Skilled trades including cement masons and concrete finishers, electricians, painters, plumbers, pipefitters, steamfitters, boilermakers, carpenters, and sheet metal workers.

4. Eligibility for a work search waiver will be determined by the director or a designee assigned by the director.

5. The individual otherwise qualifies for unemployment insurance benefits.

e. Week-to-week disqualification. Disqualification due to failure to conduct reemployment activities is made on a week-to-week basis and is not permanent.

f. Seniority rights. An individual who fails to exercise seniority rights to replace another employee with less seniority has the work search requirement waived during a period of regular benefits. This waiver does not apply to individuals receiving extended benefits or similar federal program benefits.

g. Search for work.

(1) The deferral code is used to determine which individuals are required to make personal applications for work. Other factors, such as the condition of the local labor market, the duration of benefit payments, and a change in claimant characteristics, are also taken into consideration on a weekly basis.

(2) Individuals receiving partial benefits are exempt from making personal applications for work in any week they have worked and received wages from their regular employer. Individuals involved in hiring hall practices must keep in weekly touch with the business agent of that union in which they maintain membership. All other individuals must make contacts with such frequency as the department considers advisable, after considering job prospects in the community, the condition of the labor market

and any other factors that may have a bearing on the individual's reemployment. A sincere effort must be made to find a job. A contact made merely for the sake of complying with the law is insufficient.

This rule is intended to implement Iowa Code section 96.4(3).

[Filed 11/4/26, effective 12/30/26]
[Published 11/25/26]
EDITOR'S NOTE: For replacement pages for IAC, see IAC Supplement 11/25/26.

ARC 0788D

WORKFORCE DEVELOPMENT DEPARTMENT[871]

Adopted and Filed

Rulemaking related to Iowa industrial new jobs training program

The Workforce Development Department (IWD) hereby rescinds Chapter 62, "Iowa Industrial New Jobs Training Program," Iowa Administrative Code, and adopts a new Chapter 62 with the same title.

Legal Authority for Rulemaking

This rulemaking is adopted under the authority provided in Iowa Code chapters 17A, 84A and 260E.

State or Federal Law Implemented

This rulemaking implements, in whole or in part, Iowa Code chapters 17A, 84A and 260E and 2026 Iowa Acts, House File 2799.

Purpose and Summary

The purpose of this rulemaking is to update the administrative rules governing the development of training projects under the Iowa Industrial New Jobs Training Act to align with changes made to Iowa Code chapter 260E in 2026 Iowa Acts, House File 2799.

Public Comment and Changes to Rulemaking

Notice of Intended Action for this rulemaking was published in the Iowa Administrative Bulletin on September 30, 2026, as **ARC 0629D**. Public hearings were held on the following date:

- October 20, 2026

Approximately 15 individuals attended the first public hearing, and 3 individuals made public comments. Approximately 14 individuals attended the second public hearing, and 2 individuals made public comments. The majority of the comments received demonstrate that employers have expanded the use of the 260E program beyond the intent of the program since many of the comments are related to upskilling and training for upskilling and leadership.

The following comments were received at the public hearings or via written comment:

1. **ACT comments.**

- The proposed treatment of "program costs" and repeated references to funds being used only in support of training could be read to exclude assessment and testing costs that the statute expressly identifies as program services.
- Clear language preserving this authority would help community colleges, employers, and IWD use the program consistently. Job-relevant assessment can help partners identify skill needs, tailor instruction to the requirements of a new job, verify skill attainment, and report meaningful outcomes from public investment.
- ACT recommends adding the following clarification to Chapter 62:

"Career and technical skill-assessment services and testing authorized under Iowa Code section 260E.2 are allowable program services when directly connected to eligible new jobs and their related training plans."

2. **Exclusion of "behavior skills" such as communication, leadership development, interpersonal skills, team building, conflict management, and similar training:** The proposed chapter restricts the use of 260E funds for upskilling current employees. 2026 Iowa Acts, House File 2799, does not limit eligible training to newly hired employees in this way. Employers need the flexibility to train existing employees, prepare them for more technical positions, and create opportunities for advancement, especially in a tight labor market. Likewise, the proposed chapter removes succession planning as eligible, which is concerning given the age of the workforce and expected leadership changes in many area businesses.

3. **Up-front cost requirement:** The proposal would require businesses to pay 30 percent of training costs up front. House File 2799 caps the amount of training expenses that may be bonded at 70 percent, but it does not require the remaining amount to be paid before training begins. This creates an additional financial burden that could discourage participation, particularly for smaller and growing employers.

4. **Administrative fee cap:** The proposal reduces the administrative fee cap to 7 percent. House File 2799 reduces the cap from 20 percent to 15 percent, not 7 percent. Our community colleges are important partners in making 260E work, and reducing the fee beyond what the Legislature approved could make it more difficult for them to effectively administer these projects.

5. **Definition of "new job."**

The proposed rules appear to expand on the amended definition of "new job." House File 2799, section 26, strikes the definition of "new job" in Iowa Code section 260E.2 and replaces it with a shorter definition of "new job" to mean "a new, permanent, full-time equivalent position added to an employer's payroll, at the location of the employer's project, in excess of the employer's base employment level."

The proposed rules repeat that language but add several exclusions and conditions, including exclusions for recalled workers, replacement jobs, reclassified jobs, certain jobs following a change in ownership, and upskilling of current employees and including a condition of requiring proof concerning changes in role or production. Some of those concepts may be relevant when applying the statutory definition to particular facts, but they should not be stated as additional categorical elements of the statutory definition where the Legislature chose to strike the former Iowa Code section and enact a materially simplified definition.

This is particularly important where language appearing in prior law or prior administrative practice was not retained in the replacement definition. If the Legislature intended to preserve those aspects of the prior definition, it could have retained the existing language or incorporated those limitations into the revised definition. Instead, the Legislature replaced the prior definition with a materially different and more limited definition that does not include those exclusions. Reading the omitted limitations into the statute through administrative rule would be difficult to reconcile with the Legislature's decision to remove them. Moreover, the community colleges are concerned that imposing substantive eligibility restrictions that are not contained in the revised statute exceeds authority by imposing requirements beyond those established by law.

6. **Definition of "program costs"—legal fees: request to distinguish employer reimbursement from necessary bond and program administration costs.**

Iowa Code section 260E.8(2) as enacted by House File 2799, section 31, provides that program costs "are not incurred to reimburse travel, conferences, or legal fees." The proposed rules also state that those costs are not allowable for reimbursement. The community colleges agree that these items, including legal fees, cannot simply be treated as an eligible reimbursable program cost. This does not, however, seem to include legal services necessarily incurred by a community college to issue and administer the bonds that Iowa Code chapter 260E continues to authorize.

It would not be appropriate to apply the prohibition on program costs incurred to reimburse legal fees to necessary bond counsel or comparable legal services incurred by a community college to lawfully issue and administer the financing contemplated by Iowa Code chapter 260E. The placement and

wording of new Iowa Code section 260E.8 as enacted support that reading—the provision addresses eligibility of "program costs" and uses the phrase "incurred to reimburse" specified categories. At the same time, the Legislature expressly retained the bond financing structure and separately capped administrative expenses at 15 percent.

A construction that categorically prohibits the legal services necessary to issue the bonds authorized by the same chapter would create a significant practical problem without clear statutory language indicating that result.

7. **Agreements—notification.**

The proposed rules require a community college to submit the final agreement and project training plan directly to IWD no later than 30 days before publication of certificates, provide IWD an unspecified amount of time to evaluate the documents for compliance, direct IWD to issue a list of corrections, and state that program requirements must be met "to the department's satisfaction" before the agreement is included in a bond issue.

That proposed workflow differs materially from the process outlined in the statute. Under Iowa Code section 260E.3(6) as enacted by House File 2799, section 28, once the Department of Revenue receives notice that a community college and an employer have entered into an agreement, the Department of Revenue, not the community college, provides a copy of the agreement to IWD. IWD then "may provide feedback" to the Department of Revenue within seven calendar days, and the Department of Revenue must share that feedback with the community college. The statute does not authorize IWD to approve or disapprove an agreement, require corrections, or make IWD approval a condition to bond issuance. The proposed notification process would add administrative burden and slow down the process. The rules should include a review timeline for IWD.

8. **Allowable cost and administrative fee.**

There is a notable inconsistency between the proposed rules and House File 2799 regarding the allowable administrative fee. The language included in House File 2799 states that a community college may be reimbursed from certificate proceeds for an administrative fee of no more than 15 percent. Proposed subrules 62.4(5) and 62.4(7), however, reduce that amount to "up to 7 percent," making the proposed rule substantially more restrictive. This also represents a change from the current rules, which do not establish a specific percentage cap but instead provide that community colleges may be reimbursed for indirect costs at a rate determined annually by IWD. Given that House File 2799 permits administrative expenses of up to 15 percent, it is not clear why the proposed rules reduce the amount to 7 percent, going beyond the language of House File 2799 and beyond the Legislature's intent.

9. **Protect previously approved training commitments, and give employers time to plan for changes to the program.**

10. **Include employers in the rulemaking process.**

The following comments were received at the Administrative Rules Review Committee (ARRC) meeting:

1. **Add the language that was struck from "new job" definition:** The language that was struck refers to exclusions from the definition, including jobs in an industry with a violation of federal or State labor laws or involved in a lockout or strike.

2. **Exclusion of "behavior skills" such as communication, leadership development, interpersonal skills, team building, conflict management, and similar training:** Detailed description provided in numbered paragraph "2" above.

3. **Up-front cost requirement:** Detailed description provided in numbered paragraph "3" above.

4. **Administrative fee cap:** Detailed description provided in numbered paragraph "4" above.

5. **Definition of "new job":** Detailed description provided in numbered paragraph "5" above.

6. **Definition of "program costs"—legal fees: request to distinguish employer reimbursement from necessary bond and program administration costs:** Detailed description provided in numbered paragraph "6" above.

7. **Agreements—notification:** Detailed description provided in numbered paragraph "7" above.

8. **Allowable cost and administrative fee:** Detailed description provided in numbered paragraph "8" above.

The following changes have been made since publication of the Notice:

1. In rule 871—62.3(15,260E), the definition of "new job" was revised to add language that was inadvertently removed when the Regulatory Analysis and the Notice of Intended Action were published.
2. Subrule 62.4(1) was changed to add a deadline for IWD to respond with concerns.

Adoption of Rulemaking

This rulemaking was adopted by the Director of IWD on November 4, 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 IWD 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 30, 2026.

The following rulemaking action is adopted:

ITEM 1. Rescind 871—Chapter 62 and adopt the following **new** chapter in lieu thereof:

CHAPTER 62
IOWA INDUSTRIAL NEW JOBS TRAINING PROGRAM

871—62.1(15,260E) Authority. The authority for rules governing the development of training projects under the Iowa industrial new jobs training Act and the operation of the program is provided in Iowa Code section 260E.7.

871—62.2(15,260E) Purpose. The purpose of the Act is to provide training for employees in new jobs with industries locating or expanding operations in Iowa. The goal of the training should be the development of transferable skills that lead to certifications necessary to perform work in the workplace. Iowa workforce development is required to coordinate the training programs described in the Act.

871—62.3(15,260E) Definitions.

"Act" means Iowa Code chapter 260E.

"Agreement" means an agreement between an employer and a community college concerning a project and includes any written agreement, or amendment thereto, whether deemed by the parties to be preliminary or final.

"Base year" means, for the purpose of determining incremental property tax available to fund in part the jobs training agreement, the assessment rolls as of January 1 of the year preceding the first written

agreement filed with the county assessor where the property is located or such other valuation as may be determined by the appropriate assessor as provided in Iowa Code section 403.19(1)*"c."*

"Department" means Iowa workforce development.

"Eligible training" means a structured process of instruction designed to develop technical and specialized skills required to perform job-specific tasks effectively. This includes activities such as courses, labs, simulations, and hands-on exercises either on the job or in a classroom or field environment; training of measurable skills that are often certifiable such as painting, welding, mechanics, computer coding and heavy machinery operation; mastery of skills leading to certifications or credentials necessary to perform work in a workplace context but excludes those leading directly to professional degrees in medicine, law, accounting, or other professional areas. Training may also include skills related to diagnostic techniques and operational proficiency. The training must be specific to the new jobs being added according to the contract.

"Expanding industry" means an industry that will require the addition of new jobs that did not exist in that industry in Iowa prior to the signing of an agreement for training and that exceeds the level of employment in that industry six months prior to the date of the agreement.

"Formerly existing jobs" means jobs that were part of the payroll of the industry within the state any of the time during the six months prior to the signing of an agreement for training. Jobs that formerly existed do not qualify for training under the provisions of Iowa Code section 260E.2(15).

"Industry" means a business engaged in interstate or intrastate commerce for the purpose of manufacturing, processing, or assembling products; conducting research and development; or providing services in interstate commerce but excludes retail, health, or professional services. An industry is a business engaged in activities described as eligible in the Act rather than the generic definition encompassing all businesses in the state doing the same activities. An industry is considered to be a single corporate entity or operating subdivision. An industry that closes or substantially reduces its operation in one area of the state of Iowa and relocates substantially the same operation in another area of the state is not eligible for a project. This definition does not prohibit a business from expanding its operations in another area of the state provided that existing operations of a similar nature are not closed or substantially reduced.

"New industry" means an industry that has not done business in Iowa or an existing industry implementing a new process and product used or produced for the first time in Iowa that results in the creation of new jobs not previously available in that industry in the state.

"New job" means a new, permanent, full-time equivalent position added to an employer's payroll, at the location of the employer's project, in excess of the employer's base employment level as determined by the average number of employees report in the previous two quarters. A new job does not include jobs of recalled workers, replacement jobs or other jobs that formerly existed in the business in the state of Iowa. It does not include a job in an industry with a material violation of state or federal labor laws or involved in a lockout or strike in Iowa. It does not include the upskilling of current employees. A new job does not include reclassified jobs or new ownership of existing operations that use the existing employees to perform primarily the same functions or producing the same product line they performed prior to the sale of the business. Employers must provide proof of the change in role or production upon sale of the business in order for employees to be classified as "new jobs" after the sale of the business. The change in responsibilities and functions must be immediate and occur no later than jobs that are performing primarily the same functions or producing the same product line.

"New jobs training program" or *"program"* means the project or projects established by a community college for the creation of jobs by providing education and training of workers for new jobs for new or expanding industry in the merged area served by the community college. The proceeds of the certificates, as authorized by the Act, will be used only to fund program services related to training programs made necessary by the creation of new jobs.

"Program costs" are defined as the total cost of the training project outlined in the final agreement. The business is required to pay for 30 percent of the total program costs before receiving reimbursements or on-the-job training funds from the program fund established by the community college for the project. Businesses must submit receipts or appropriate documentation to establish the

expenditures to the community college, which will bundle receipts and certify the 30 percent expenditure to the department for approval. After the department has reviewed and approved the 30 percent expenditure threshold has been met, the program funds may be released. The business cannot submit receipts for reimbursement for any expenses incurred before the date of certification to the community college for additional reimbursement. The costs must be incurred over the period of time specified in the agreement under Iowa Code section 260E.3. Funds can only be used in support of training and cannot be used to reimburse consultants, travel, conferences, or legal fees or any administrative expenses not related to training.

"Training" does not include upskilling of current employees; business onboarding, basic computer skills; succession planning; behavioral skills, such as but not limited to communications, leadership development, interpersonal skills development, teamwork building or related programs, conflict management, or training employees to assist individuals with substance use disorder as defined in Iowa Code section 125.2(13); or scholarships for higher education. Training does not include upskilling that leads directly to a professional degree in medicine, law, accounting or other professional areas. Wholesale updates or purchase of businesswide training materials and systems are not eligible. Funds can only be used in support of training and cannot be used to reimburse consultants, travel, conferences or legal fees or any administrative expenses not directly related to training.

871—62.4(15,260E) Agreements.

62.4(1) *Notification.* The community college will notify the department of all agreements deemed to be final and ready for project funding by sending a copy of the final agreement and project training plan to the department upon execution by all parties and no later than 30 days prior to publishing certificates for public comment. The department will evaluate these documents for compliance with program requirements and, if program requirements are not met, will send a detailed list of corrections to the community college within 15 business days of receipt of the completed project training plan. Program requirements must be met to the department's satisfaction prior to the inclusion of the project in a bond issuance. Once a bond has been issued, the community college will notify the department of the sale by entering data and uploading required documentation identified by the department into the 260E Data System within 30 days of execution by all parties. Except where otherwise prescribed in these rules, the department, in conjunction with the community colleges, will develop a format and timetable for reporting relevant information to the department. Such reporting will include but will not be limited to information and official statements with respect to all final agreements and related certificate sales, information regarding college procedures for training agreement review and training project monitoring, and documentation of identified events of default, remedies and repayment policies.

62.4(2) *Additional agreement items.* In addition to the provisions of an agreement described in Iowa Code section 260E.3(1) through 260E.3(5), the agreement will include the following items:

a. The length of time each new job category will be provided on-the-job training.

b. The completion date of all other training.

c. If the supplemental new jobs credit is to be utilized as authorized in Iowa Code section 256.7(14), the agreement signed by the business(es), the community college, and the department of revenue for the use of an additional 1.5 percent withholding to educate and train new employees.

d. New jobs pledged by the business, which must be created within three years of execution of the final agreement submitted for the bond issue. If a new facility is being built, the jobs must be created within two years of the completion of the building.

62.4(3) *Additional notification.* Upon receipt of a notice that the community college and an employer have entered into an agreement, the department of revenue shall provide a copy of the agreement to the department for review. The department of workforce development may provide feedback regarding the agreement to the department of revenue within seven calendar days after the date of receipt of the copy of the agreement. If the final agreements do not adhere to program requirements, the department of revenue can deny the credit from withholding for the employer participating in the program. The department of revenue must share any such feedback from the department with the community college.

62.4(4) *Compliance with department of revenue requirements.*

a. When an agreement for training is deemed final and ready for project funding, the community college will notify the department of revenue within 30 days of the date of execution of the agreement. Notification will be in writing on forms and in the manner determined by the department and is considered complete when entries have been saved in the data system.

b. If, at any time after notification, the estimates are revised, or if changes are made in the agreement that would affect the above reporting requirements, the department of revenue and the department will be notified within 30 days.

62.4(5) *Allowable cost.* A community college may be reimbursed from certificate proceeds up to a 7 percent administrative fee related to direct expenditures associated with the 260E program. Allowable costs do not include reimbursement for consultants, economic development and business services departments, travel conferences, legal fees, or any expenditure not directly related to the administration of the agreement. The community college will provide a detailed quarterly report to the department identifying how the administrative fee is being allocated for each agreement. Training costs incurred prior to the date of the preliminary agreement are not reimbursable.

62.4(6) *Cost standards.* The standard vocational preparation guide, as provided in the Dictionary of Occupational Titles for determining classification of jobs and the length of allowable training periods, may be used by a community college in estimating the cost of on-the-job training. Where these standards are not appropriate, reasonable time periods for on-the-job training will be based on the standard vocational preparation guide for similar classifications. Reimbursement of a new employee's wages for on-the-job training will not exceed 50 percent of the new employee's annual gross payroll costs. The maximum project total for on-the-job training will not exceed 50 percent of the total available training proceeds.

62.4(7) *Administrative fee.* The community colleges may be reimbursed a 7 percent administrative fee. This fee shall only be used to fund administrative expenses directly related to the administration of the program. The community colleges will annually submit a detailed report identifying how the administrative fee was spent.

62.4(8) *Equipment.* Equipment required for training will be an allowable provision in a training project as described in Iowa Code chapter 260E. The cost of equipment used in training will be prorated to the project in that proportion chargeable to the training program, and the remainder of the cost of such equipment will be the responsibility of the employer. Proceeds of the certificates will not be used directly or indirectly to finance land, facilities or depreciable property to be owned by the employer or other private person.

62.4(9) *Repayment duration.* For an agreement entered into on or before June 30, 2026, payment of program costs shall not be deferred for a period longer than ten years from the date of commencement of the project and the agreed-upon period shall not be extended. For an agreement entered into on or after July 1, 2026, payment of program costs shall not be deferred for a period longer than seven years from the date of commencement of the project.

871—62.5(15,260E) Resolution on incremental property tax.

62.5(1) A copy of the resolution by the board of directors of the community college, as described in Iowa Code section 260E.4, will be forwarded to the county auditor(s) affected by it within the merged area.

62.5(2) A community college board of directors anticipating the use of the incremental property tax as a source of funding for an eligible training program is referred to in Iowa Code sections 403.19 and 403.21 and will follow procedures as described therein as provided in Iowa Code section 260E.4.

871—62.6(15,260E) New jobs withholding credit.

62.6(1) *Notification of payments and claims for credit.* Withholding credit for payments to community colleges will be claimed by an employer on the semimonthly, monthly, or quarterly deposit forms during the calendar quarter in which payment is made to a community college. No credit may be claimed until the payment has been made to a community college. The community college will notify the

department of revenue by making applicable entries in the 260E Data System within 30 days following the end of a calendar quarter of payments covering withholding credits that have been received for the quarter. If a credit is claimed by an employer and payment is not made to the community college, the amount of credit will be considered to be a delinquent withholding liability and will be subject to assessment of tax, penalty, and interest according to the provisions of Iowa Code section 422.16(10).

62.6(2) *Notification of termination of credit.* Community colleges will notify in writing the department of revenue and the department within 30 days when it is determined that payments for job training withholding credits will no longer be applied against the costs of a project. At project completion, any excess payments for job training withholding credits received by the community college will be forwarded to the department of revenue.

871—62.7(15,260E) Notice of intent to issue certificates. The notice of intent to issue certificates as provided in Iowa Code section 260E.6(5) will be published by the community college in a legal newspaper in the merged area. The application for an allocation of Iowa industrial new jobs training certificates should be submitted to the department, in the format determined by the department and by an official of the community college or by an attorney or agent of the community college, prior to the issuance of certificates for that portion of the issuance that is tax-exempt. Notice of issuance of certificates should be filed with the department within ten days of the issuance and delivery of certificates.

871—62.8(15,260E) Standby property tax levy. A standby property tax levy may be collected at any time other funds are insufficient as provided in Iowa Code section 260E.6(4). The county auditor will be notified by the community college board of directors on an annual basis to adjust the annual standby tax.

871—62.9(15,260E) Reporting. An annual report will be completed by the community college on or before September 15. The format and content will be determined by the department. The report will include training dollar expenditures and names of the providers of the training conducted, the number of pledged new job employees filled, provided program services under the project, the median wage of employees in the new jobs in the project, and the administrative costs directly attributable to the project.

871—62.10(15,260E) Monitoring.

62.10(1) *Monitoring system.* Each community college will establish a monitoring system that includes at a minimum a review of the business's compliance with the Act, these rules and the training agreement.

62.10(2) *Annual review.* Monitoring will be conducted by the community colleges at least annually.

62.10(3) *Documentation.* Each community college will document its monitoring efforts and promptly notify the department, on the forms provided, whenever it identifies an event of default.

871—62.11(15,260E) State administration. The community colleges will submit 1 percent of the gross sale of certificates within 30 days of receipt of proceeds from a sale of certificates to the department to defray administrative costs.

871—62.12(15,260E) Coordination with communities. The community colleges will follow the provisions of Iowa Code section 403.21.

871—62.13(15,76GA,SF2351) Supplemental 1.5 percent withholding. For the purposes of determining new jobs training programs established under Iowa Code section 260J.1 eligible to receive a supplemental new jobs credit of 1.5 percent of gross wages from withholding, the following criteria will be met:

62.13(1) Only those new jobs training programs established by a 260E final agreement, approved by the community college board of directors after June 30, 1996, and including a provision for a supplemental new jobs credit from withholding from jobs created under the agreement are eligible for the supplemental credit.

62.13(2) The department will make available to the community colleges the applicable laborshed wages at the beginning of each state fiscal year for use in determining supplemental withholding credit eligibility for that fiscal year.

62.13(3) For the purposes of determining eligibility for the supplemental credit, starting wages for a new job will be determined on a one-time basis by the community college as follows:

a. The employer will agree, as a part of the final agreement, to pay starting wages that are equal to or greater than the laborshed wages.

b. Only those individual jobs for which the starting wage is equal to or greater than the laborshed wages are eligible for the supplemental new jobs credit from withholding.

c. For purposes of comparing starting wages to the laborshed wages, the community college will reduce the annual gross wages to be paid for the job to an hourly wage based upon a 40-hour workweek.

d. Such determination by the community college will be conclusive and the individual job will thereafter be eligible and may be used for the supplemental credit from withholding to fund the supplemental project under the agreement.

e. Future annual changes in laborshed wages will not affect the eligibility of those jobs that have been determined by the community college to be eligible at the time of final agreement for a project.

62.13(4) The community college may require the employer to supply appropriate payroll records and projections to verify eligibility of the supplemental credit.

This rule is intended to implement the provisions of 1996 Iowa Acts, Senate File 2351, section 8, effective July 1, 1996, and does not affect agreements that do not contain a provision for a supplemental new jobs credit from withholding.

871—62.14(15,260E) Bond issue. A bond issued to a community college for a project shall not exceed 70 percent of total program costs related to training expenses, and the total program costs must be established prior to the issuance of the bond to ensure an accurate 30/70 split. Any subsequent adjustments to the total program costs must include a corresponding reduction or expansion of the ratio of 30 to 70 percent.

871—62.15(15,260E) Bond interest. A community college that receives a new jobs credit from withholding under Iowa Code section 260E.5 shall annually report a detailed accounting of the community college's bond interest to the department of workforce development, the department of education, and the department of revenue. This includes interest earned on unexpended bond proceeds. Interest accrued by unused bonds may only be used consistent with and directly related to the 260E program and for no other purpose.

871—62.16(15,260E) Revenue diversion. Gross wages that are diverted from the general fund and paid to the community college can only be used to retire bond debt and cannot be diverted to pay for any other program or purpose including, for example, held funds at the community college or business as a training fund for the business.

871—62.17(15,260E) Limits on use of other funds. Businesses that receive training funds through the major economic growth attraction program in Iowa Code chapter 15, subchapter 2, part 32, and the business incentive for growth program outlined in Iowa Code chapter 15, subchapter 2, part 33, are not eligible to receive assistance from the Iowa industrial new jobs training program.

These rules are intended to implement Iowa Code chapter 260E and chapter 403 as it relates to chapter 260E.

[Filed 11/4/26, effective 12/30/26]
[Published 11/25/26]
EDITOR'S NOTE: For replacement pages for IAC, see IAC Supplement 11/25/26.

ARC 0789D

WORKFORCE DEVELOPMENT DEPARTMENT[871]

Adopted and Filed

Rulemaking related to career training physical expansion program

The Workforce Development Department hereby adopts new Chapter 70, "Career Training Physical Expansion Program," Iowa Administrative Code.

Legal Authority for Rulemaking

This rulemaking is adopted under the authority provided in Iowa Code chapter 17A.

State or Federal Law Implemented

This rulemaking implements, in whole or in part, Iowa Code chapter 17A.

Purpose and Summary

The purpose of this rulemaking is to establish rules to administer the Career Training Physical Expansion Program Fund created in Iowa Code section 84J.3 as enacted by 2026 Iowa Acts, Senate File 2168.

Public Comment and Changes to Rulemaking

Notice of Intended Action for this rulemaking was published in the Iowa Administrative Bulletin on September 30, 2026, as **ARC 0630D**. Public hearings were held on the following date:

- October 20, 2026

No one attended the public hearings. No public comments were received. One change from the Notice has been made to remove the dollar amount from the definition of "equipment" in rule 871—70.2(84J).

Adoption of Rulemaking

This rulemaking was adopted by the Director of the Department on November 4, 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.

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 30, 2026.

The following rulemaking action is adopted:

ITEM 1. Adopt the following **new** 871—Chapter 70:

CHAPTER 70
CAREER TRAINING PHYSICAL EXPANSION PROGRAM

871—70.1(84J) Purpose. The purpose of the career training physical expansion program is to provide financial assistance for construction of new facilities and procurement of equipment that will expand the capacity of community colleges and unionized and nonunionized private sector apprenticeship programs to provide education and training for workers in high-demand fields in this state.

871—70.2(84J) Definitions.

"Applicant" means an Iowa community college or unionized or nonunionized private sector apprenticeship program applying for assistance under the program.

"Apprenticeship" means a structured training program that combines supervised paid on-the-job training with classroom instruction.

"Community college" means the same as defined in Iowa Code section 260C.2.

"Construction of new facilities" means the process of assembling, erecting, or modifying a physical structure for the purpose of expanding capacity to provide education and training for workers in high-demand fields in this state. Major maintenance of an existing facility does not qualify.

"Department" means the department of workforce development.

"Department's website" means the information and related content found at www.workforce.iowa.gov and may include integrated content at affiliate sites.

"Eligible entity" means a community college or unionized or nonunionized private sector apprenticeship program meeting the requirements of rule 871—70.3(84J).

"Equipment" means specialized hardware, software, or other tangible, nonexpendable property. Additional details on equipment requirements are outlined in the notice of funding opportunity or other grant documents.

"Expand capacity" means to increase the maximum number of slots available in a training or education program for workers in high-demand fields in this state.

"Fund" means the career training physical expansion program fund created in Iowa Code section 84J.3 as enacted by 2026 Iowa Acts, Senate File 2168.

"High-demand field" means the same as the definitions of "high-demand occupation," "high-skill occupation," and "high-wage occupation" created in Iowa Code section 256.125 as amended by 2026 Iowa Acts, House File 2610.

"Internet-based education or training" means the same as the definition of "delivered primarily over the internet" in rule 281—15.1(256).

"Nonduplicative training" means that a project funded via this program will avoid recreating current training programs but will modernize the structure and delivery of a training program, education program, or both that will directly result in an increase in the number of workers in high-demand fields in this state.

"Private sector apprenticeship program" means a paid apprenticeship program offered by, or in partnership with, a private company in Iowa.

"Procurement" means the same as defined in rule 11—117.2(8A).

"Program" means the career training physical expansion program established in this chapter.

871—70.3(84J) Program eligibility. To be eligible for financial assistance under the program, an applicant must propose the construction of a new training facility, construction to expand an

existing training facility in accordance with the definition of "construction of new facilities" in rule 871—70.2(84J), or the procurement of equipment that will expand the capacity to educate and train workers in high-demand fields in Iowa.

70.3(1) *Employer demand.* Applicants must provide evidence of employer demand for the skills and abilities to be taught via the training and education or apprenticeship program for which an applicant applies.

70.3(2) *Expand capacity.* The project must directly result in an increase in the number of workers in high-demand fields in this state.

70.3(3) *Internet-based education or training.* Projects to increase internet-based education or training are ineligible for financial assistance under this program.

70.3(4) *Priority given for nonduplicative training.* Priority will be given to projects that meet the definition of "nonduplicative training" in rule 871—70.2(84J).

871—70.4(84J) Application submission and review process.

70.4(1) The department will develop a standardized application process and make information on applying available on the department's website. To apply for assistance under the program, an applicant shall submit an application to the department in the manner prescribed by the department. The department will identify specific types of investments for which it intends to provide financial assistance on the application form or forms.

70.4(2) Applications will be accepted and processed by department staff on a continuing basis, or the department may establish application periods as announced on the department's website. If received on a continuing basis, applications will be reviewed in the order received by the department.

70.4(3) The department may refuse to accept incomplete applications or may refuse to accept applications because of insufficient funds.

70.4(4) The department will determine the financial assistance award if it determines that financial assistance should be awarded. The department has final decision-making authority on requests for financial assistance for the program. The department will take final action on all applications for financial assistance except those rejected pursuant to subrule 70.4(3). The department may approve an award, decline to award, or choose to reopen the application window.

70.4(5) An applicant may submit one application per funding cycle for the duration of the program.

70.4(6) Applicants will be notified in writing of an award of financial assistance, including any conditions and terms of the award, or of a denial of an award of financial assistance.

871—70.5(84J) Application scoring criteria. When applications for financial assistance under the program are reviewed by department staff, the following criteria will be considered and the application scored as described.

70.5(1) The extent to which the applicant's investment demonstrates employer demand in this state for the training and education to be provided.

70.5(2) The extent to which the investment expands the physical capacity of the community college or apprenticeship program.

70.5(3) The extent to which the investment increases the number of workers in high-demand fields in this state. Priority points will be awarded for greater increased capacity.

70.5(4) The extent to which the applicant demonstrates regional need for increased capacity of trained individuals in the high-demand jobs.

70.5(5) Whether and the extent to which the applicant has previously received financial assistance from the program.

70.5(6) For awards under subsequent funding rounds, whether and the extent to which the applicant demonstrates increased training and education completions under previous projects.

70.5(7) The sufficiency of the proposed investment's financing structure, the feasibility of the sources of funds, and the appropriateness of the proposed uses of the funds.

871—70.6(84J) Contract administration.

70.6(1) The department will prepare a contract for each award approved by the department. The contract will reflect the terms of the award and may include other terms and conditions reasonably necessary for implementation of the program pursuant to this chapter.

70.6(2) Any substantive change to a proposed investment shall require an amendment to the contract. Amendments shall be requested in writing. No amendment shall be valid until approved by the department.

871—70.7(84J) Disbursement of funds.

70.7(1) The department will disburse funds for an investment only after a complete application has been received, an award has been approved by the department, a contract has been executed between the applicant and the department, and all applicable conditions for disbursement have been met, including the submission of documentation pertaining to the eligible expenditures. Disbursement of funds under the contract will be on a reimbursement basis for expenses incurred by the applicant after the date of application and as provided under the contract. Expenditures for labor performed by an applicant's employees are not eligible for reimbursement.

70.7(2) Administrative cost. The department will retain 2.0 percent of each appropriation for administration of this program.

871—70.8(84J) Reporting. An applicant receiving assistance under the program shall submit any information reasonably requested by the department in sufficient detail to permit the department to prepare any reports required by the department, the general assembly, or the governor's office.

These rules are intended to implement Iowa Code chapter 17A and chapter 84J as enacted by 2026 Iowa Acts, Senate File 2168.

[Filed 11/4/26, effective 12/30/26]
[Published 11/25/26]

EDITOR'S NOTE: For replacement pages for IAC, see IAC Supplement 11/25/26.