



# IOWA ADMINISTRATIVE BULLETIN

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Pages 727 to 804

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## PREFACE

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

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

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

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

STEPHANIE A. HOFF, Administrative Code Editor

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### CITATION of Administrative Rules

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

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

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

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

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

## Schedule for Rule Making 2011

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

### PRINTING SCHEDULE FOR IAB

<u>ISSUE NUMBER</u>	<u>SUBMISSION DEADLINE</u>	<u>ISSUE DATE</u>
13	Wednesday, December 7, 2011	December 28, 2011
14	Wednesday, December 21, 2011	January 11, 2012
15	Friday, January 6, 2012	January 25, 2012

**PLEASE NOTE:**

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

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

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

The Administrative Rules Review Committee will hold its regular, statutory meeting on Tuesday, December 13, 2011, at 9:30 a.m. in Room 116, State Capitol, Des Moines, Iowa. The following rules will be reviewed:

### **AGING, DEPARTMENT ON[17]**

Department planning responsibilities, ch 4

Notice **ARC 9864B**, also Filed Emergency **ARC 9863B** ..... 11/30/11  
Senior internship program (SIP), ch 10 Filed **ARC 9841B** ..... 11/2/11

### **AGRICULTURAL DEVELOPMENT AUTHORITY[25]**

AGRICULTURE AND LAND STEWARDSHIP DEPARTMENT[21]"umbrella"

Organizational structure; waivers; beginning farmer tax credit program, 1.1, 1.5, 6.5, 11.3,  
11.4, 11.10(1) Notice **ARC 9855B** ..... 11/16/11

### **AGRICULTURE AND LAND STEWARDSHIP DEPARTMENT[21]**

Renewable fuel infrastructure board—transfer of rules, 1.2(4)"a," chs 13 to 16 Filed **ARC 9816B** ..... 11/2/11  
Swine exhibitions, 64.34, 64.35 Notice **ARC 9836B** ..... 11/2/11

### **CAPITAL INVESTMENT BOARD, IOWA[123]**

Transfer of tax credit responsibilities to economic development authority, 1.6, 2.11 Filed **ARC 9832B** ..... 11/2/11

### **ECONOMIC DEVELOPMENT AUTHORITY[261]**

Tax credits for investments, chs 115, 116 Notice **ARC 9845B** ..... 11/16/11  
SSBCI demonstration fund, ch 117 Notice **ARC 9848B**, also Filed Emergency **ARC 9846B** ..... 11/16/11  
Generation Iowa commission; administration of energy development programs, rescind ch  
400; adopt chs 400 to 402 Notice **ARC 9852B**, also Filed Emergency **ARC 9851B** ..... 11/16/11

### **EDUCATIONAL EXAMINERS BOARD[282]**

EDUCATION DEPARTMENT[281]"umbrella"

One-year teacher exchange license, 13.17(1) Filed **ARC 9840B** ..... 11/2/11  
Mathematics endorsement, 13.28(12) Filed **ARC 9839B** ..... 11/2/11  
Physics endorsement, 13.28(17)"g" Filed **ARC 9838B** ..... 11/2/11

### **HUMAN SERVICES DEPARTMENT[441]**

Quality assurance assessment, 36.6(2), 36.7(4), 36.10 to 36.12 Filed **ARC 9892B** ..... 11/30/11  
Recovery of Medicaid expenditures in case of malpractice, 75.4(1) Filed **ARC 9881B** ..... 11/30/11  
Reimbursement for HCBS waiver service providers, amendments to chs 78, 79 Filed **ARC 9884B** ..... 11/30/11  
Elimination of Medicaid coverage for lipase inhibitors and certain cough and cold products,  
78.2(4)"b," 78.2(5) Filed **ARC 9882B** ..... 11/30/11  
Medicaid—coverage of all smoking cessation products, 78.2(4)"b"(4)  
Notice **ARC 9835B**, also Filed Emergency **ARC 9834B** ..... 11/2/11  
Orthodontia for children—Medicaid criterion for medical necessity, 78.4(8), 78.28(2)"d"  
Filed **ARC 9883B** ..... 11/30/11  
Out-of-state hospitals—elimination of reimbursement for costs of graduate medical  
education, 79.1(5), 79.1(16) Filed **ARC 9886B** ..... 11/30/11  
Inpatient hospital services—nonpayment for preventable conditions, 79.1(5)"ab" Filed **ARC 9887B** ..... 11/30/11  
Crossover claims for Medicare beneficiaries, 80.2(2)"h" Filed **ARC 9889B** ..... 11/30/11  
Nursing facilities—preadmission review, 81.1, 81.3(3), 81.7, 81.13 Filed **ARC 9888B** ..... 11/30/11  
IowaCare—application, 92.3(1) Notice **ARC 9842B** ..... 11/16/11  
IowaCare—hardship exemption, 92.3(1), 92.7(3) Amended Notice **ARC 9895B** ..... 11/30/11  
IowaCare, 92.8(6) to 92.8(8) Filed **ARC 9890B** ..... 11/30/11  
Juvenile detention and shelter care homes—record checks, 105.3(3), 105.5(5) Filed **ARC 9829B** ..... 11/2/11

### **INSURANCE DIVISION[191]**

COMMERCE DEPARTMENT[181]"umbrella"

External review, 76.1 to 76.9 Notice of Termination **ARC 9853B** ..... 11/16/11  
External review, ch 76 Notice **ARC 9854B** ..... 11/16/11

### **IOWA FINANCE AUTHORITY[265]**

Low-income housing tax credit program—2012 qualified allocation plan, 12.1, 12.2  
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Emergency shelter grants program, 42.4(6), 42.6, 42.10(5), 42.12(3) Filed **ARC 9830B** ..... 11/2/11  
Community housing and services for persons with disabilities revolving loan program, ch 43  
Filed **ARC 9878B** ..... 11/30/11

**NURSING BOARD[655]**

PUBLIC HEALTH DEPARTMENT[641]"umbrella"

- Organization and procedures of the board, 1.3(2) Notice of Termination **ARC 9868B** ..... 11/30/11  
 Organization and procedures of the board, 1.3(2) Notice **ARC 9866B** ..... 11/30/11

**PROFESSIONAL LICENSURE DIVISION[645]**

PUBLIC HEALTH DEPARTMENT[641]"umbrella"

- Approved providers of chiropractic assistant training programs, 43.12(2)"a" Notice **ARC 9885B** ..... 11/30/11  
 Chiropractic physicians—discipline, 45.2(11) Filed **ARC 9862B** ..... 11/16/11  
 Delegated prescribing by physician assistants, 327.6(1)"d" Filed **ARC 9844B** ..... 11/16/11

**PUBLIC HEALTH DEPARTMENT[641]**

- Licensure of plumbing and mechanical systems professionals—fees, 28.1, 28.2 Filed **ARC 9847B** ..... 11/16/11  
 Plumbing and mechanical systems professionals—application, licensure, examination, 29.1, 29.2, 29.6, 29.7, 29.9 Filed **ARC 9849B** ..... 11/16/11  
 Plumbing and mechanical systems professionals—continuing education, 30.2 to 30.4, 30.6(1) Filed **ARC 9850B** ..... 11/16/11  
 State medical examiner—consideration of fees as repayment receipts, 126.3(1) Filed **ARC 9880B** ..... 11/30/11

**PUBLIC SAFETY DEPARTMENT[661]**

- Fire safety—adoption of National Electrical Code 2011 by reference, 201.3 Filed **ARC 9827B** ..... 11/2/11  
 State building code—adoption of National Electrical Code 2011 by reference, 301.5 Filed **ARC 9826B** ..... 11/2/11  
 Electrical installations—adoption of National Electrical Code 2011 by reference, 504.1 Filed **ARC 9825B** ..... 11/2/11

**REAL ESTATE APPRAISER EXAMINING BOARD[193F]**

Professional Licensing and Regulation Bureau[193]

COMMERCE DEPARTMENT[181]"umbrella"

- Reciprocity; continuing education, 2.1, 10.2, 11.1, 11.2, 11.4 Filed **ARC 9865B** ..... 11/30/11

**REGENTS BOARD[681]**

- State universities—admission, fees, telecommunications, amendments to chs 1, 2, 9 Notice **ARC 9869B** ..... 11/30/11  
 State hygienic laboratory; University of Iowa; University of Northern Iowa; Iowa School for the Deaf, 5.1, 5.3, ch 12, 14.1, 14.2, 16.1, 16.6, 16.8 Notice **ARC 9823B** ..... 11/2/11

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- Department reorganization; substitute tax forms, 6.1, 6.2, 6.4, 6.5, 7.50(7), 8.2 to 8.4 Filed **ARC 9875B** ..... 11/30/11  
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 Biofuels, ethanol blended fuels—tax refunds, tax credits, reporting, amendments to chs 12, 40, 42, 44, 52, 53, 67 Filed **ARC 9821B** ..... 11/2/11  
 Individual, corporation and franchise tax, amendments to chs 38, 40 to 42, 52, 53, 59 Filed **ARC 9820B** ..... 11/2/11  
 Active duty pay—exclusions and exemptions, 38.17(3), 40.5(2), 40.61, 40.76 Filed **ARC 9822B** ..... 11/2/11  
 Tax credits, amendments to chs 42, 43, 52, 58 Filed **ARC 9876B** ..... 11/30/11  
 Property assessment appeal board, 71.21 Filed **ARC 9877B** ..... 11/30/11

**SCHOOL BUDGET REVIEW COMMITTEE[289]**

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- Hearing procedures; documentation, amendments to ch 6 Notice **ARC 9818B** ..... 11/2/11

**SECRETARY OF STATE[721]**

- Election forms and instructions, 21.2(2), 21.50(10), 21.204, 21.600 Filed **ARC 9879B** ..... 11/30/11  
 District and ward apportionment—maximum allowable deviation from ideal population, 21.31, 21.32 Filed **ARC 9891B** ..... 11/30/11  
 Redistricting special election blackout period, 21.33 Notice **ARC 9894B**, also Filed **Emergency** **ARC 9893B** ..... 11/30/11  
 Voting system standards, 22.2 Notice of Termination **ARC 9896B** ..... 11/30/11  
 Corporations—filing of biennial reports, 40.8 Notice **ARC 9860B**, also Filed **Emergency** **ARC 9861B** ..... 11/16/11  
 Corporations—online filing of documents, 40.9 Notice **ARC 9859B** ..... 11/16/11  
 Revocation of notary license, 43.6 Notice **ARC 9857B** ..... 11/16/11

**STATE PUBLIC DEFENDER[493]**

INSPECTIONS AND APPEALS DEPARTMENT[481]"umbrella"

Administration; indigent defense fee claims, 1.3 to 1.5, 4.15(4), 10.7, 12.2 Notice **ARC 9817B** ..... 11/2/11**TRANSPORTATION DEPARTMENT[761]**

Primary highway system—access management, utility accommodation, 112.1, 115.1

Filed **ARC 9873B** ..... 11/30/11Special truck stickers; special registration plates, 400.53(4), 401.18 Filed **ARC 9833B** ..... 11/2/11

Issuance of licenses; testing and vehicle equipment; fee payment options, amendments to chs

600, 604, 605, 615, 630 Notice **ARC 9874B** ..... 11/30/11**UTILITIES DIVISION[199]**

COMMERCE DEPARTMENT[181]"umbrella"

Capital infrastructure investment automatic adjustment mechanism for rate-regulated natural

gas utilities, 19.18 Filed **ARC 9831B** ..... 11/2/11Outage notification, 20.19(1) Filed **ARC 9819B** ..... 11/2/11Iowa broadband initiative, rescind ch 43 Notice **ARC 9843B** ..... 11/16/11**ADMINISTRATIVE RULES REVIEW COMMITTEE MEMBERS**

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

Senator Merlin Bartz  
2081 410th Street  
Grafton, Iowa 50440Representative David Heaton  
510 East Washington Street  
Mt. Pleasant, Iowa 52641Senator Thomas Courtney  
2609 Clearview  
Burlington, Iowa 52601Representative Jo Oldson  
4004 Grand Avenue, #302  
Des Moines, Iowa 50312Senator Wally Horn  
101 Stoney Point Road, SW  
Cedar Rapids, Iowa 52404Representative Rick Olson  
3012 East 31st Court  
Des Moines, Iowa 50317Senator John P. Kibbie  
P.O. Box 190  
Emmetsburg, Iowa 50536Representative Dawn Pettengill  
P.O. Box A  
Mt. Auburn, Iowa 52313Senator James Seymour  
901 White Street  
Woodbine, Iowa 51579Representative Guy Vander Linden  
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**Administrative Rules Coordinator**  
Governor's Ex Officio Representative  
Capitol, Room 18  
Des Moines, Iowa 50319  
Telephone (515)281-5211

**ECONOMIC DEVELOPMENT AUTHORITY[261]**

Tax credits for investments, chs 115, 116 IAB 11/16/11 <b>ARC 9845B</b>	Southeast Conference Room, First Floor 200 E. Grand Ave. Des Moines, Iowa	December 6, 2011 9 to 10 a.m.
SSBCI demonstration fund, ch 117 IAB 11/16/11 <b>ARC 9848B</b> (See also <b>ARC 9846B</b> )	Southeast Conference Room, First Floor 200 E. Grand Ave. Des Moines, Iowa	December 6, 2011 11 a.m. to noon
Energy development programs, chs 400 to 402 IAB 11/16/11 <b>ARC 9852B</b> (See also <b>ARC 9851B</b> )	Southeast Conference Room, First Floor 200 E. Grand Ave. Des Moines, Iowa	December 6, 2011 10 to 11 a.m.

**INSURANCE DIVISION[191]**

External review, ch 76 IAB 11/16/11 <b>ARC 9854B</b>	Division Offices 330 Maple St. Des Moines, Iowa	December 12, 2011 10 a.m.
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**NURSING BOARD[655]**

Organization and procedures of the board, 1.3(2) IAB 11/30/11 <b>ARC 9866B</b> ( <b>ICN Network</b> )	Location: As directed by receptionist Workforce Development Department 1000 E. Grand Ave. Des Moines, Iowa (Origination Site)	December 20, 2011 1 to 2 p.m.
	Room 206 Northwest Area Education Agency 1520 Morningside Ave. Sioux City, Iowa	December 20, 2011 1 to 2 p.m.
	Room 123, Jones Hall Kirkwood Community College - 2 6301 Kirkwood Blvd. SW Cedar Rapids, Iowa	December 20, 2011 1 to 2 p.m.
	Room 139, Activity Center Northeast Iowa Community College - 1 10250 Sundown Rd. Peosta, Iowa	December 20, 2011 1 to 2 p.m.
	Room 106 North Iowa Area Community College - 1 500 College Dr. Mason City, Iowa	December 20, 2011 1 to 2 p.m.
	Room 10, Gladbrook-Reinbeck High School 600 Blackhawk St. Reinbeck, Iowa	December 20, 2011 1 to 2 p.m.
	Room 024, Looft Hall Iowa Western Community College - 1 2700 College Rd. Council Bluffs, Iowa	December 20, 2011 1 to 2 p.m.
Discipline, 4.6, 4.14 IAB 11/30/11 <b>ARC 9867B</b> ( <b>ICN Network</b> ) (See also <b>ARC 9622B</b> , IAB 7/27/11)	Location: As directed by receptionist Workforce Development Department 1000 E. Grand Ave. Des Moines, Iowa (Origination Site)	December 20, 2011 2 p.m.



**NURSING BOARD[655] (cont'd)**  
**(ICN Network)**

Room 206 Northwest Area Education Agency 1520 Morningside Ave. Sioux City, Iowa	December 20, 2011 2 p.m.
Room 123, Jones Hall Kirkwood Community College - 2 6301 Kirkwood Blvd. SW Cedar Rapids, Iowa	December 20, 2011 2 p.m.
Room 139, Activity Center Northeast Iowa Community College - 1 10250 Sundown Rd. Peosta, Iowa	December 20, 2011 2 p.m.
Room 106 North Iowa Area Community College - 1 500 College Dr. Mason City, Iowa	December 20, 2011 2 p.m.
Room 10, Gladbrook-Reinbeck High School 600 Blackhawk St. Reinbeck, Iowa	December 20, 2011 2 p.m.
Room 024, Looft Hall Iowa Western Community College - 1 2700 College Rd. Council Bluffs, Iowa	December 20, 2011 2 p.m.

**PROFESSIONAL LICENSURE DIVISION[645]**

Approved providers of chiropractic assistant training programs, 43.12(2)“a” IAB 11/30/11 <b>ARC 9885B</b>	Fifth Floor Board Conference Room Lucas State Office Bldg. Des Moines, Iowa	December 20, 2011 8 to 8:30 a.m.
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**SECRETARY OF STATE[721]**

Online filing of documents, 40.9 IAB 11/16/11 <b>ARC 9859B</b>	First Floor Lucas State Office Bldg. Des Moines, Iowa	December 6, 2011 9 a.m.
Revocation of notary license, 43.6 IAB 11/16/11 <b>ARC 9857B</b>	First Floor Lucas State Office Bldg. Des Moines, Iowa	December 6, 2011 9 a.m.

**TRANSPORTATION DEPARTMENT[761]**

Issuance of licenses; testing and vehicle equipment; fee payment options, amendments to chs 600, 604, 605, 615, 630 IAB 11/30/11 <b>ARC 9874B</b>	Motor Vehicle Division Offices 6310 SE Convenience Blvd. Ankeny, Iowa	December 22, 2011 10 a.m. (If requested)
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The following list will be updated as changes occur.

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

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

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

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**ARC 9864B****AGING, DEPARTMENT ON[17]****Notice of Intended Action**

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

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

Pursuant to the authority of Iowa Code sections 231.14 and 231.23 and 2011 Iowa Acts, House File 45, section 20, the Iowa Department on Aging hereby gives Notice of Intended Action to rescind Chapter 4, “Department Planning Responsibilities,” Iowa Administrative Code, and to adopt a new Chapter 4 with the same title.

The proposed rules in new Chapter 4 are necessary to correct errors in existing Chapter 4 and to comply with 2011 Iowa Acts, House File 45, section 20.

Any interested person may make written suggestions or comments on the proposed rules on or before December 20, 2011. Such written comments or suggestions should be directed to Kimberly Murphy, Iowa Department on Aging, Jessie M. Parker Building, 510 E. 12th Street, Des Moines, Iowa 50319. E-mail may be sent to [kimberly.murphy@iowa.gov](mailto:kimberly.murphy@iowa.gov).

These rules were also Adopted and Filed Emergency and are published herein as **ARC 9863B**. The content of that submission is incorporated herein by reference.

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

These rules are intended to implement Iowa Code chapter 231 and 2011 Iowa Acts, House File 45.

**ARC 9895B****HUMAN SERVICES DEPARTMENT[441]****Amended Notice of Intended Action**

Pursuant to the authority of Iowa Code section 249J.24, the Department of Human Services proposes to amend Chapter 92, “IowaCare,” Iowa Administrative Code.

Notice of Intended Action for an amendment to streamline procedural requirements for applying for the IowaCare program was published in the Iowa Administrative Bulletin on November 16, 2011, as **ARC 9842B**. The Department is amending the Notice to add another procedural change for the IowaCare program relating to hardship requirements.

New Item 2 removes language about determining the timeliness of a hardship request using the postmark on the envelope and replaces it with a timeliness standard of receipt by five working days after the premium due date. In automating the reading of the premium payment submissions, the Department will face higher expenses if the envelope must be imaged in addition to the premium payment form.

Additionally, a significant percentage of the postmarks are illegible, and it is expected that this percentage will increase with document scanning. In those cases, the member may be disadvantaged by the current rule, which counts the request as of the receipt date but does not allow any time for mailing. The Department has determined that allowance of five working days for mail receipt is adequate to allow for weekends and holidays. Also, evidence of the date of receipt will be more reliable than evidence of the mailing date.

Any interested person may make written comments on the proposed amendments on or before December 20, 2011. Comments should be directed to Mary Ellen Imlau, Bureau of Policy Coordination, Department of Human Services, Hoover State Office Building, 1305 East Walnut Street, Des Moines, Iowa 50319-0114. Comments may be sent by fax to (515)281-4980 or by E-mail to [policyanalysis@dhs.state.ia.us](mailto:policyanalysis@dhs.state.ia.us).

## HUMAN SERVICES DEPARTMENT[441](cont'd)

These amendments do not provide for waivers in specified situations because the amendments eliminate a requirement for the persons affected.

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

These amendments are intended to implement Iowa Code chapter 249J.

The following amendments are proposed.

ITEM 1. Amend subrule 92.3(1) as follows:

**92.3(1)** An application for IowaCare may also be submitted on Comm. 239, IowaCare Application, or Form 470-4364, IowaCare Renewal Application. An applicant who submits an application on another form allowed under 441—76.1(249A) and has income over 150 percent of the federal poverty level shall also sign Form 470-4194, IowaCare Premium Agreement, and submit it within ten days of the department's request.

ITEM 2. Amend subrule 92.7(3) as follows:

**92.7(3) Hardship exemption.** A member or household that submits a written statement indicating that payment of the monthly premium will be a financial hardship shall be exempted from premium payment for that month, except as provided in paragraph "c."

*a.* If the statement is not ~~postmarked~~ received by five working days after the premium due date, the member or household shall be obligated to pay the premium.

~~*a. b.* A partial payment If the statement is timely submitted with a written statement indicating that full payment of the monthly premium will be a financial hardship that is postmarked or received on or before the end of the month for which the premium is due shall be considered a request for a hardship exemption. The partial payment, exemption shall be granted for the balance owed for that month.~~

~~*b.* If the postmark is illegible, the date that the hardship declaration is initially received by the department or the department's designee shall be considered the date of the request.~~

*c.* A member or household shall not be exempted from premium payment for a month in which the member misrepresented the household's circumstances.

**ARC 9868B**

## **NURSING BOARD[655]**

### **Notice of Termination**

Pursuant to the authority of Iowa Code sections 17A.3 and 147.76, the Board of Nursing terminates the rule making initiated by its Notice of Intended Action published in the Iowa Administrative Bulletin on July 27, 2011, as **ARC 9621B**, proposing to adopt an amendment to Chapter 1, "Administrative and Regulatory Authority," Iowa Administrative Code.

The Notice proposed to amend subrule 1.3(2) to update the organization of the Board by changing "secretary" to "vice chairperson" as a result of changes to Iowa Code chapter 147, to change election of a committee chairperson to selection of a committee chairperson, and to eliminate use of Robert's Rules of Order.

The Board is terminating the rule making commenced in **ARC 9621B** and is proposing a new Notice of Intended Action, which is published herein as **ARC 9866B**, to incorporate further changes and clarifications to requirements under Chapter 1.

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

**ARC 9866B****NURSING BOARD[655]****Notice of Intended Action**

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

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

Pursuant to the authority of Iowa Code sections 17A.3 and 147.76, the Board of Nursing hereby gives Notice of Intended Action to amend Chapter 1, “Administrative and Regulatory Authority,” Iowa Administrative Code.

The proposed amendment to subrule 1.3(2) updates the organization of the Board by changing “secretary” to “vice chairperson” as a result of changes to Iowa Code chapter 147. In addition, the amendment removes “and elect a chairperson for each committee” and eliminates the election of a committee chairperson. The use of Robert’s Rules of Order is also eliminated and is replaced with broader requirements to conduct meetings, ensuring equal rights and responsibilities for members.

Proposed amendments to subrule 1.3(2) were initially published under Notice of Intended Action as **ARC 9621B** in the July 27, 2011, Iowa Administrative Bulletin. Notice of Termination for that rule making is published herein as **ARC 9868B** so that changes and clarifications to requirements could be incorporated in this new Notice of Intended Action.

Any interested person may make written comments or suggestions on or before December 20, 2011. Such written materials should be directed to the Executive Director, Iowa Board of Nursing, RiverPoint Business Park, 400 S.W. 8th Street, Suite B, Des Moines, Iowa 50309-4685. Persons who wish to convey their views orally should contact the Executive Director at (515)281-3256, or in the Board office at 400 S.W. 8th Street, by appointment.

There will be a public hearing held through the Iowa Communications Network (ICN) on December 20, 2011, from 1 to 2 p.m. at the locations listed below, at which time persons may present their views orally.

**Originating Site:**

Department of Workforce Development  
1000 East Grand Avenue  
Des Moines, Iowa  
Room Location: Will be directed by Receptionist

**Other Available Sites:**

Northwest Area Education Agency  
1520 Morningside Avenue  
Sioux City, Iowa  
Room Location: 206

Kirkwood Community College - 2  
6301 Kirkwood Boulevard Southwest  
Cedar Rapids, Iowa  
Room Location: Jones Hall, Room 123

Northeast Iowa Community College - 1  
10250 Sundown Road  
Peosta, Iowa  
Room Location: Activity Center, Room 139

North Iowa Area Community College - 1  
500 College Drive  
Mason City, Iowa  
Room Location: 106

## NURSING BOARD[655](cont'd)

Gladbrook-Reinbeck High School  
600 Blackhawk Street  
Reinbeck, Iowa  
Room Location: 10

Iowa Western Community College - 1  
2700 College Road  
Council Bluffs, Iowa  
Room Location: Looft Hall, Room 024

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

This amendment is intended to implement Iowa Code sections 147.14, 147.19 and 147.22.

The following amendment is proposed.

Amend subrule 1.3(2) as follows:

**1.3(2) Organization of the board and meetings.** The composition of the board is defined in Iowa Code sections 147.14 and 147.19. The board shall:

a. At the last regularly scheduled meeting prior to May 1:

(1) Elect a chairperson and ~~secretary~~ vice chairperson from its membership to begin serving as officers on May 1.

(2) Establish standing committees and ~~elect a chairperson for each committee.~~

(3) and (4) No change.

b. to f. No change.

g. Govern its meetings in accordance with Iowa Code chapter 21 and ~~its proceedings by "Robert's Rules of Order, Revised."~~ conduct its proceedings to ensure that all members have equal rights, privileges and obligations.

h. to j. No change.

**ARC 9867B**

**NURSING BOARD[655]**

**Amended Notice of Intended Action**

Pursuant to the authority of Iowa Code sections 17A.4 and 147.76, the Board of Nursing hereby gives notice that a public hearing will be held on Tuesday, December 20, 2011, at 2 p.m. at the ICN sites listed below.

This hearing is being held to receive oral or written comments on proposed amendments to paragraph 4.6(3)"e," paragraph 4.6(4)"p," and rule 655—4.14(17A,152E) that were published under Notice of Intended Action in the July 27, 2011, Iowa Administrative Bulletin as **ARC 9622B**. The proposed amendments update and clarify the reporting of deferred judgments by licensees when reporting criminal convictions and define what constitutes a certified copy of an electronic document.

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

The hearing will originate from the Iowa Communications Network (ICN) and will be accessible over the ICN from the following locations:

NURSING BOARD[655](cont'd)

**Originating Site:**

Department of Workforce Development  
1000 East Grand Avenue  
Des Moines, Iowa  
Room Location: Will be directed by Receptionist

**Other Available Sites:**

Northwest Area Education Agency  
1520 Morningside Avenue  
Sioux City, Iowa  
Room Location: 206

Kirkwood Community College - 2  
6301 Kirkwood Boulevard Southwest  
Cedar Rapids, Iowa  
Room Location: Jones Hall, Room 123

Northeast Iowa Community College - 1  
10250 Sundown Road  
Peosta, Iowa  
Room Location: Activity Center, Room 139

North Iowa Area Community College - 1  
500 College Drive  
Mason City, Iowa  
Room Location: 106

Gladbrook-Reinbeck High School  
600 Blackhawk Street  
Reinbeck, Iowa  
Room Location: 10

Iowa Western Community College - 1  
2700 College Road  
Council Bluffs, Iowa  
Room Location: Loft Hall, Room 024

**ARC 9885B**

**PROFESSIONAL LICENSURE DIVISION[645]**

**Notice of Intended Action**

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

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

Pursuant to the authority of Iowa Code section 147.76, the Board of Chiropractic hereby gives Notice of Intended Action to amend Chapter 43, “Practice of Chiropractic Physicians,” Iowa Administrative Code.

The proposed amendment adds a chiropractic state association to the list of organizations that can provide a chiropractic assistant training program.

Any interested person may make written comments on the proposed amendment no later than December 20, 2011, addressed to Pierce Wilson, Professional Licensure Division, Department of Public Health, Lucas State Office Building, Des Moines, Iowa 50319-0075; E-mail [pwilson@idph.state.ia.us](mailto:pwilson@idph.state.ia.us).



## PROFESSIONAL LICENSURE DIVISION[645](cont'd)

A public hearing will be held on December 20, 2011, from 8 to 8:30 a.m. in the Fifth Floor Board Conference Room, Lucas State Office Building, at which time persons may present their views either orally or in writing. At the hearing, persons will be asked to give their names and addresses for the record and to confine their remarks to the subject of the proposed amendment.

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

This amendment is intended to implement Iowa Code chapters 21, 147, 151 and 272C.

The following amendment is proposed.

Amend paragraph **43.12(2)“a”** as follows:

*a.* The supervising chiropractic physician shall ensure that a chiropractic assistant has completed a chiropractic assistant training program. A chiropractic assistant training program shall include training and instruction on the use of chiropractic physiotherapy procedures related to services to be provided by the chiropractic assistant. Any chiropractic assistant training program shall be provided by an approved CCE-accredited chiropractic college or a chiropractic state association.

**ARC 9869B**

## **REGENTS BOARD[681]**

### **Notice of Intended Action**

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

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

Pursuant to the authority of Iowa Code section 262.9(3), the Board of Regents hereby gives Notice of Intended Action to amend Chapter 1, “Admission Rules Common to the Three State Universities,” Chapter 2, “Supplemental Specific Rules for Each Institution,” and Chapter 9, “Policies, Practices and Procedures,” Iowa Administrative Code.

The amendment in Item 1 adds an application fee for nondegree students enrolling at Iowa State University to the listing of application fees in 681—1.7(262). The new fee is necessary to cover the administrative costs associated with processing applications. Undergraduate nondegree students who are exempt from the proposed fee include high school students enrolling through the Iowa Post-Secondary Enrollment Options program as outlined in Iowa Code section 261E.6 and students enrolling through the Iowa State University International Student Exchange Program.

The amendments in Items 2 to 9 update admission requirements and processes for specific colleges at the University of Iowa as outlined in 681—2.1(262) through 2.12(262).

The amendments in Items 8 to 12 update the admission requirements and processes for undergraduate and graduate students and for students in the College of Veterinary Medicine at Iowa State University.

Items 13 to 15 update the admission requirements and processes for undergraduate and graduate students at the University of Northern Iowa.

Item 16 updates the telecommunications contacts and procedures on the three university campuses.

Any interested person may make written comments on the proposed amendments on or before December 20, 2011, addressed to Marcia Brunson, Board of Regents, State of Iowa, 11260 Aurora Avenue, Urbandale, Iowa 50322-7905; fax (515)281-6421; or E-mail [mbruns@iastate.edu](mailto:mbruns@iastate.edu).

A waiver provision is not included. The Board has adopted a uniform waiver rule, which may be found at 681—19.18(17A).

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

These amendments are intended to implement Iowa Code sections 262.9(3) and 262.9(19).

The following amendments are proposed.

## REGENTS BOARD[681](cont'd)

ITEM 1. Amend rule **681—1.7(262)**, fees applicable to Iowa State University, as follows:

Iowa State University

Undergraduate domestic student	\$40
Undergraduate international student	\$50
Graduate domestic student	\$40
Graduate international student	\$90
Veterinary Medicine	\$75
<u>Nondegree student</u>	<u>\$40</u>

ITEM 2. Amend rule 681—2.3(262) as follows:

**681—2.3(262) College of business administration.**

**2.3(1) Application for admission.** Applications for admission to the ~~college of business administration~~ Henry B. Tippie College of Business should be submitted to the ~~director of admissions undergraduate admissions committee.~~

Applicants are urged to apply as early as possible, since this will give the admissions committee more time to devote to each application. Closing dates for receiving applications will be announced ~~well in advance of the opening date of any session~~ in appropriate university publications.

**2.3(2) Requirements for admission.** For admission to the college of business ~~administration~~, an applicant must have—:

*a.* Submitted a complete application for admission;

~~*b.* Completed specific coursework as prescribed by the faculty of the college of business;~~

~~*c.* Attained satisfactory scores on the university's required admission examinations, if applicable; and~~

~~*d.* Maintained a~~ Attained satisfactory grade point average averages on all courses undertaken, and on all courses undertaken at the University of Iowa, and on all courses undertaken in business and economics, courses taken at the University of Iowa and courses required for admission to the college of business.

Applications from students who have minor deficiencies in meeting grade-point requirements specified above will be reviewed by the admissions committee of the college of business, and upon favorable recommendation of the committee, such students may be granted conditional or probationary admissions.

Fulfillment of the minimal requirements listed above, however, does not ensure admission to the college of business ~~administration~~. From those applicants who meet the minimum requirements, the admissions committee will select the applicants who, in ~~their~~ its judgment, appear to be best qualified.

ITEM 3. Amend rule 681—2.4(262) as follows:

**681—2.4(262) College of dentistry.**

**2.4(1) Application for admission.** Address all inquiries regarding admission to the Director of Admissions, University of Iowa.

Applicants are urged to apply as early as possible, since this will give the admissions committee more time to devote to each application. Closing dates for receiving applications will be announced ~~well in advance of the opening date of any session~~ in appropriate university publications.

**2.4(2) Requirements for admission.** Applicants for admission to the college of dentistry are encouraged to complete a program leading to a baccalaureate degree before entering the college of dentistry. Applicants ~~should~~ may consider a combined program of liberal arts and dentistry ~~which that~~ which would qualify them for a baccalaureate degree upon the completion of the freshman year in dentistry.

## REGENTS BOARD[681](cont'd)

Preference will be given to students who have the baccalaureate degree or who have completed the requirements for the degree in a combined program.

Fulfillment of the specific requirements for admission listed does not ensure admission to the college of dentistry. From the applicants meeting the minimum requirements, the admissions committee will select the applicants who in ~~their~~ its judgment appear to be best qualified for the study and practice of dentistry.

a. ~~Each applicant must place on file in the office of the director of admissions the completed application form and an official transcript from each college attended~~ applicant must submit application materials, including official transcripts from each college attended, official Dental Admissions Test (DAT) scores and letters of recommendation, through the Associated American Dental Schools Application Service (AADSAS).

b. The college work outlined below will suffice to meet the minimal academic requirements for admission to the college of dentistry.

(1) The college curriculum must include at least three academic years of accredited work comprising not less than ~~96~~ 90 semester hours and including specific required science courses as prescribed by the faculty of the college. Electives should be chosen so as to give the applicant a well-rounded educational background.

(2) In order to meet minimum scholarship requirements, the applicant should attain a cumulative grade point average of 2.5. A GPA above 3.5 is strongly recommended. Since the quality of coursework in pre dental science is basic to success in dentistry, special consideration to such college work is given by the admissions committee. The grade point average is based upon the University of Iowa's marking system in which a grade of "A" is equivalent to four points. Other marking systems will be evaluated by the office of admissions and the committee on admissions of the college of dentistry.

c. Applicants who have completed the requirements for admission to dentistry five or more years prior to seeking admission to this college of dentistry will be considered by the admissions committee only under exceptional conditions.

d. Preference will be given to applicants who are residents of Iowa, but consideration will also be given to outstanding nonresidents.

e. Personal interviews will be required of applicants for admission to the college of dentistry. Applicants will be notified when they should appear for the required interviews with members of the admissions committee.

f. All applicants must complete the dental aptitude tests sponsored by the council on dental education of the American Dental Association. Tests are ~~given three times annually. The University of Iowa is a testing center~~ administered at Prometric Test Centers.

To facilitate early selection, applicants for admission to the college of dentistry are urged to complete the aptitude test no later than ~~October~~ August of the year in which they are applying to enable the admissions committee to begin its selection in December.

g. Accepted applicants are required to make ~~the required~~ an acceptance deposit within ~~two weeks~~ 30 days after notification of favorable action on their applications. This deposit is not refundable but is credited toward the first fee payment. The applicant who fails to make the deposit within the time specified forfeits a place in the entering class.

~~Applicants accepted for admission are required to submit a satisfactory physical examination report to the university student health service within two weeks following notification of acceptance.~~

~~All applicants must also complete, through student health service, an X-ray film of the chest and a successful vaccination against smallpox prior to registration.~~

h. Students entering the health sciences are required to have an annual tuberculin skin test (TST), a physical examination, and proof of immunization against mumps, measles and rubella (2 MMRs), tetanus, diphtheria, and varicella, prior to the beginning of classes. Medical history and physical examination forms will be provided by the university. The usual regimen of three doses of Hepatitis B vaccine and a Hepatitis B titre must be completed by the second semester of the year.

~~2.4(2)~~ **2.4(3)** *Advanced standing.* Applications for admission with advanced standing are handled as individual cases.

## REGENTS BOARD[681](cont'd)

ITEM 4. Amend rule 681—2.7(262) as follows:

**681—2.7(262) College of law.**

**2.7(1) Application for admission.** Address all inquiries concerning admission to the Director of Admissions, University of Iowa, Iowa City, Iowa. Beginning students may enter the college of law only in ~~the summer session or the fall semester.~~ The closing date for receiving receipt of applications will be announced well in advance of the opening date of any session in appropriate university publications.

**2.7(2) Requirements for admission.**

*a.* To be considered for admission, an applicant should have attained a ~~cumulative grade-point average of at least 2.3 on all college work undertaken~~ an undergraduate degree from an accredited undergraduate institution. The grade point average that is used for the application evaluation is based upon the University of Iowa's marking system in which a grade of "A" is equivalent to four points. Other marking systems will be evaluated by the office of admissions.

*b.* Applicants for admission must present a baccalaureate degree from an approved college or university prior to commencing work in the college of law.

*c.* Each applicant for admission must take the Law School Admission Test ~~administered by the Educational Testing Service, Princeton, New Jersey,~~ and have the score forwarded to the college of law. The test is given ~~several~~ multiple times per year and may be taken at numerous locations in the United States and throughout the world. Applicants are urged to take the test in the summer, fall or early winter preceding the fall semester for which they are making application. ~~Except upon a showing acceptable to it, the~~ The admissions committee will not consider applications from students who fail to take the test prior to the June 1 preceding the fall semester in which they wish to enter.

*d.* Fulfillment of the specific requirements for admission listed above does not ensure admission to the college of law. From the applicants meeting the minimum requirements, the admissions committee of the college of law will select those applicants who, in ~~their~~ its judgment, appear to be best qualified for the study and practice of law. The college of law admissions committee may require personal interviews of some applicants.

**2.7(2) 2.7(3) Admission with advanced standing.** A transfer student may be eligible for admission if the student:

*a.* ~~(a) has~~ Has attended a school approved by the American Bar Association of American Law Schools;

*b.* ~~(b) is~~ Is in good standing at the time of withdrawal (evidenced by a letter from the dean of the school from which the student is transferring);

*c.* ~~(c) meets~~ Meets the admission requirements for beginning students; and

*d.* ~~(d) has~~ Has done substantially above average work in the law school the student attended.

Where an applicant has completed more than one year of law study, advanced standing will be permitted only in exceptional cases. ~~Applicants for admission with advanced standing should comply with the procedures required for admission to the first-year class.~~

ITEM 5. Amend rule 681—2.8(262) as follows:

**681—2.8(262) College of medicine.**

**2.8(1) Application for admission.** Address all inquiries regarding admission to the Director of Admissions, Roy J. and Lucille A. Carver College of Medicine, University of Iowa.

Applicants are urged to apply as early as possible, since this will give the admissions committee more time to devote to each application. Closing dates for receiving applications will be announced ~~well in advance of the opening date of any session~~ in appropriate university publications.

Fulfillment of the specific requirements for admission listed below does not ensure admission to the college of medicine. From the applicants meeting the specific requirements, the admissions committee of the college of medicine will select those applicants who in ~~their~~ its judgment appear to be best qualified for the study and practice of medicine.

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2.8(2) Requirements for admission.

a. Applicants for admission to the Carver College of Medicine (CCOM) must be U.S. citizens or documented permanent residents or asylees of the United States and have received baccalaureate degrees (or be in degree programs with expectation of receiving the degree) prior to enrollment.

~~Prior to entrance an applicant must:~~

- ~~a. Have received the baccalaureate degree; or~~
- ~~b. Have completed three years of a combined baccalaureate-medicine curriculum which qualifies the applicant to receive the baccalaureate degree on completion of the first year in medicine; or~~
- ~~c. Have completed three years of a baccalaureate program which includes the general graduation requirements of the college of liberal arts of the University of Iowa for the combined baccalaureate degree.~~

~~Each applicant must place on file in the office of the director of admissions the completed application form and an official transcript from each college attended.~~

b. Applicants must submit an application through the American Medical College Application Service (AMCAS) by November 1. The secondary application deadline is December 15 for those invited to complete a CCOM secondary application. All application materials are submitted electronically.

c. The college work as outlined below will suffice to meet the minimal academic requirements for admission to the college of medicine.

~~Applicants who have completed the baccalaureate degree and required courses five or more years prior to seeking admission to this college of medicine will be considered by the admissions committee only under exceptional conditions.~~

~~The college curriculum must include at least three years (equivalent to 96 semester hours) including specific required science courses as prescribed by the faculty of the college.~~

(1) Students planning to study medicine should bear in mind that other college work is required in addition to prerequisite sciences because it offers an opportunity to secure a well-rounded education, which is of special importance to those entering the medical profession. In the selection of applicants, preference will be given to those who give evidence of having obtained such a broad education.

(2) To be considered for admission, an applicant must have attained a grade point average of at least 2.5 for all college work undertaken. As the quality of work in premedical science is very basic to success in medicine, special attention will be given by the admissions committee to grades in science. The grade point average is based upon the University of Iowa's marking system in which a grade of "A" is equivalent to 4 points. Other marking systems will be evaluated by the office of admissions and the committee on admissions of the college of medicine AMCAS formula calculated when the applicant submits the application to AMCAS.

d. Preference will be given to applicants with high scholastic standing who are residents of Iowa, and consideration will also be given to outstanding nonresidents.

e. Applicants for admission are required to take the medical college admissions test (MCAT) which is administered for by the Association of American Medical Colleges. Applicants are requested to must complete this test in May or October no earlier than five years prior to application and no later than September of the year preceding that for which they are applying for admission. Students may make arrangements to apply for this examination through the university examination service, the University of Iowa. This examination is administered electronically, and registration is coordinated through the MCAT Web site at [www.aamc.org/mcat](http://www.aamc.org/mcat).

f. Personal Invitations for personal interviews will be required offered to applicants who meet the criteria set forth by the admissions committee. Applicants receiving an invitation to interview will be contacted for the appointment for required interviews.

~~Applicants accepted for admissions are required to submit a satisfactory physical examination report to the university student health service within two weeks following notification of acceptance.~~

~~All applicants must also complete, through student health service, an X-ray film of the chest and successful vaccination against smallpox prior to registration.~~

g. Students entering the health sciences are required to have an annual tuberculin skin test (TST) and proof of immunization against mumps, measles and rubella (2 MMRs), tetanus, diphtheria and

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varicella, prior to the beginning of classes. The usual regimen of three doses of Hepatitis B vaccine and a Hepatitis B titre must be completed by the second semester of the first year. All students are required to have hospitalization and health insurance.

~~2.8(2)~~ **2.8(3)** *Admission to advanced standing.*

a. If their work preparatory to entering a college of medicine would have met entrance requirements of this college, students from other approved medical colleges may be admitted to advanced standing according to the following conditions:

(1) Only applicants of high scholastic standing will be considered.

(2) They Applicants must present certificates showing that they have satisfactorily completed courses equivalent to those already pursued by the class ~~they~~ the applicants wish to enter.

b. ~~The committee on admission to advanced standing~~ office of student affairs and curriculum will decide in each case whether examinations in the various subjects will be required.

c. Applications will be considered only upon receipt of a statement from the dean or registrar of the college from which the applicant comes, showing the actual amount of time the student has spent in the study of medicine, the courses taken, and the grades received, together with ~~a statement of the work preparatory to entering upon the course in medicine~~ the AMCAS application and official transcripts.

d. No advanced standing will be granted to students from other than approved medical schools. ~~Students may be granted subject credit upon recommendation of the head of the department concerned, for work taken in other than medical schools.~~

~~2.8(3) *Unclassified students.* Applicants for admission to the college of medicine who are not candidates for a degree but who desire to register for special subjects, will be admitted to any lecture or laboratory course only upon complying with all the regular requirements for admission to such course or by action of the faculty upon recommendation of the professor in charge of the course.~~

ITEM 6. Amend rule 681—2.9(262) as follows:

**681—2.9(262) College of nursing.** Applications for admission to the college of nursing should be submitted to the Director of Admissions, University of Iowa, Iowa City, Iowa. Applicants for admission to the undergraduate program in nursing must present a minimum of 30 semester hours completed in an accredited college.

**2.9(1)** For admission to the college of nursing, an applicant must have:

~~1.~~ a. Completed specific coursework as prescribed by the faculty of the college. The director of admissions will provide a list of the coursework required.

~~2.~~ b. Completed the ~~American College Tests~~ ACT or SAT test.

~~3.~~ c. Performed satisfactorily on all courses undertaken. A minimum cumulative grade point average of 3.0 is required with all prerequisite courses being completed with an earned grade of "C" or higher to be considered.

**2.9(2)** Applications from students who have minor deficiencies in meeting grade-point requirements specified ~~above~~ in this rule will be reviewed by the admissions committee of the college, and, upon favorable recommendation of the committee, such students may be granted conditional or probationary admissions.

**2.9(3)** Fulfillment of the minimum requirements listed ~~above~~ in this rule, however, does not ensure admission to the college of nursing. From those applicants who meet the minimum requirements, the admissions committee will select the applicants who, in ~~their~~ its judgment, appear to be best qualified.

ITEM 7. Rescind rule 681—2.10(262) and adopt the following **new** rule in lieu thereof:

**681—2.10(262) College of pharmacy.**

**2.10(1)** *Application for admission.* All application material must be received by the application deadline of December 1 of the year prior to expected matriculation.

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**2.10(2) Requirements for admission.**

a. Requirements for admission include a minimum cumulative grade point average of 2.5 for all college work undertaken. The grade point average is based upon the University of Iowa's marking system in which a grade of "A" is equivalent to 4 points.

b. Applicants must also show satisfactory completion of all preprofessional coursework, and at least 12 semester hours of general education electives are required. A maximum of one prerequisite course and one general education course may be completed in the summer before the applicant enters the college of pharmacy. (NOTE: A total of 20 semester hours of general education elective courses are required for graduation. Students are strongly encouraged to complete all general education electives before entering the first pharmacy year.)

c. Applications are accepted through the online PharmCAS centralized pharmacy application service. A supplemental application is also required.

d. Each applicant for admission must take the Pharmacy College Admission Test. Scores should be sent to the PharmCAS service. The admissions committee will not consider applications from students who fail to take the test prior to December 31 of the year preceding the fall semester in which they wish to enter.

e. A personal interview is also required. Applicants will be contacted for the appointment for required interviews.

f. Fulfillment of the specific requirements for admission does not ensure admission to the college of pharmacy. From the applicants meeting the minimum requirements, the admissions committee will select those applicants who, in its judgment, appear to be best qualified for the study and practice of pharmacy.

g. Applicants accepted for admission are required to submit to a criminal background check.

**2.10(3) Admission with advanced standing.** A transfer student may be eligible for admission if the student:

a. Has attended a college fully accredited by the Accreditation Council for Pharmacy Education;  
b. Meets the admission requirements for entering students;  
c. Has done substantially above-average work in the pharmacy college that the student attended;  
d. Is in good standing at the time of withdrawal (evidenced by a letter from the dean of the school from which the student is transferring); and

e. Presents certificates showing that the student has satisfactorily completed courses equivalent to those already pursued by the class the student wishes to enter.

ITEM 8. Amend rule 681—2.11(262) as follows:

**681—2.11(262) College of liberal arts and sciences.** Applicants for admission to liberal arts and sciences must meet the rules that are common to the three state institutions in Iowa as listed in 681—1.1(262), 681—1.2(262) and 681—1.3(262).

ITEM 9. Amend rule 681—2.12(262) as follows:

**681—2.12(262) College of education.** Students at the university desiring professional work in education are registered in the college of liberal arts and sciences or the graduate college. Requirements for permission to take teacher-training courses are listed in the university catalogue.

ITEM 10. Rescind rule 681—2.25(262) and adopt the following new rule in lieu thereof:

**681—2.25(262) Admission policies for undergraduate students.** Undergraduate applicants must submit an application for admission and other supporting materials as detailed in rules 681—1.1(262) to 681—1.3(262). Students must receive notification of admission from the director of admissions before the students may register for classes.

**2.25(1) Direct from high school.** In addition to the admission requirements detailed in rule 681—1.1(262), direct-from-high-school applicants must also satisfy the minimum high school course requirements as approved by the faculty.

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**2.25(2) *Transfer from another institution.*** In addition to the admission requirements detailed in rules 681—1.2(262) and 681—1.3(262), admission of transfer applicants will be based upon the applicant's cumulative grade point average for all transferable courses attempted prior to entering Iowa State University.

**2.25(3) *Student misconduct.*** Prior misconduct of applicants is a permissible consideration in the admission decision. As such, applicants may be required to disclose prior academic disciplinary and criminal history information as a part of the application process. The existence of prior academic disciplinary or criminal history information shall not automatically result in a denial of admission, but admission may be denied if the director of admissions determines that the applicant's prior misconduct suggests a significant safety risk to the campus community or the likelihood of serious disruption to the academic environment if the applicant were to be admitted.

ITEM 11. Amend rule 681—2.26(262) as follows:

**681—2.26(262) College of veterinary medicine.**

**2.26(1) and 2.26(2)** No change.

**2.26(3) *Student misconduct.*** Prior misconduct of applicants is a permissible consideration in the admission decision. As such, applicants may be required to disclose prior academic disciplinary and criminal history information as a part of the application process. The existence of prior academic disciplinary or criminal history information shall not automatically result in a denial of admission, but admission may be denied if the dean determines that the applicant's prior misconduct suggests a significant safety risk to the campus community or the likelihood of serious disruption to the academic environment if the applicant were to be admitted.

**2.26(3) 2.26(4) *Application process.*** All inquiries regarding admission to the college of veterinary medicine should be directed to the Coordinator of Admissions, College of Veterinary Medicine, Iowa State University of Science and Technology, 1600 S. 16th Street, Ames, Iowa 50011-1250. The application process includes the following:

*a. to f.* No change.

**2.26(4) 2.26(5) *Admission criteria.*** Admission to the college of veterinary medicine is on a competitive and selective basis. The selection criteria shall be established by the admissions committee of the college of veterinary medicine. These criteria may include review by the admissions committee of an applicant's GPA; GRE; coursework rigor; personal statement; animal, veterinary and general work experiences; recommendations; and a required personal interview. Completing Completion of the minimum academic requirements does not ensure admission. From the applicants who meet the minimum academic requirements, the admission committee will select the applicants who in the judgment of the committee appear to be best qualified for the study and practice of veterinary medicine.

ITEM 12. Amend rule 681—2.27(262) as follows:

**681—2.27(262) Graduate college.**

**2.27(1) *Admission.*** Admission to the graduate college may be granted to a graduate of an institution in the United States ~~which that~~ is accredited by a recognized regional association. For information concerning graduate study in a particular academic discipline, prospective students are invited to correspond with the ~~head of the department~~ director of graduate education of the program/major in which they wish to study.

Application forms are available at <http://www.admissions.iastate.edu/>. These forms, together with official transcripts, and the appropriate application fee as approved by the state board of regents pursuant to Iowa Code subsection 262.9(18) and detailed in rule 681—1.7(262) and a statement of quartile rank, should be forwarded to the Office of Admissions at least one month prior to the opening of the quarter semester/term in which the student wishes to matriculate. If the undergraduate degree is from Iowa State University or if the student is applying for nondegree admission, no application fee is assessed.

**2.27(2) *Graduate record examination.*** The graduate record examination (GRE) is not a universitywide requirement for all applicants; however, some ~~departments~~ programs/majors require or



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recommend submission of GRE scores. Individual ~~departmental~~ program/major statements appearing in the university's catalog should be consulted for this information.

**2.27(3) Full admission.** Applicants who are graduates of a regionally accredited institution in the United States or of a recognized institution of another country whose requirements for the bachelor's degree are substantially equivalent to those of Iowa State University, and who rank in the upper one-half of their class, may be admitted to the graduate college if recommended by the ~~department~~ program/major and approved by the dean of the graduate college. Admission does not constitute acceptance as a candidate for a degree.

**2.27(4) Provisional admission.** Applicants who ~~are graduates of a regionally accredited college or university in the United States or of a recognized institution in another country whose requirements for the bachelor's degree are substantially equivalent to those at Iowa State University, and who rank in the upper one-half of their class,~~ satisfy the formal university requirements for full admission status (see subrule 2.27(3)) but who have certain background deficiencies to remedy, may be admitted to the graduate college on provisional admission if recommended by the ~~department~~ program/major and approved by the dean of the graduate college. Students accepted on provisional admission are eligible for graduate assistantships. Transfer from provisional admission to full admission requires recommendation of the major professor and approval by the graduate college.

**2.27(5) Restricted admission.** Restricted admission may be granted to persons who ~~are graduates of regionally accredited universities or colleges of the United States who do not rank in the upper one-half of their class and to graduates of foreign institutions. This status requires the recommendation of the major department and approval of the dean of the graduate college~~ do not satisfy the formal university requirements for full admission status or lack undergraduate preparation in a field related to the graduate field of study, or both. Restricted admission may also be granted to graduates of non-English-speaking foreign institutions, even if the student meets the university requirements for full admission status. This status requires the recommendation of the program/major and approval of the dean of the graduate college. Transfer from restricted to full admission usually requires completion of at least ~~15~~ nine semester credit hours of graduate-level courses with a grade average of B (3.00) or above. The recommendation must be submitted by the student's major professor or the program's director of graduate education and approved by the dean of the graduate college.

**2.27(6) Student misconduct.** Prior misconduct of applicants is a permissible consideration in the admission decision. As such, applicants may be required to disclose prior academic disciplinary and criminal history information as a part of the application process. The existence of prior academic disciplinary or criminal history information shall not automatically result in a denial of admission, but admission may be denied if the dean of the graduate college or the dean's designee determines that the applicant's prior misconduct suggests a significant safety risk to the campus community or the likelihood of serious disruption to the academic environment if the applicant were to be admitted.

ITEM 13. Amend rule 681—2.35(262) as follows:

**681—2.35(262) Admission policies for undergraduate students.** A student must have filed an application for admission with the required transcripts and other supporting material, ~~have~~ met all conditions named in ~~chapter 1 of regents board rules 681—Chapter 1,~~ and been issued an admissions statement by the director of admissions ~~and registrar~~ before being permitted to register ~~in the college at the university.~~ In considering an application, consideration is given to ~~scholarship, health, character, and personality~~ academic preparation for collegiate studies. Individual students may be required ~~by the committee on admission and retention~~ to come to the campus for interview and tests. Those who do not give reasonable promise of success as college students may be denied.

ITEM 14. Amend rule 681—2.37(262) as follows:

**681—2.37(262) Teaching curricula.** A student may, at the time of admission to the university, declare an intent to enter a teaching program and be assigned a teacher education adviser from the student's first enrollment. Application for approval in a teacher education program may be filed after a student has

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earned at least 24 semester hours credit. The student must pass such tests and meet such other standards as may be prescribed by a teacher education committee. For full approval, a student must have at least a ~~2.20~~ 2.50 grade index at this college. The committee may grant provisional approval for students in exceptional cases, but may not grant full approval until all standards have been met. Normally a student will be expected to meet full approval by the beginning of the junior year if the student wishes to complete requirements in the minimum time. ~~Transfer students cannot earn full approval before the end of the first semester enrolled at University of Northern Iowa.~~

~~A student may, at the time of admission to the college, declare an intent to enter a teaching program and be assigned a teacher adviser from the student's first enrollment. The college must give special consideration to scholarship, health, character, personality, and quality of potential leadership of an applicant for a teaching curriculum. [Amendment filed and indexed November 21, 1961]~~

ITEM 15. Amend rule 681—2.38(262) as follows:

**681—2.38(262) Admission requirements for graduate students.** Graduates of a college or university accredited by the National Council for the Accrediting of Teacher Education or by the North Central Association of Colleges and Secondary Schools or a corresponding regional agency will be granted admission to graduate study if their applications for admission have been approved by the ~~registrar~~ program faculty and graduate college.

A graduate of a college or university that is not accredited may be granted conditional admission at the discretion of the ~~registrar~~ program faculty and graduate college. Admission to graduate study does not guarantee admission to candidacy for an advanced degree.

ITEM 16. Amend subrule 9.5(1) as follows:

**9.5(1) General.** ~~The regents institutions will cooperate with the Iowa telecommunications network by seeking opportunities for access to its various delivery systems. Each institution will assign the responsibility for coordinating access to a specific agency on campus. The regents institutions will collaborate, as appropriate, in research efforts and pilot projects designed to explore innovative and cost-effective ways to utilize telecommunications as an instructional tool for the benefit of education in Iowa.~~

Each institution will encourage its colleges and departments to consider appropriate uses for instructional applications of telecommunications and related ~~technology~~ technologies, as well as to encourage its faculty, staff, and administration to consider telecommunications for the distribution and reception of educational communications as, for example, professional development seminars and workshops.

Current policies and procedures within each institution ~~governing~~ govern the planning and offering of courses ~~will apply to utilization of delivery systems available through statewide and other telecommunications networks through telecommunications.~~ In such applications, each institution's colleges and departments will retain all prescribed autonomy in the choice of subject matter content, faculty, credit, and student requirements, as well as the right to withdraw a course in the interests of accuracy and currency.

ITEM 17. Rescind subrules 9.5(2) and 9.5(3) and adopt the following **new** subrules in lieu thereof:

**9.5(2) University of Iowa telecommunications policy and procedures.**

*a. General or administrative.* The University of Iowa views the statewide telecommunications network as one way to expand the university's ability to provide instruction and other information affecting professional and economic development throughout Iowa. The institution utilizes the Iowa Communications Network, when appropriate, for activities that include outreach programming, administrative meetings, professional development seminars, and teleconferences.

*b. Designated coordinating agency.* As a means of facilitating efficient and effective utilization of the statewide telecommunications network by university faculty and staff, the university has appointed Information Technology Services as its principal agency on campus responsible for arranging access to the system. This agency will assume an advisory role to interested users as well as represent a campus information source on statewide telecommunications. Additional responsibilities include:

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establishing a liaison with the network's management, conducting financial transactions, engaging the campus technical support required for origination or reception of telecommunications transmissions, and handling the university's part in any collaborative effort among the institutions governed by the board of regents.

*c. Credit, noncredit course offerings.* The University of Iowa will facilitate use of the statewide telecommunications network wherever appropriate and cost-effective. The university supports a wide range of offerings, including credit and noncredit courses, professional development seminars, conferences and workshops. When determining the delivery system, the originating college and department will retain exclusive jurisdiction over decisions pertaining to the instructional development process, including the choice of subject matter content, faculty, credit, student/participant requirements, and course or conference revision or withdrawal.

*d. Statewide coordination.* The University of Iowa encourages collaborative efforts among the institutions governed by the board of regents involving the statewide telecommunications network.

**9.5(3) Iowa State University telecommunications policy and procedures.**

*a. General or administrative.* Iowa State University views the statewide telecommunications network as one way to expand the university's ability to provide instruction and other information affecting professional and economic development throughout Iowa. The institution utilizes the Iowa Communications Network when appropriate for activities that include outreach programming, administrative meetings, professional development seminars, and teleconferences.

*b. Designated coordinating agency.* As a means of facilitating efficient and effective utilization of the statewide telecommunications network by university faculty and staff, the university has appointed Information Technology Services as its principal agency on campus responsible for arranging access to the system. This agency will assume an advisory role to interested users as well as represent a campus information source on statewide telecommunications. Additional responsibilities include: establishing a liaison with the network's management, conducting financial transactions, engaging the campus technical support required for origination or reception of telecommunications transmissions, and handling the university's part in any collaborative effort among the institutions governed by the board of regents.

*c. Credit, noncredit course offerings.* Iowa State University will facilitate use of the statewide telecommunications network wherever appropriate and cost-effective. The university supports a wide range of offerings, including credit and noncredit courses, professional development seminars, conferences and workshops. When determining the delivery system, the originating college and department will retain exclusive jurisdiction over decisions pertaining to the instructional development process, including the choice of subject matter content, faculty, credit, student/participant requirements, and course or conference revision or withdrawal.

*d. Statewide coordination.* Iowa State University encourages collaborative efforts among the institutions governed by the board of regents involving the statewide telecommunications network.

ITEM 18. Amend subrule 9.5(4) as follows:

**9.5(4) University of Northern Iowa telecommunications policies and procedures.**

*a.* The University of Northern Iowa supports the development concept of the statewide educational telecommunications network as a means of voice, picture, and data communications with other educational institutions within the state and on a national and international basis affordable and accessible full-motion video, data communications, and high-speed Internet for educational institutions in the state. The university views the use of the network Iowa Communications Network as an additional alternative delivery system for academic and nonacademic outreach activities including, but not limited to, credit and noncredit courses, conferences, professional development seminars, workshops, cultural events, and economic development activities. In addition, the university's Malcolm Price Laboratory School research and development school is uniquely qualified to offer innovative and specialized elementary and secondary classes.

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*b.* The university encourages departments/colleges/administrative units to consider all delivery alternatives for outreach activities. The choice of a delivery system will be based upon the capability of a system to effectively and to efficiently deliver communication to a specified audience.

~~*e.* The university encourages the use of the state educational telecommunications network as a delivery system for outreach activities when appropriate.~~

~~*d. c.* Consistent with current education policies, the originating department/college/ administrative unit will be responsible for all decisions related to program objectives, content, audience identification, staffing, credit, participant requirements, and program revisions.~~

~~*e. d.* All university credit and noncredit courses, conferences, and workshops offered off campus via distance education will be coordinated through continuing education the Office of Continuing and Distance Education. Choice of delivery system and other logistical arrangements will be the joint responsibility of the originating department/college/administrative unit and continuing education the Office of Continuing and Distance Education.~~

~~*f. e.* The university will support a campus system for the origination, distribution, and use of telecommunications. The campus telecommunications system will have complete interface capability with the state educational telecommunications network.~~

~~*g.* The educational media center will have administrative responsibility for the campus telecommunications system and will serve as a coordinating agency with the state educational telecommunications network. Coordinating responsibilities will include consultation on network utilization; planning, scheduling, and providing access to the network; managing financial transactions necessary for network utilization; providing technical support for origination, distribution, and utilization of telecommunications; and collaborative efforts with other educational institutions.~~

~~*h. f.* The university will support innovative applications of educational technology including telecommunications by funding selected research studies, pilot projects, professional development activities, and conferences seminars.~~

~~*i. g.* The university will encourage and support interinstitutional and statewide cooperation in the use of educational telecommunications.~~

## REVENUE DEPARTMENT

### Notice of Electric and Natural Gas Delivery Tax Rates and Municipal Electric and Natural Gas Transfer Replacement Tax Rates for Each Competitive Service Area

Pursuant to the authority of Iowa Code sections 437A.4 and 437A.5, the Director of Revenue hereby gives notice of the electric delivery tax rate, the municipal electric transfer replacement tax rate, the natural gas delivery tax rate, and the municipal natural gas transfer replacement tax rate for each competitive service area in the state. These rates will be used in conjunction with the number of kilowatt hours of electricity and the number of therms of natural gas delivered to consumers in calendar year 2011 by each taxpayer to determine the tax due for each taxpayer in the 2012-2013 fiscal year.

#### 2011 ELECTRIC DELIVERY TAX RATES BY SERVICE AREA

CO. #	MUNICIPAL ELECTRICS	DELIVERY TAX RATE
3226	Akron Municipal Utilities	0.00005587
3201	Algona Municipal Utilities	0.00026059
3205	Alta Municipal Power Plant	0.00008290
3069	Alta Vista Municipal Utilities	0.00000000
3070	Alton Municipal Light & Power	0.00000000
3207	Ames Municipal Electric System	0.00000094
3071	Anita Municipal Utilities	0.00000000

## REVENUE DEPARTMENT(cont'd)

<b>CO. #</b>	<b>MUNICIPAL ELECTRICS</b>	<b>DELIVERY TAX RATE</b>
3227	Anthon Municipal Electric Utility	0.00012866
3209	Atlantic Municipal Utilities	0.00024840
3073	Auburn Municipal Utility	0.00000000
3074	Aurelia Mun. Electric Utility	0.00007585
3211	Bancroft Municipal Utilities	0.00087760
3213	Bellevue Municipal Utilities	0.00009854
3228	Bigelow Municipal Electric Utility	0.00161562
3229	Bloomfield Municipal Electric Utility	0.00003481
3075	Breda Mun. Electric System	0.00000000
3076	Brooklyn Municipal Utilities	0.00162223
3216	Buffalo Municipal Electric System	0.00000245
3217	Burt Municipal Electric Utility	0.00000190
3077	Callender Electric	0.00000000
3078	Carlisle Municipal Utilities	0.00000000
3079	Cascade Municipal Utilities	0.00143518
3221	Cedar Falls Municipal Elec. Utility	0.00030278
3068	City of Afton	0.00000000
3072	City of Aplington	0.00000000
3082	City of Dike	0.00000000
3088	City of Estherville	0.00000000
3089	City of Fairbank	0.00000000
3090	City of Farnhamville	0.00000000
3230	City of Fredericksburg	0.00000478
3106	City of Larchwood	0.00000000
3107	City of Lawler	0.00000000
3108	City of Lehigh	0.00000000
3113	City of Marathon	0.00000000
3311	City of Pella	0.00007414
3125	City of Renwick	0.00000000
3129	City of Sergeant Bluff	0.00000000
3139	City of Westfield	0.00000000
3143	City of Woolstock	0.00000000
3236	Coggon Municipal Light Plant	0.00004355
3237	Coon Rapids Municipal Utilities	0.00042603
3242	Corning Municipal Utilities	0.00029978
3080	Corwith Municipal Utilities	0.00000000
3243	Danville Municipal Electric Utility	0.00000384
3081	Dayton Light & Power	0.00000000
3244	Denison Municipal Utilities	0.00001027
3245	Denver Municipal Electric Utility	0.00006206
3083	Durant Municipal Electric Plant	0.00000000
3084	Dysart Municipal Utilities	0.00000000
3085	Earlville Municipal Utilities	0.00114964
3087	Ellsworth Municipal Utilities	0.00000000

## REVENUE DEPARTMENT(cont'd)

<b>CO. #</b>	<b>MUNICIPAL ELECTRICS</b>	<b>DELIVERY TAX RATE</b>
3091	Fonda Municipal Electric	0.00000000
3252	Fontanelle Municipal Utilities	0.00032282
3092	Forest City Municipal Utilities	0.00000000
3231	Glidden Municipal Electric Utility	0.00000195
3093	Gowrie Municipal Utilities	0.00148389
3256	Graettinger Municipal Light Plant	0.00028010
3094	Grafton Municipal Utilities	0.00000000
3258	Grand Junction Municipal Utilities	0.00000456
3095	Greenfield Municipal Utilities	0.00115220
3096	Grundy Center Light & Power	0.00022173
3232	Guttenberg Municipal Electric	0.00002873
3263	Harlan Municipal Utilities	0.00137185
3097	Hartley Municipal Utilities	0.00000000
3098	Hawarden Municipal Utility	0.00000000
3099	Hinton Municipal Electric/Water	0.00006822
3267	Hopkinton Municipal Utilities	0.00000787
3100	Hudson Municipal Utilities	0.00000000
3101	Independence Light & Power	0.00000000
3271	Indianola Municipal Utilities	0.00000736
3102	Keosauqua Light & Power	0.00000000
3103	Kimballton Municipal Utilities	0.00000000
3104	Lake Mills Municipal Utilities	0.00000000
3105	Lake Park Municipal Utilities	0.00000000
3233	Lake View Municipal Utilities	0.00015764
3274	Lamoni Municipal Utilities	0.00135315
3276	LaPorte City Utilities	0.00000913
3277	Laurens Municipal Utilities	0.00027651
3109	Lenox Mun. Light & Power	0.00045704
3110	Livermore Municipal Utilities	0.00000000
3111	Long Grove Mun. Elec./Water	0.00000000
3282	Manilla Municipal Elec. Utilities	0.00011564
3112	Manning Municipal Electric	0.00022167
3284	Mapleton Municipal Utilities	0.00008732
3285	Maquoketa Municipal Electric	0.00004721
3288	McGregor Municipal Utilities	0.00000695
3291	Milford Municipal Utilities	0.00017400
3114	Montezuma Municipal Light & Power	0.00000000
3115	Mount Pleasant Municipal Utilities	0.00000000
3293	Muscatine Municipal Utilities	0.00009555
3116	Neola Light & Water System	0.00000000
3297	New Hampton Municipal Light Plant	0.00009962
3298	New London Municipal Utility	0.00052973
3304	Ogden Municipal Utilities	0.00006019
3234	Onawa Municipal Utilities	0.00009815

## REVENUE DEPARTMENT(cont'd)

<b>CO. #</b>	<b>MUNICIPAL ELECTRICS</b>	<b>DELIVERY TAX RATE</b>
3117	Orange City Municipal Utilities	0.00000000
3118	Orient Municipal Utilities	0.00000000
3307	Osage Municipal Utilities	0.00004946
3309	Panora Municipal Electric Utility	0.00006632
3119	Paton Municipal Utilities	0.00000000
3120	Paullina Municipal Utilities	0.00000000
3121	Pocahontas Municipal Utilities	0.00000000
3122	Preston Municipal Utilities	0.00000000
3315	Primghar Municipal Light Plant	0.00001643
3123	Readlyn Municipal Utilities	0.00000000
3124	Remsen Municipal Utilities	0.00000000
3318	Rock Rapids Municipal Utilities	0.00000479
3126	Rockford Municipal Light Plant	0.00000000
3127	Sabula Municipal Utilities	0.00000000
3128	Sanborn Municipal Light & Plant	0.00000000
3130	Shelby Municipal Utilities	0.00000000
3131	Sibley Municipal Utilities	0.00000000
3321	Sioux Center Municipal Utilities	0.00000087
3323	Southern Minnesota Mun. Power	0.00000000
3324	Spencer Municipal Utilities	0.00010954
3132	Stanhope Municipal Utilities	0.00000000
3360	Stanton Municipal Utilities	0.00000000
3326	State Center Municipal Light Plant	0.00031087
3327	Story City Municipal Electric Utility	0.00011022
3134	Stratford Municipal Utilities	0.00000000
3135	Strawberry Point Electric Utility	0.00000000
3136	Stuart Municipal Utilities	0.00128625
3328	Sumner Municipal Light Plant	0.00023250
3330	Tipton Municipal Utilities	0.00149179
3332	Traer Municipal Utilities	0.00063892
3337	Villisca Municipal Power Plant	0.00020737
3137	Vinton Municipal Utilities	0.00000000
3138	Wall Lake Municipal Utilities	0.00000000
3338	Waverly Light & Power	0.00072786
3342	Webster City Municipal Utilities	0.00034708
3345	West Bend Municipal Power Plant	0.00088027
3346	West Liberty Municipal Electric Util.	0.00000641
3347	West Point Municipal Utility System	0.00009639
3140	Whittemore Municipal Utilities	0.00000000
3141	Wilton Municipal Light & Power	0.00000000
3351	Winterset Municipal Utilities	0.00133211
3142	Woodbine Municipal Utilities	0.00000000

## REVENUE DEPARTMENT(cont'd)

<b>CO. #</b>	<b>IOU's — ELECTRIC</b>	<b>DELIVERY TAX RATE</b>
7206	Amana Society Service Co.	0.00053494
7248	Eldridge Electric & Water Utilities	0.00055028
7354	Geneseo Municipal Utilities	0.00000000
7270	IES Utilities	0.00237888
7272	Interstate Power	0.00103630
7289	MidAmerican Energy	0.00264702
7296	Nebraska Public Power District	0.00000000
7302	Northwestern Corporation	0.00000000
7305	Omaha Public Power District	0.00120095
7334	Union Electric	0.00000000

<b>CO. #</b>	<b>REC's</b>	<b>DELIVERY TAX RATE</b>
4319	Access Energy Coop	0.00075412
4203	Allamakee Clayton Electric Coop	0.00093586
4208	Atchison-Holt Electric Coop	0.00082007
4214	Boone Valley Electric Coop	0.00090381
4218	Butler County REC	0.00065735
4219	Calhoun County Electric Coop	0.00124147
4220	Cass Electric Coop	0.00004365
4224	Central Iowa Power Coop	0.00000000
4225	Chariton Valley Electric Coop	0.00102029
4235	Clarke Electric Coop	0.00267985
4287	Consumers Energy	0.00209921
4240	Corn Belt Power Coop	0.00000000
4246	East-Central Iowa REC	0.00194547
4247	Eastern Iowa Light & Power	0.00068026
4250	Farmers Electric Coop - Greenfield	0.00237767
4249	Farmers Electric Coop - Kalona	0.00040105
4251	Federated Rural Electric Association	0.00040981
4253	Franklin Rural Electric Coop	0.00081420
4254	Freeborn-Mower Cooperative	0.00101444
4255	Glidden Rural Electric Coop	0.00051684
4259	Grundy County REC	0.00089244
4260	Grundy Electric Cooperative	0.00052127
4261	Guthrie County REC	0.00125682
4262	Hancock Co. REC	0.00119414
4265	Harrison County REC	0.00078253
4266	Hawkeye Tri-County Electric Coop	0.00052286
4223	Heartland Power Coop	0.00035300
4268	Humboldt County REC	0.00099957
4273	Iowa Lakes Electric Coop	0.00060175
4279	Linn County REC	0.00145026



## REVENUE DEPARTMENT(cont'd)

<b>CO. #</b>	<b>REC's</b>	<b>DELIVERY TAX RATE</b>
4280	Lyon Rural Electric Coop	0.00065736
4286	Maquoketa Valley Electric Coop	0.00221262
4290	Midland Power Cooperative	0.00116065
4299	Nishnabotna Valley REC	0.00064658
4300	North West Rural Electric Coop	0.00034172
4301	Northwest Iowa Power Coop	0.00000000
4308	Osceola Electric Coop	0.00036628
4310	Pella Cooperative Electric	0.00194961
4313	Pleasant Hill Community Line	0.00021125
4316	Rideta Electric Coop	0.00274284
4320	Sac County Rural Electric Coop	0.00078707
4322	Southern Iowa Electric Coop	0.00134566
4379	Southwest Iowa Service Coop	0.00284449
4329	T.I.P. Rural Electric Coop	0.00207423
4333	Tri County Electric Coop	0.00125083
4336	United Electric Coop	0.00112324
4348	Western Iowa Power Coop	0.00093858
4352	Woodbury County REC	0.00110627
4353	Wright Co. REC	0.00047626

**2011 NATURAL GAS DELIVERY TAX RATES BY SERVICE AREA**

<b>CO. #</b>	<b>MUNICIPAL GAS</b>	<b>DELIVERY TAX RATE</b>
5021	Bedford Municipal Gas	0.00000000
5215	Brighton Gas	0.00691321
5023	Brooklyn Municipal Gas	0.00000000
5024	Cascade Municipal Gas	0.00000000
5025	Cedar Falls Municipal Gas	0.00000000
5022	City of Bloomfield	0.00000000
5026	City of Clearfield	0.00000000
5028	City of Everly	0.00000000
5029	City of Fairbank	0.00000000
5238	Coon Rapids Municipal Gas	0.00004091
5241	Corning Municipal Gas	0.00000647
5027	Emmetsburg Municipal Gas	0.00000000
5030	Gilmore City Municipal Gas	0.00000000
5031	Graettinger Municipal Gas	0.00000000
5032	Guthrie Center Municipal Gas	0.00000000
5033	Harlan Municipal Gas	0.00000000
5034	Hartley Municipal Gas	0.00000000
5035	Hawarden Municipal Gas	0.00000000
5036	Lake Park Municipal Gas	0.00000000

## REVENUE DEPARTMENT(cont'd)

<b>CO. #</b>	<b>MUNICIPAL GAS</b>	<b>DELIVERY TAX RATE</b>
5275	Lamoni Municipal Gas	0.00088799
5037	Lenox Municipal Gas	0.00000000
5038	Lineville City Natural Gas	0.00000000
5039	Lorimor Municipal Gas	0.00000000
5281	Manilla Municipal Gas	0.00040673
5283	Manning Municipal Gas	0.00014984
5040	Montezuma Natural Gas	0.00000000
5041	Morning Sun Municipal Gas	0.00000000
5042	Moulton Municipal Gas	0.00000000
5306	Osage Municipal Gas	0.00004004
5043	Prescott Municipal Gas	0.00000000
5044	Preston Municipal Gas	0.00000000
5055	Remsen Municipal Gas	0.00000000
5317	Rock Rapids Municipal Gas	0.00008272
5056	Rolfe Municipal Gas	0.00000000
5057	Sabula Municipal Gas	0.00000000
5058	Sac City Municipal Gas	0.00000000
5059	Sanborn Municipal Gas	0.00000000
5060	Sioux Center Municipal Gas	0.00000000
5061	Tipton Municipal Gas	0.00000000
5063	Waukee Municipal Gas	0.00000000
5340	Wayland Municipal Gas	0.00311509
5064	Wellman Municipal Gas	0.00000000
5344	West Bend Municipal Gas	0.00002511
5065	Whittemore Municipal Gas	0.00000000
5349	Winfield Municipal Gas	0.00039730
5066	Woodbine Gas	0.00000000

<b>CO. #</b>	<b>IOU's — GAS</b>	<b>DELIVERY TAX RATE</b>
5204	Allerton Gas	0.02635027
5270	IES Utilities	0.00778056
5272	Interstate Power	0.00258695
5289	MidAmerican Energy	0.01057313
5312	Peoples Natural Gas	0.00682869
5335	United Cities Gas	0.01541873

## REVENUE DEPARTMENT(cont'd)

**2011 MUNICIPAL ELECTRIC TRANSFER REPLACEMENT TAX RATES**

<b>CO. #</b>	<b>COMPANY</b>	<b>REPLACEMENT TAX RATE</b>
3226	Akron Municipal Utilities	0.00600012
3201	Algona Municipal Utilities	0.00416053
3205	Alta Municipal Power Plant	0.00282201
3069	Alta Vista Municipal Utilities	*
3070	Alton Municipal Light & Power	0.00196818
3207	Ames Municipal Electric System	*
3071	Anita Municipal Utilities	0.00482693
3227	Anthon Municipal Electric Utility	0.00286424
3209	Atlantic Municipal Utilities	0.00297322
3073	Auburn Municipal Utility	0.01202542
3074	Aurelia Municipal Electric Utility	0.00109843
3211	Bancroft Municipal Utilities	*
3213	Bellevue Municipal Utilities	0.00896396
3229	Bloomfield Municipal Electric Utility	0.03306413
3075	Breda Municipal Electric System	0.00000000
3076	Brooklyn Municipal Utilities	0.00000000
3216	Buffalo Municipal Electric System	0.00000000
3217	Burt Municipal Electric Utility	0.00194725
3077	Callender Electric	0.00000000
3078	Carlisle Municipal Utilities	*
3079	Cascade Municipal Utilities	0.00000000
3221	Cedar Falls Mun. Electric Utility	0.00287426
3068	City of Afton	0.00466200
3072	City of Aplington	0.00797979
3082	City of Dike	0.00000000
3088	City of Estherville	0.01598855
3089	City of Fairbank	0.00961383
3090	City of Farnhamville	0.00000000
3230	City of Fredericksburg	*
3106	City of Larchwood	0.00000000
3107	City of Lawler	0.00314243
3108	City of Lehigh	0.00000000
3113	City of Marathon	*
3311	City of Pella	0.00291874
3125	City of Renwick	*
3129	City of Sergeant Bluff	*
3139	City of Westfield	*
3143	City of Woolstock	*
3236	Coggon Municipal Light Plant	*
3237	Coon Rapids Municipal Utilities	0.00498082
3242	Corning Municipal Utilities	0.00000000
3080	Corwith Municipal Utilities	0.00000000

## REVENUE DEPARTMENT(cont'd)

<b>CO. #</b>	<b>COMPANY</b>	<b>REPLACEMENT TAX RATE</b>
3243	Danville Municipal Electric Utility	0.00338889
3081	Dayton Light & Power	0.00199511
3244	Denison Municipal Utilities	0.00229966
3245	Denver Municipal Electric Utility	*
3083	Durant Municipal Electric Plant	0.00000000
3084	Dysart Municipal Utilities	0.00338296
3085	Earlville Municipal Utilities	*
3086	Eldridge Electric & Water Utility	*
3087	Ellsworth Municipal Utilities	0.00847997
3091	Fonda Municipal Electric	0.01094806
3252	Fontanelle Municipal Utilities	0.00000000
3092	Forest City Municipal Utilities	0.00419032
3231	Glidden Municipal Electric Utility	0.00642304
3093	Gowrie Municipal Utilities	0.00299000
3256	Graettinger Municipal Light Plant	0.00154329
3094	Grafton Municipal Utilities	0.00639277
3258	Grand Junction Municipal Utilities	0.00174391
3095	Greenfield Municipal Utilities	0.00274415
3096	Grundy Center Light & Power	0.00136466
3232	Guttenberg Municipal Electric	0.01010856
3263	Harlan Municipal Utilities	*
3097	Hartley Municipal Utilities	0.00117074
3098	Hawarden Municipal Utility	0.00820937
3099	Hinton Municipal Electric/Water	0.00106338
3267	Hopkinton Municipal Utilities	0.00000000
3100	Hudson Municipal Utilities	0.00140463
3101	Independence Light & Power	*
3271	Indianola Municipal Utilities	0.00351288
3102	Keosauqua Light & Power	0.00000000
3103	Kimballton Municipal Utilities	0.00000000
3104	Lake Mills Municipal Utilities	0.00428150
3105	Lake Park Municipal Utilities	0.00310805
3233	Lake View Municipal Utilities	0.00808526
3274	Lamoni Municipal Utilities	0.00208791
3276	LaPorte City Utilities	0.00288520
3277	Laurens Municipal Utilities	0.00590878
3109	Lenox Municipal Light & Power	0.00023635
3110	Livermore Municipal Utilities	0.00927725
3111	Long Grove Mun. Elec./Water	0.00000000
3282	Manilla Municipal Elec. Utilities	*
3112	Manning Municipal Electric	*
3284	Mapleton Municipal Utilities	0.00735613
3285	Maquoketa Municipal Electric	0.00207547
3288	McGregor Municipal Utilities	0.00181547

## REVENUE DEPARTMENT(cont'd)

<b>CO. #</b>	<b>COMPANY</b>	<b>REPLACEMENT TAX RATE</b>
3291	Milford Municipal Utilities	0.00000000
3114	Montezuma Municipal Light & Power	0.00203782
3115	Mount Pleasant Municipal Utilities	0.00139460
3293	Muscatine Municipal Utilities	0.00000000
3116	Neola Light & Water System	*
3297	New Hampton Municipal Light Plant	*
3298	New London Municipal Utility	0.00405047
3304	Ogden Municipal Utilities	0.00254081
3234	Onawa Municipal Utilities	0.00270158
3117	Orange City Municipal Utilities	0.00230430
3118	Orient Municipal Utilities	*
3307	Osage Municipal Utilities	0.00093942
3309	Panora Municipal Electric Utility	0.00162334
3119	Paton Municipal Utilities	0.06342305
3120	Paullina Municipal Utilities	0.00626358
3121	Pocahontas Municipal Utilities	0.00717371
3122	Preston Municipal Utilities	0.00391462
3315	Primghar Municipal Light Plant	*
3123	Readlyn Municipal Utilities	0.00000000
3124	Remsen Municipal Utilities	0.00194486
3318	Rock Rapids Municipal Utilities	0.00459110
3126	Rockford Municipal Light Plant	0.00000000
3127	Sabula Municipal Utilities	0.00249881
3128	Sanborn Municipal Light & Plant	0.00201009
3130	Shelby Municipal Utilities	0.00000000
3131	Sibley Municipal Utilities	0.00032871
3321	Sioux Center Municipal Utilities	0.00282725
3324	Spencer Municipal Utilities	0.00484912
3132	Stanhope Municipal Utilities	*
3360	Stanton Municipal Utilities	0.00215875
3326	State Center Municipal Light Plant	0.00590557
3327	Story City Municipal Electric Utility	*
3134	Stratford Municipal Utilities	0.00494162
3135	Strawberry Point Electric Utility	0.00000000
3136	Stuart Municipal Utilities	0.00190894
3328	Sumner Municipal Light Plant	0.00115896
3330	Tipton Municipal Utilities	*
3332	Traer Municipal Utilities	0.00651056
3337	Villisca Municipal Power Plant	0.00000000
3137	Vinton Municipal Utilities	0.00440652
3138	Wall Lake Municipal Utilities	*
3338	Waverly Light & Power	0.00632296
3342	Webster City Municipal Utilities	0.00433074
3345	West Bend Municipal Power Plant	0.00212971

## REVENUE DEPARTMENT(cont'd)

CO. #	COMPANY	REPLACEMENT TAX RATE
3346	West Liberty Municipal Electric Util.	*
3347	West Point Municipal Utility System	0.00700862
3140	Whittemore Municipal Utilities	*
3141	Wilton Municipal Light & Power	*
3351	Winterset Municipal Utilities	0.00453577
3142	Woodbine Municipal Utilities	0.00168754
3143	Woolstock Municipal Utilities	0.00000000

\*No rate provided to the Department by the Municipal

## 2011 MUNICIPAL NATURAL GAS TRANSFER REPLACEMENT TAX RATES

CO. #	COMPANY	REPLACEMENT TAX RATE
5401	Alton Municipal Gas	0.00000000
5021	Bedford Municipal Gas	0.09847089
5215	Brighton Gas	*
5023	Brooklyn Municipal Gas	0.00000000
5024	Cascade Municipal Gas	0.00000000
5025	Cedar Falls Municipal Gas	0.00480770
5022	City of Bloomfield	0.14215714
5026	City of Clearfield	*
5028	City of Everly	2.16356660
5029	City of Fairbank	0.00565179
5238	Coon Rapids Municipal Gas	0.00656173
5241	Corning Municipal Gas	0.00000000
5027	Emmetsburg Municipal Gas	0.04339443
5030	Gilmore City Municipal Gas	0.03616305
5031	Graettinger Municipal Gas	0.04951936
5032	Guthrie Center Municipal Gas	0.00000000
5033	Harlan Municipal Gas	1.06306686
5034	Hartley Municipal Gas	1.02599898
5035	Hawarden Municipal Gas	0.79179205
5036	Lake Park Municipal Gas	0.01148663
5275	Lamoni Municipal Gas	0.00781774
5037	Lenox Municipal Gas	0.00000000
5038	Lineville City Natural Gas	0.00000000
5039	Lorimor Municipal Gas	*
5281	Manilla Municipal Gas	*
5283	Manning Municipal Gas	0.02101247
5402	Mapleton Municipal Gas	0.00000000
5040	Montezuma Natural Gas	0.00000000
5041	Morning Sun Municipal Gas	*
5042	Moulton Municipal Gas	0.04889465

## REVENUE DEPARTMENT(cont'd)

CO. #	COMPANY	REPLACEMENT TAX RATE
5369	Orange City Municipal Gas	0.00000000
5306	Osage Municipal Gas	0.03184719
5043	Prescott Municipal Gas	*
5044	Preston Municipal Gas	0.72756975
5055	Remsen Municipal Gas	0.35075039
5317	Rock Rapids Municipal Gas	0.02946080
5056	Rolfe Municipal Gas	*
5057	Sabula Municipal Gas	0.04658449
5058	Sac City Municipal Gas	0.05331726
5059	Sanborn Municipal Gas	0.04158218
5060	Sioux Center Municipal Gas	0.01461639
5061	Tipton Municipal Gas	*
5067	Wall Lake Municipal Gas	*
5063	Waukee Municipal Gas	*
5340	Wayland Municipal Gas	0.02928727
5064	Wellman Municipal Gas	*
5344	West Bend Municipal Gas	0.03000954
5065	Whittemore Municipal Gas	*
5349	Winfield Municipal Gas	*
5066	Woodbine Gas	0.62888057

\*No rate provided to the Department by the Municipal

**ARC 9894B**

**SECRETARY OF STATE[721]**

**Notice of Intended Action**

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

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

Pursuant to the authority of Iowa Code sections 47.1 and 17A.3, the Secretary of State hereby gives Notice of Intended Action to amend Chapter 21, “Election Forms and Instructions,” Iowa Administrative Code.

This proposed amendment is necessary to establish a special election blackout period during redistricting when the statewide voter database is being updated.

Any interested person may make written suggestions or comments on this proposed amendment on or before December 20, 2011. Written suggestions or comments should be directed to Sarah Reisetter, Director of Elections, Office of the Secretary of State, First Floor, Lucas State Office Building, Des Moines, Iowa 50319.

Persons who want to convey their views orally should contact the Secretary of State’s office by telephone at (515)281-0145 or in person at the Secretary of State’s office on the first floor of the Lucas State Office Building. Requests for a public hearing must be received by December 20, 2011.

This amendment was also Adopted and Filed Emergency and is published herein as **ARC 9893B**. The purpose of this Notice is to solicit comment on that submission, the subject matter of which is incorporated by reference.

SECRETARY OF STATE[721](cont'd)

After analysis and review of this rule making, no impact on jobs has been found.  
This amendment is intended to implement Iowa Code chapter 49.

**ARC 9896B**

## **SECRETARY OF STATE[721]**

### **Notice of Termination**

Pursuant to the authority of Iowa Code section 17A.3(1)“b,” the Secretary of State hereby terminates the rule making initiated by its Notice of Intended Action to amend Chapter 22, “Voting Systems,” published in the Iowa Administrative Bulletin as **ARC 9763B** on October 5, 2011. The amendments were also Adopted and Filed Emergency as **ARC 9762B** and published on the same date.

The period for comments passed without the Secretary’s receiving any comments requiring changes to the Notice of Intended Action as it appeared in the Iowa Administrative Bulletin on October 5, 2011. The Secretary of State finds no further need to proceed with rule making for **ARC 9763B**.

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

**ARC 9874B**

## **TRANSPORTATION DEPARTMENT[761]**

### **Notice of Intended Action**

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

Pursuant to the authority of Iowa Code sections 307.10 and 307.12, the Department of Transportation hereby gives Notice of Intended Action to amend Chapter 600, “General Information,” Chapter 604, “License Examination,” Chapter 605, “License Issuance,” Chapter 615, “Sanctions,” and Chapter 630, “Nonoperator’s Identification,” Iowa Administrative Code.

The proposed amendments provide the Department flexibility in the decision making regarding the issuance of licenses, provide clarification for testing and vehicle equipment to meet current standards related to vehicle operation and the safety of the traveling public, and expand licensing fee payment options.

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

1. Include the name, address, and telephone number of the person or agency authoring the comments or request.
2. Reference the number and title of the proposed rule, as given in this Notice, that is the subject of the comments or request.
3. Indicate the general content of a requested oral presentation.
4. Be addressed to the Department of Transportation, Office of Policy and Legislative Services, 800 Lincoln Way, Ames, Iowa 50010; fax (515)817-6511; Internet E-mail address: [steven.bowman@dot.iowa.gov](mailto:steven.bowman@dot.iowa.gov).
5. Be received by the Office of Policy and Legislative Services no later than December 20, 2011.

A meeting to hear requested oral presentations is scheduled for Thursday, December 22, 2011, at 10 a.m. at the Iowa Department of Transportation’s Motor Vehicle Division offices located at 6310 SE Convenience Boulevard, Ankeny, Iowa.

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

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

These amendments are intended to implement Iowa Code chapter 321.

Proposed rule-making actions:



## TRANSPORTATION DEPARTMENT[761](cont'd)

ITEM 1. Amend rule 761—600.4(321), parenthetical implementation statute, as follows:

**761—600.4(252J,261,321) Persons not to be licensed.**

ITEM 2. Amend subrule 600.4(4), introductory paragraph, as follows:

**600.4(4)** The department shall not knowingly license any person who suffers from syncope of any cause, any type of periodic or episodic loss of consciousness, or any paroxysmal disturbances of consciousness, including but not limited to epilepsy, until that person has ~~remained free of episodes~~ not had an episode of loss of consciousness or loss of voluntary control for six months, and then only upon receipt of a medical report favorable toward licensing.

ITEM 3. Amend paragraph **600.4(4)“c”** as follows:

c. If ~~episodes occur~~ an episode occurs when medications are withdrawn by a physician, but the person is episode-free when placed back on medications, the department may license without a six-month episode-free period with a favorable recommendation from a neurologist.

ITEM 4. Adopt the following **new** paragraph **600.4(4)“d”**:

d. If a medical report indicates the person experienced a single nonrecurring episode, the cause has been identified, and the physician is not treating the person for the episode and believes it is unlikely to recur, the department may license without the six-month episode-free period with a favorable recommendation from a physician.

ITEM 5. Amend subrule 600.16(1) as follows:

**600.16(1)** A person who is unable to wear a safety belt or safety harness for physical or medical reasons may obtain a form to be signed by the person’s health care provider licensed under Iowa Code chapter 148, ~~150, 150A~~ or 151. Form No. 432017, “Iowa Medical Safety Belt Exemption,” is available from the office of driver services at the address in rule 761—600.2(17A).

ITEM 6. Adopt the following **new** definitions in rule **761—604.2(321)**:

“*Binocular field of vision*” is the sum of the temporal measurements or the sum of the nasal measurements.

“*Monocular field of vision*” is the sum of the temporal measurement and the nasal measurement for one eye.

ITEM 7. Amend subrule 604.10(2) as follows:

**604.10(2) Method.** At driver’s license examination stations, a vision screening instrument ~~or a wall chart~~ shall be used to screen the applicant’s vision. An applicant who has corrective lenses may be screened with or without the corrective lenses.

ITEM 8. Amend subrule 604.11(1) as follows:

**604.11(1) Visual acuity standards.**

a. *When the applicant is screened without corrective lenses.* If the visual acuity is 20/40 or better with both eyes or with the better eye, no restriction will be imposed. If the visual acuity is less than 20/40 but at least ~~20/50~~ 20/70 with both eyes or with the better eye, the applicant shall be restricted ~~to~~ from driving when headlights are not required. ~~If the visual acuity is less than 20/50 but at least 20/70 with both eyes or with the better eye, the applicant shall be restricted to driving when headlights are not required and restricted to a maximum speed of 35 m.p.h.~~

b. *When the applicant is screened with corrective lenses.* If the visual acuity is 20/40 or better with both eyes or with the better eye, the applicant shall be required to wear corrective lenses. If the visual acuity is less than 20/40 but at least ~~20/50~~ 20/70 with both eyes or with the better eye, the applicant shall be required to wear corrective lenses and shall be restricted ~~to~~ from driving when headlights are not required. ~~If the visual acuity is less than 20/50 but at least 20/70 with both eyes or with the better eye, the applicant shall be required to wear corrective lenses, restricted to driving when headlights are not required, and restricted to a maximum speed of 35 m.p.h.~~

c. *Other standards.* If the visual acuity in the left eye is less than 20/100, the applicant shall be restricted to driving a vehicle with a both left and right outside rearview ~~mirror~~ mirrors. However, if the applicant has a visual acuity of 20/40 in the right eye and less than 20/100 in the left eye without

## TRANSPORTATION DEPARTMENT[761](cont'd)

corrective lenses and has corrective lenses that improve the vision in the left eye to better than 20/100, the applicant shall have the option of being restricted to driving with corrective lenses or driving a vehicle with a both left and right outside rearview mirror mirrors.

ITEM 9. Amend paragraph **604.11(2)“b”** as follows:

b. If the binocular field of vision is less than 140 degrees but at least ~~115~~ 110 degrees, ~~and or~~ one eye has a monocular field of vision of at least ~~70 degrees temporal and 45~~ 100 degrees nasal, the applicant shall be restricted to driving a vehicle with both left and right outside rearview mirrors.

ITEM 10. Amend paragraph **604.13(2)“b”** as follows:

b. If the applicant's binocular field of vision (~~sum of temporal measurements~~) is less than ~~115~~ 110 degrees, or if ~~neither eye has a monocular field of vision of at least 70 degrees temporal and 45~~ the monocular field of vision is less than 100 degrees nasal, the applicant shall not be licensed, subject to discretionary issuance under subrule 604.13(4).

ITEM 11. Amend subparagraphs **604.13(4)“b”(2)** and **(3)** as follows:

(2) An applicant who cannot attain a visual acuity of ~~20/200~~ 20/199 with both eyes or with the better eye shall not be licensed.

(3) If an applicant's binocular field of vision (~~sum of temporal measurements~~) or monocular field of vision is less than ~~95~~ 75 degrees, or if ~~neither eye has a monocular field of vision of at least 60 degrees temporal and 35~~ degrees nasal, the applicant may be considered for licensing only after recommendation by the medical advisory board.

ITEM 12. Adopt the following new subparagraph **604.13(4)“b”(4)**:

(4) An applicant who cannot attain a binocular or monocular field of vision of 21 degrees shall not be licensed.

ITEM 13. Amend subrule 604.30(3) as follows:

**604.30(3) Test score.** The examiner shall use the standard departmental score sheet and shall enter the test score and the licensing decision in the spaces provided. At the end of the test, the examiner shall explain the test score ~~and give the applicant the original score sheet which is valid for 90 days.~~ The test score result is valid for 90 days.

ITEM 14. Amend subrule 605.5(1) as follows:

**605.5(1) For all licenses.** The following restrictions may apply to any driver's license:

- B—Corrective lenses required
- C—Mechanical aid (as detailed in the restriction on the back of the card)
- D—Prosthetic aid (as detailed in the restriction on the back of the card)
- E—Automatic transmission
- F—Left and right outside mirror rearview mirrors
- G—No driving when headlights required
- H—Temporary restricted license or permit (work permit)
- I—Ignition interlock required
- J—Restrictions on the back of card
- S—SR required (proof of financial responsibility for the future)
- T—Medical report required at renewal
- U—Not valid for 2-wheel vehicle
- ~~V—Left and right outside mirrors~~
- W—Restricted commercial driver's license (CDL)
- Y—Intermediate license

ITEM 15. Amend subrule 605.5(2) as follows:

**605.5(2) For a noncommercial driver's license.** The following restrictions apply only to a noncommercial driver's license:

- P—Special instruction permit
- Q—No interstate or freeway driving

## TRANSPORTATION DEPARTMENT[761](cont'd)

~~R—Maximum speed of 35 mph~~

ITEM 16. Amend subrule 605.5(3) as follows:

**605.5(3)** *For a commercial driver's license.* The following restrictions apply only to a commercial driver's license:

K—Commercial driver's license intrastate only

L—Vehicle without air brakes

M—Except Class A bus

N—Except Class A and Class B bus

O—Except tractor-trailer

V—Medical Variance document required

ITEM 17. Amend subrule 605.5(5) as follows:

**605.5(5)** *Additional information.*

~~a.—Hearing impairment. A person with a hearing aid or a noticeable loss of hearing may be restricted to a motor vehicle equipped with a left outside rearview mirror.~~

~~b. a. Reexamination or report.~~ The department may issue a restriction requiring a person to reappear at a specified time for examination. The department may require a medical report to be submitted. The department shall send Form 430029 as a reminder to appear.

~~e. b. Loss of consciousness or voluntary control.~~

(1) If a person is licensed pursuant to 761—subrule 600.4(4), the department shall issue the first driver's license with a restriction stating: "Medical report to be furnished at the end of six months."

(2) If this medical report shows that the person has been free of ~~episodes~~ an episode of loss of consciousness or voluntary control since the previous medical report and the report recommends licensing, the department shall issue a duplicate driver's license with a restriction stating: "Medical report required at renewal." At each renewal accompanied by a favorable medical report, the department shall issue a two-year driver's license with the same restriction.

(3) If the latest medical report indicates the person experienced only a single nonrecurring episode, the cause has been identified, and the physician is not treating or has not treated the person for the episode and believes it is unlikely to recur, the department may waive the medical report requirement upon ~~recommendation by the medical advisory board~~ receipt of a favorable recommendation from a physician.

(4) The department may remove the medical report requirement and issue a full-term driver's license if recommended by a physician and if the latest medical information on file with the department indicates the person has not had an episode of loss of consciousness or voluntary control and has not been prescribed medications to control such episodes during the 24-month period immediately preceding application for a license.

(5) The department may remove the medical report requirement and issue a full-term driver's license if recommended by a physician and if the latest medical information on file with the department indicates the person has not had an episode of loss of consciousness or voluntary control during the 10-year period immediately preceding application for a license.

~~d. c. Financial responsibility.~~ When a person is required under Iowa Code chapter 321A to have future proof of financial responsibility on file, the license restriction will read: "SR required." The license shall be valid only for the operation of motor vehicles covered by the class of license issued and by the proof of financial responsibility filed.

~~e. d. Vision restriction.~~ Restrictions relating to vision are addressed in 761—Chapter 604.

ITEM 18. Amend rule 761—605.9(321), introductory paragraph, as follows:

**761—605.9(321) Fees for driver's licenses.** Fees for driver's licenses are specified in Iowa Code section 321.191. A license fee may be paid by cash, check, credit card, debit card or money order. If payment is by check, the following requirements apply:

TRANSPORTATION DEPARTMENT[761](cont'd)

ITEM 19. Rescind and reserve rule **761—605.10(321)**.

ITEM 20. Amend rule 761—615.24(252J,261,272D), parenthetical implementation statute, as follows:

**761—615.24(252J,261,272D) Suspension upon receipt of a certificate of noncompliance.**

ITEM 21. Rescind and reserve subrule **615.24(3)**.

ITEM 22. Amend rule **761—615.24(252J,261)**, implementation sentence, as follows:

This rule is intended to implement Iowa Code sections 252J.1, 252J.8, 252J.9, 261.126; and 261.127; ~~272D.8 and 272D.9.~~

ITEM 23. Rescind and reserve subrule **630.2(6)**.

**TREASURER OF STATE**

**Notice—Public Funds Interest Rates**

In compliance with Iowa Code chapter 74A and section 12C.6, the committee composed of Treasurer of State Michael L. Fitzgerald, Superintendent of Credit Unions JoAnn Johnson, Superintendent of Banking James M. Schipper, and Auditor of State David A. Vautt have established today the following rates of interest for public obligations and special assessments. The usury rate for November is 4.00%.

**INTEREST RATES FOR PUBLIC OBLIGATIONS AND ASSESSMENTS**

74A.2 Unpaid Warrants .....	Maximum 6.0%
74A.4 Special Assessments .....	Maximum 9.0%

RECOMMENDED Rates for Public Obligations (74A.3) and School District Warrants (74A.7). A rate equal to 75% of the Federal Reserve monthly published indices for U.S. Government securities of comparable maturities. All Iowa Banks and Iowa Savings Associations as defined by Iowa Code section 12C.1 are eligible for public fund deposits as defined by Iowa Code section 12C.6A.

The rate of interest has been determined by a committee of the state of Iowa to be the minimum interest rate that shall be paid on public funds deposited in approved financial institutions. To be eligible to accept deposits of public funds of the state of Iowa, a financial institution shall demonstrate a commitment to serve the needs of the local community in which it is chartered to do business. These needs include credit services as well as deposit services. All such financial institutions are required to provide the committee with a written description of their commitment to provide credit services in the community. This statement is available for examination by citizens.

New official state interest rates, effective November 9, 2011, setting the minimums that may be paid by Iowa depositories on public funds are listed below.

**TIME DEPOSITS**

7-31 days .....	Minimum .05%
32-89 days .....	Minimum .05%
90-179 days .....	Minimum .05%
180-364 days .....	Minimum .05%
One year to 397 days .....	Minimum .10%
More than 397 days .....	Minimum .40%

## TREASURER OF STATE(cont'd)

These are minimum rates only. The one year and less are four-tenths of a percent below average rates. Public body treasurers and their depositories may negotiate a higher rate according to money market rates and conditions.

Inquiries may be sent to Michael L. Fitzgerald, Treasurer of State, State Capitol, Des Moines, Iowa 50319.

## ARC 9863B

## AGING, DEPARTMENT ON[17]

## Adopted and Filed Emergency

Pursuant to the authority of Iowa Code sections 231.14 and 231.23 and 2011 Iowa Acts, House File 45, section 20, the Iowa Department on Aging hereby rescinds Chapter 4, "Department Planning Responsibilities," Iowa Administrative Code, and adopts a new Chapter 4 with the same title.

The rules in new Chapter 4 are necessary to correct errors within the chapter and to comply with 2011 Iowa Acts, House File 45, section 20.

Pursuant to Iowa Code section 17A.4(3), the Department finds that notice and public participation are impracticable because of the immediate need to comply with 2011 Iowa Acts, House File 45, section 20. Pursuant to 2011 Iowa Acts, House File 45, the Department is mandated to implement a reduction in the number of area agencies on aging in the state to be effective beginning July 1, 2012, with a plan for the reduction due to the Standing Committees on Human Resources of the Senate and House of Representatives and the Joint Appropriations Subcommittee on Health and Human Services on or before December 15, 2011. The plan for the reduction of area agencies on aging must be guided by the Older Americans Act, the Iowa Code and administrative rules. Accurate and appropriate administrative rules must be enacted on an emergency basis to comply with the legislatively mandated time lines.

The Department further finds that the normal effective date of new Chapter 4 should be waived and these rules should be made effective upon filing. The Department's finding is based upon the fact that these rules are statutorily necessary based upon 2011 Iowa Acts, House File 45, section 20. Therefore, these rules are filed pursuant to Iowa Code section 17A.5(2)"b"(1).

The Department adopted these rules on November 1, 2011.

These rules are also published herein under Notice of Intended Action as **ARC 9864B** to allow public comment.

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

These rules are intended to implement Iowa Code chapter 231 and 2011 Iowa Acts, House File 45.

These rules became effective on November 1, 2011.

The following amendment is adopted.

Rescind 17—Chapter 4 and adopt the following **new** chapter in lieu thereof:

## CHAPTER 4

## DEPARTMENT PLANNING RESPONSIBILITIES

**17—4.1(231) Definitions.** Words and phrases as used in this chapter are as defined in 17—Chapter 1 unless the context indicates otherwise. The following definitions also apply to this chapter:

"*Days*" means calendar days unless otherwise indicated. If a term refers to a date on which a document or response is due to the department and the due date occurs on a holiday or weekend, then the due date shall be the next business day.

"*Entity*" means any public or private nonprofit agency or organization or a unit of general purpose local government.

"*Indian*" means a person who is a member of an Indian tribal organization or recognized as eligible for the special programs and services provided by the United States to Indians because of their status as Indians.

"*Indian tribal organization*" means the recognized governing body of any Indian tribe; or any legally established organization of Indians which is controlled, sanctioned, or chartered by such governing body or which is democratically elected by the adult members of the Indian community to be served by such organization and which includes the maximum participation of Indians in all phases of its activities.

"*State plan on aging*" means a document developed in accordance with the Older Americans Act that is submitted to the Administration on Aging every two, three or four years, with updates as necessary, in order to receive Older Americans Act grants.

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

“*Unit of general purpose local government*” means either (1) the government of a county, municipality, township, metropolitan area, or region within the state recognized for areawide planning that functions as a political subdivision of the state whose authority is general and not limited to only one function or combination of related functions and has a population of 100,000 or more, or (2) an Indian tribal organization.

**17—4.2(231) State plan on aging.**

**4.2(1) Authority.** The Iowa department on aging is designated as the sole state unit on aging in Iowa for developing and administering a state plan on aging or state plan amendment pursuant to the federal Older Americans Act. The Iowa commission on aging is designated as the policymaking body of the sole state unit on aging in Iowa and is authorized to approve or disapprove a state plan or state plan amendment developed by the department.

**4.2(2) State plan on aging.** The department shall develop for commission consideration a two-, three-, or four-year state plan on aging in compliance with the Older Americans Act and Iowa Code chapter 231. The department shall develop the state plan on aging in accordance with the procedures and associated instructions, guidance, and direction specified by the Administration on Aging.

**4.2(3) State plan amendment.** The department may, in its discretion, develop and submit to the commission for consideration an amendment to the state plan on aging at any time.

**4.2(4) State plan on aging and state plan amendment review process.** Once the department develops the state plan on aging or state plan amendment, the department shall comply with the following chronological review and comment process:

*a.* The department shall hold at least one public hearing on the proposed state plan or state plan amendment; and

*b.* The department shall submit the state plan or state plan amendment to the commission for consideration. The commission shall approve or disapprove the state plan or state plan amendment after reviewing the plan and public comments; and

*c.* The department shall submit a state plan or state plan amendment approved by the commission to the governor for approval and signature; and

*d.* The department shall submit a state plan or state plan amendment approved by the governor to the Administration on Aging for approval at least 45 days before the effective date of the state plan or state plan amendment.

**4.2(5) State plan on aging or state plan amendment not approved.** If a state plan or state plan amendment is not approved by the commission, the governor, or the Administration on Aging, the department may, in its discretion, table or revise the proposed state plan or state plan amendment. If the department revises the proposed state plan or state plan amendment, the department shall follow the comment and approval process outlined in subrule 4.2(4).

**4.2(6) Technical changes to state plan on aging.** The commission or the governor may, in either party's discretion, make technical corrections to a submitted state plan or state plan amendment prior to approving it.

**17—4.3(231) Planning and service areas.**

**4.3(1) Designation.** The Older Americans Act requires the department to develop a plan dividing the state into distinct planning and service areas and to submit the plan to the commission for consideration.

**4.3(2) Change in designation.** The department may, in its discretion, submit a plan to the commission to change existing planning and service area designations for any of the following reasons:

*a.* A change or reduction in the number of planning and service areas is mandated by state or federal law;

*b.* A change occurs in the geographical distribution of older individuals in the state;

*c.* A change occurs in the incidence of the need for or in the distribution of resources and services outlined in the Older Americans Act;

*d.* A change occurs in the distribution of older individuals who have greatest economic or social need or who are Indians residing in such areas;

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

- e.* A change occurs in the location of units of general purpose local government within the state;
- f.* A change occurs in the boundaries of existing areas within the state which were drawn for the planning or administration of supportive service programs; or
- g.* Any other relevant factors as determined by the department.

**4.3(3)** *Designation requirements for units of general purpose local government.* The department may, in its discretion, recommend to the commission for its consideration designation of any unit of general purpose local government as a planning and service area.

**4.3(4)** *Process to designate or change planning and service areas.* The department's submission to the commission of a plan to divide the state into distinct planning and service areas or change an existing plan shall be acted upon by the commission only after affected parties have been provided notice and an opportunity to be heard as required by the Older Americans Act.

*a. Notice.*

(1) The department shall send by certified mail, return receipt requested, a written notice of intent to designate planning and service area boundaries or change existing planning and service area boundaries by mailing said notice to all area agency on aging executive directors and board chairs. The department shall also publish a notice in at least one newspaper of statewide circulation and one newspaper circulated in each county located within the affected planning and service area(s) to provide notice to affected parties, including older individuals, individuals with disabilities, service providers, and units of general purpose local government. Notice shall also be provided by posting the notice on the department's Web site, [www.aging.iowa.gov](http://www.aging.iowa.gov).

(2) The notice shall document the need to designate planning and service area boundaries or change existing planning and service area boundaries and provide a process for submitting written comments to the department for consideration by the commission.

*b. Public hearing.*

(1) The department shall hold at least one public hearing to obtain comments and provide information on the plan to designate planning and service area boundaries or change existing planning and service area boundaries within 90 days of providing notice pursuant to paragraph 4.3(4) "a."

(2) Information provided by the department at the public hearing shall include, but not be limited to, the proposed planning and service area boundary designations or changes, the reason(s) for the designations or changes, legal authority to designate or change planning and service area boundaries, identification of affected individuals or groups of individuals, and procedures for appealing the proposed planning and service area designations or changes.

(3) Instructions for providing written comments to the department regarding the proposed planning and service area designations or changes shall be provided at the public hearing and shall be posted on the department's Web site, [www.aging.iowa.gov](http://www.aging.iowa.gov).

**4.3(5)** *Review of comments.* The department shall review all public comments received and provide a summary for the commission's review.

**4.3(6)** *Department submission of proposed recommendation to the commission.* The department shall submit to the commission for consideration a proposed recommendation regarding the designation of or change to planning and service areas.

**4.3(7)** *Commission approval or disapproval of proposed designation of or change to planning and service areas.* The commission may, in its discretion, approve or disapprove the department's proposed recommendation to divide the state into distinct planning and service areas or change existing designations. If the commission disapproves the department's proposed recommendation, the department shall develop an alternate recommendation for commission consideration after notice and an opportunity for public comment as provided in subrule 4.3(4). The commission's final decision shall be posted on the department's Web site, [www.aging.iowa.gov](http://www.aging.iowa.gov). The commission's final decision is other agency action for the purposes of Iowa Code section 17A.19.

**4.3(8)** *State appeal of commission decision.* A party aggrieved or adversely affected by the commission's final decision may seek judicial review in accordance with Iowa Code section 17A.19. Such party shall serve a copy of the petition for judicial review upon the Director, Department on Aging, 510 East 12th Street, Suite 2, Des Moines, Iowa 50319-9025.



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

**4.3(9) *Federal appeal of commission's decision.*** An adversely affected party may appeal, in writing, the commission's decision regarding a planning and service area designation or change to the Assistant Secretary for Aging of the Administration on Aging, Washington, DC 20201, on the basis of the facts and merits of the matter that is the subject of the action or proceeding or on procedural grounds within 30 days of the commission's final decision. Written requests shall state: (1) the decision for which an appeal is being made, and (2) the legal name(s), address(es), telephone number(s), and e-mail address(es) of the individual or entity requesting the appeal. A copy of this request shall also be mailed to the Director, Department on Aging, 510 E. 12th Street, Suite 2, Des Moines, Iowa 50319. All questions regarding the federal appeal process should be addressed to the Assistant Secretary for Aging at the address provided above.

**4.3(10) *Official designation.*** Official designation of or change to a planning and service area shall not occur until the final disposition of all appeals.

**17—4.4(231) Area agencies on aging.**

**4.4(1) *Designation.*** The department shall designate for each planning and service area an entity to serve as the area agency on aging in accordance with Older Americans Act requirements. The department may, in its discretion, designate one area agency on aging to serve more than one planning and service area.

**4.4(2) *Designation requirements for units of general purpose local government.*** Whenever the department designates a new area agency on aging after the date of enactment of the Older Americans Act Amendments of 1984 or dedesignates an existing area agency on aging, the department shall give the right of first refusal to a unit of general purpose local government if:

*a.* The unit of general purpose local government can meet the requirements established to serve as an area agency on aging pursuant to state and federal law; and

*b.* The unit of general purpose local government's geographical boundaries and the geographical boundaries of the planning and service area are reasonably contiguous.

**4.4(3) *Qualifications to serve.*** Any entity applying for designation as an area agency on aging must have the capacity to perform all functions of an area agency on aging as outlined in the Older Americans Act and Iowa Code chapter 231. An area agency on aging shall be any one of the following:

*a.* An established office of aging operating within a planning and service area;

*b.* Any office or agency of a unit of general purpose local government, which is designated to function only for the purpose of serving as an area agency on aging by the chief elected official of such unit;

*c.* Any office or agency designated by the appropriate chief elected officials of any combination of units of general purpose local government to act only on behalf of such combination for such purpose;

*d.* Any public or nonprofit private agency in a planning and service area, or any separate organizational unit within such agency, which for designation purposes is under the supervision or direction of the department and which can and will engage only in the planning or provision of a broad range of supportive services or nutrition services within such planning and service area; or

*e.* Any other entity authorized by the Older Americans Act.

**4.4(4) *Process to designate area agency on aging.***

*a.* The department shall send by certified mail, return receipt requested, a written notice of intent to designate an area agency on aging by mailing said notice to all area agency on aging executive directors and board chairs. The department shall also publish a notice in at least one newspaper of statewide circulation and one newspaper circulated in each county located within the affected planning and service area(s) to provide notice to affected parties, including older individuals, individuals with disabilities, service providers, and units of general purpose local government. Notice shall also be provided by posting the notice on the department's Web site, [www.aging.iowa.gov](http://www.aging.iowa.gov).

*b.* The notice shall provide information regarding the department's intent to designate an area agency on aging and to accept requests for applications to serve as an area agency on aging in the affected planning and service area(s). The notice shall be posted and published at least 60 days prior to the request for application submission deadline.

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

c. The department shall hold at least one public hearing pursuant to the following process:

(1) The department shall hold at least one public hearing to obtain comments and provide information on the plan to designate an area agency on aging within 90 days of providing notice pursuant to paragraph 4.4(4) "a."

(2) Information provided by the department at the public hearing shall include, but not be limited to, the proposed designation, the reasons for designation, legal authority to designate, identification of affected individuals or groups of individuals, and procedures for appeal.

(3) Instructions for providing written comments to the department regarding the proposed designation of an area agency on aging shall be provided at the public hearing and shall be posted on the department's Web site, [www.aging.iowa.gov](http://www.aging.iowa.gov).

d. Any entity meeting the qualification requirements outlined in subrule 4.4(3) may submit an application to serve as an area agency on aging.

e. If an area agency on aging is dedesignated pursuant to rule 17—4.6(231), the department shall use a request for application process to designate a new area agency on aging for the affected planning and service area.

f. The department may, in its discretion, require applicants to submit to an on-site assessment as part of the request for application review process.

**4.4(5) Department submission of proposed recommendation for designation of area agency on aging to the commission.** Following the review of the application(s), the department shall develop and submit to the commission for consideration a proposed recommendation regarding the designation of an area agency on aging for each planning and service area.

**4.4(6) Commission approval or disapproval of proposed designation of area agency on aging.** The commission may, in its discretion, approve or disapprove the department's proposed recommendation to designate an area agency on aging. If the commission disapproves the department's proposed recommendation, the department shall develop an alternate recommendation for commission consideration after notice and an opportunity for public comment as provided in subrule 4.4(4). The final decision shall be made available on the department's Web site, [www.aging.iowa.gov](http://www.aging.iowa.gov). The commission's final decision is other agency action for the purposes of Iowa Code section 17A.19.

**4.4(7) State appeal of commission decision.** A party aggrieved or adversely affected by the commission's final decision may seek judicial review in accordance with Iowa Code section 17A.19. Such party shall serve a copy of the petition for judicial review upon the Director, Department on Aging, 510 East 12th Street, Suite 2, Des Moines, Iowa 50319-9025.

**4.4(8) Official designation.** An entity shall be designated the area agency on aging upon the commission's acceptance of the department's proposed recommendation for designation, the commission's approval of the area agency on aging area plan, and execution of the associated contract between the department and the area agency on aging. Official designation of an area agency on aging shall not occur until final disposition of all appeals.

**17—4.5(231) Continuity of services in the event of appeal of designation.** To ensure continuity of services in the affected planning and service area(s) while the commission's final decision regarding designation of an area agency on aging is on appeal, the existing area agency on aging shall provide services unless the department, in its discretion, elects to do any of the following individually or in combination:

1. Temporarily perform the responsibilities of the area agency on aging;
2. Assign the responsibilities of the area agency on aging to any other area agency on aging; or
3. Assign the responsibilities of the area agency on aging to another entity that is in the planning and service area and is competent to provide area agency on aging services.

The department may also submit a written request to the Administration on Aging for an extension of the continuity of services plan pursuant to this rule. The request shall document the need for an extension to provide continuity of services in the affected planning and service area(s) until a successor area agency on aging is designated after appeal.

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

**17—4.6(231) Dededesignation of area agency on aging.**

**4.6(1) Dededesignation.** The department may, in its discretion, initiate action to dedesignate an area agency on aging for any of the following reasons:

*a.* Substantial violation of grant terms and conditions or requirements and standards set forth in federal and state law or rules promulgated by the department or other agencies having jurisdiction.

*b.* Inadequate performance of the responsibilities outlined in the Older Americans Act, Iowa Code chapter 231 or department rules or any other law or regulation governing administration, operation and reporting for area agencies on aging.

*c.* The area agency on aging has been unable or is unwilling to take timely remedial action to correct cited deficiencies within the given time frame established by the department.

*d.* A change or reduction in the number of area agencies on aging is mandated by state or federal law.

*e.* A change occurs in the designation of the planning and service area served by the area agency on aging.

**4.6(2) Process to dedesignate an area agency on aging.** The department's submission to the commission of a plan to dedesignate an existing area agency on aging shall be acted upon by the commission only after affected parties have been provided notice and an opportunity to be heard as required by the Older Americans Act.

*a. Notice.*

(1) Notice to existing area agency on aging. The department shall send by certified mail, return receipt requested, a written notice of intent to dedesignate an area agency on aging by mailing said notice to the affected area agency on aging's executive director and board chair. The written notice shall contain the reasons for the proposed dedesignation, the applicable state or federal law(s) or administrative rule(s), and the dedesignation process.

(2) Notice to other affected parties. The department shall provide notice of intent to dedesignate an existing area agency on aging to all other area agencies on aging by mailing notice to their executive directors and board chairs. The department shall also publish a notice in at least one newspaper of statewide circulation and one newspaper circulated in each county located within the affected planning and service area(s) to provide notice to affected parties, including older individuals, individuals with disabilities, service providers, and units of general purpose local government. Notice shall be provided through the department's Web site, [www.aging.iowa.gov](http://www.aging.iowa.gov). The notice shall document the need to dedesignate an existing area agency on aging and provide a process for submitting written comments to the department for consideration by the commission.

*b. Public hearing.*

(1) The department shall hold at least one public hearing to obtain comments and provide information on the plan to dedesignate an existing area agency on aging within 90 days of providing notice pursuant to paragraph 4.6(2) "a."

(2) Information provided by the department at the public hearing shall include, but not be limited to, the proposed plan to dedesignate, the reasons for dedesignation, legal authority to dedesignate, identification of affected individuals or groups of individuals, and procedures for appeal.

(3) Instructions for providing written comments to the department regarding the proposed plan to dedesignate an existing area agency on aging shall be provided at the public hearing and shall be posted on the department's Web site, [www.aging.iowa.gov](http://www.aging.iowa.gov).

**4.6(3) Review of comments.** The department shall review all public comments received and provide a summary for the commission's review.

**4.6(4) Department submission of proposed recommendation to the commission.** The department shall submit to the commission for consideration a proposed recommendation regarding the dedesignation of an existing area agency on aging.

**4.6(5) Commission approval or disapproval of proposed recommendation to dedesignate an area agency on aging.** The commission may, in its discretion, approve or disapprove the department's proposed recommendation to dedesignate an existing area agency on aging. If the commission disapproves the department's proposed recommendation, the department shall develop an alternate

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recommendation for commission consideration after notice and an opportunity for public comment as provided in subrule 4.6(2). The commission's final decision shall be posted on the department's Web site, [www.aging.iowa.gov](http://www.aging.iowa.gov). The commission's final decision is other agency action for the purposes of Iowa Code section 17A.19.

**4.6(6) *Department action subsequent to dedesignation.*** When an area agency on aging is dedesignated pursuant to this rule, the department shall:

- a. Notify the area agency on aging in writing that it has been dedesignated pursuant to this rule;
- b. Provide a written explanation of the grounds for dedesignation;
- c. Provide written notice of the right to appeal dedesignation and the procedure to be used for appeal;
- d. Notify the Administration on Aging in writing of the dedesignation; and
- e. If necessary, implement a plan for continuity of services in the affected planning and service area(s).

**4.6(7) *State appeal of commission decision.*** A party aggrieved or adversely affected by the commission's final decision may seek judicial review in accordance with Iowa Code section 17A.19. Such party shall serve a copy of the petition for judicial review upon the Director, Department on Aging, 510 East 12th Street, Suite 2, Des Moines, Iowa 50319-9025.

**4.6(8) *Federal appeal of commission decision.*** An adversely affected party may appeal, in writing, the commission's decision regarding dedesignation of an existing area agency on aging to the Assistant Secretary for Aging of the Administration on Aging, Washington, DC 20201, on the basis of the facts and merits of the matter that is the subject of the action or proceeding or on procedural grounds within 30 days of the commission's final decision. Written requests shall state: (1) the decision for which an appeal is being made, and (2) the legal name(s), address(es), telephone number(s), and e-mail address(es) of the individual or entity requesting the appeal. A copy of this request shall also be mailed to the Director, Department on Aging, 510 East 12th Street, Suite 2, Des Moines, Iowa 50319. All questions regarding the federal appeal process should be addressed to the Assistant Secretary for Aging at the address provided above.

**4.6(9) *Official dedesignation.*** Official dedesignation shall not occur until the final disposition of all appeals.

**17—4.7(231) *Continuity of services in the event of dedesignation or appeal of dedesignation.*** To ensure continuity of services in the affected planning and service area(s) while the commission's final decision regarding dedesignation of an area agency on aging is on appeal, the department may, in its discretion, elect to do any of the following individually or in combination:

1. Temporarily perform the responsibilities of the area agency on aging;
2. Assign the responsibilities of the area agency on aging to the existing area agency on aging;
3. Assign the responsibilities of the area agency on aging to any other area agency on aging; or
4. Assign the responsibilities of the area agency on aging to another entity that is in the planning and service area and is competent to provide area agency on aging services.

The department may also submit a written request to the Administration on Aging for an extension of the continuity of services plan pursuant to this rule. The request shall document the need for an extension to provide continuity of services in the affected planning and service area(s) until a successor area agency on aging is designated after appeal.

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**17—4.8(231) Severability clause.** Should any rule, subrule, paragraph, phrase, sentence or clause of this chapter be declared invalid or unconstitutional for any reason, the remainder of this chapter shall not be affected thereby.

These rules are intended to implement Iowa Code chapter 231 and 2011 Iowa Acts, House File 45.

[Filed Emergency 11/1/11, effective 11/1/11]

[Published 11/30/11]

EDITOR'S NOTE: For replacement pages for IAC, see IAC Supplement 11/30/11.

**ARC 9893B**

## **SECRETARY OF STATE[721]**

### **Adopted and Filed Emergency**

Pursuant to the authority of Iowa Code sections 47.1 and 17A.3, the Secretary of State amends Chapter 21, "Election Forms and Instructions," Iowa Administrative Code.

This amendment is necessary to establish a special election blackout period during redistricting when the statewide voter database is being updated.

Pursuant to Iowa Code section 17A.4(3), the Secretary of State finds that notice and public participation are unnecessary because the blackout period is absolutely necessary to ensure that the statewide voter database is updated by the January 15, 2012, deadline.

Pursuant to Iowa Code section 17A.5(2)"b"(2), the Secretary of State further finds that the normal effective date of this amendment, 35 days after publication, should be waived and this amendment should be made effective upon filing. The normal effective date should be waived because the normal effective date would be later than the first special election blackout date. In addition, this amendment confers a benefit on the voting public by ensuring that voter records are accurately and expeditiously updated.

This amendment was also published in part on June 15, 2011, under Notice of Intended Action in Item 2 of **ARC 9564B** to allow for public comment. No public comments were received regarding Item 2 of **ARC 9564B** prior to November 9, 2011, the date on which this Adopted and Filed Emergency rule making was filed. This amendment has been changed from the one published under Notice of Intended Action on June 15, 2011, to expand the blackout period to include the three Tuesdays following January 15 in years ending in two.

This amendment, which includes the three Tuesdays following January 15 in years ending in two, is also published herein under Notice of Intended Action as **ARC 9894B** to allow an opportunity for public comment.

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

This amendment is intended to implement Iowa Code chapter 49.

This amendment became effective November 9, 2011.

The following amendment is adopted.

Adopt the following **new** rule 721—21.33(49):

**721—21.33(49) Redistricting special election blackout period.** A special election shall not be held on the three Tuesdays preceding and following January 15 of years ending in the number two.

This rule is intended to implement Iowa Code chapter 49.

[Filed Emergency 11/9/11, effective 11/9/11]

[Published 11/30/11]

EDITOR'S NOTE: For replacement pages for IAC, see IAC Supplement 11/30/11.

## ARC 9892B

## HUMAN SERVICES DEPARTMENT[441]

## Adopted and Filed

Pursuant to the authority of Iowa Code section 249L.4(4), the Department of Human Services amends Chapter 36, "Facility Assessments," Iowa Administrative Code.

These amendments:

- Change a condition affecting the amount of the quality assurance assessment fee. This change is necessary to satisfy statistical tests required for states that choose to have different categories of providers pay a different level of assessment, as directed in 42 CFR 433.68(e)(2). In Iowa, three categories of facilities are assessed a fee of \$1 per non-Medicare patient day, while the rest are assessed \$5.26 per non-Medicare patient day. The amendments change the criteria for one of these categories, shifting facilities that have 47 to 50 certified beds from paying the \$1 fee to paying the \$5.26 fee (unless they qualify for the \$1 fee on another basis).
- Clarify when the assessment level will be determined. The current rules do not address the determination of the assessment level. The practice has been to determine assessments quarterly, based on the number of beds and other factors on the first day of the quarter. The amendments provide that beginning July 1, 2012, the assessment level for each nursing facility shall be determined on a state fiscal year basis, effective for the period July 1 through June 30 of the following calendar year. The number of licensed beds on file with the Department of Inspection and Appeals as of May 1 of each year shall be used to determine the assessment level for the following state fiscal year, beginning on July 1. Continuing care retirement center designation and the annual number of Iowa Medicaid patient days will also be determined as of May 1 for the following state fiscal year.
- Clarify that inadvertence or oversight does not constitute good cause for failure to pay the nursing facility quality assurance assessment timely.
- Update legal references.

Notice of Intended Action on these amendments was published in the Iowa Administrative Bulletin on September 7, 2011, as **ARC 9731B**. Though not stated in the Notice of Intended Action, the Department separately informed nursing facility organizations that it intended to implement all changes retroactive to July 1, 2011, concurrent with rate adjustments based on new cost reports that were implemented on that date. Due to the rate adjustment and to facilities that have moved below the 50-bed threshold, redistribution of the assessment categories effective July 1, 2011, was required to meet federal requirements and obtain federal approval of the new payment rates.

The Department received a comment from the Iowa Association of Homes and Services for the Aging concerning the Department's intent to retroactively implement the requirement that the number of facility beds would be counted as of May 1 each year for the following fiscal year. Facilities are used to having changes in bed count affect the assessment rate effective on the first day of the quarter following the bed count change. If that procedure is changed retroactively, facilities that lowered their bed count before the rule was adopted would not see the effect of those changes on their assessment rate until July 1, 2012.

The Department agrees that this aspect of the amendments should not be implemented retroactively. Doing so would negatively affect some providers who reduced their number of beds before the rule change and is not required by federal law. Therefore, the Department will continue to allow assessment level changes on the first day of the quarter until July 2012.

As a result, the Department has made the following changes to the amendments as published under Notice of Intended Action:

- Added the effective date of July 1, 2012, to the introductory paragraph of subrule 36.6(2).
- Added the effective date of July 1, 2011, to the first sentence of paragraph 36.6(2)"a."
- Added the effective date of July 1, 2012, to the second sentence of paragraph 36.6(2)"a" along with reference to application of the bed level as of May 1 for determining the facility's assessment level for the following state fiscal year.

## HUMAN SERVICES DEPARTMENT[441](cont'd)

- Added similar sentences to paragraphs 36.6(2)“b” and 36.6(2)“c,” stating that effective July 1, 2012, the status of the criterion distinguishing that category of facility will be used to determine the facility’s assessment level for the following state fiscal year.

The net effect of these changes is that any facility that had more than 46 beds on July 1, 2011, will not qualify for the fee of \$1 based on the number of beds for the quarter from July to September 2011. If a facility reduces beds to 46 or fewer between July 1, 2011, and March 31, 2012, the fee will change to \$1 effective the first day of the quarter following the change. This procedure follows the current Iowa Medicaid Enterprise procedures for recognizing bed capacity changes.

Beginning with assessments for July 1, 2012, and thereafter, a facility’s bed capacity (as well as continuing care retirement community status and Iowa Medicaid patient days) on May 1 of each year will be used to determine the facility’s assessment level for the state fiscal year beginning on the following July 1, in accordance with the changes to subrule 36.6(2).

The Council on Human Services adopted these amendments on November 9, 2011.

These amendments do not provide for waivers in specified situations because waivers would make the application of the assessment fee inequitable to facilities. However, requests for the waiver of any rule may be submitted under the Department’s general rule on exceptions at 441—1.8(17A,217).

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

These amendments are intended to implement Iowa Code chapters 249L and 249M.

These amendments shall become effective on February 1, 2012.

The following amendments are adopted.

ITEM 1. Amend **441—Chapter 36, Division II**, preamble, as follows:

PREAMBLE

These rules describe the nursing facility quality assurance assessment authorized by ~~2009~~ Iowa Code Supplement chapter 249L. The rules explain how the assessment is determined and paid.

ITEM 2. Amend subrule 36.6(2) as follows:

**36.6(2) Assessment level.** Effective July 1, 2012, the assessment level for each nursing facility shall be determined on an annual basis and shall be effective for the state fiscal year.

*a.* Nursing Effective July 1, 2011, nursing facilities with ~~50~~ 46 or fewer licensed beds are required to pay a quality assurance assessment of \$1 per non-Medicare patient day. Effective with assessment for the state fiscal year beginning July 1, 2012, the number of licensed beds on file with the department of inspections and appeals as of May 1 of each year shall be used to determine the assessment level for the following state fiscal year.

*b.* Nursing facilities designated as continuing care retirement centers (CCRCs) by the insurance division of the Iowa department of commerce are required to pay a quality assurance assessment of \$1 per non-Medicare patient day. Effective with assessment for the state fiscal year beginning July 1, 2012, continuing care retirement center designations as of May 1 of each year shall be used to determine the assessment level for the following state fiscal year.

*c.* Nursing facilities with annual Iowa Medicaid patient days of 26,500 or more are required to pay a quality assurance assessment of \$1 per non-Medicare patient day. Effective with assessment for the state fiscal year beginning July 1, 2012, the annual number of Iowa Medicaid patient days reported in the most current cost report submitted to the Iowa Medicaid enterprise as of May 1 of each year shall be used to determine the assessment level for the following state fiscal year.

*d.* All other nursing facilities are required to pay a quality assurance assessment of \$5.26 per non-Medicare patient day.

ITEM 3. Amend subrule 36.7(4) as follows:

**36.7(4)** A nursing facility that fails to pay the quality assurance assessment within the time frame specified above shall pay a penalty in the amount of 1.5 percent of the quality assurance assessment amount owed for each month or portion of a month that the payment is overdue.

*a.* If the department determines that facility substantiates good cause is shown beyond the facility’s control for failure to comply with payment of the quality assurance assessment, the department shall waive the penalty or a portion of the penalty. For purposes of this subrule, “good cause” shall have the

## HUMAN SERVICES DEPARTMENT[441](cont'd)

same meaning as “good cause” for setting aside a default judgment under Iowa Rule of Civil Procedure 1.977.

b. Requests for a good cause waiver must be submitted to the Iowa Medicaid Enterprise, Provider Cost Audit and Rate Setting Unit, 100 Army Post Road, Des Moines, Iowa 50315, within 30 days of notice to the facility that the penalty is due.

ITEM 4. Amend **441—Chapter 36, Division II**, implementation sentence, as follows:

These rules are intended to implement ~~2009 Iowa Code Supplement~~ chapter 249L.

ITEM 5. Amend **441—Chapter 36, Division III**, preamble, as follows:

PREAMBLE

These rules describe the hospital health care access assessment authorized by ~~2010 Iowa Acts, Senate File 2388, enacted by the Eighty-third General Assembly~~ Code chapter 249M. The rules explain how the assessment is determined and paid.

ITEM 6. Strike the parenthetical implementation “(83GA,SF2388)” in rules **441—36.10(83GA,SF2388)** to **441—36.12(83GA,SF2388)** and insert “(249M)” in lieu thereof.

ITEM 7. Amend **441—Chapter 36, Division III**, implementation sentence, as follows:

These rules are intended to implement ~~2010 Iowa Acts, Senate File 2388~~ Code chapter 249M.

[Filed 11/9/11, effective 2/1/12]

[Published 11/30/11]

EDITOR’S NOTE: For replacement pages for IAC, see IAC Supplement 11/30/11.

## ARC 9881B

### HUMAN SERVICES DEPARTMENT[441]

#### Adopted and Filed

Pursuant to the authority of Iowa Code section 249A.4, the Department of Human Services amends Chapter 75, “Conditions of Eligibility,” Iowa Administrative Code.

This amendment allows the Department to recover Medicaid expenditures when liability for negligence (malpractice) is admitted or established. Iowa has been one of the few states that do not have this capability. These collections are now authorized by statutory changes enacted in 2011 Iowa Acts, House File 649. This change was one of the cost containment strategies recommended by Governor Branstad.

This amendment was Adopted and Filed Emergency and was published in the Iowa Administrative Bulletin on September 7, 2011, as **ARC 9696B**. Notice of Intended Action to solicit comment on the amendments was published as **ARC 9697B** on the same date. The Department received no comments on the Notice of Intended Action. The item has been changed to rescind the amendment that was previously Adopted and Filed Emergency and to adopt new language in lieu thereof. However, the new language is identical to that Adopted and Filed Emergency.

The Council on Human Services adopted this amendment on November 9, 2011.

This amendment does not provide for waivers in specified situations because the savings assumed in the Department’s appropriations will not be achieved if waivers are provided. Requests for the waiver of any rule may be submitted under the Department’s general rule on exceptions at 441—1.8(17A,217).

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

This amendment is intended to implement Iowa Code section 249A.4 and 2011 Iowa Acts, House File 649, section 10, subsection 20(a).

This amendment will become effective January 4, 2012, at which time the Adopted and Filed Emergency amendment is hereby rescinded.

The following amendment is adopted.



## HUMAN SERVICES DEPARTMENT[441](cont'd)

Rescind subrule 75.4(1) and adopt the following **new** subrule in lieu thereof:

**75.4(1)** When the medical assistance program pays for a member's medical care or expenses, the department shall have a lien upon all monetary claims which the member may have against third parties for those expenses. Monetary claims shall include medical malpractice claims for injuries sustained on or after July 1, 2011. The lien shall be to the extent of the medical assistance payments only.

*a.* A lien is not effective unless the department files a notice of lien with the clerk of the district court in the county where the member resides and with the member's attorney when the member's eligibility for medical assistance is established. The notice of lien shall be filed before the third party has concluded a final settlement with the member, the member's attorney, or other representative.

*b.* The third party shall obtain a written determination from the department concerning the amount of the lien before a settlement is deemed final.

(1) A compromise, including, but not limited to, notification, settlement, waiver or release of a claim, does not defeat the department's lien except pursuant to the written agreement of the director or the director's designee under which the department would receive less than full reimbursement of the amounts it expended.

(2) A settlement, award, or judgment structured in any manner not to include medical expenses or an action brought by a member or on behalf of a member which fails to state a claim for recovery of medical expenses does not defeat the department's lien if there is any recovery on the member's claim.

*c.* All notifications to the department required by law shall be directed to the Iowa Medicaid Enterprise, Revenue Collection Unit, P.O. Box 36475, Des Moines, Iowa 50315. Notification shall be considered made as of the time the notification is deposited so addressed, postage prepaid, in the United States Postal Service system.

[Filed 11/9/11, effective 1/4/12]

[Published 11/30/11]

EDITOR'S NOTE: For replacement pages for IAC, see IAC Supplement 11/30/11.

**ARC 9882B**

**HUMAN SERVICES DEPARTMENT[441]**

**Adopted and Filed**

Pursuant to the authority of Iowa Code section 249A.4, the Department of Human Services amends Chapter 78, "Amount, Duration and Scope of Medical and Remedial Services," Iowa Administrative Code.

These amendments affect Medicaid coverage for drugs by:

- Removing coverage for lipase inhibitor drugs when used to promote weight loss;
- Removing coverage for prescription drugs and certain nonprescription products used for symptomatic relief of cough and colds; and
- Updating the list of covered nonprescription drugs to reflect current rebatable drugs.

2011 Iowa Acts, House File 649, allows the Department to implement the Medicaid cost containment strategies recommended by Governor Branstad. Federal Medicaid law allows states to exclude coverage for these two categories of drugs, and eliminating coverage for them is one of the recommended strategies.

Lipase inhibitor drugs are the only weight-loss drug category currently covered in Iowa. There is one covered lipase inhibitor drug which will no longer be payable. This drug has minimal utilization (due to side effects) and effectiveness. Alternative nonpharmaceutical treatment options exist that are at least as effective as, if not more effective than, that drug.

Iowa presently covers a limited number of preferred nonprescription and prescription cough and cold products. These amendments retain coverage only for products that are both cost-effective and supported by sufficient clinical evidence. Coverage for all prescription cough and cold products is eliminated. These products tend to be combinations of multiple ingredients, some at subtherapeutic doses that have

## HUMAN SERVICES DEPARTMENT[441](cont'd)

minimal effectiveness, with an increased tendency toward side effects and drug interactions. Alternative nonpharmaceutical options for treatment also exist.

Nonprescription products that contain only one or two ingredients, a decongestant and cough syrup containing dextromethorphan, will remain payable. There is evidence to support or expert opinion recommending treatment of symptomatic cold symptoms with a decongestant and some evidence to support the use of dextromethorphan.

These amendments were Adopted and Filed Emergency and were published in the Iowa Administrative Bulletin on September 7, 2011, as **ARC 9699B**. Notice of Intended Action to solicit comment on these amendments was published as **ARC 9700B** on the same date. The Department received no comments on the Notice of Intended Action. The items have been changed to rescind the amendments that were previously Adopted and Filed Emergency and to adopt new language in lieu thereof. However, the new language is identical to that Adopted and Filed Emergency.

The Council on Human Services adopted these amendments on November 9, 2011.

These amendments do not provide for waivers in specified situations because the savings assumed in the Department's appropriations will not be achieved if waivers are provided. Requests for the waiver of any rule may be submitted under the Department's general rule on exceptions at 441—1.8(17A,217).

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

These amendments are intended to implement Iowa Code section 249A.4 and 2011 Iowa Acts, House File 649, section 10, subsection 20(a).

These amendments will become effective January 4, 2012, at which time the Adopted and Filed Emergency amendments are hereby rescinded.

EDITOR'S NOTE: Pursuant to recommendation of the Administrative Rules Review Committee published in the Iowa Administrative Bulletin, September 10, 1986, the text of these amendments [78.2(4)“b,” 78.2(5)] is being omitted. These amendments are identical to those published under Notice as **ARC 9700B** and Adopted and Filed Emergency as **ARC 9699B**, IAB 9/7/11.

[Filed 11/9/11, effective 1/4/12]

[Published 11/30/11]

[For replacement pages for IAC, see IAC Supplement 11/30/11.]

**ARC 9883B****HUMAN SERVICES DEPARTMENT[441]****Adopted and Filed**

Pursuant to the authority of Iowa Code section 249A.4, the Department of Human Services amends Chapter 78, “Amount, Duration and Scope of Medical and Remedial Services,” Iowa Administrative Code.

These amendments change the Medicaid criterion for the medical necessity of orthodontia for children by raising the minimum score on the Salzmann index to 26. (Orthodontia coverage for members over the age of 21 was eliminated in 2002.) The minimum Salzmann index score currently used to establish medical necessity for orthodontia is 21. Changing this criterion is one of the Medicaid cost containment strategies recommended by Governor Branstad. 2011 Iowa Acts, House File 649, authorizes the Department to implement these recommendations.

Of the 17 states that responded to a survey requesting Medicaid criteria for orthodontia, Iowa's criterion is one of the most liberal. The survey showed that other Midwestern states have established criteria at the following indexes: Illinois at 42, Missouri at 28, Nebraska at 40, and Wisconsin at 30. The criterion used in Iowa's HAWK-I program is 26. Changing the Iowa Medicaid criterion will align the policies of the two Iowa programs and move Iowa's Medicaid criterion toward the level required by many other states.

These amendments were Adopted and Filed Emergency and were published in the Iowa Administrative Bulletin on September 7, 2011, as **ARC 9702B**. Notice of Intended Action to solicit

## HUMAN SERVICES DEPARTMENT[441](cont'd)

comment on these amendments was published as **ARC 9703B** on the same date. The Department received no comments on the Notice of Intended Action. The items have been changed to rescind the amendments that were previously Adopted and Filed Emergency and to adopt new language in lieu thereof. However, the new language is identical to that Adopted and Filed Emergency.

The Council on Human Services adopted these amendments on November 9, 2011.

These amendments do not provide for waivers in specified situations because the savings assumed in the Department's appropriations will not be achieved if waivers are provided. Requests for the waiver of any rule may be submitted under the Department's general rule on exceptions at 441—1.8(17A,217).

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

These amendments are intended to implement Iowa Code section 249A.4 and 2011 Iowa Acts, House File 649, section 10, subsection 20(a).

These amendments will become effective January 4, 2012, at which time the Adopted and Filed Emergency amendments are hereby rescinded.

EDITOR'S NOTE: Pursuant to recommendation of the Administrative Rules Review Committee published in the Iowa Administrative Bulletin, September 10, 1986, the text of these amendments [78.4(8), 78.28(2)“d”] is being omitted. These amendments are identical to those published under Notice as **ARC 9703B** and Adopted and Filed Emergency as **ARC 9702B**, IAB 9/7/11.

[Filed 11/9/11, effective 1/4/12]

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**ARC 9884B****HUMAN SERVICES DEPARTMENT[441]****Adopted and Filed**

Pursuant to the authority of Iowa Code section 249A.4, the Department of Human Services amends Chapter 78, “Amount, Duration and Scope of Medical and Remedial Services,” and Chapter 79, “Other Policies Relating to Providers of Medical and Remedial Care,” Iowa Administrative Code.

These amendments change the payment methodology for the following Medicaid home- and community-based services (HCBS) waivers to align with the payment methodology for durable medical equipment under the Medicaid state plan:

- Assistive devices under the elderly waiver.
- Environmental modifications and adaptive devices under the children's mental health waiver.
- Home and vehicle modifications under the ill and handicapped, elderly, intellectual disability, brain injury and physical disability waivers.
- Specialized medical equipment under the brain injury and physical disability waivers.

Aligning the reimbursement for durable equipment is one of the Medicaid cost containment strategies recommended by Governor Branstad. 2011 Iowa Acts, House File 649, authorizes the Department to implement these recommendations.

These amendments were Adopted and Filed Emergency and were published in the Iowa Administrative Bulletin on September 7, 2011, as **ARC 9704B**. Notice of Intended Action to solicit comment on these amendments was published as **ARC 9705B** on the same date. The Department received no comments on the Notice of Intended Action. The items have been changed to rescind the amendments that were previously Adopted and Filed Emergency and to adopt new language in lieu thereof. However, the new language is identical to that Adopted and Filed Emergency.

The Council on Human Services adopted these amendments on November 9, 2011.

These amendments do not provide for waivers in specified situations because the savings assumed in the Department's appropriations will not be achieved if waivers are provided. Requests for the waiver of any rule may be submitted under the Department's general rule on exceptions at 441—1.8(17A,217).

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

## HUMAN SERVICES DEPARTMENT[441](cont'd)

These amendments are intended to implement Iowa Code section 249A.4 and 2011 Iowa Acts, House File 649, section 10, subsection 20(a).

These amendments will become effective January 4, 2012, at which time the Adopted and Filed Emergency amendments are hereby rescinded.

EDITOR'S NOTE: Pursuant to recommendation of the Administrative Rules Review Committee published in the Iowa Administrative Bulletin, September 10, 1986, the text of these amendments [amendments to Chs 78, 79] is being omitted. These amendments are identical to those published under Notice as **ARC 9705B** and Adopted and Filed Emergency as **ARC 9704B**, IAB 9/7/11.

[Filed 11/9/11, effective 1/4/12]

[Published 11/30/11]

[For replacement pages for IAC, see IAC Supplement 11/30/11.]

**ARC 9886B****HUMAN SERVICES DEPARTMENT[441]****Adopted and Filed**

Pursuant to the authority of Iowa Code section 249A.4, the Department of Human Services amends Chapter 79, "Other Policies Relating to Providers of Medical and Remedial Care," Iowa Administrative Code.

These amendments eliminate reimbursement for the costs of graduate medical education in the calculation of Medicaid reimbursement for acute hospital inpatient and outpatient services provided by hospitals outside of Iowa. 2011 Iowa Acts, House File 649, allows the Department to implement the Medicaid cost containment strategies recommended by Governor Branstad. This change is one of the recommended strategies.

These amendments were Adopted and Filed Emergency and were published in the Iowa Administrative Bulletin on September 7, 2011, as **ARC 9712B**. Notice of Intended Action to solicit comment on the amendments was published as **ARC 9713B** on the same date. The Department received no comments on the Notice of Intended Action. The Department made only a technical change to number the eight unnumbered paragraphs in subparagraph 79.1(5)"y"(7). The items have been changed to rescind the amendments that were previously Adopted and Filed Emergency and to adopt new language in lieu thereof. However, except for the aforementioned technical change, the new language is identical to that Adopted and Filed Emergency.

The Council on Human Services adopted these amendments on November 9, 2011.

These amendments do not provide for waivers in specified situations because the savings assumed in the Department's appropriations will not be achieved if waivers are provided. Requests for the waiver of any rule may be submitted under the Department's general rule on exceptions at 441—1.8(17A,217).

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

These amendments are intended to implement Iowa Code section 249A.4 and 2011 Iowa Acts, House File 649, section 10, subsection 20(a).

## HUMAN SERVICES DEPARTMENT[441](cont'd)

These amendments will become effective January 4, 2012, at which time the Adopted and Filed Emergency amendments are hereby rescinded.

EDITOR'S NOTE: Pursuant to recommendation of the Administrative Rules Review Committee published in the Iowa Administrative Bulletin, September 10, 1986, the text of these amendments [79.1(5), 79.1(16)] is being omitted. With the exception of the change noted above, these amendments are identical to those published under Notice as **ARC 9713B** and Adopted and Filed Emergency as **ARC 9712B**, IAB 9/7/11.

[Filed 11/9/11, effective 1/4/12]

[Published 11/30/11]

[For replacement pages for IAC, see IAC Supplement 11/30/11.]

**ARC 9887B****HUMAN SERVICES DEPARTMENT[441]****Adopted and Filed**

Pursuant to the authority of Iowa Code section 249A.4, the Department of Human Services amends Chapter 79, "Other Policies Relating to Providers of Medical and Remedial Care," Iowa Administrative Code.

This amendment precludes Medicaid payments for inpatient hospital services based on hospital-acquired conditions for which increased payments are not allowed under the Medicare program. Legislation passed by the Eighty-Fourth General Assembly allows the Department to implement Medicaid cost containment strategies recommended by Governor Branstad. This change is one of those strategies. The change will align Medicaid and Medicare reimbursement policy and will be required for Medicaid upon implementation of the Affordable Care Act, Public Law 111-148, Section 2702.

This amendment was Adopted and Filed Emergency and was published in the Iowa Administrative Bulletin on September 7, 2011, as **ARC 9714B**. Notice of Intended Action to solicit comment on the amendment was published as **ARC 9715B** on the same date. The Department received no comments on the Notice of Intended Action. The item has been changed to rescind the amendment that was previously Adopted and Filed Emergency and to adopt new language in lieu thereof. However, the new language is identical to that Adopted and Filed Emergency.

The Council on Human Services adopted this amendment on November 9, 2011.

This amendment does not provide for waivers in specified situations because the savings assumed in the Department's appropriations will not be achieved if waivers are provided. Requests for the waiver of any rule may be submitted under the Department's general rule on exceptions at 441—1.8(17A,217).

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

This amendment is intended to implement Iowa Code section 249A.4 and 2011 Iowa Acts, House File 649, section 10, subsection 20(a).

This amendment shall become effective on January 4, 2012, at which time the Adopted and Filed Emergency amendment is hereby rescinded.

The following amendment is adopted.

Rescind paragraph **79.1(5)“ab”** and adopt the following **new** paragraph in lieu thereof:

*ab. Nonpayment for preventable conditions.* Preventable conditions identified pursuant to this rule that develop during inpatient hospital treatment shall not be considered in determining reimbursement for such treatment.

(1) Coding. All diagnoses included on an inpatient hospital claim must include one of the following codes indicating whether the condition was present or developing at the time of the order for inpatient admission:

## HUMAN SERVICES DEPARTMENT[441](cont'd)

## Present on Admission (POA) Indicator Codes

Code Explanation

- Y The condition was present or developing at the time of the order for inpatient admission.
- N The condition was not present or developing at the time of the order for inpatient admission.
- U Documentation is insufficient to determine whether the condition was present or developing at the time of the order for inpatient admission.
- W Clinically undetermined. The provider is clinically unable to determine whether or not the condition was present or developing at the time of the order for inpatient admission.

(2) Payment processing. Claims will be processed according to the DRG methodology without consideration of any diagnosis identified by the Secretary of the United States Department of Health and Human Services pursuant to Section 1886(d)(4)(D)(iv) of the Social Security Act (42 U.S.C. 1395ww(d)(4)(D)(iv)) if the condition was not present or developing at the time of the order for inpatient admission.

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**ARC 9889B**

**HUMAN SERVICES DEPARTMENT[441]**

**Adopted and Filed**

Pursuant to the authority of Iowa Code section 249A.4, the Department of Human Services amends Chapter 80, "Procedure and Method of Payment," Iowa Administrative Code.

This amendment requires providers who bill using paper claim forms to submit both the crossover claim form and the Explanation of Medicare Benefits (EOMB) when billing Medicaid for dually eligible members. Submission of both the claim form and the denied EOMB from Medicare will provide essential claim information, such as diagnosis codes and procedure modifiers, so that claims can be processed properly. This change is expected to eliminate the manual data entry of over 20,000 claim forms per month and associated data entry errors that delay payment.

2011 Iowa Acts, House File 649, allows the Department to implement the Medicaid cost containment strategies recommended by Governor Branstad. This change is one of the recommended strategies. This change is part of a larger effort to improve processing of Medicare crossover claims that will generate combined savings estimated at \$275,000 annually.

This amendment was Adopted and Filed Emergency and was published in the Iowa Administrative Bulletin on September 7, 2011, as **ARC 9724B**. Notice of Intended Action to solicit comment on this amendment was published as **ARC 9725B** on the same date. The Department received no comments on the Notice of Intended Action. The item has been changed to rescind the amendment that was previously Adopted and Filed Emergency and to adopt new language in lieu thereof. However, the new language is identical to that Adopted and Filed Emergency.

The Council on Human Services adopted this amendment on November 9, 2011.

This amendment does not provide for waivers in specified situations because the savings assumed in the Department's appropriations will not be achieved if waivers are provided. Requests for the waiver of any rule may be submitted under the Department's general rule on exceptions at 441—1.8(17A,217).

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

This amendment shall become effective on January 4, 2012, at which time the Adopted and Filed Emergency amendment is hereby rescinded.

This amendment is intended to implement Iowa Code section 249A.4 and 2011 Iowa Acts, House File 649, section 10, subsection 20(a).

## HUMAN SERVICES DEPARTMENT[441](cont'd)

The following amendment is adopted.

Rescind paragraph **80.2(2)“h”** and adopt the following **new** paragraph in lieu thereof:

*h.* Providers billing claims for Medicare beneficiaries that do not cross over electronically to the Iowa Medicaid enterprise shall submit:

(1) Form 470-4707, Medicare Crossover Invoice (Institutional), along with the Explanation of Medicare Benefits (EOMB) for institutional services.

(2) Form 470-4708, Medicare Crossover Invoice (Professional), along with the Explanation of Medicare Benefits (EOMB) for professional services.

[Filed 11/9/11, effective 1/4/12]

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**ARC 9888B**

**HUMAN SERVICES DEPARTMENT[441]**

**Adopted and Filed**

Pursuant to the authority of Iowa Code section 249A.4, the Department of Human Services amends Chapter 81, "Nursing Facilities," Iowa Administrative Code.

These amendments change the Department's procedures for implementation of the federal preadmission screening and annual resident review (PASRR) requirements for nursing facilities. These requirements are published in 42 CFR Part 483, Subpart C. These requirements apply to all persons seeking care in a Medicaid-certified facility, regardless of the source of payment for that care.

PASRR regulations require that persons seeking to enter nursing facilities must be reviewed to screen for mental retardation, a related condition, or mental illness (Level I review). If one of these conditions is indicated, a review must be conducted to evaluate whether the person actually needs nursing facility care, needs specialized services for mental retardation or mental illness, or needs both nursing care and specialized services (Level II review). The state mental health authority (the Department's Division of Mental Health and Disability Services) must approve the person's evaluation and plan of care to ensure that the person is receiving appropriate care and treatment.

The Department has contracted with Ascend Management Innovations, LLC, to perform the evaluations required for Level II reviews. These amendments list conditions that temporarily or permanently exempt a person from Level II review. The amendments also provide that the Department will not approve payment for a person's nursing facility care until a Level I review and (if indicated) a Level II review are completed. This provision is expected to result in cost avoidance for the state and is included in Governor Branstad's list of cost containment recommendations.

These amendments were also Adopted and Filed Emergency and were published in the Iowa Administrative Bulletin on September 7, 2011, as **ARC 9726B**. Notice of Intended Action to solicit comment on the amendments was published as **ARC 9727B** on the same date. The Department received comment on the Notice of Intended Action from the Iowa Health Care Association. The comments addressed three concerns:

- Admissions are being delayed waiting for a Level II review, especially on weekends.
- Facilities are concerned that residents admitted with a waiver of Level II review would become ineligible after admission and require involuntary discharge or a period with no payment.
- Facilities want a specific waiver process for residents admitted in good faith.

The Department recognizes that these amendments require a shift in business practices for nursing facilities and is working to minimize the impact on facilities and the people applying for facility services. The concern over delayed admissions is a valid one. The limitation pertaining to night and weekend screenings is related to availability of staff to perform Level I screenings at the Iowa Medicaid Enterprise (IME), not to availability of the contractor for Level II reviews.

## HUMAN SERVICES DEPARTMENT[441](cont'd)

In response to this concern, the IME announced on August 29, 2011, that a Web-based Level I screening system is planned for implementation on January 1, 2012. An interim process has been put in place in which a hospital may proceed with the discharge to the facility when a person's health or safety requires a night or weekend admission, without financial penalty to the facility.

There has also been some initial delay in completing Level II reviews due to a higher than expected volume of screenings and evaluations. While the Level II contractor is meeting contractual requirements in most cases, both the Department and the contractor recognize that more can be done to make the process more efficient. Several steps have already been taken toward this, including:

- Changing policy to no longer require a Level II review when only situational depression or anxiety or a historical mental illness diagnosis is present.
- Increasing the number of document-based reviews that may be done in place of in-person evaluations.
- Recruiting additional Level II evaluators.
- Initiating a series of meetings with providers and their professional associations in order to resolve issues and keep communication channels open.

In the time since these adjustments have been made, it appears that the number of Level II reviews and the corresponding response times have leveled off. Also, the Department announced on September 28, 2011, that no penalties to providers would be effectuated until the automated PASRR Level I system becomes operational in January 2012.

It appears that concerns may have arisen from the perception that admitting a resident under the category of a hospital exemption or a categorical determination would not guarantee Medicaid payment for the resident. Hospital exemptions and categorical determinations are both valid Level II outcomes. Any facility admitting a Medicaid member under one of these categories will be reimbursed.

When a hospital exemption or categorical determination expires, the facility is responsible for notifying the Level II contractor to initiate a resident review. The vast majority of members will continue to be eligible to receive care in the facility. Exceptions may occur when only a short-term stay was expected or a drastic change in the member's condition has occurred. If nursing facility services are no longer appropriate, Medicaid will continue to reimburse the facility while an orderly discharge occurs.

The Department believes that the current exception to policy (waiver) process will adequately address any cases with special circumstances.

The items have been changed to rescind the amendments that were previously Adopted and Filed Emergency and to adopt new language in lieu thereof. However, the new language is identical to that Adopted and Filed Emergency.

The Council on Human Services adopted these amendments on November 9, 2011.

These amendments do not provide for waivers in specified situations since reviews are required by federal Medicaid regulations. However, the Department does have a general rule on exceptions at 441—1.8(17A,217).

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

These amendments shall become effective on January 4, 2012, at which time the Adopted and Filed Emergency amendments are hereby rescinded.

These amendments are intended to implement Iowa Code section 249A.4 and 2011 Iowa Acts, House File 649, section 10, subsection 20(a).

The following amendments are adopted.

ITEM 1. Rescind the definitions of "Level I review," "Level II review" and "PASARR" in rule **441—81.1(249A)** and adopt the following **new** definitions in lieu thereof:

*"Level I review"* means screening to identify persons suspected of having mental illness or mental retardation as defined in 42 CFR 483.102 as amended to October 1, 2010.

*"Level II review"* means the evaluation of a person identified in a Level I review to determine whether nursing facility services and specialized services are needed.



## HUMAN SERVICES DEPARTMENT[441](cont'd)

“PASRR” means the preadmission screening and annual review of persons with mental illness, mental retardation or a related condition who live in or seek entry to a Medicaid-certified nursing facility, as required by 42 CFR Part 483, Subpart C, as amended to October 1, 2010.

ITEM 2. Rescind subrule 81.3(3) and adopt the following **new** subrule in lieu thereof:

**81.3(3) Preadmission review.** The IME medical services unit shall complete a Level I review for all persons seeking admission to a Medicaid-certified nursing facility, regardless of the source of payment for the person’s care. When a Level I review identifies evidence for the presence of mental illness or mental retardation, the department’s contractor for PASRR evaluations shall complete a Level II review before the person is admitted to the facility.

*a.* Exceptions to Level II review. Persons in the following circumstances may be exempted from Level II review based on a categorical determination that in that circumstance, admission to or residence in a nursing facility is normally needed and the provision of specialized services for mental illness, mental retardation, or related conditions is normally not needed.

(1) The person’s attending physician certifies that the person is terminally ill with death expected within six months, the person requires nursing care or supervision due to the person’s physical condition, and the person is not a danger to self or others. If the person’s nursing facility stay exceeds six months, a Level II review must be completed.

(2) The severity of the person’s illness results in impairment so severe that the person could not be expected to benefit from specialized services, and the person does not present a danger to self or others. This category includes persons who are comatose, who function at brain-stem level, who are ventilator-dependent, or who have diagnoses such as Parkinson’s disease, Huntington’s chorea, amyotrophic lateral sclerosis, chronic obstructive pulmonary disease (COPD), or congestive heart failure (CHF).

(3) The person is suffering from delirium. Exemptions made on a basis of delirium are valid until the delirium clears or for seven days, whichever is sooner.

(4) The person is in an emergency situation that requires protective services with placement in the nursing facility. A Level II review must be completed if the admission lasts more than seven days.

(5) The admission is for the purpose of providing respite to the person’s caregiver. If the nursing facility stay exceeds 30 days, a Level II review must be completed.

(6) The person has dementia in combination with mental retardation or a related condition.

(7) The person has been approved for specialized services in another facility based on a previous Level II evaluation, the specialized services still meet the person’s needs, and the receiving facility agrees to provide the specialized services.

(8) The person is transferring directly from receiving acute hospital inpatient care and requires nursing facility services for the same acute physical illness for which hospital care was received, and the person’s attending physician certifies before the admission that the person is likely to require less than 30 days of nursing facility services. If the person is later found to require more than 30 days of nursing facility care, a Level II review must be completed within 40 calendar days of the person’s admission date.

(9) The person:

1. Is transferring to a nursing facility directly from receiving acute hospital inpatient care, and
2. Requires nursing facility services for convalescence from the same acute physical illness for which the person received hospital care, and
3. Is clearly sufficiently psychiatrically and behaviorally stable enough for nursing facility admission, and
4. Before entering the facility, has been certified by the attending physician as likely to require less than 60 days of nursing facility services.

*b.* Outcome of Level II review. The Level II review shall determine whether the person seeking admission:

(1) Needs specialized services for mental illness as defined in paragraph 81.13(14)“b,” using the procedures set forth in 42 CFR 483.134 as amended to October 1, 2010; or

## HUMAN SERVICES DEPARTMENT[441](cont'd)

(2) Needs specialized services for mental retardation or a related condition as defined in paragraph 81.13(14)“c,” using the procedures set forth in 42 CFR 483.136 as amended to October 1, 2010.

c. The department’s division of mental health and disability services or its designee shall review each Level II evaluation and plan for obtaining needed specialized services before the person’s admission to a nursing facility to determine whether the nursing facility is an appropriate placement.

d. Nursing facility payment under the Iowa Medicaid program will be made for persons with mental illness, mental retardation, or a related condition only if it is determined by the division of mental health and disability services that the person’s treatment needs will be or are being met.

ITEM 3. Rescind rule 441—81.7(249A) and adopt the following new rule in lieu thereof:

**441—81.7(249A) Continued review.**

**81.7(1) Level of care.** The IME medical services unit shall review Medicaid members’ need of continued care in nursing facilities, pursuant to the standards and subject to the appeals process in subrule 81.3(1).

**81.7(2) PASRR.** Within the fourth calendar quarter after the previous review, the PASRR contractor shall review all nursing facility residents admitted pursuant to paragraph 81.3(3)“c” to determine:

a. Whether nursing facility services continue to be appropriate for the resident, as opposed to care in a more specialized facility, and

b. Whether the resident needs specialized services for mental illness or mental retardation as described in paragraph 81.3(3)“b.”

This rule is intended to implement Iowa Code sections 249A.2(1), 249A.3(3), and 249A.4.

ITEM 4. Rescind and reserve paragraph **81.13(9)“f.”**

ITEM 5. Rescind subrule 81.13(14) and adopt the following new subrule in lieu thereof:

**81.13(14) Specialized services.** When indicated, specialized services shall be provided to residents as follows:

a. *Specialized rehabilitative services.* Specialized rehabilitative services shall be provided by qualified personnel under the written order of a physician. If specialized rehabilitative services such as, but not limited to, physical therapy, speech-language pathology, and occupational therapy, are required in the resident’s comprehensive plan of care, the facility shall:

- (1) Provide the required services; or
- (2) Obtain the required services from an outside provider of specialized rehabilitative services.

b. *Specialized services for mental illness.* “Specialized services for mental illness” means services provided in response to an exacerbation of a resident’s mental illness that:

- (1) Are beyond the normal scope and intensity of nursing facility responsibility;
- (2) Involve treatment other than routine nursing care, supportive therapies such as activity therapy, and supportive counseling by nursing facility staff;

(3) Are provided through a professionally developed plan of care with specific goals and interventions;

(4) May be provided only by a specialized licensed or certified practitioner;

(5) Are expected to result in specific, identified improvements in the resident’s psychiatric status to the level before the exacerbation of the resident’s mental illness; and

(6) May include:

1. Acute inpatient psychiatric treatment. When inpatient psychiatric treatment may be prevented through specialized services provided in the nursing facility, services provided in the nursing facility are preferred.

2. Initial psychiatric evaluation to determine a resident’s diagnosis and to develop a plan of care.

3. Follow-up psychiatric services by a psychiatrist to evaluate resident response to psychotropic medications, to modify medication orders and to evaluate the need for ancillary therapy services.

4. Psychological testing required for a specific differential diagnosis that will result in the adoption of appropriate treatment services.

5. Individual or group psychotherapy as part of a plan of care addressing specific symptoms.

## HUMAN SERVICES DEPARTMENT[441](cont'd)

6. Any clinically appropriate service which is available through the Iowa plan for behavioral health and for which the member meets eligibility criteria.

*c. Specialized services for mental retardation or a related condition.* “Specialized services for mental retardation or a related condition” means services that:

- (1) Are beyond the normal scope and intensity of nursing facility responsibility;
- (2) Involve treatment other than routine nursing care, supportive therapies such as activity therapy, and supportive counseling by nursing facility staff;
- (3) Are provided through a professionally developed plan of care with specific goals and interventions;
- (4) Must be supervised by a qualified mental retardation professional; and
- (5) May include:
  1. A functional assessment of maladaptive behaviors.
  2. Development and implementation of a behavioral support plan.
  3. Community living skills training for members who desire to live in a community setting and for whom community living is appropriate as determined by the Level II evaluation. Training may include adaptive behavior skills, communication skills, social skills, personal care skills, and self-advocacy skills.

[Filed 11/9/11, effective 1/4/12]

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EDITOR’S NOTE: For replacement pages for IAC, see IAC Supplement 11/30/11.

**ARC 9890B**

**HUMAN SERVICES DEPARTMENT[441]**

**Adopted and Filed**

Pursuant to the authority of Iowa Code section 249A.4, the Department of Human Services amends Chapter 92, “IowaCare,” Iowa Administrative Code.

Federally qualified health centers designated as IowaCare medical home providers have expressed concern about their limited ability to provide medically necessary care to IowaCare members. Federally qualified health centers without on-site laboratory or radiology services have to pay outside sources in order to provide those services to IowaCare members. Also, IowaCare does not cover home health services, durable medical equipment or rehabilitation and therapy services that may be needed by a member recovering after an inpatient stay. Failure to provide these services may result in readmission to the hospital.

In response to these concerns, the Eighty-Fourth General Assembly has created two new capped funding pools, a care coordination pool and a laboratory test and radiology pool, to help medical homes defray the cost for medically necessary care not otherwise covered under IowaCare. These amendments:

- Establish covered services to be reimbursed through the new funding pools;
- Establish protocols for referral of IowaCare members to another provider;
- Make a technical correction to clarify that members are assigned to, rather than enrolled in, medical homes; and
- Require IowaCare providers to develop a process to improve communication and resolve care disputes when referring members for specialty and hospital care.

These amendments were Adopted and Filed Emergency and were published in the Iowa Administrative Bulletin on September 7, 2011, as **ARC 9728B**. Notice of Intended Action to solicit comment on the amendments was also published as **ARC 9729B** on the same date. The Department received no comments on the Notice of Intended Action. The items have been changed to rescind the amendments that were previously Adopted and Filed Emergency and to adopt new language in lieu thereof. However, the new language is identical to that Adopted and Filed Emergency.

The Council on Human Services adopted these amendments on November 9, 2011.

HUMAN SERVICES DEPARTMENT[441](cont'd)

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

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

These amendments are intended to implement Iowa Code chapter 249J and 2011 Iowa Acts, House File 649, section 35, subsections 6 and 7.

These amendments will become effective on January 4, 2012, at which time the Adopted and Filed Emergency amendments are hereby rescinded.

EDITOR'S NOTE: Pursuant to recommendation of the Administrative Rules Review Committee published in the Iowa Administrative Bulletin, September 10, 1986, the text of these amendments [92.8(6) to 92.8(8)] is being omitted. These amendments are identical to those published under Notice as **ARC 9729B** and Adopted and Filed Emergency as **ARC 9728B**, IAB 9/7/11.

[Filed 11/9/11, effective 1/4/12]

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[For replacement pages for IAC, see IAC Supplement 11/30/11.]

## **ARC 9878B**

### **IOWA FINANCE AUTHORITY[265]**

#### **Adopted and Filed**

Pursuant to the authority of Iowa Code sections 17A.3(1)“b” and 16.5(1)“r” and 2011 Iowa Acts, House File 649, section 50, the Iowa Finance Authority hereby adopts new Chapter 43, “Community Housing and Services for Persons With Disabilities Revolving Loan Program,” Iowa Administrative Code.

The purpose of these rules is to facilitate the administration of a fund to provide financial assistance to further the availability of affordable housing and supportive services for Medicaid waiver-eligible individuals with behaviors that provide significant barriers to accessing traditional rental and supportive service opportunities.

Notice of Intended Action was published in the Iowa Administrative Bulletin on August 24, 2011, as **ARC 9692B**. These rules were also Adopted and Filed Emergency and were published as **ARC 9690B** on the same date. The Authority did not receive any public comment on the proposed rules. These rules are identical to those published under Notice and Adopted and Filed Emergency.

The Iowa Finance Authority adopted these rules on November 2, 2011.

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

These rules are intended to implement Iowa Code section 16.5(1) and 2011 Iowa Acts, House File 649, section 50.

These rules will become effective on January 4, 2012, at which time the Adopted and Filed Emergency rules are hereby rescinded.

EDITOR'S NOTE: Pursuant to recommendation of the Administrative Rules Review Committee published in the Iowa Administrative Bulletin, September 10, 1986, the text of these rules [Ch 43] is being omitted. These rules are identical to those published under Notice as **ARC 9692B** and Adopted and Filed Emergency as **ARC 9690B**, IAB 8/24/11.

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**ARC 9880B**

**PUBLIC HEALTH DEPARTMENT[641]**

**Adopted and Filed**

Pursuant to the authority of Iowa Code section 691.6, the Department of Public Health hereby amends Chapter 126, "State Medical Examiner," Iowa Administrative Code.

This amendment clarifies that the fees collected under subrule 126.3(1) are considered repayment receipts. The amendment also letters paragraphs within the subrule.

Notice of Intended Action was published in the October 5, 2011, Iowa Administrative Bulletin as **ARC 9771B**. No written comments were received. The amendment is identical to that published under Notice.

The State Board of Health adopted this amendment on November 9, 2011.

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

This amendment is intended to implement Iowa Code section 691.6.

This amendment will become effective on January 4, 2012.

The following amendment is adopted.

Amend subrule 126.3(1) as follows:

**126.3(1) Fee schedule.** The fees collected under this subrule shall be considered repayment receipts as defined in Iowa Code section 8.2.

a. The following fees shall apply to autopsies conducted by the state medical examiner:

Autopsy . . . . .	\$1400
Copies of reports . . . . .	\$20

EXCEPTIONS: A copy of the autopsy report is automatically sent to the county medical examiner and to the county attorney without fee. A single copy of an autopsy report may be provided to the immediate next of kin of the deceased without fee. Copies of autopsy reports may be provided to public officials and physicians of record for official purposes without fee.

b. The following fee is for time spent reviewing case materials, preparing for deposition or court, testifying in deposition or court, and travel time.

State, deputy, or associate medical examiner(s) time for all court cases . . . . .	\$450 per hour with a one-hour minimum
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~~This fee is for time spent reviewing case materials, preparing for deposition or court, testifying in deposition or court, and travel time.~~

c. A cremation permit fee of \$75 will be assessed for each permit investigated and authorized by the state medical examiner's office.

[Filed 11/9/11, effective 1/4/12]

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**ARC 9865B**

**REAL ESTATE APPRAISER EXAMINING BOARD[193F]**

**Adopted and Filed**

Pursuant to the authority of Iowa Code section 543D.5, the Iowa Real Estate Appraiser Examining Board hereby amends Chapter 2, "Definitions," Chapter 10, "Reciprocity," and Chapter 11, "Continuing Education," Iowa Administrative Code.

## REAL ESTATE APPRAISER EXAMINING BOARD[193F](cont'd)

The adopted amendment to Chapter 2 amends the definition of “USPAP” to remove the word “annually.”

Chapter 10 addresses individuals who are certified appraisers outside the state of Iowa but wish to practice as certified appraisers in Iowa, either temporarily or by reciprocity. The amendments to Chapter 10 are intended to clarify the rules for a non-Iowa certified appraiser who performs an appraisal that requires a certified appraiser but who only needs temporary approval for the project. The clarity given to these rules will enhance the good will of the state of Iowa toward certified appraisers wishing to practice temporarily or permanently within the state.

Adopted amendments to Chapter 11 revise definitions related to continuing education for “live instruction” and “home-study/correspondence program” and adopt a new definition of “distance education.” The Board also adopted the removal of the continuing education requirement that all appraisers complete a report-writing class prior to certification renewal. This provision was implemented with the intent that all appraisers take a report-writing course at least two times over four years. This provision has served its purpose and it is time to remove it.

There is no fiscal impact to the state of Iowa.

Notice of Intended Action was published in the Iowa Administrative Bulletin on September 7, 2011, as **ARC 9716B**. No public comment was received on these amendments. These amendments are identical to those published under Notice of Intended Action.

These amendments were adopted by the Board on October 27, 2011.

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

These amendments are intended to implement Iowa Code sections 543D.5, 543D.10, 543D.11 and 543D.16.

These amendments shall become effective on January 4, 2012.

EDITOR’S NOTE: Pursuant to recommendation of the Administrative Rules Review Committee published in the Iowa Administrative Bulletin, September 10, 1986, the text of these amendments [2.1, 10.2, 11.1, 11.2, 11.4] is being omitted. These amendments are identical to those published under Notice as **ARC 9716B**, IAB 9/7/11.

[Filed 11/7/11, effective 1/4/12]

[Published 11/30/11]

[For replacement pages for IAC, see IAC Supplement 11/30/11.]

**ARC 9875B**

**REVENUE DEPARTMENT[701]**

**Adopted and Filed**

Pursuant to the authority of Iowa Code sections 421.14 and 422.68, the Department of Revenue hereby adopts amendments to Chapter 6, “Organization, Public Inspection,” Chapter 7, “Practice and Procedure before the Department of Revenue,” and Chapter 8, “Forms and Communications,” Iowa Administrative Code.

Notice of Intended Action was published in IAB Vol. XXXIV, No. 7, p. 483, on October 5, 2011, as **ARC 9797B**.

Items 1 through 4 amend rules 701—6.1(17A), 701—6.2(17A), 701—6.4(17A), and 701—6.5(17A) to reference the new Policy and Communications Division of the Department. In Item 1, several paragraphs from subrule 6.1(3) that describe the organization of the Department are incorporated into subrule 6.1(2). The only substantive changes to the material are in the lists of responsibilities of the Director’s Office and the Compliance Division, the addition of the Policy and Communications Division, and the addition of paragraph letters and numbers to clarify organization.

Item 5 amends subrule 7.50(7) to provide that an order issued in a contested case proceeding by a presiding officer can also be sent by regular mail or by any other method as the parties may agree.

## REVENUE DEPARTMENT[701](cont'd)

Item 6 amends rule 701—8.2(17A) to update mailing addresses for corresponding with the Department due to reorganization.

Item 7 amends rule 701—8.3(17A) to remove a reference to a Department publication that no longer exists, update a reference based on Department reorganization, and make other changes regarding the current practice involving the substitution of official forms.

Item 8 amends subrule 8.4(1) to allow substitute forms for sales tax, use tax, local option sales and services tax and hotel/motel tax in limited situations and to make other changes regarding the description of forms provided by the Director of Revenue.

There have been no substantive changes to the amendments published under Notice of Intended Action. The implementation sentence of rule 701—6.2(17A) was amended to remove an outdated reference. Minor changes were made in the introductory paragraph of rule 701—6.4(17A) and in the unnumbered paragraph of rule 701—6.5(17A) to standardize the appearance of the Department's address throughout the rules.

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

These amendments are intended to implement Iowa Code chapter 17A.

These amendments will become effective January 4, 2012, after filing with the Administrative Rules Coordinator and publication in the Iowa Administrative Bulletin.

EDITOR'S NOTE: Pursuant to recommendation of the Administrative Rules Review Committee published in the Iowa Administrative Bulletin, September 10, 1986, the text of these amendments [6.1, 6.2, 6.4, 6.5, 7.50(7), 8.2 to 8.4] is being omitted. With the exception of the changes noted above, these amendments are identical to those published under Notice as **ARC 9797B**, IAB 10/5/11.

[Filed 11/9/11, effective 1/4/12]

[Published 11/30/11]

[For replacement pages for IAC, see IAC Supplement 11/30/11.]

**ARC 9876B**

**REVENUE DEPARTMENT[701]**

**Adopted and Filed**

Pursuant to the authority of Iowa Code sections 421.14 and 422.68, the Department of Revenue hereby adopts amendments to Chapter 42, "Adjustments to Computed Tax and Tax Credits," Chapter 43, "Assessments and Refunds," Chapter 52, "Filing Returns, Payment of Tax, Penalty and Interest, and Tax Credits," and Chapter 58, "Filing Returns, Payment of Tax, Penalty and Interest, and Tax Credits," Iowa Administrative Code.

Notice of Intended Action was published in IAB Vol. XXXIV, No. 7, p. 493, on October 5, 2011, as **ARC 9796B**.

Items 1, 2 and 3 amend subrules 42.19(1) and 42.19(3) and the implementation clause for rule 701—42.19(404A,422) to provide for changes to the types of properties and rehabilitation costs eligible for the historic preservation and cultural and entertainment district tax credit for Iowa individual income tax.

Items 4 and 5 amend rule 701—42.24(15E,422) to provide for changes in the aggregate amount of endow Iowa tax credits available for 2011 and subsequent calendar years for Iowa individual income tax.

Items 6 and 7 amend subrule 42.27(1) and the implementation clause for rule 701—42.27(422,476B) to provide for changes in the maximum amount of nameplate capacity eligible for the wind energy production tax credit for Iowa individual income tax.

Item 8 amends subrule 42.28(1) to provide for changes in both the maximum amount of nameplate capacity and the placed-in-service date for facilities eligible for the renewable energy tax credit for Iowa individual income tax.

Item 9 amends subrule 42.28(2) to provide that renewable energy used for on-site consumption by the producer is eligible for the renewable energy tax credit for Iowa individual income tax.

## REVENUE DEPARTMENT[701](cont'd)

Item 10 amends the implementation clause for rule 701—42.28(422,476C).

Items 11 and 12 amend subrule 42.32(4) and the implementation clause for rule 701—42.32(422) to provide for changes in the aggregate amount of school tuition organization tax credits available for 2012 and subsequent calendar years for Iowa individual income tax.

Items 13 and 14 amend subrule 42.41(1) and the implementation clause for rule 701—42.41(15,422) to provide for changes in the aggregate amount of redevelopment tax credits available for fiscal years beginning on or after July 1, 2011, for Iowa individual income tax.

Item 15 amends rule 701—42.44(422) to update the listing regarding the sequence of tax credits to be deducted for Iowa individual income tax.

Item 16 rescinds subrule 43.4(3), which is an obsolete rule regarding the domestic abuse services checkoff for individual income tax that has not been on an Iowa tax return since 1999.

Items 17, 18 and 19 amend subrules 43.4(4), 43.4(10) and 43.4(11) to reflect the corrected name of the State Fair Foundation Fund tax checkoff for Iowa individual income tax.

Item 20 amends rule 701—52.12(422) to update the listing regarding the sequence of tax credits to be deducted for Iowa corporation income tax.

Items 21 to 24 amend rule 701—52.18(422) to provide for changes to the types of property and rehabilitation costs eligible for the historic preservation and cultural and entertainment district tax credit for Iowa corporation income tax. This change is similar to the changes in Items 1, 2 and 3.

Items 25 to 27 amend rule 701—52.23(15E) to provide for changes in the aggregate amount of endow Iowa tax credits available for 2011 and subsequent calendar years for Iowa corporation income tax. This change is similar to the change in Item 4.

Items 28 and 29 amend subrule 52.26(1) and the implementation clause for rule 701—52.26(422,476B) to provide for changes in the maximum amount of nameplate capacity eligible for the wind energy production tax credit for Iowa corporation income tax. This change is similar to the changes in Items 6 and 7.

Item 30 amends subrule 52.27(1) to provide for changes in both the maximum amount of nameplate capacity and the placed-in-service date for facilities eligible for the renewable energy tax credit for Iowa corporation income tax. This change is similar to the change in Item 8.

Item 31 amends subrule 52.27(2) to provide that renewable energy used for on-site consumption by the producer is eligible for the renewable energy tax credit for Iowa corporation income tax. This change is similar to the change in Item 9.

Item 32 amends the implementation clause for rule 701—52.27(422,476C).

Items 33 and 34 amend subrule 52.38(1) and the implementation clause for rule 701—52.38(422) to provide for changes in the aggregate amount of school tuition organization tax credits available for 2012 and subsequent calendar years for Iowa corporation income tax. This change is similar to the change in Item 11.

Items 35 and 36 amend subrule 52.39(1) and the implementation clause for rule 701—52.39(15,422) to provide for changes in the aggregate amount of redevelopment tax credits available for fiscal years beginning on or after July 1, 2011, for Iowa corporation income tax. This change is similar to the change in Item 13.

Items 37 to 39 amend rule 701—58.13(15E) to provide for changes in the aggregate amount of endow Iowa tax credits available for 2011 and subsequent calendar years for Iowa franchise income tax. This change is similar to the changes in Items 4 and 26.

These amendments are identical to those published under Notice of Intended Action.

After analysis and review of this rule making, no adverse impact on jobs has been found. The tax credits may positively impact job and economic growth for businesses in the state of Iowa.

These amendments will become effective January 4, 2012, after filing with the Administrative Rules Coordinator and publication in the Iowa Administrative Bulletin.

These amendments are intended to implement Iowa Code section 15E.305 as amended by 2011 Iowa Acts, Senate File 302; section 422.12D as amended by 2011 Iowa Acts, Senate File 361; section 15.293A as amended by 2011 Iowa Acts, Senate File 514; sections 404A.1 through 404A.4 as amended by 2011



REVENUE DEPARTMENT[701](cont'd)

Iowa Acts, Senate Files 517 and 521; section 422.11S as amended by 2011 Iowa Acts, Senate File 533; and sections 476B.5 and 476C.1 through 476C.5 as amended by 2011 Iowa Acts, House File 672.

EDITOR’S NOTE: Pursuant to recommendation of the Administrative Rules Review Committee published in the Iowa Administrative Bulletin, September 10, 1986, the text of these amendments [amendments to Chs 42, 43, 52, 58] is being omitted. These amendments are identical to those published under Notice as **ARC 9796B**, IAB 10/5/11.

[Filed 11/9/11, effective 1/4/12]

[Published 11/30/11]

[For replacement pages for IAC, see IAC Supplement 11/30/11.]

**ARC 9877B**

**REVENUE DEPARTMENT[701]**

**Adopted and Filed**

Pursuant to the authority of Iowa Code sections 17A.4 and 421.1A(4)“e,” the Property Assessment Appeal Board hereby amends Chapter 71, “Assessment Practices and Equalization,” Iowa Administrative Code.

Notice of Intended Action was published in IAB Vol. XXXIV, No. 7, p. 505, on October 5, 2011, as **ARC 9761B**.

The amendments to rule 701—71.21(421) in Items 1 to 4 provide for corrections to subrules to remove the old address of the Board. In addition, Item 2 updates the notice of appeal caption.

These amendments are identical to those published under Notice of Intended Action.

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

These amendments are intended to implement Iowa Code sections 421.1A and 441.37A and chapter 17A.

These amendments will become effective January 4, 2012, after filing with the Administrative Rules Coordinator and publication in the Iowa Administrative Bulletin.

The following amendments are adopted.

ITEM 1. Amend paragraph **71.21(7)“b”** as follows:

*b.* The notice of appeal must be proper in format and content as set forth in subrule 71.21(9), which governs the notice of appeal. Notice of appeal may be delivered in person, mailed by first-class mail, or delivered to an established courier service for immediate delivery to the secretary of the board. ~~The mailing address for the board is Secretary of the Property Assessment Appeal Board, 401 SW 7th Street, Suite D, Des Moines, Iowa 50309-4634.~~

ITEM 2. Amend subrule 71.21(9) as follows:

**71.21(9) Form of appeal.** The written notice of appeal shall contain a caption in the following form:

THE PROPERTY ASSESSMENT APPEAL BOARD  
401 SW 7th STREET, SUITE D  
DES MOINES, IOWA 50309-4634

IN THE MATTER OF \_\_\_\_\_  
(Appellant’s name and address)  
v.  
(Board of Review)



NOTICE OF APPEAL and PETITION  
DOCKET NO. \_\_\_\_\_  
(Docket No. assigned by board)

The notice of appeal shall include:

- a. The appellant’s name and mailing address;
- b. A copy of the petition to the local board of review;
- c. Copies of all evidence submitted to the local board of review in support of the petition to the local board of review;

REVENUE DEPARTMENT[701](cont'd)

- d. A copy of the postmarked envelope and a copy of the letter of disposition by the local board of review;
- e. A short and plain statement of the claim showing that the appellant is entitled to relief;
- f. The relief sought; and
- g. The signature of the appealing party or the party's legal representative.

To have legal representation before the board, a party must file a valid and complete power of attorney form as provided by the board or in compliance with the power of attorney form provided by the board.

ITEM 3. Amend subrule 71.21(14), introductory paragraph, as follows:

**71.21(14) Filing of papers.** After the notice of appeal and petition have been filed, either in person, mailed by first-class mail, or delivered to an established courier service for immediate delivery, all motions, pleadings, briefs, and other papers to be filed shall be filed with the secretary at ~~401 SW 7th Street, Suite D, Des Moines, Iowa 50309-4634~~ of the board. Motions, pleadings, briefs, and other papers to be filed with the board shall be delivered in person, mailed by first-class mail, or delivered to an established courier service. Parties shall also send copies to all other parties of record, unless represented by counsel of record, and then to such counsel.

ITEM 4. Amend subrule 71.21(18), introductory paragraph, as follows:

**71.21(18) Notice of hearing.** Unless otherwise designated by the board, the hearing shall be held in the hearing room of the board at ~~401 SW 7th Street, Suite D, Des Moines, Iowa~~. All hearings are open to the public. If a hearing is requested, the secretary shall mail a notice of hearing to the parties at least 30 days prior to the hearing. The notice of hearing shall contain the following information:

[Filed 11/9/11, effective 1/4/12]

[Published 11/30/11]

EDITOR'S NOTE: For replacement pages for IAC, see IAC Supplement 11/30/11.

**ARC 9879B**

## **SECRETARY OF STATE[721]**

### **Adopted and Filed**

Pursuant to the authority of Iowa Code sections 47.1 and 17A.3, the Secretary of State hereby amends Chapter 21, "Election Forms and Instructions," Iowa Administrative Code.

These amendments are necessary to make a technical correction to an existing subrule, adjust the notice of election to reflect updated text telephone (TTY) access technology, adopt a new rule relating to tabulation of election results for merged area special elections, and rescind a rule that is no longer necessary.

These amendments were published under Notice of Intended Action in the Iowa Administrative Bulletin as **ARC 9564B** on June 15, 2011. One public comment was received from a county auditor regarding new rule 721—21.204(260C). Although the requirement in rule 721—21.204(260C) is substantively the same requirement, the rule has been updated based on public comment to provide county auditors with two alternate methods for complying with the rule. In addition, rule 721—21.33(49) in Item 2 of the Notice was not adopted, but a revised version of the rule was Adopted and Filed Emergency and is published herein as **ARC 9893B**.

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

These amendments are intended to implement Iowa Code chapters 43, 49, 53 and 260C.

These amendments will become effective January 4, 2012.

The following amendments are adopted.

ITEM 1. Amend subrule 21.2(2) as follows:

**21.2(2) Original absentee ballot applications.** The original absentee ballot application submitted electronically shall also be mailed or delivered to the commissioner. ~~The~~ If mailed, the envelope bearing the original absentee ballot application shall be postmarked not later than the Friday before the election.

## SECRETARY OF STATE[721](cont'd)

This subrule shall not apply to documents submitted electronically by UOCAVA voters pursuant to rule 721—21.320(53).

*a.* The voter's absentee ballot shall be rejected by the absentee and special voters precinct board if the original absentee ballot application which was filed electronically is not received ~~in the mail~~ by the time the polls close on election day.

*b.* The voter's absentee ballot shall be rejected by the absentee and special voters precinct board if the postmark on the envelope containing the original absentee ballot application is either illegible or later than the Friday before the election.

ITEM 2. Amend subrule 21.50(10) as follows:

**21.50(10) Notice required.** Each notice of election published pursuant to Iowa Code section 49.53 shall clearly describe which polling places are inaccessible. The notice shall include a description of the services available to persons with disabilities who live in precincts with inaccessible polling places. The notice shall be in substantially the following form:

Any voter who is physically unable to enter a polling place has the right to vote in the voter's vehicle. For further information, please contact the county auditor's office at the telephone ~~or~~ TTY number or E-mail address listed below:

Telephone: \_\_\_\_\_ TTY: \_\_\_\_\_ E-mail address: \_\_\_\_\_ . For TTY access, dial 711 + [auditor's office number].

ITEM 3. Adopt the following new rule 721—21.204(260C):

**721—21.204(260C) Tabulating election results by school district for merged area special elections.** All results for merged area special elections, including special precinct results, shall be tabulated by school district. To tabulate the special precinct results in this manner, the county commissioner may either program the voting equipment to tabulate the ballots in this manner or manually sort and tabulate the ballots by school district.

This rule is intended to implement Iowa Code chapter 260C.

ITEM 4. Rescind and reserve rule **721—21.600(43)**.

[Filed 11/9/11, effective 1/4/12]

[Published 11/30/11]

EDITOR'S NOTE: For replacement pages for IAC, see IAC Supplement 11/30/11.

**ARC 9891B**

**SECRETARY OF STATE[721]**

**Adopted and Filed**

Pursuant to the authority of Iowa Code sections 47.1 and 17A.3, the Secretary of State hereby amends Chapter 21, "Election Forms and Instructions," Iowa Administrative Code.

These amendments are necessary to establish a standard of maximum allowable deviation in population between school director districts and between city wards when boundaries are drawn. Iowa Code sections 275.23A and 372.13 require both school director districts and city wards to be "as nearly equal as practicable to the ideal population." The ideal population is determined by dividing the number of districts or wards to be established into the population of the school district or city. In addition, the United States Supreme Court has held that, in general, apportionment plans with maximum population deviations under 10 percent are not sufficient, in and of themselves, to make out a prima facie case of discrimination under the Fourteenth Amendment. See *Brown v. Thompson*, 462 U.S. 835, 842.

These amendments were published under Notice of Intended Action in the Iowa Administrative Bulletin as **ARC 9560B** on June 15, 2011. In addition, these amendments were Adopted and Filed Emergency and published as **ARC 9559B** on the same date. No public comments were received. Two

SECRETARY OF STATE[721](cont'd)

changes have been made to the amendments since publication of the Notice of Intended Action. The catchwords of each rule were clarified for accuracy.

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

These amendments are intended to implement Iowa Code sections 275.23A and 372.13.

These amendments will become effective January 4, 2012, at which time the Adopted and Filed Emergency amendments are hereby rescinded.

The following amendments are adopted.

ITEM 1. Adopt the following **new** rule 721—21.31(275):

**721—21.31(275) School director district maximum allowable deviation between director districts.** Each director district shall have a population that exceeds the population of any other director district by no more than 10 percent. Director district plans with variations in excess of 10 percent between two or more districts shall be accompanied by justification for the deviation and shall be rejected by the secretary of state unless the deviation is necessary to comply with one of the other standards enumerated in Iowa Code section 275.23A.

This rule is intended to implement Iowa Code section 275.23A.

ITEM 2. Adopt the following **new** rule 721—21.32(372):

**721—21.32(372) City ward maximum allowable deviation between city wards.** Each city ward shall have a population that exceeds the population of any other city ward by no more than 10 percent. City ward plans with variations in excess of 10 percent between two or more wards shall be accompanied by justification for the deviation and shall be rejected by the secretary of state unless the deviation is necessary to comply with one of the other standards enumerated in Iowa Code section 372.13, subsection 7.

This rule is intended to implement Iowa Code section 372.13.

[Filed 11/9/11, effective 1/4/12]

[Published 11/30/11]

EDITOR'S NOTE: For replacement pages for IAC, see IAC Supplement 11/30/11.

**ARC 9873B**

## **TRANSPORTATION DEPARTMENT[761]**

### **Adopted and Filed**

Pursuant to the authority of Iowa Code sections 307.10 and 307.12, the Iowa Department of Transportation, on November 9, 2011, adopted amendments to Chapter 112, "Primary Road Access Control," and Chapter 115, "Utility Accommodation," Iowa Administrative Code.

Notice of Intended Action for these amendments was published in the October 5, 2011, Iowa Administrative Bulletin as **ARC 9781B**.

These amendments:

- Reaffirm the principle that access to the primary highway system is controlled.
- Renumber subrules.
- Update the Web site address to reflect the Office of Traffic and Safety's home page.
- Identify the permit approval process for access management and utility accommodation.
- Amend and enhance the Department's methodology concerning the evaluation of a proposed allowance.
- Correct the waiver process so the requirements are consistent with all the requirements in 761—Chapter 11.

These amendments are identical to those published under Notice of Intended Action.

After analysis and review of this rule making, no adverse impact on jobs has been found. This rule making should positively impact jobs because it streamlines efficiencies and reduces red tape.

## TRANSPORTATION DEPARTMENT[761](cont'd)

These amendments are intended to implement Iowa Code chapter 306A.  
These amendments will become effective January 4, 2012.

EDITOR'S NOTE: Pursuant to recommendation of the Administrative Rules Review Committee published in the Iowa Administrative Bulletin, September 10, 1986, the text of these amendments [112.1, 115.1] is being omitted. These amendments are identical to those published under Notice as **ARC 9781B**, IAB 10/5/11.

[Filed 11/9/11, effective 1/4/12]

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