



IOWA ADMINISTRATIVE BULLETIN

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PREFACE

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

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

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

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

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CITATION of Administrative Rules

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

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

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

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

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

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

Schedule for Rule Making 2022

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

PRINTING SCHEDULE FOR IAB

<u>ISSUE NUMBER</u>	<u>SUBMISSION DEADLINE</u>	<u>ISSUE DATE</u>
15	Wednesday, January 5, 2022	January 26, 2022
16	Friday, January 21, 2022	February 9, 2022
17	Friday, February 4, 2022	February 23, 2022

PLEASE NOTE:

Rules will not be accepted by the Publications Editing Office after **12 o'clock noon** on the filing deadline unless prior approval has been received from the Administrative Rules Coordinator and the Administrative Code Editor.

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

†To allow time for review by the Administrative Rules Coordinator prior to the Notice submission deadline, Notices should generally be submitted in RMS four or more working days in advance of the deadline.

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

The Administrative Rules Review Committee will hold its regular, statutory meeting on Friday, January 7, 2021, at 9 a.m. in Room 103, State Capitol, Des Moines, Iowa. Instructions for participation by videoconference can be found here: www.legis.iowa.gov/committees/meetings/meetingsListComm?groupID=705. For more information, contact Kate O'Connor at kate.oconnor@legis.iowa.gov. The following rules will be reviewed:

ADMINISTRATIVE SERVICES DEPARTMENT[11]

Blood, bone marrow, living organ donation incentive program—leave, staffing, 63.20
Filed **ARC 6090C**..... 12/15/21
 Continuing health insurance coverage—surviving spouses and children of eligible
 employees, 64.15 Filed **ARC 6089C**..... 12/15/21

AGRICULTURE AND LAND STEWARDSHIP DEPARTMENT[21]

Farm-to-school fund, ch 51 Notice **ARC 6113C** 12/29/21
 Record-keeping—exemption for tropical and ornamental fish, 67.6 Notice **ARC 6111C** 12/29/21
 Weights and measures, amendments to ch 85 Notice **ARC 6112C**..... 12/29/21

COMMUNITY ACTION AGENCIES DIVISION[427]

HUMAN RIGHTS DEPARTMENT[421]“umbrella”
 Agency reorganization, rescind chs 2 to 8, 10, 11, 14, 15, 22 to 24 Filed **ARC 6098C** 12/29/21

CREDIT UNION DIVISION[189]

COMMERCE DEPARTMENT[181]“umbrella”
 Board of directors—education requirements, 2.9 Filed **ARC 6094C**..... 12/15/21
 Funding secondary capital agreements, 7.7 Filed **ARC 6093C**..... 12/15/21
 Votes of the membership, amendments to ch 12 Filed **ARC 6091C**..... 12/15/21
 Foreign credit unions—annual fees, 15.6(1) Filed **ARC 6092C**..... 12/15/21

CRIMINAL AND JUVENILE JUSTICE PLANNING DIVISION[428]

HUMAN RIGHTS DEPARTMENT[421]“umbrella”
 Agency reorganization, rescind chs 1 to 3, 6 to 9 Filed **ARC 6099C**..... 12/29/21

DEAF SERVICES DIVISION[429]

HUMAN RIGHTS DEPARTMENT[421]“umbrella”
 Agency reorganization, rescind chs 1 to 10 Filed **ARC 6100C**..... 12/29/21

ECONOMIC DEVELOPMENT AUTHORITY[261]

Broadband forward and telecommuter forward certifications; emergency shelter grants
 program, ch 24 Filed **ARC 6085C** 12/15/21
 Hoover presidential library tax credit, ch 43 Filed **Emergency After Notice** **ARC 6087C** 12/15/21
 Workforce housing tax incentives program, amendments to ch 48 Filed **ARC 6086C** 12/15/21
 Sports tourism program, 215.1, 215.3 to 215.7 Filed **Emergency After Notice** **ARC 6107C**..... 12/29/21

EDUCATION DEPARTMENT[281]

Charter schools, adopt ch 19; amend ch 68 Filed **ARC 6078C** 12/15/21
 Supplementary weighting—English language learners, 60.2, 60.6(1)“a” Filed **ARC 6079C**..... 12/15/21
 Supplementary weighting plan for operational function sharing; teacher leader supplement;
 flexible student support program, 97.7, 98.25(3), 98.27 Filed **ARC 6080C** 12/15/21

ETHICS AND CAMPAIGN DISCLOSURE BOARD, IOWA[351]

Sales or leases by regulatory agency officials or employees, 1.4(9), 6.11 Filed **ARC 6084C**..... 12/15/21

HUMAN RIGHTS DEPARTMENT[421]

Agency reorganization, adopt chs 1, 20 to 25, 30, 31, 40, 41; amend chs 2 to 7 Filed **ARC 6101C**..... 12/29/21

HUMAN SERVICES DEPARTMENT[441]

Contracts—employees in a service program, use of buildings and grounds of state
 institutions, 2.1, 2.5 Notice **ARC 6116C**..... 12/29/21
 Mental health and disability services region service fund, 25.11, 25.13, 25.14(3)“a,” 25.22,
 25.23 Notice **ARC 6115C** 12/29/21
 Assessment for voluntary admission to a state mental health institution—person-centered
 language, 34.1, 34.2(2), 34.3 Notice **ARC 6114C**..... 12/29/21
 Provider reimbursement rates; fee schedules, 78.27(10)“f,” 78.34(9)“g,” 78.41(2)“i,” 78.43,
 78.46, 79.1, 83.2(2)“b,” 83.42(2)“b,” 83.102(2)“b,” 83.122(6)“b” Filed **ARC 6122C**..... 12/29/21
 Medicaid—diabetic education programs, 78.31(4)“f”(6) Notice **ARC 6081C** 12/15/21

Nursing facility reimbursement—calculation of per diem for administrative, environmental,
 and property expenses, 81.6, 81.23 Notice **ARC 6097C** 12/15/21
 Iowa juvenile home, rescind ch 101 Notice **ARC 6109C**..... 12/29/21

INSURANCE DIVISION[191]

COMMERCE DEPARTMENT[181]“umbrella”

Review of rules, amendments to chs 15, 16, 25, 28, 30, 33, 70 Filed **ARC 6119C**..... 12/29/21
 Review of rules, amendments to chs 29, 35, 36, 71, 73 to 76, 79 to 81, 85 Filed **ARC 6121C** 12/29/21
 Licensing of public adjusters, 55.5, 55.8, 55.9(7)“g,” 55.12(1), 55.14 to 55.17 Filed **ARC 6120C** 12/29/21

IOWA PUBLIC EMPLOYEES’ RETIREMENT SYSTEM[495]

Contribution rates; coverage for employees of regents institutions; suspected fraud in
 disability claims; final distribution to heirs who have filed claims; successor alternate
 payees; qualified domestic relations orders, amendments to chs 4, 5, 13, 14, 16
Notice **ARC 6117C** 12/29/21

LABOR SERVICES DIVISION[875]

WORKFORCE DEVELOPMENT DEPARTMENT[871]“umbrella”

Contractor registration revocation—fact-finding interview, 150.11(3) Filed **ARC 6102C** 12/29/21

LATINO AFFAIRS DIVISION[433]

HUMAN RIGHTS DEPARTMENT[421]“umbrella”

Agency reorganization, rescind chs 1 to 7 Filed **ARC 6103C**..... 12/29/21

MANAGEMENT DEPARTMENT[541]

Calculating net general fund revenues, rescind ch 15 Notice **ARC 6088C**..... 12/15/21

PERSONS WITH DISABILITIES DIVISION[431]

HUMAN RIGHTS DEPARTMENT[421]“umbrella”

Agency reorganization, rescind chs 1, 2, 4 to 7 Filed **ARC 6104C** 12/29/21

PHARMACY BOARD[657]

PUBLIC HEALTH DEPARTMENT[641]“umbrella”

Practice of pharmacy, 3.5, 3.9, 8.23, 20.2, 20.24, 39.6, 39.8 to 39.11, 39.16 Filed **ARC 6076C**..... 12/15/21
 Administration of vaccines by pharmacy technicians, 3.17 Filed **ARC 6071C**..... 12/15/21
 Interim pharmacist in charge, 8.35(6)“d”(4) Filed **ARC 6073C**..... 12/15/21
 Controlled substances; precursor substances, 10.39, 12.1(1) Filed **ARC 6074C**..... 12/15/21
 Temporary designation of controlled substances, 10.39(7) Notice **ARC 6082C** 12/15/21
 Telepharmacy practice, amendments to ch 13 Notice **ARC 6083C** 12/15/21
 Electronic data and automated systems—five-year review of rules, petitions, 21.6 to 21.9
Filed **ARC 6077C**..... 12/15/21

PROFESSIONAL LICENSURE DIVISION[645]

PUBLIC HEALTH DEPARTMENT[641]“umbrella”

Optometrists—licensure, 180.2(1), 180.3(1), 180.11 Notice **ARC 6095C** 12/15/21

PUBLIC HEALTH DEPARTMENT[641]

Iowa get screened: colorectal cancer program, 10.1 to 10.9 Filed **ARC 6068C** 12/15/21
 Adoption records—noncertified copy of original birth certificate, contact preference form,
 medical history form, 95.6, 95.14 to 95.17, 99.13(3), 99.14(4) Filed **ARC 6108C** 12/29/21
 Emergency medical care service training—authorized ambulance or nontransport service,
 139.2, 139.4(1)“a” Filed **ARC 6070C**..... 12/15/21

PUBLIC SAFETY DEPARTMENT[661]

Electrical installations, 504.1 Filed Emergency After Notice **ARC 6072C** 12/15/21

REVENUE DEPARTMENT[701]

Property tax assessment—multiresidential property, dual property; state appraisal manual,
 71.1, 71.3 to 71.6, 71.12(3), 71.23, 71.24, 80.30(8) Filed **ARC 6096C**..... 12/15/21

STATUS OF AFRICAN-AMERICANS, DIVISION ON THE[434]

HUMAN RIGHTS DEPARTMENT[421]“umbrella”

Agency reorganization, rescind chs 1 to 7 Filed **ARC 6105C**..... 12/29/21

STATUS OF WOMEN DIVISION[435]

HUMAN RIGHTS DEPARTMENT[421]"umbrella"

Agency reorganization, rescind chs 1 to 4, 7 to 10 Filed **ARC 6106C** 12/29/21

TELECOMMUNICATIONS AND TECHNOLOGY COMMISSION, IOWA[751]

Billing services on behalf of authorized user, 17.6 Notice **ARC 6110C** 12/29/21

TRANSPORTATION DEPARTMENT[761]

Motor vehicles—registration, titling, window tinting, 400.3(17)"d," 400.4, 400.14, 450.1(1),

450.7(1) Notice **ARC 6118C** 12/29/21

Persons with disabilities parking permits, 411.1, 411.2(2), 411.3, 411.5(1), 411.7, 411.9(2)

Notice **ARC 6075C** 12/15/21

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 Waylon Brown
2415 Highway 218
Osage, Iowa 50461

Representative Jon Jacobsen
1113 Arbor Ridge Drive
Council Bluffs, Iowa 51503

Senator Julian Garrett
P.O. Box 493
Indianola, Iowa 50125

Representative Megan Jones
4470 Highway 71
Sioux Rapids, Iowa 50585

Senator Jesse Green
2344 360th Street
Harcourt, Iowa 50544

Representative Amy Nielsen
North Liberty, Iowa

Senator Robert Hogg
P.O. Box 1361
Cedar Rapids, Iowa 52406

Representative Rick Olson
3012 East 31st Court
Des Moines, Iowa 50317

Senator Pam Jochum
2368 Jackson Street
Dubuque, Iowa 52001

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IOWA PUBLIC EMPLOYEES' RETIREMENT SYSTEM[495]

Contribution rates; coverage for employees of regents institutions; suspected fraud in disability claims; final distribution to heirs who have filed claims; successor alternate payees; qualified domestic relations orders, amendments to chs 4, 5, 13, 14, 16
IAB 12/29/21 **ARC 6117C**

IPERS
7401 Register Dr.
Des Moines, Iowa
Online at:
teams.microsoft.com/l/meetup-join

January 24, 2022
10 to 11 a.m.

PHARMACY BOARD[657]

Telepharmacy practice, amendments to ch 13
IAB 12/15/21 **ARC 6083C**

Health Professions Board Room
400 S.W. 8th St., Suite H
Des Moines, Iowa 50309
Via Zoom—link available 24 hours in advance at: pharmacy.iowa.gov/meetings

January 6, 2022
10 to 10:30 a.m.

PROFESSIONAL LICENSURE DIVISION[645]

Optometrists—licensure, 180.2(1), 180.3(1), 180.11
IAB 12/15/21 **ARC 6095C**

Via video/conference
Zoom meeting ID: 893 0769 6946
Passcode: 249604
(US) + 1.312.626.6799 (toll)
Access code: 249604

January 4, 2022
10 to 11 a.m.

TRANSPORTATION DEPARTMENT[761]

Motor vehicles—registration, titling, window tinting, 400.3(17)“d,” 400.4, 400.14, 450.1(1), 450.7(1)
IAB 12/29/21 **ARC 6118C**

Via conference call
Contact Tracy George
Email: tracy.george@iowadot.us

January 20, 2022
10 a.m.
(If requested)

Persons with disabilities parking permits, 411.1, 411.2(2), 411.3, 411.5(1), 411.7, 411.9(2)
IAB 12/15/21 **ARC 6075C**

Via conference call
Contact Tracy George
Email: tracy.george@iowadot.us

January 6, 2022
10 a.m.
(If requested)

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 6113C

AGRICULTURE AND LAND STEWARDSHIP DEPARTMENT[21]

Notice of Intended Action

**Proposing rule making related to farm-to-school fund
and providing an opportunity for public comment**

The Agriculture and Land Stewardship Department hereby proposes to adopt new Chapter 51, "Farm-to-School Fund," Iowa Administrative Code.

Legal Authority for Rule Making

This rule making is proposed under the authority provided in Iowa Code section 190A.6 as enacted by 2021 Iowa Acts, Senate File 578, section 7.

State or Federal Law Implemented

This rule making implements, in whole or in part, 2021 Iowa Acts, Senate File 578.

Purpose and Summary

This proposed rule making implements 2021 Iowa Acts, Senate File 578, by laying out a process for schools to participate in the farm-to-school local food reimbursement program. Schools may be reimbursed by the Department for up to \$1,000 in local food purchases per year on a three-to-one matching basis.

These proposed rules address how schools can apply to participate, describe eligible purchases, and set forth the reimbursement process.

Fiscal Impact

This rule making has no fiscal impact to the State of Iowa.

Jobs Impact

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

Waivers

Any person who believes that the application of the discretionary provisions of this rule making would result in hardship or injustice to that person may petition the Department for a waiver of the discretionary provisions, if any, pursuant to 21—Chapter 8.

Public Comment

Any interested person may submit written comments concerning this proposed rule making. Written comments in response to this rule making must be received by the Department no later than 4:30 p.m. on January 18, 2022. Comments should be directed to:

Colin Tadlock
Iowa Department of Agriculture and Land Stewardship
Wallace State Office Building
502 East 9th Street
Des Moines, Iowa 50319
Phone: 515.281.7808
Email: colin.tadlock@iowaagriculture.gov

AGRICULTURE AND LAND STEWARDSHIP DEPARTMENT[21](cont'd)

Public Hearing

No public hearing is scheduled at this time. As provided in Iowa Code section 17A.4(1)“b,” an oral presentation regarding this rule making may be demanded by 25 interested persons, a governmental subdivision, the Administrative Rules Review Committee, an agency, or an association having 25 or more members.

Review by Administrative Rules Review Committee

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

The following rule-making action is proposed:

Adopt the following new 21—Chapter 51:

CHAPTER 51
FARM-TO-SCHOOL FUND

21—51.1(190A) Purpose. The purpose of the farm-to-school fund is to assist schools and school districts in purchasing food locally grown or produced by Iowa farmers to serve in school meals or as snacks.

21—51.2(190A) Definitions.

“*Department*” means the department of agriculture and land stewardship.

“*Food product*” means a perishable or nonperishable product derived from processing a food commodity to be fit for human consumption, including but not limited to cuts of meat, poultry, or fish; shelled aquatic items; pasteurized milk or dairy products; washed shelled eggs; honey; maple syrup; cleaned unshelled or shelled nuts; washed whole produce; and washed and cut produce.

“*School*” means a public school or nonpublic school, as those terms are defined in Iowa Code section 280.2, or that portion of a public school or nonpublic school that provides facilities for teaching any grade from kindergarten through grade 12.

21—51.3(190A) Application to participate. To participate in the farm-to-school program, schools must register with the department each school year. A school may apply to the department at any time during the school year.

21—51.4(190A) Eligible purchases.

51.4(1) Schools may be reimbursed for the purchase of a food product if either of the following applies:

- a. The food product was produced by a farm source located in this state.
- b. If the school district shares a border with another state, or the school is part of a school district that shares a border with another state, the farm source may be located in the other state. However, the farm source must be located within 30 miles of the school district’s border with the other state and the department must approve the purchase in advance.

51.4(2) Purchases must follow United States Department of Agriculture (USDA) child nutrition program procurement requirements.

21—51.5(190A) Reimbursement for purchases.

51.5(1) Participating schools or districts must submit a request for reimbursement to the department, and proof of purchase must be provided at that time.

AGRICULTURE AND LAND STEWARDSHIP DEPARTMENT[21](cont'd)

51.5(2) The department will reimburse \$1 for every \$3 spent by the school or school district, up to \$1,000, as funds are available.

These rules are intended to implement Iowa Code chapter 190A.

ARC 6111C

AGRICULTURE AND LAND STEWARDSHIP DEPARTMENT[21]

Notice of Intended Action

**Proposing rule making related to record-keeping requirements
and providing an opportunity for public comment**

The Agriculture and Land Stewardship Department hereby proposes to amend Chapter 67, “Animal Welfare,” Iowa Administrative Code.

Legal Authority for Rule Making

This rule making is proposed under the authority provided in Iowa Code section 162.16.

State or Federal Law Implemented

This rule making implements, in whole or in part, Iowa Code section 162.5.

Purpose and Summary

This proposed rule making exempts tropical and ornamental fish from certain record-keeping requirements.

Fiscal Impact

This rule making has no fiscal impact to the State of Iowa.

Jobs Impact

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

Waivers

Any person who believes that the application of the discretionary provisions of this rule making would result in hardship or injustice to that person may petition the Department for a waiver of the discretionary provisions, if any, pursuant to 21—Chapter 8.

Public Comment

Any interested person may submit written comments concerning this proposed rule making. Written comments in response to this rule making must be received by the Department no later than 4:30 p.m. on January 18, 2022. Comments should be directed to:

Colin Tadlock
Iowa Department of Agriculture and Land Stewardship
Wallace State Office Building
502 East 9th Street
Des Moines, Iowa 50319
Phone: 515.281.7808
Email: colin.tadlock@iowaagriculture.gov

AGRICULTURE AND LAND STEWARDSHIP DEPARTMENT[21](cont'd)

Public Hearing

No public hearing is scheduled at this time. As provided in Iowa Code section 17A.4(1)“b,” an oral presentation regarding this rule making may be demanded by 25 interested persons, a governmental subdivision, the Administrative Rules Review Committee, an agency, or an association having 25 or more members.

Review by Administrative Rules Review Committee

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

The following rule-making actions are proposed:

ITEM 1. Amend subrule 67.6(1), introductory paragraph, as follows:

67.6(1) Records shall be made and retained for a period of 12 months for any change of ownership of a dog, cat or nonhuman primate, including but not limited to any sale, exchange, transfer, trade, or adoption from any commercial establishment. Records shall be similarly kept on other small vertebrate animals, excluding tropical or ornamental fish, sold or transferred, except that individual identifications shall not be required. Records shall include the following:

ITEM 2. Amend subrule 67.6(2), introductory paragraph, as follows:

67.6(2) All commercial establishments shall furnish a statement of sale, exchange, transfer, trade, or adoption to each purchaser or recipient of a dog, cat, nonhuman primate, bird, or other vertebrate animal, excluding tropical or ornamental fish. This statement shall include the following:

ARC 6112C**AGRICULTURE AND LAND STEWARDSHIP DEPARTMENT[21]****Notice of Intended Action****Proposing rule making related to weights and measures
and providing an opportunity for public comment**

The Agriculture and Land Stewardship Department hereby proposes to amend Chapter 85, “Weights and Measures,” Iowa Administrative Code.

Legal Authority for Rule Making

This rule making is proposed under the authority provided in Iowa Code section 215.24.

State or Federal Law Implemented

This rule making implements, in whole or in part, Iowa Code chapter 215.

Purpose and Summary

This proposed rule making implements a number of amendments to reflect current industry and departmental practices. These amendments do the following:

- Allow a scale pit to include a one-inch drop for drainage.
- Require Department approval for modifications that attach to or touch a scale.
- Allow master scale weights to be sealed every two years, as opposed to every year.
- Update several industry standards by reference. The “Security Seal” section of the National Institute of Standards and Technology (NIST) Handbook was renumbered as G-UR4.5 due to an update of the Handbook. Two references to that section have been updated accordingly.

AGRICULTURE AND LAND STEWARDSHIP DEPARTMENT[21](cont'd)

- Require fuel product names that are displayed in advertising to match those listed on the fuel dispenser.
- Require flex fuel hoses to be separate from other fuel hoses, as required already by the Environmental Protection Agency (EPA).
- Establish a servicer's license fee, equal to the amount previously set in statute, to reflect updates to Iowa Code section 215.23.
- Provide a general cleanup of existing rules.

Fiscal Impact

This rule making has no fiscal impact to the State of Iowa.

Jobs Impact

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

Waivers

Any person who believes that the application of the discretionary provisions of this rule making would result in hardship or injustice to that person may petition the Department for a waiver of the discretionary provisions, if any, pursuant to 21—Chapter 8.

Public Comment

Any interested person may submit written comments concerning this proposed rule making. Written comments in response to this rule making must be received by the Department no later than 4:30 p.m. on January 18, 2022. Comments should be directed to:

Colin Tadlock
Iowa Department of Agriculture and Land Stewardship
Wallace State Office Building
502 East 9th Street
Des Moines, Iowa 50319
Phone: 515.281.7808
Email: colin.tadlock@iowaagriculture.gov

Public Hearing

No public hearing is scheduled at this time. As provided in Iowa Code section 17A.4(1)“b,” an oral presentation regarding this rule making may be demanded by 25 interested persons, a governmental subdivision, the Administrative Rules Review Committee, an agency, or an association having 25 or more members.

Review by Administrative Rules Review Committee

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

The following rule-making actions are proposed:

- ITEM 1. Adopt the following **new** implementation sentence in rule **21—85.5(215)**:
This rule is intended to implement Iowa Code section 215.18.

AGRICULTURE AND LAND STEWARDSHIP DEPARTMENT[21](cont'd)

ITEM 2. Amend subrule 85.11(1) as follows:

85.11(1) In the construction of a scale pit, walls must be of reinforced concrete. A slab floor must be installed in the pit. The floor must be at least 12 inches thick with a minimum of grade 40 reinforcement rod running into all piers and sidewalls, installed according to the manufacturer's specifications. There shall be an approach at each end of the scale of not less than ten feet, and said approach shall be of reinforced concrete 12 inches thick on a level with the scale deck. A slope of a one-inch drop across the ten-foot span may be allowed for drainage.

ITEM 3. Amend subrule 85.12(6) as follows:

85.12(6) Scale platform and indicator shall be protected from wind and other elements which could cause inaccurate operation of the scale. Protection modifications that attach to or touch the scale or parts attached to the scale shall be approved by the department prior to installation.

ITEM 4. Amend rule 21—85.13(215) as follows:

21—85.13(215) Master weights. Master scale test weights used for checking scales after being overhauled must be sealed by the department of agriculture and land stewardship, division of weights and measures, as to their accuracy once ~~each year~~ every two years. Said weights after being sealed are to be used only as master test weights.

This rule is intended to implement Iowa Code section 215.17.

ITEM 5. Renumber subrule **85.18(8)** as **85.18(3)**.

ITEM 6. Adopt the following new heading preceding rule **21—85.30(215)**:

REGISTERED SERVICERS

ITEM 7. Adopt the following new rule 21—85.30(215):

21—85.30(215) Servicer's license fee. The fee for a servicer's license shall be \$10. The license shall be valid for two years from its date of issuance.

This rule is intended to implement Iowa Code section 215.23.

ITEM 8. Amend subrule 85.35(2) as follows:

85.35(2) In accordance with the contemplated revision of National ~~Bureau of Standards~~ Institute of Standards and Technology Handbook 44-4th Edition, G-UR4.4 G-UR4.5 (Replacement of Security Seal), accredited repair and testing companies shall be authorized to affix a security seal, properly marked with the identification of such company.

ITEM 9. Amend subrule 85.39(2) as follows:

85.39(2) The National Institute of Standards and Technology (NIST) Handbook 130, Uniform Laws and Regulations in the Areas of Legal Metrology and Fuel Quality, Handbook 133, Checking the Net Contents of Packaged Goods, Type Evaluation, and all supplements to these handbooks, as published by the National Institute of Standards and Technology amended or revised as of January 1, 2020, are adopted in their entirety by reference except as modified by state statutes, or by rules adopted and published by the Iowa department of agriculture and land stewardship.

ITEM 10. Amend rule 21—85.40(215), introductory paragraph, as follows:

21—85.40(215) Inspection ~~ILP inspection~~ tag or mark. If a meter is found to be inaccurate, an appropriate "inaccurate" card and a "repair and placing in service" card shall be left with the meter.

ITEM 11. Amend rule 21—85.41(215) as follows:

21—85.41(215) Meter repair. If the meter has not been repaired within 30 days, the meter ~~will~~ may be condemned and a red condemned tag ~~will~~ may be attached to the meter.

This rule is intended to implement Iowa Code section 215.5.

AGRICULTURE AND LAND STEWARDSHIP DEPARTMENT[21](cont'd)

ITEM 12. Amend rule 21—85.42(215) as follows:

21—85.42(215) Security seal. In accordance with the contemplated revision of National Institute of Standards and Technology Handbook 44, ~~Gen. 4.4~~ G-UR4.5 (Replacement of Security Seal), accredited repair and testing companies shall be authorized to affix a security seal, properly marked with the identification of such company.

This rule is intended to implement Iowa Code section 215.12.

ITEM 13. Amend subrule 85.48(2) as follows:

85.48(2) Petroleum product retailers, if they elect to advertise the unit price of their petroleum products at or near the curb, storefront or billboard, shall display the price per gallon or liter. The advertised price shall equal the computer price settings shown on the metering pump or shall be displayed in a manner clear to the purchaser for discounts offered for cash payment. Product names displayed shall match the product names on the retail motor fuel dispensers and all consumer receipts.

ITEM 14. Amend rule 21—85.50(214,214A,215) as follows:

21—85.50(214,214A,215) Blender pumps. Motor fuel blender pumps or blender pumps installed or modified after November 1, 2008, which sell both ethanol blended gasoline classified as higher than E-15 and gasoline need to have at least two hoses per pump to separate registered gasoline fuels from flex fuels.

This rule is intended to implement Iowa Code section 214A.2.

ARC 6116C

HUMAN SERVICES DEPARTMENT[441]

Notice of Intended Action

Proposing rule making related to contracts and providing an opportunity for public comment

The Human Services Department hereby proposes to amend Chapter 2, “Contracting Out Department of Human Services Employees and Property,” Iowa Administrative Code.

Legal Authority for Rule Making

This rule making is proposed under the authority provided in Iowa Code section 218.4.

State or Federal Law Implemented

This rule making implements, in whole or in part, Iowa Code section 225C.4.

Purpose and Summary

The Department is updating the administrative rules for entering into contracts with Department employees in a service program or for the use of buildings and grounds of state institutions. This will allow the rules to come into alignment with current practices and will also eliminate outdated definitions.

Fiscal Impact

This rule making has no fiscal impact to the State of Iowa.

Jobs Impact

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

HUMAN SERVICES DEPARTMENT[441](cont'd)

Waivers

Any person who believes that the application of the discretionary provisions of this rule making would result in hardship or injustice to that person may petition the Department for a waiver of the discretionary provisions, if any, pursuant to rule 441—1.8(17A,217).

Public Comment

Any interested person may submit written comments concerning this proposed rule making. Written comments in response to this rule making must be received by the Department no later than 4:30 p.m. on January 18, 2022. Comments should be directed to:

Nancy Freudenberg
 Department of Human Services
 Hoover State Office Building, Fifth Floor
 1305 East Walnut Street
 Des Moines, Iowa 50319-0114
 Email: appeals@dhs.state.ia.us

Public Hearing

No public hearing is scheduled at this time. As provided in Iowa Code section 17A.4(1)“b,” an oral presentation regarding this rule making may be demanded by 25 interested persons, a governmental subdivision, the Administrative Rules Review Committee, an agency, or an association having 25 or more members.

Review by Administrative Rules Review Committee

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

The following rule-making actions are proposed:

ITEM 1. Amend rule **441—2.1(23A,225C)**, definitions of “Division,” “Lessee,” “State institutions” and “Superintendents,” as follows:

“*Division*” includes the divisions of mental health and ~~developmental disabilities~~ disability services; and adult, children and family services.

“*Lessee*” means a nonprofit provider of services or other approved activity or other nonprofit entity as defined by Iowa Code chapter 504A that has been permitted to lease space in certain buildings or grounds on one or more of the mental health institutes, ~~state hospital-schools resource centers~~, the Iowa Juvenile Home at Toledo, Iowa, or the State Training School state training school at Eldora, Iowa, or the civil commitment unit for sexual offenders at Cherokee, Iowa, from the department.

“*State institutions*” (also referred to as campuses), for the purposes of this chapter, include: the Glenwood and Woodward ~~state hospital-schools resource centers~~; the Cherokee, ~~Clarinda, and Independence, and Mt. Pleasant~~ mental health institutions; ~~the Iowa Juvenile Home in Toledo; and the State Training School~~ state training school in Eldora; and the civil commitment unit for sexual offenders in Cherokee.

“*Superintendents*” are the administrators of these state institutions as defined by Iowa Code chapter 218 as well as those administrators appointed by the director of the department of human services pursuant to Iowa Code ~~chapters chapter 233A and 233B~~ chapter 233A and 233B at the ~~Iowa Juvenile Home in Toledo and the State Training School~~ state training school in Eldora.

HUMAN SERVICES DEPARTMENT[441](cont'd)

ITEM 2. Amend subrule 2.5(1) as follows:

2.5(1) Referral to contract manager. A campus superintendent or designee may show available space to a potential lessee but has no authority to approve any leasing arrangements or to commit buildings or grounds to potential lessees. Superintendents shall notify the contract manager if contacted by a potential lessee. If space is available or expected to be available on the campus, the superintendent shall direct all entities interested in pursuing lease arrangements to ~~write~~ contact the contract manager in the department's central office.

ITEM 3. Amend subrule 2.5(3) as follows:

2.5(3) Evaluation of proposals. The contract manager, in collaboration with the respective division administrator and the respective superintendents, shall evaluate all proposals to determine if they meet the general principles identified above. The ~~contract manager~~ division administrator in collaboration with the respective superintendent(s) shall recommend whether to proceed with the leasing process to the director or designee. The contract manager shall notify the potential lessee in writing of the director's or designee's decision and, if applicable, identify the reasons for denial. All decisions are considered final and binding and are not subject to appeal.

ARC 6115C**HUMAN SERVICES DEPARTMENT[441]****Notice of Intended Action****Proposing rule making related to mental health and disability services regional service fund and providing an opportunity for public comment**

The Human Services Department hereby proposes to amend Chapter 25, "Disability Services Management," Iowa Administrative Code.

Legal Authority for Rule Making

This rule making is proposed under the authority provided in Iowa Code sections 225C.6 and 225C.7A.

State or Federal Law Implemented

This rule making implements, in whole or in part, Iowa Code section 225C.7A.

Purpose and Summary

2021 Iowa Acts, Senate File 619, division XXV, section 106, creates a General Fund standing appropriation to the Department for distribution to the mental health and disability services (MHDS) regions through performance-based contracts and creates a regional incentive fund. The Department will make quarterly regional service system payments to an MHDS region combined account.

This proposed rule making amends MHDS regional finance rules to describe the requirements and process for regions to certify with the Department the amount of the ending fund balance from the previous year. Ending balance limitations and supplemental payment withholdings are defined. The proposed amendments also implement the criteria and reporting instructions for eligible financial encumbrances. Revisions are made to the regional incentive fund rules to include linkages to performance-based contract criteria. The amendments also outline the requirements and goals for performance-based contracts between the Department and the MHDS regions.

Fiscal Impact

Payments from the mental health and disability services regional service fund will be based on the per capita funding levels authorized in 2021 Iowa Acts, Senate File 619. Senate File 619 appropriates \$3 million to the regional incentive fund for state fiscal year 2022. Future incentive fund revenues cannot be

HUMAN SERVICES DEPARTMENT[441](cont'd)

estimated at this time due to the uncertainty of future county fund balances and the amounts that counties will be required to send back to the fund.

Jobs Impact

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

Waivers

Any person who believes that the application of the discretionary provisions of this rule making would result in hardship or injustice to that person may petition the Department for a waiver of the discretionary provisions, if any, pursuant to rule 441—1.8(17A,217).

Public Comment

Any interested person may submit written comments concerning this proposed rule making. Written comments in response to this rule making must be received by the Department no later than 4:30 p.m. on January 18, 2022. Comments should be directed to:

Nancy Freudenberg
Department of Human Services
Hoover State Office Building, Fifth Floor
1305 East Walnut Street
Des Moines, Iowa 50319-0114
Email: appeals@dhs.state.ia.us

Public Hearing

No public hearing is scheduled at this time. As provided in Iowa Code section 17A.4(1)“b,” an oral presentation regarding this rule making may be demanded by 25 interested persons, a governmental subdivision, the Administrative Rules Review Committee, an agency, or an association having 25 or more members.

Review by Administrative Rules Review Committee

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

The following rule-making actions are proposed:

ITEM 1. Adopt the following **new** definitions of “Cash flow,” “Encumbered,” “Ending balance limitation,” “Ending balance threshold,” “Ending fund balance” and “Regional service growth factor” in rule **441—25.11(311)**:

“Cash flow” means the same as “ending fund balance.”

“Encumbered” or “encumbrances” means regional commitments related to obligations or contracts as defined in subrule 25.13(6).

“Ending balance limitation” means the percentage limit allowable by state law that a region’s ending fund balance can exceed actual expenditures for the previous fiscal year.

“Ending balance threshold” means the same as defined in Iowa Code section 225C.7A.

“Ending fund balance” means the amount of residual funds remaining in a region’s combined account at the conclusion of a fiscal year after the region has met the financial obligations for implementation of its regional service system management plan.

“Regional service growth factor” means the same as defined in Iowa Code section 225C.7A.

HUMAN SERVICES DEPARTMENT[441](cont'd)

ITEM 2. Amend rule 441—25.13(331) as follows:

441—25.13(331) Regional finances.

25.13(1) Regional service payments. The department will distribute funds from the mental health and disability services regional service fund to regions in accordance with Iowa Code section 225C.7A. Funds will be distributed in July, October, January, and April.

~~25.13(1)~~ 25.13(2) Funding. Funding for non-Medicaid mental health and disability services and children's behavioral health services is under the control of the governing board and shall:

a. Be maintained to limit administrative burden and provide public transparency regarding financial processes.

b. Be maintained in ~~one of three ways:~~

~~(1) In a combined account.~~

~~(2) In separate county accounts that are under the control of the governing board.~~

~~(3) In other arrangements authorized by law.~~

c. Be used to fund services in accordance with the regional service system management plan and the performance-based contract.

d. Be maintained in a county mental health and disability services fund for the deposit of regional service payments for those counties exempted under Iowa Code section 331.389. Expenditures to be made from the county mental health and disability services fund will not be made from any other fund of the county. The exempted county mental health and disability services fund is considered to be the same as a region combined account and is subject to the same requirements as a region combined account.

~~25.13(2)~~ 25.13(3) Accounting system and financial reporting. The accounting system and financial reporting to the department shall conform to Iowa Code section 331.391 and include all non-Medicaid mental health and disability expenditures. Information shall be separated and identified in a uniform chart of accounts, including but not limited to the following: expenses for administration; purchase of services; and enterprise costs for which the region is a service provider or is directly billing and collecting payments.

25.13(4) Ending fund balance. Each region shall certify to the department of human services on or before December 1 the region's cash flow amount in the combined account at the conclusion of the most recently completed fiscal year.

a. A region must submit the ending fund balance on forms specified by the department.

b. The certified ending fund balance shall exclude encumbered amounts for which resources already have been committed and been approved by the department in accordance with subrule 25.13(7).

c. A certified submission must:

(1) Be approved by the region's governing board prior to submittal to the department.

(2) Be signed by the chairperson of the regional governing board and the regional chief executive officer.

25.13(5) Ending balance limitations.

a. A region's certified ending fund balance as determined in subrule 25.13(4) will not exceed a percentage of the region's actual expenditures for the preceding fiscal year. The ending balance limitations are as follows:

(1) For the fiscal year beginning July 1, 2021, the ending balance shall be no more than 40 percent of the actual expenditures of that year.

(2) For the fiscal year beginning July 1, 2022, the ending balance shall be no more than 20 percent of the actual expenditures of that year.

(3) For the fiscal year beginning July 1, 2023, and each succeeding fiscal year thereafter, the ending balance shall be no more than 5 percent of the actual expenditures of that year.

b. If a region has an ending fund balance more than the limitation, the department will reduce the current fiscal year's remaining quarterly regional service payments equal to the excess ending fund balance amount.

HUMAN SERVICES DEPARTMENT[441](cont'd)

c. If withholding a region's remaining quarterly payments does not sufficiently effectuate the required reduction, the region shall pay to the department any additional excess ending fund balance amount.

d. The amount of reductions to regional service payments and amounts paid to the department under paragraph 25.13(5) "c" shall be transferred and credited to the region incentive fund.

25.13(6) *Acceptable encumbrances.* A region shall report to the department moneys for which a commitment is imposed and binding.

a. Financial obligations entered into by the region may be considered an acceptable encumbrance under the following circumstances:

(1) Existence of evidence as demonstrated by a contract or purchase order that details the services to be delivered and cost to the region.

(2) Entry of the region into executed contracts or binding commitments shall occur through formal action of the region's governing board.

b. Acceptable encumbrances shall be entered into and fulfilled according to the time frames outlined below:

(1) For the fiscal year beginning July 1, 2021, funds shall be obligated by the end of the fiscal year. Services shall be fully executed and moneys expended by June 30, 2023.

(2) For the fiscal year beginning July 1, 2022, funds shall be obligated by the end of the fiscal year. Services shall be fully executed and moneys expended by December 31, 2023.

(3) For the fiscal year beginning July 1, 2023, and each succeeding fiscal year thereafter, funds shall be obligated by the end of the current fiscal year. Services shall be fully executed and moneys expended by August 31 of the subsequent fiscal year.

c. Up to 10 percent of the direct and purchased administration expenditure total identified in the region's current approved annual service and budget plan may be claimed as an encumbrance.

d. Requests to encumber funds toward multiyear projects with the purpose to provide access to required core services shall be limited to actual needs for the current fiscal year.

25.13(7) *Encumbrance reporting and approval.*

a. The region shall submit a detailed accounting of encumbered funds to the department on or before July 31 on forms specified by the department.

(1) The department may request additional information to determine whether the region's reported contracts and binding commitments qualify as acceptable encumbrances.

(2) A plan for expenditure, including a description of activities related to required core services, shall accompany documentation for multiyear projects.

b. By August 31, the department shall notify the region, in writing, of the decision and the accepted amount to be considered encumbered. The decision of the department is final.

c. Regional commitments that are denied as acceptable encumbrances shall be included in the calculation of the ending fund balance for the previous fiscal year.

d. Encumbrances that are not fulfilled within the time frames specified in subrule 25.13(6) shall be included in the ending fund balance amount.

ITEM 3. Amend paragraph **25.14(3) "a"** as follows:

a. Methods for pooling, managing and expending funds under control of the regional administrative entity. ~~If the agreement does not provide for pooling of the participating county moneys in a single fund, the agreement shall specify how the participating county moneys will be subject to the control of the regional administrative entity.~~

ITEM 4. Amend rule 441—25.22(225C) as follows:

441—25.22(225C) Incentive fund application, approval, and reporting.

25.22(1) *Application for regional incentive funds.* A mental health and disability services region must submit an application on forms specified by the department with required supporting documentation. An application to receive regional incentive funds must meet the following requirements:

HUMAN SERVICES DEPARTMENT[441](cont'd)

~~a.~~ The mental health and disability services region shall submit the application with supporting documentation electronically to the department by 4:30 p.m. on November 15, 2021, for state fiscal year 2022 funding.

~~b.~~ The mental health and disability services region shall submit the application with supporting documentation electronically to the department by 4:30 p.m. on November 15, 2022, for state fiscal year 2023 funding.

a. The region shall submit the application with supporting documentation electronically to the department by 4:30 p.m. on November 15 of the state fiscal year in which funding is requested.

~~e. b.~~ The application shall be complete and signed by the chairperson of the mental health and disability services region regional governing board and regional chief executive officer.

~~d. c.~~ Application supporting documentation shall include evidence to demonstrate compliance with subrule 25.22(2).

25.22(2) Applicant conditions. To receive funding in state fiscal years 2022 and 2023, the mental health and disability services region, a region must submit to the department sufficient data to demonstrate that the region has met the standards in the region's performance-based contract outlined in rule 441—25.23(331). Additionally, the region must meet the following conditions:

a. The mental health and disability services region must be in compliance with the regional service system management plan as defined in Iowa Code section 331.393.

~~b.~~ Applicants for state fiscal year 2022 funding must have an ending balance in the region's combined services fund equal to or less than 40 percent of the actual expenditures in state fiscal year 2020.

~~e.~~ Applicants for state fiscal year 2023 funding must have an ending balance in the region's combined services fund equal to or less than 20 percent of the actual expenditures in state fiscal year 2021.

b. The region's ending fund balance in the fiscal year that commenced two years prior to the year of application shall meet the ending balance threshold in accordance with Iowa Code section 225C.7A.

~~d. c.~~ The mental health and disability services region must need incentive funds for one or more of the following circumstances:

(1) ~~Operating in a~~ If the region has an operating deficit, and to reimburse the region for a reduction in available funding for core services as the result of the reduction and elimination of the levy.

(2) To incentivize quality core services that meet or exceed the defined outcomes in the performance-based contract.

(3) To support regional efforts to fund non-core services that support the defined outcomes of core services in the performance-based contract.

(2) (4) ~~Support~~ For support of non-core services to maintain individuals in a community setting or reduce the risk that individuals needing services and supports would be placed in more restrictive, higher-cost settings.

25.22(3) to 25.22(5) No change.

This rule is intended to implement Iowa Code section 225C.7A as amended by 2021 Iowa Acts, Senate File 619.

ITEM 5. Adopt the following **new** rule 441—25.23(331):

441—25.23(331) Performance-based contract. The mental health and disability services region shall enter into a performance-based contract with the department to administer the service system in accordance with Iowa Code section 225C.7A. The performance-based contract shall include but not be limited to the following requirements:

25.23(1) The department will approve, deny, or revise each region's annual service and budget plan in accordance with rule 441—25.19(331).

25.23(2) The region will provide access to all core services under Iowa Code sections 331.397 and 331.397A and in accordance with this chapter.

HUMAN SERVICES DEPARTMENT[441](cont'd)

25.23(3) The region will utilize all federal government funding, including Medicaid funding, third-party payment sources, and other nongovernmental funding prior to using regional service payments.

25.23(4) The department will perform an annual review of the region's administrative costs.

25.23(5) The department will establish outcome improvement goals for populations served by the region, including but not limited to:

- a. Decreases in emergency department visits.
- b. Improved use of mobile crisis response and jail diversion programs.
- c. Improved employment-based outcomes.

25.23(6) The department will take steps to address a region's noncompliance with the contract in accordance with Iowa Code section 331.389.

This rule is intended to implement Iowa Code section 225C.7A.

ARC 6114C

HUMAN SERVICES DEPARTMENT[441]

Notice of Intended Action

Proposing rule making related to outdated language and providing an opportunity for public comment

The Human Services Department hereby proposes to amend Chapter 34, "Alternative Diagnostic Facilities," Iowa Administrative Code.

Legal Authority for Rule Making

This rule making is proposed under the authority provided in Iowa Code section 218.4.

State or Federal Law Implemented

This rule making implements, in whole or in part, Iowa Code section 225C.14.

Purpose and Summary

The Department is proposing to revise outdated language used when a person is being assessed for admission to a state mental health institution on a voluntary basis. The outdated language would be replaced with more current, person-centered language to be consistent with best practices for persons with mental illness.

Fiscal Impact

This rule making has no fiscal impact to the State of Iowa.

Jobs Impact

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

Waivers

Any person who believes that the application of the discretionary provisions of this rule making would result in hardship or injustice to that person may petition the Department for a waiver of the discretionary provisions, if any, pursuant to rule 441—1.8(17A,217).

Public Comment

Any interested person may submit written comments concerning this proposed rule making. Written comments in response to this rule making must be received by the Department no later than 4:30 p.m. on January 18, 2022. Comments should be directed to:

HUMAN SERVICES DEPARTMENT[441](cont'd)

Nancy Freudenberg
 Department of Human Services
 Hoover State Office Building, Fifth Floor
 1305 East Walnut Street
 Des Moines, Iowa 50319-0114
 Email: appeals@dhs.state.ia.us

Public Hearing

No public hearing is scheduled at this time. As provided in Iowa Code section 17A.4(1)“b,” an oral presentation regarding this rule making may be demanded by 25 interested persons, a governmental subdivision, the Administrative Rules Review Committee, an agency, or an association having 25 or more members.

Review by Administrative Rules Review Committee

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

The following rule-making actions are proposed:

ITEM 1. Amend rule ~~441—34.1(225C)~~, definitions of “Alternative diagnostic facility” and “Mental health professional,” as follows:

“Alternative diagnostic facility” means any organization or individual designated by the county board of supervisors to implement the preliminary diagnostic evaluation policy (Iowa Code section 225C.14) when a county is not served by a community mental health center capable of the diagnostic evaluations. An alternative diagnostic facility may be the outpatient service of a state mental health institute or any organization or individual able to furnish the requisite skills and to meet the standards set forth in this chapter by the mental health and ~~mental retardation~~ disability services commission.

“Mental health professional” means ~~a person who~~ an individual who has either of the following qualifications:

~~1. Holds at least a master’s degree in a mental health field, including, but not limited to, psychology, counseling and guidance, nursing and social work; or is a doctor of medicine (M.D.) or doctor of osteopathic medicine and surgery (D.O.); and~~

~~2. Holds a current Iowa license when required by Iowa licensure law; and~~

~~3. Has at least two years of postdegree experience, supervised by a mental health professional, in assessing mental health problems and needs of individuals and in providing appropriate mental health services for those individuals.~~

1. The individual meets all of the following requirements:

• Holds at least a master’s degree in a mental health field, including, but not limited to, psychology, counseling, guidance, nursing, or social work; or is an advanced registered nurse practitioner, a physician assistant, or a physician and surgeon; or is an osteopathic physician and surgeon.

• Holds a current Iowa license if practicing in a field covered by an Iowa licensure law.

• Has at least two years of postdegree clinical experience, supervised by another mental health professional, in assessing mental health needs and problems and in providing appropriate mental health services.

2. The individual holds a current Iowa license if practicing in a field covered by an Iowa licensure law and is a psychiatrist, an advanced registered nurse practitioner who holds national certification in psychiatric mental health care and is licensed by the board of nursing, a physician assistant practicing

HUMAN SERVICES DEPARTMENT[441](cont'd)

under the supervision of a psychiatrist, or an individual who holds a doctorate degree in psychology and is licensed by the board of psychology.

ITEM 2. Amend subrule 34.2(2) as follows:

34.2(2) Assist the court and, insofar as possible, provide or designate a physician or mental health professional to perform a prehearing examination of a respondent required under Iowa Code section 229.8, ~~subsection 3, paragraph "b."~~ 229.8(3) "b."

ITEM 3. Amend subrule 34.3(7) as follows:

34.3(7) The facility shall comply with procedures for uniform reporting of statistical data as established by the division of mental health, ~~mental retardation, and developmental disabilities and disability services.~~

ITEM 4. Amend subrule 34.3(8) as follows:

34.3(8) The facility shall comply with the standards for the maintenance and operation of public and private facilities offering services to ~~mentally ill~~ persons with mental illness as adopted by the mental health and ~~mental retardation~~ disability services commission.

ARC 6109C

HUMAN SERVICES DEPARTMENT[441]

Notice of Intended Action

Proposing rule making related to Iowa juvenile home and providing an opportunity for public comment

The Human Services Department hereby proposes to rescind Chapter 101, "Iowa Juvenile Home," Iowa Administrative Code.

Legal Authority for Rule Making

This rule making is proposed under the authority provided in Iowa Code section 218.4.

State or Federal Law Implemented

This rule making implements, in whole or in part, Iowa Code section 218.4.

Purpose and Summary

The Department is eliminating Chapter 101 in its entirety, because the Iowa Juvenile Home is closed. Administrative rules on this children's institution are no longer needed.

Fiscal Impact

This rule making has no fiscal impact to the State of Iowa.

Jobs Impact

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

Waivers

Any person who believes that the application of the discretionary provisions of this rule making would result in hardship or injustice to that person may petition the Department for a waiver of the discretionary provisions, if any, pursuant to rule 441—1.8(17A,217).

HUMAN SERVICES DEPARTMENT[441](cont'd)

Public Comment

Any interested person may submit written comments concerning this proposed rule making. Written comments in response to this rule making must be received by the Department no later than 4:30 p.m. on January 18, 2022. Comments should be directed to:

Nancy Freudenberg
Department of Human Services
Hoover State Office Building, Fifth Floor
1305 East Walnut Street
Des Moines, Iowa 50319-0114
Email: appeals@dhs.state.ia.us

Public Hearing

No public hearing is scheduled at this time. As provided in Iowa Code section 17A.4(1)“b,” an oral presentation regarding this rule making may be demanded by 25 interested persons, a governmental subdivision, the Administrative Rules Review Committee, an agency, or an association having 25 or more members.

Review by Administrative Rules Review Committee

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

The following rule-making action is proposed:

Rescind and reserve **441—Chapter 101.**

ARC 6117C

IOWA PUBLIC EMPLOYEES’ RETIREMENT SYSTEM[495]

Notice of Intended Action

**Proposing rule making related to five-year review of rules
and providing an opportunity for public comment**

The Iowa Public Employees’ Retirement System hereby proposes to amend Chapter 4, “Employers,” Chapter 5, “Employees,” Chapter 13, “Disability for Regular and Special Service Members,” Chapter 14, “Death Benefits and Beneficiaries,” and Chapter 16, “Domestic Relations Orders and Other Assignments,” Iowa Administrative Code.

Legal Authority for Rule Making

This rule making is proposed under the authority provided in Iowa Code sections 97B.4 and 97B.15.

State or Federal Law Implemented

This rule making implements, in whole or in part, Iowa Code chapter 97B.

Purpose and Summary

This proposed rule making is intended to conform rules with other rules and statutes or rescind rules that are outdated, redundant or inconsistent, or no longer in effect to meet the requirements of the statutory five-year review of rules for Chapters 21 to 33; to implement contribution rates for all classes

IOWA PUBLIC EMPLOYEES' RETIREMENT SYSTEM[495](cont'd)

of members; to clarify that all Regents institutions are covered by subrule 5.2(40), as universities also have optional coverage; to allow IPERS to initiate investigations of suspected fraud in disability claims under Iowa Code section 97B.50A as amended by 2021 Iowa Acts, Senate File 342, sections 28 and 29, even in the absence of a written complaint; to align subrule 13.2(14) with Senate File 342, enacted in the 89th General Assembly and subsequently signed by the Governor; to reinstate rule 495—14.17(97B), inadvertently deleted in a prior rule making; to provide a process for successor alternate payees to disclaim their benefit; and to clarify signature requirements for the mandatory Administrative Rule Compliance and Confidential Information forms accompanying Qualified Domestic Relations Orders.

Fiscal Impact

IPERS' enabling legislation requires that employer and employee contribution rates for each member class be updated every fiscal year.

Jobs Impact

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

Waivers

Any person who believes that the application of the discretionary provisions of this rule making would result in hardship or injustice to that person may petition IPERS for a waiver of the discretionary provisions, if any.

Public Comment

Any interested person may submit written comments concerning this proposed rule making. Written comments in response to this rule making must be received by IPERS no later than 4:30 p.m. on January 24, 2022. Comments should be directed to:

Cheryl Vander Hart
Iowa Public Employees' Retirement System
7401 Register Drive
Des Moines, Iowa 50321
Phone: 515.281.7623
Email: cheryl.vanderhart@ipers.org

Public Hearing

A public hearing, held in person and accessible online, at which persons may present their views orally or in writing will be held online (teams.microsoft.com/l/meetup-join) and in person as follows:

January 24, 2022
10 to 11 a.m.

IPERS
7401 Register Drive
Des Moines, Iowa

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

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

Review by Administrative Rules Review Committee

The Administrative Rules Review Committee, a bipartisan legislative committee which oversees rule making by executive branch agencies, may, on its own motion or on written request by any individual or group, review this rule making at its [regular monthly meeting](#) or at a special meeting. The Committee's

IOWA PUBLIC EMPLOYEES' RETIREMENT SYSTEM[495](cont'd)

meetings are open to the public, and interested persons may be heard as provided in Iowa Code section 17A.8(6).

The following rule-making actions are proposed:

ITEM 1. Amend subrules 4.6(1) to 4.6(3) as follows:

4.6(1) Contribution rates for regular class members.

a. No change.

b. Effective July 1, 2012, and every year thereafter, the contribution rates for regular members shall be publicly declared by IPERS staff no later than the preceding December as determined by the annual valuation of the preceding fiscal year. The public declaration of contribution rates will be followed by rule making that will include a notice and comment period and that will become effective July 1 of the next fiscal year. Contribution rates for regular members are as follows.

	Effective July 1, 2017	Effective July 1, 2018	Effective July 1, 2019	Effective July 1, 2020	Effective July 1, 2021	Effective July 1, 2022
Combined rate	14.88%	15.73%	15.73%	15.73%	15.73%	15.73%
Employer	8.93%	9.44%	9.44%	9.44%	9.44%	9.44%
Employee	5.95%	6.29%	6.29%	6.29%	6.29%	6.29%

4.6(2) Contribution rates for sheriffs and deputy sheriffs are as follows.

	Effective July 1, 2017	Effective July 1, 2018	Effective July 1, 2019	Effective July 1, 2020	Effective July 1, 2021	Effective July 1, 2022
Combined rate	18.76%	19.52%	19.02%	18.52%	18.02%	17.52%
Employer	9.38%	9.76%	9.51%	9.26%	9.01%	8.76%
Employee	9.38%	9.76%	9.51%	9.26%	9.01%	8.76%

4.6(3) Contribution rates for protection occupations are as follows.

	Effective July 1, 2017	Effective July 1, 2018	Effective July 1, 2019	Effective July 1, 2020	Effective July 1, 2021	Effective July 1, 2022
Combined rate	16.40%	17.02%	16.52%	16.02%	15.52%	15.52%
Employer	9.84%	10.21%	9.91%	9.61%	9.31%	9.31%
Employee	6.56%	6.81%	6.61%	6.41%	6.21%	6.21%

ITEM 2. Amend subrule 5.2(40) as follows:

5.2(40) Employees of area community colleges and universities shall be covered unless they elect coverage under an alternative system pursuant to a one-time irrevocable election. An employee must make an election in the alternative retirement system within 60 days of the employee's first day of employment.

ITEM 3. Amend rule 495—13.2(97B) as follows:

495—13.2(97B) Disability claim process for special service members. Except as otherwise indicated, this rule shall apply only to disability claims initiated under Iowa Code section 97B.50A. Except as otherwise indicated, disability claims under Iowa Code section 97B.50(2) shall be administered under rule 495—13.1(97B).

13.2(1) to 13.2(10) No change.

13.2(11) Notice of abuse of disability benefits. The system has the obligation and full authority to investigate allegations of abuse of disability benefits. The system, in its sole discretion, may initiate investigations in the absence of a complaint. The scope of the investigation to be conducted shall be determined by the system, and may include the ordering of a sub rosa investigation of a disability recipient to verify the facts relating to an alleged abuse. A sub rosa investigation shall only be

IOWA PUBLIC EMPLOYEES' RETIREMENT SYSTEM[495](cont'd)

considered upon receipt and evaluation of an acceptable notice of abuse. The notification must be in writing and include:

a. to c. No change.

IPERS may employ such investigators and other personnel, in IPERS' sole discretion, as may be deemed necessary. IPERS may also, in its sole discretion, decline to carry out such investigations if more than five years have elapsed since the date of the disability determination.

13.2(12) and **13.2(13)** No change.

13.2(14) *Offset to allowance.* A member who retires under Iowa Code section 97B.50A shall have benefits reduced by other disability-related payments the member receives for the same disability, including, but not limited to, benefits from:

a. Social security.

b. Long-term disability insurance.

c. Workers' compensation-, subject to the limitations set forth in Iowa Code section 97B.50A(5) "b" and "c."

d. Unemployment insurance.

e. Employer-paid disability plans, programs, or policies.

f. Other laws.

For purposes of calculating the income offsets required under Iowa Code section 97B.50A, IPERS shall convert any lump sum workers' compensation award, disability insurance payments, or similar lump sum awards for the same illnesses or injuries to an actuarial equivalent, as determined by IPERS. IPERS shall convert any monthly, weekly, or other stated period workers' compensation award, disability insurance payments, or other awards for the same illnesses or injuries, dollar-for-dollar, to the same monthly, weekly, or other stated period, as determined by IPERS.

ITEM 4. Adopt the following **new** rule 495—14.17(97B):

495—14.17(97B) Procedures for final distribution to heirs who have filed claims. If a claimant has identified other persons in the claimant's group who would be entitled to a share of the member's death benefit, but such persons have not filed a claim within five years after the member's death, or by the date required under IRC Section 401(a)(9) if earlier, the remainder of the member's death benefit shall be paid in pro rata shares to the claimants who were previously paid a share of the death benefit. In order to comply with the applicable IRS limitations, the final payments under this rule shall be made by December 31 of the fifth year that begins after the member's date of death, or by December 31 of the year that distribution is required under IRC Section 401(a)(9), if earlier. The sole recourse of any claimant who is a member of a group receiving payments hereunder or of any lower-numbered group that should have received all of such payments shall be against the claimants of the group that received death benefit payments.

This rule is intended to implement Iowa Code sections 97B.44 and 97B.52.

ITEM 5. Amend subrule 16.2(3) as follows:

16.2(3) *Administrative provisions.*

a. to d. No change.

e. A named successor alternate payee may waive current or future rights to payments to which the successor alternate payee would have otherwise been entitled. The funds waived by a successor alternate payee shall revert to the member. The waiver of rights shall occur prior to the receipt of any payment from IPERS to the successor alternate payee and shall be in the form of a filed and signed court order. The waiver of rights by a successor alternate payee is binding and shall serve to indemnify IPERS from all liability to beneficiaries, heirs, or other claimants for any waiver executed by a successor alternate payee. The waiver must be received by IPERS no later than nine months after the date of death of the alternate payee or the date on which the successor alternate payee reaches age 21, whichever occurs later.

e. f. An alternate payee shall not receive a share of dividends or other cost-of-living increases, unless so provided in a QDRO.

IOWA PUBLIC EMPLOYEES' RETIREMENT SYSTEM[495](cont'd)

~~f.~~ g. The CEO, or CEO's designee, shall have exclusive authority to determine whether a domestic relations order is a QDRO. A final determination by the CEO, or CEO's designee, may be appealed in the same manner as any other final agency determination under Iowa Code chapter 97B.

~~g.~~ h. A person who attempts to make IPERS a party or requires IPERS to appear as a witness to a domestic relations action in order to determine an alternate payee's right to receive a portion of the benefits payable to a member shall be liable to IPERS for its costs and attorney's fees.

~~h.~~ i. A domestic relations order shall not become effective until it is approved by IPERS. If a member is receiving a retirement allowance at the time a domestic relations order is received by the system, the order shall be effective only with respect to payments made after the order is determined to be a QDRO. Payment to the alternate payee will be withheld from the member's payment the month the alternate payee's application is mailed by IPERS. If the member is not receiving a retirement allowance at the time a domestic relations order is approved by IPERS and the member applies for a refund or monthly allowance, or dies, no distributions shall be made until the respective rights of the parties under the domestic relations order are determined by IPERS. If IPERS has placed a hold on the member's account following written or verbal notification from the member, member's spouse, or legal representative of either party of a pending dissolution of marriage, and no further contacts are received from either party or their representatives within the following one-year period, or IPERS has not received and qualified a domestic relations order, IPERS shall release the hold.

~~i.~~ j. IPERS and its staff shall have no liability for making or withholding payments in accordance with the provisions of this rule.

~~j.~~ k. IPERS has no duty or responsibility to search for alternate payees. Alternate payees must notify IPERS of any change in their mailing addresses. IPERS shall mail the alternate payee an application once an application for a distribution has been received from the member and considered a complete application by IPERS. For monthly benefit applications, the alternate payee is eligible for monthly payments as of the member's first month of entitlement.

~~k.~~ l. If a QDRO requires the member to select an option with joint and survivor provisions (Option 4 or 6) and name the alternate payee as contingent annuitant, the order must state the percentage in Option 4 or 6 to be payable to the alternate payee as contingent annuitant (the currently available percentages under Option 4 or 6 are 25, 50, 75 and 100 percent). Acceptable birth proof for the alternate payee as the named contingent annuitant, pursuant to 495—subrule 11.1(2), must also be provided to IPERS prior to approval of the order by IPERS.

~~l.~~ m. For both lump sum and monthly payments, the alternate payee's tax withholding and rollover elections, if eligible, must be received before the first or current month's benefit is certified for payment or IPERS will use the applicable default tax withholding elections.

~~m.~~ n. If an order that is determined to be a QDRO divides a member's account using a service factor formula and the member's IPERS benefits are based on a number of quarters less than the member's total covered quarters, notwithstanding any terms of the order to the contrary, IPERS shall limit the number of quarters used in the numerator and the denominator of the service fraction to the number of quarters actually used in the calculation of IPERS benefits, not to exceed 120 quarters for special service members and 140 quarters for regular and hybrid members. IPERS will not accept or administer a service factor formula fraction in excess of 1.

~~n.~~ o. Service credit that is purchased during the period when the member is married to the alternate payee shall be added to the numerator and the denominator of the service fraction when calculating the service factor pursuant to a domestic relations order. Service credit that is purchased during a period when the member is not married to the alternate payee shall only be added to the denominator of the service fraction when calculating the service factor pursuant to a domestic relations order. Under no circumstances shall the number of quarters in the denominator be more than the number of quarters used to calculate the member's benefit. Service purchase after retirement shall not increase or decrease the alternate payee's payment amount that was deducted and was payable at the time of retirement.

~~o.~~ p. The parties or their attorneys in a dissolution action involving an IPERS member shall decide between themselves which attorney will submit a proposed domestic relations order to IPERS for review. ~~IPERS shall not review a proposed order that has not been approved as to form by both parties or~~

IOWA PUBLIC EMPLOYEES' RETIREMENT SYSTEM[495](cont'd)

~~their counsel by enclosure of the Administrative Rule Compliance for QDROs form.~~ With the initial submission of an order for review, drafters must also submit a completed, signed, and dated Confidential Information (CI) form; in addition, every draft order submitted for review must be accompanied by a freshly signed and dated Administrative Rule Compliance for QDROs (ARC) form. Both the member and alternate payee, or their respective counsel, must sign and date the ARC form. Both forms must be wet signed; however, attorneys or pro se filers may sign with their electronic (eFile or EDMS) signatures. A rejection under this paragraph shall not preclude IPERS from placing a hold on a member's account until the status of a proposed order as a QDRO is resolved or the hold is released pursuant to the terms of paragraph ~~16.2(3)"h."~~ 16.2(3) "i."

~~p. q.~~ If a member has filed for and is receiving monthly pension benefits, or wishes to file an application for retirement or a refund and has a qualified domestic relations order pending on the member's account, the parties (the member and the alternate payee or their counsel of record) may execute a waiver of the 30-day appeal period following review and qualification of the member's domestic relations order, using a form approved by the system.

~~q. r.~~ If a member with an IPERS-approved QDRO is receiving a distribution according to a qualified benefits arrangement (QBA), the alternate payee shall share in the distribution to the member unless the order specifically states otherwise.

ARC 6110C**TELECOMMUNICATIONS AND TECHNOLOGY COMMISSION,
IOWA[751]****Notice of Intended Action****Proposing rule making related to billing services provided on behalf of an authorized network user and providing an opportunity for public comment**

The Iowa Telecommunications and Technology Commission (Commission) hereby proposes to amend Chapter 17, "Miscellaneous," Iowa Administrative Code.

Legal Authority for Rule Making

This rule making is proposed under the authority provided in Iowa Code section 8D.3(3)"b."

State or Federal Law Implemented

This rule making implements, in whole or in part, Iowa Code section 8D.11(5) as enacted by 2021 Iowa Acts, House File 805.

Purpose and Summary

2021 Iowa Acts, House File 805, authorizes the Commission to provide billing services on behalf of an authorized user of the network that seeks to bill another entity that is receiving services from that authorized user pursuant to the network. This proposed rule making implements that change.

Fiscal Impact

The fiscal impact may include savings to an agency that has the Commission bill on its behalf and thus avoids the cost of establishing its own billing system. There may also be revenue generated if the agency is currently not billing for services as a result of not having its own billing system.

Jobs Impact

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

TELECOMMUNICATIONS AND TECHNOLOGY COMMISSION, IOWA[751](cont'd)

Waivers

Any person who believes that the application of the discretionary provisions of this rule making would result in hardship or injustice to that person may petition the Commission for a waiver of the discretionary provisions, if any, pursuant to 751—Chapter 16.

Public Comment

Any interested person may submit written or oral comments concerning this proposed rule making. Written or oral comments in response to this rule making must be received by the Commission no later than 4:30 p.m. on January 18, 2022. Comments should be directed to:

Mark Johnson
Iowa Telecommunications and Technology Commission
Grimes State Office Building
400 East 14th Street
Des Moines, Iowa 50319
Phone: 515.725.4608
Email: mark.johnson@iowa.gov

Public Hearing

No public hearing is scheduled at this time. As provided in Iowa Code section 17A.4(1)“b,” an oral presentation regarding this rule making may be demanded by 25 interested persons, a governmental subdivision, the Administrative Rules Review Committee, an agency, or an association having 25 or more members.

Review by Administrative Rules Review Committee

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

The following rule-making action is proposed:

Adopt the following **new** rule 751—17.6(8D):

751—17.6(8D) Billing services on behalf of authorized user.

17.6(1) Pursuant to an agreement between the commission and an authorized user, the commission may provide billing services on behalf of the authorized user and charge another entity that receives services from the authorized user pursuant to the network if all of the following conditions are satisfied:

a. The services provided by the authorized user to the other entity must be consistent with the mission of the authorized user.

b. The services provided by the authorized user to the other entity must be consistent with the following requirements and limitations:

(1) The services provided by the authorized user are the services of the authorized user and are not communications services that the commission is authorized to provide only to its authorized users.

(2) The services provided by the authorized user to the other entity are being delivered to the other entity through the network.

(3) The services provided by the authorized user to the other entity are not being provided in a manner that is contrary to any other restrictions contained in Iowa Code chapter 8D.

TELECOMMUNICATIONS AND TECHNOLOGY COMMISSION, IOWA[751](cont'd)

17.6(2) This rule is not intended to limit the ability of the commission to recover damages from another entity on behalf of an authorized user for damage to the authorized user's network that is being managed or maintained by the commission on behalf of the authorized user.

This rule is intended to implement Iowa Code section 8D.11.

ARC 6118C

TRANSPORTATION DEPARTMENT[761]

Notice of Intended Action

Proposing rule making related to motor vehicle registration and titling and window tinting and providing an opportunity for public comment

The Transportation Department hereby proposes to amend Chapter 400, "Vehicle Registration and Certificate of Title," and Chapter 450, "Motor Vehicle Equipment," Iowa Administrative Code.

Legal Authority for Rule Making

This rule making is proposed under the authority provided in Iowa Code section 307.12 and section 321.438 as amended by 2021 Iowa Acts, Senate File 342, section 53.

State or Federal Law Implemented

This rule making implements, in whole or in part, Iowa Code section 321.438 as amended by 2021 Iowa Acts, Senate File 342, section 53; section 322.19A as amended by 2021 Iowa Acts, Senate File 444, section 4; and section 633A.4604 as amended by 2021 Iowa Acts, Senate File 173, section 1.

Purpose and Summary

This proposed rule making updates Chapters 400 and 450 to conform the rules with 2021 legislation. The proposed amendments incorporate legislative changes to the vehicle registration and titling process, as well as to motor vehicle equipment requirements. 2021 Iowa Acts, Senate File 173, section 1, clarifies the required contents of a certification of trust, which is created for the purpose of demonstrating the existence of a trust and can be used by the Department when registering or titling a vehicle subject to a trust. 2021 Iowa Acts, Senate File 444, section 4, eliminates a provision from the Iowa Code that would have reduced by \$25 the documentary fee a person pays when purchasing a vehicle from a dealer upon the Department's implementation of the Electronic Registration and Titling (ERT) system. 2021 Iowa Acts, Senate File 342, section 53, exempts persons operating motor vehicles owned or leased by federal, state, or local law enforcement agencies from Iowa's window tinting laws.

Fiscal Impact

This rule making has no fiscal impact to the State of Iowa beyond any impact besides that of the legislation it is intended to implement.

Jobs Impact

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

Waivers

Any person who believes that the application of the discretionary provisions of this rule making would result in hardship or injustice to that person may petition the Department for a waiver of the discretionary provisions, if any, pursuant to 761—Chapter 11.

TRANSPORTATION DEPARTMENT[761](cont'd)

Public Comment

Any interested person may submit written comments concerning this proposed rule making or may submit a written request to make an oral presentation at a public hearing. Written comments or requests to present oral comments in response to this rule making must be received by the Department no later than 4:30 p.m. on January 18, 2022. Comments should be directed to:

Tracy George
Department of Transportation
DOT Rules Administrator, Government and Community Relations
800 Lincoln Way
Ames, Iowa 50010
Email: tracy.george@iowadot.us

Public Hearing

If requested, a public hearing to hear oral presentations will be held on January 20, 2022, via conference call at 10 a.m. Persons who wish to participate in the conference call should contact Tracy George before 4:30 p.m. on January 18, 2022, to facilitate an orderly hearing. A conference call number will be provided to participants prior to the hearing.

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

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

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

Review by Administrative Rules Review Committee

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

The following rule-making actions are proposed:

ITEM 1. Amend paragraph **400.3(17)“d”** as follows:

d. In addition to the documentary fee authorized under Iowa Code section 322.19A, an end user that is a motor vehicle dealer licensed by the department under Iowa Code chapter 322 or 322C may pass and charge to a customer the fees or costs incurred by the motor vehicle dealer to submit the customer's application through an ERT service provider's services as a third-party cost or fee ~~under Iowa Code section 322.19A(1)~~, provided that the motor vehicle dealer discloses the charge to the customer before submitting the application. The documentary fee charged by the motor vehicle dealer shall not exceed the amount authorized by Iowa Code section ~~322.19A(3)~~ 322.19A. Neither the ERT service provider nor the motor vehicle dealer shall charge a customer for creation or delivery of a “registration applied for” card.

ITEM 2. Amend subrule 400.4(9) as follows:

400.4(9) Applications in the name of trusts. An application in the name of a trust shall be accompanied by a copy of all documents creating or otherwise affecting the trust or by the certification of trust as defined in Iowa Code section 633A.4604.

a. The certification of trust may be signed by any trustee or the attorney for any trustee.

b. The application shall be signed by the number of trustees as specified in the trust agreement ~~or the certification of trust~~, and the applicant shall provide the department with the document or the certification of trust specifying the required signatories for the trust. ~~If neither the trust nor the~~

TRANSPORTATION DEPARTMENT[761](cont'd)

~~certification of trust specifies the required signatories, the application may be signed by any trustee or attorney for the trustee. Each signature on the application shall be followed by the words “as trustee” or “as attorney for the trustee.”~~

c. If a certification of trust is provided, one of the following shall apply:

(1) Any currently acting trustee may sign the application if the certification of trust states that such trustee may act individually.

(2) A majority of the trustees must sign the application if the certification of trust states that the trustees must act by majority decision.

(3) All currently acting trustees must sign the application if the certification of trust states that the trustees must act by unanimous decision.

d. A certification of trust must meet the requirements of Iowa Code section 633A.4604, including but not limited to providing the names of all the currently acting trustees. If there are two or more currently acting trustees, the certification of trust must state whether the trustees may act individually, whether the trustees must act by majority decision or whether the trustees must act by unanimous decision. If the certification of trust does not meet said requirements, the certification of trust will be considered invalid for the purposes of the application.

e. Each signature on the application shall be followed by the words “as trustee.”

ITEM 3. Amend rule **761—400.4(321)**, implementation sentence, as follows:

This rule is intended to implement Iowa Code sections 321.20, 321.23, 321.24, 321.30, 321.31, 321.45 to 321.50, 321.67, 321.515, 321.519, ~~and 322.3~~ and 633A.4604.

ITEM 4. Amend paragraph **400.14(3)“b”** as follows:

b. When a vehicle is owned by a trust, the title shall be accompanied by a copy of all documents creating or otherwise affecting the trust or by the certification of trust as defined in Iowa Code section 633A.4604.

(1) The certification of trust may be signed by any trustee or the attorney for any trustee.

(2) The title shall be signed by the number of trustees as specified in the trust agreement ~~or the certification of trust as defined in Iowa Code section 633A.4604,~~ and the transferor shall provide the department with the document or the certification of trust specifying the required signatories for the trust. ~~If neither the trust nor the certification of trust specifies the required signatories, the title may be signed by any trustee or attorney for the trustee. Each signature on the title shall be followed by the words “as trustee” or “as attorney for the trustee.”~~

(3) If a certification of trust is provided, one of the following shall apply:

1. Any currently acting trustee may sign the title if the certification of trust states that such trustee may act individually.

2. A majority of the trustees must sign the title if the certification of trust states that the trustees must act by majority decision.

3. All currently acting trustees must sign the title if the certification of trust states that the trustees must act by unanimous decision.

(4) A certification of trust must meet the requirements of Iowa Code section 633A.4604, including but not limited to providing the names of all the currently acting trustees. If there are two or more currently acting trustees, the certification of trust must state whether the trustees may act individually, whether the trustees must act by majority decision or whether the trustees must act by unanimous decision. If the certification of trust does not meet said requirement, the certification of trust will be considered invalid for the purposes of the transfer.

(5) Each signature on the title shall be followed by the words “as trustee.”

ITEM 5. Amend rule **761—400.14(321)**, implementation sentence, as follows:

This rule is intended to implement Iowa Code sections 321.20, 321.24, 321.45, 321.47, 321.49, ~~and 321.67~~ and 633A.4604.

TRANSPORTATION DEPARTMENT[761](cont'd)

ITEM 6. Amend subrule 450.1(1) as follows:

450.1(1) Information and forms for vehicle registration and certificate of title may be obtained from the county treasurer or by mail from the ~~Vehicle and Motor Carrier Services Bureau~~ Vehicle Division, Iowa Department of Transportation, P.O. Box 9278, Des Moines, Iowa 50306-9278; in person at Iowa Department of Transportation, 6310 SE Convenience ~~Boulevard Blvd.~~, Ankeny, Iowa; by telephone at (515)237-3264; or on the department’s website at www.iowadot.gov.

ITEM 7. Amend subrule 450.7(1) as follows:

450.7(1) Prohibition. ~~Pursuant to~~ Except as provided in Iowa Code ~~subsection~~ section 321.438(2), a person shall not operate on the highway a motor vehicle equipped with a front windshield, a side window to the immediate right or left of the driver (front side window) or a sidewing forward of and to the left or right of the driver (front sidewing) which is excessively dark or reflective.

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 Katie Averill, Superintendent of Banking Jeff Plagge, and Auditor of State Rob Sand has established today the following rates of interest for public obligations and special assessments. The usury rate for December is 3.50%.

INTEREST RATES FOR PUBLIC OBLIGATIONS AND ASSESSMENTS

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

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

The rate of interest has been determined 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 December 9, 2021, 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 .05%
More than 397 days	Minimum .05%

TREASURER OF STATE(cont'd)

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

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

USURY

In accordance with the provisions of Iowa Code section 535.2, subsection 3, paragraph "a," the Superintendent of Banking has determined that the maximum lawful rate of interest shall be:

January 1, 2021 — January 31, 2021	2.75%
February 1, 2021 — February 28, 2021	3.00%
March 1, 2021 — March 31, 2021	3.00%
April 1, 2021 — April 30, 2021	3.25%
May 1, 2021 — May 31, 2021	3.50%
June 1, 2021 — June 30, 2021	3.75%
July 1, 2021 — July 31, 2021	3.50%
August 1, 2021 — August 31, 2021	3.50%
September 1, 2021 — September 30, 2021	3.25%
October 1, 2021 — October 31, 2021	3.25%
November 1, 2021 — November 30, 2021	3.25%
December 1, 2021 — December 31, 2021	3.50%
January 1, 2022 — January 31, 2022	3.50%

ARC 6107C

ECONOMIC DEVELOPMENT AUTHORITY[261]

Adopted and Filed Emergency After Notice

Rule making related to sports tourism program

The Enhance Iowa Board hereby amends Chapter 215, "Sports Tourism Program," Iowa Administrative Code.

Legal Authority for Rule Making

This rule making is adopted under the authority provided in Iowa Code section 15F.104.

State or Federal Law Implemented

This rule making implements, in whole or in part, Iowa Code sections 15F.401 and 15F.402 and 2021 Iowa Acts, House File 862.

Purpose and Summary

2021 Iowa Acts, House File 862, amends Iowa Code sections 15F.401 and 15F.403 relating to the Sports Tourism Program administered by the Board. The purpose of the program is to provide financial assistance for projects that promote sporting events.

The legislation updates the program to allow assistance for projects that promote professional sporting events and exclude infrastructure as an eligible expenditure. The amended statute also limits assistance to 50 percent of the total cost of the project with a maximum award amount of \$500,000.

These amendments reflect the changes made to the Iowa Code and reflect the legislative intent in updating the program. These amendments also clarify administrative aspects of the program.

Public Comment and Changes to Rule Making

Notice of Intended Action for this rule making was published in the Iowa Administrative Bulletin on October 20, 2021, as **ARC 5988C**. No public comments were received.

There are changes from the Notice. Subrule 215.3(2) was stricken and subsequent rules were renumbered because the language was duplicated in subrule 215.3(3), which was renumbered as 215.3(2). A reference to 2021 Iowa Acts, House File 588, has been removed from the implementation sentence since the amendments in the legislation will be codified by the time the rule making becomes effective.

Reason for Waiver of Normal Effective Date

Pursuant to Iowa Code section 17A.5(2)"b"(1)(b), the Board finds that the normal effective date of this rule making, 35 days after publication, should be waived and the rule making made effective on December 2, 2021, because the rule making implements a previously unfunded program for the benefit of Iowa cities, counties, and public organizations that promote sporting events.

Adoption of Rule Making

This rule making was adopted by the Board on December 2, 2021.

Fiscal Impact

This rule making has no fiscal impact to the State of Iowa beyond that of the legislation it is intended to implement.

ECONOMIC DEVELOPMENT AUTHORITY[261](cont'd)

Jobs Impact

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

Waivers

Any person who believes that the application of the discretionary provisions of this rule making would result in hardship or injustice to that person may petition the Board for a waiver of the discretionary provisions, if any, pursuant to 261—Chapter 213.

Review by Administrative Rules Review Committee

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

Effective Date

This rule making became effective on December 2, 2021.

The following rule-making actions are adopted:

ITEM 1. Amend rule 261—215.1(15F) as follows:

261—215.1(15F) Definitions. When used in this chapter, unless the context otherwise requires:

“Accredited colleges and universities” means any college, university, or institution of higher learning that is accredited by ~~The~~ the Higher Learning Commission or any other college, university, or institution of higher learning that is accredited by an accrediting agency that is recognized by the U.S. Department of Education.

“Authority” means the economic development authority created in Iowa Code section 15.105.

“Bid fees” means fees paid as part of proposing a location for an event.

“Board” means the enhance Iowa board as created in Iowa Code section 15F.102.

“Convention and visitors bureau” or *“CVB”* means an organization engaged primarily in the marketing and promotion of a local community or communities to businesses and to leisure travelers interested in the area's facilities. Such organizations are typically engaged in a wide range of activities including but not limited to assisting businesses and leisure travelers in identifying meeting locations and convention sites; providing maps and other travel information; providing information on local attractions, lodging, and restaurants; and organizing tours of local historical, recreational, and cultural attractions.

“District” means a regional sports authority district certified under Iowa Code section 15E.321.

“Financial assistance” means assistance provided only from the funds available to the authority or the board and includes assistance in the form of grants, loans, and forgivable loans.

“Infrastructure” means equipment, appurtenant structures, or site development that is related to the operation of a sporting event that is the subject of the project.

“Marketing” means planning for or implementing efforts to publicize a sporting event using a range of strategies, tools and tactics.

“Organization” means a corporation, conference, association, or other organization which has as one of its primary purposes the sponsoring or administration of extracurricular intercollegiate athletic contests or competitions, or professional sporting events.

“Professional sporting events” means any sporting events for which the competing athletes receive payment for their participation in such sporting event.

“Program” means the sports tourism program administered pursuant to this chapter.

ECONOMIC DEVELOPMENT AUTHORITY[261](cont'd)

“Promote” or “promotion” means to undertake specific identifiable actions that encourage greater awareness of and attendance at a sporting event. This includes the planning, organizing, advertising, marketing, managing, hosting, and sponsoring of a sporting event.

“Public organization” means a not-for-profit economic development organization or other not-for-profit organization including one that sponsors or supports sporting events.

“Sporting event” means an athletic activity requiring skill or physical prowess, usually competitive in nature and governed by a set of rules provided by a nationally recognized sanctioning body. A sporting event typically includes the placing of competitors into a fixed order of finish, depending upon their respective athletic performance within the rules provided for that activity.

“Sports tourism program review committee” or “review committee” means the committee established by Iowa Code section 15F.402(2) and shall consist of members of the board, with one member from each congressional district under Iowa Code section 15F.102(2)“a” and one member from the state at large under Iowa Code section 15F.102(2)“b.”

ITEM 2. Amend rule 261—215.3(15F) as follows:

261—215.3(15F) Eligible projects. Eligible projects must actively and directly promote sporting events for accredited colleges and universities, professional sporting events, and other sporting events in the area served by an eligible applicant as defined in rule 261—215.2(15F). Only projects that promote sporting events occurring in Iowa are eligible for assistance.

215.3(1) An eligible applicant may apply for and receive financial assistance for more than one project. The board may require additional information to substantiate the financial need for awarding more than one project in any fiscal year.

~~**215.3(2)** An eligible applicant may apply for financial assistance for a project that spans multiple fiscal years.~~

~~**215.3(3)**~~ **215.3(2)** An eligible applicant may apply for ~~renewal of~~ financial assistance ~~awarded in a prior year~~ for a project that spans two fiscal years. If financial assistance is approved for two fiscal years, financial assistance will only be provided for the second fiscal year if all applicable contractual requirements are met. The decision as to whether to renew an award shall be at the discretion of the board. When considering whether to ~~renew an award~~ financial assistance for two fiscal years, the board shall evaluate metrics including the amount of revenue generated by ticket sales, the estimated economic impact, and the number of overnight stays at hotels in the city or county where the sporting event is being held. For example, economic impact may be calculated as total estimated attendance multiplied by daily attendee spending multiplied by average length of stay. If an eligible applicant wishes to supply an alternative formula for calculating economic impact, the applicant must supply a credible source for using an alternative formula. The authority may include such metrics and estimates in a program agreement executed pursuant to Iowa Code section 15F.401.

~~**215.3(4)**~~ **215.3(3)** A convention and visitors bureau shall not in the same fiscal year receive financial assistance under the program created in this chapter and financial assistance as part of a district created pursuant to 261—Chapter 38.

~~**215.3(5)**~~ **215.3(4)** An eligible applicant shall demonstrate matching funds in order to receive financial assistance pursuant to this rule. The amount of matching funds that may be required shall be at the board’s discretion. An applicant under the program shall not receive financial assistance in an amount exceeding 50 percent of the total cost of the project.

~~**215.3(6)**~~ **215.3(5)** A city, county, or public organization may use financial assistance received under the program for marketing, ~~and promotions, and infrastructure.~~ Whether an activity or individual cost item is directly related to the promotion of the sporting event shall be within the discretion of the authority.

~~**215.3(7)**~~ **215.3(6)** A city, county, or public organization shall not use financial assistance received under the program as reimbursement for completed projects.

215.3(7) The total amount of financial assistance provided to an applicant in any one fiscal year shall not exceed \$500,000.

ECONOMIC DEVELOPMENT AUTHORITY[261](cont'd)

ITEM 3. Renumber rules **261—215.4(15F)** to **261—215.6(15F)** as **261—215.5(15F)** to **261—215.7(15F)**.

ITEM 4. Adopt the following new rule 261—215.4(15F):

261—215.4(15F) Eligible and ineligible expenses.

215.4(1) Eligible expenses. Expenses directly related to the active promotion of a sporting event will be eligible for reimbursement under the program. Examples of eligible expenses include, but are not limited to:

- a. Sponsorships;
- b. Payments to vendors;
- c. Advertising;
- d. Equipment rental;
- e. Promotional materials;
- f. Production costs.

215.4(2) Ineligible expenses. Expenses that are not directly related to the active promotion of a sporting event will be ineligible for reimbursement under the program. Examples of ineligible expenses include, but are not limited to:

- a. Bid fees, rights fees, solicitation efforts or lobbying fees;
- b. Travel costs of applicant staff;
- c. Meals, dining, or alcoholic beverages;
- d. Items that are purchased for resale;
- e. Prizes given to participants;
- f. Costs related to infrastructure or ongoing costs of a facility;
- g. Other costs that the board determines to be ineligible.

ITEM 5. Amend renumbered rule 261—215.5(15F) as follows:

261—215.5(15F) Threshold application requirements. To be considered for funding under the ~~sports tourism~~ program, an application must meet the following threshold application requirements:

215.5(1) There must be demonstrated local support for the proposed activity.

215.5(2) A detailed description of the project, outlining the sporting event and the plan for promoting it.

215.5(3) The proposed project budget must be spent on marketing, and promotions, ~~or infrastructure~~ expenses directly related to the promotion of the sporting event.

215.5(4) Detailed information and projections sufficient to enable the authority to accurately assess the economic impact of the sporting event described in the application. Such information shall include the estimated number of spectators and estimated quality and quantity of advertising and media coverage the sporting event will generate. If the applicant has previously held substantially similar events, the information shall include actual attendance figures from past events and a summary of the advertising and media coverage generated.

ITEM 6. Amend renumbered rule 261—215.6(15F) as follows:

261—215.6(15F) Application process.

215.6(1) Applications for assistance under the ~~sports tourism~~ program shall be submitted to the authority. For those applications that meet the threshold application requirements and the eligibility criteria, the authority shall forward the applications to the board and provide a staff review analysis and evaluation to the sports tourism program review committee and to the board.

215.6(2) All applications to the authority for financial assistance shall be made at least 90 days prior to a sporting event's scheduled date.

215.6(3) When reviewing the applications, the review committee and the authority shall consider, at a minimum, all of the following:

ECONOMIC DEVELOPMENT AUTHORITY[261](cont'd)

a. Impact of the project on the local, regional, and state economies. Economic impact will be determined by using the following calculation: Applicants will estimate the number of hotel room nights generated by each proposed sporting event and multiply the number of estimated hotel room nights by the average daily room rate for Iowa hotels. The average daily room rate will be provided by the authority based on information obtained from a hotel market data service. Intentionally inflated estimates of attendance or a history of providing inaccurate estimates will negatively affect the scoring of an application.

b. Potential to attract Iowans and out-of-state visitors. Projects that market or promote a sporting event that is new to Iowa will receive a higher score. Established events will receive a lower score.

c. Amount of positive advertising or media coverage the project generates.

d. Quality, size, and scope of the project.

e. Ratio of public-to-private investment.

f. The extent to which the sporting event to be marketed or promoted is unique, innovative, or diverse.

215.6(4) Upon review of the recommendations of the review committee, the board shall make final funding decisions on each application. The board may approve, defer, deny, or modify applications for financial assistance under the program, in its discretion, in order to fund as many projects with the moneys available as possible. The board and the authority may negotiate with applicants regarding the details of projects and the amount and terms of any award. In making final funding decisions pursuant to this subrule, the board and the authority are exempt from Iowa Code chapter 17A.

ITEM 7. Amend renumbered rule 261—215.7(15F) as follows:

261—215.7(15F) Administration.**215.7(1) Administration of awards.**

a. Each applicant receiving an award of financial assistance from the board shall enter into an agreement with the authority. The agreement shall contain such terms and conditions as the board may place on the award or the authority may deem necessary for the efficient administration of the program established in this chapter. ~~Awards may be conditioned upon commitment of other sources of funds necessary to complete the project.~~ The agreement will also include the terms and conditions under which financial assistance must be repaid or penalties incurred in the event the applicant does not fulfill all obligations under the agreement.

b. These rules and applicable state laws shall be part of the agreement.

c. The applicant must execute and return the contract to the board within ~~45~~ 90 days of the transmittal of the final contract from the board. Failure to do so may be cause for the board to terminate the award.

d. Awards may be conditioned upon commitment of other sources of funds necessary to complete the project.

e. Awards may be conditioned upon authority receipt and board approval of an implementation plan for the funded project.

215.7(2) Reports. An applicant receiving financial assistance shall provide an annual report to the authority for years in which it receives financial assistance under this rule. The report shall include the information the authority deems relevant. The report shall be submitted in the manner and on forms prescribed by the authority. The authority may perform any reviews or site visits necessary to ensure performance by the applicant.

215.7(3) Requests for funds. Recipients shall submit requests for funds in the manner and on forms prescribed by the authority. Individual requests for funds shall be made in an amount equal to or greater than \$500 per request, except for the final draw of funds.

215.7(4) Record keeping and retention. The recipient shall retain all financial records, supporting documents and all other records pertinent to the sports tourism award for three years after contract closeout. Representatives of the authority shall have access to all recipient records that pertain to sports tourism funds.

ECONOMIC DEVELOPMENT AUTHORITY[261](cont'd)

215.7(5) Amendments to contracts. Any substantive change to a contract shall be considered an amendment. Substantive changes include time extensions, budget revisions and significant alteration of the funded project that change the scope, location, objectives or scale of the approved project. Amendments must be approved by the enhance Iowa board. The authority may execute nonsubstantive or ministerial changes to the contract without board approval.

215.7(6) Project closeout. Upon expiration of the agreement, the authority shall initiate project closeout procedures.

215.7(7) Compliance. If the board finds that an applicant is not in compliance with the requirements of this program or the terms and conditions of the agreement, the board may find the applicant noncompliant. Remedies for noncompliance may include penalties up to and including the return of program funds to the board. Reasons for a finding of noncompliance include but are not limited to the applicant's use of funds for activities not described in the contract, the applicant's failure to complete funded projects in a timely manner, the applicant's failure to comply with applicable state or local rules, or the lack of a continuing capacity of the applicant to carry out the approved project in a timely manner.

These rules are intended to implement Iowa Code sections 15F.401 and 15F.402.

[Filed Emergency After Notice 12/2/21, effective 12/2/21]

[Published 12/29/21]

EDITOR'S NOTE: For replacement pages for IAC, see IAC Supplement 12/29/21.

ARC 6098C

COMMUNITY ACTION AGENCIES DIVISION[427]

Adopted and Filed

Rule making related to transfer of rules

The Department of Human Rights (Department) hereby rescinds Chapter 2, “Public Records and Fair Information Practices,” Chapter 3, “Petitions for Rule Making,” Chapter 4, “Agency Procedure for Rule Making,” Chapter 5, “Weatherization Assistance Program,” Chapter 6, “Declaratory Orders,” Chapter 7, “Contested Cases,” Chapter 8, “Waiver Rules,” Chapter 10, “Low-Income Home Energy Assistance Program,” Chapter 11, “Affordable Heating Program,” Chapter 14, “Individual Development Accounts (IDAs),” Chapter 15, “Family Development and Self-Sufficiency Program,” Chapter 22, “Community Services Block Grant,” Chapter 23, “Emergency Community Services Homeless Grant Program,” and Chapter 24, “Community Services Block Grant Flood Relief Program,” Iowa Administrative Code.

Legal Authority for Rule Making

This rule making is adopted under the authority provided in Iowa Code chapters 17A and 216A.

State or Federal Law Implemented

This rule making implements, in whole or in part, Iowa Code chapters 17A and 216A.

Purpose and Summary

The Department underwent statutory reorganization in 2010 (2010 Iowa Acts, Senate File 2088). The Community Action Agencies Division[427] no longer has rule-making authority; rule-making authority is vested in the Department. The Department is rescinding rules under the previous divisions and is consolidating and adopting new comprehensive rules under the Human Rights Department[421] (ARC 6101C, IAB 12/29/21). The text of the rescinded chapters can be located here: www.legis.iowa.gov/law/administrativeRules/chapters?agency=427&pubDate=09-22-2021.

Public Comment and Changes to Rule Making

Notice of Intended Action for this rule making was published in the Iowa Administrative Bulletin on October 20, 2021, as ARC 5995C. No public comments were received. No changes from the Notice have been made.

Adoption of Rule Making

This rule making was adopted by the Human Rights Board on December 1, 2021.

Fiscal Impact

This rule making has no fiscal impact to the State of Iowa.

Jobs Impact

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

Waivers

Any person who believes that the application of the discretionary provisions of this rule making would result in hardship or injustice to that person may petition the Department for a waiver of the discretionary provisions, if any.

COMMUNITY ACTION AGENCIES DIVISION[427](cont'd)

Review by Administrative Rules Review Committee

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

Effective Date

This rule making will become effective on February 2, 2022.

The following rule-making actions are adopted:

- ITEM 1. Rescind **427—Chapter 2.**
- ITEM 2. Rescind **427—Chapter 3.**
- ITEM 3. Rescind **427—Chapter 4.**
- ITEM 4. Rescind **427—Chapter 5.**
- ITEM 5. Rescind **427—Chapter 6.**
- ITEM 6. Rescind **427—Chapter 7.**
- ITEM 7. Rescind **427—Chapter 8.**
- ITEM 8. Rescind **427—Chapter 10.**
- ITEM 9. Rescind **427—Chapter 11.**
- ITEM 10. Rescind **427—Chapter 14.**
- ITEM 11. Rescind **427—Chapter 15.**
- ITEM 12. Rescind **427—Chapter 22.**
- ITEM 13. Rescind **427—Chapter 23.**
- ITEM 14. Rescind **427—Chapter 24.**

[Filed 12/2/21, effective 2/2/22]

[Published 12/29/21]

EDITOR'S NOTE: For replacement pages for IAC, see IAC Supplement 12/29/21.

ARC 6099C

CRIMINAL AND JUVENILE JUSTICE PLANNING DIVISION[428]

Adopted and Filed

Rule making related to transfer of rules

The Department of Human Rights (Department) hereby rescinds Chapter 1, "Functions," Chapter 2, "Public Records and Fair Information Practices," Chapter 3, "Juvenile Justice Youth Development Program," Chapter 6, "Declaratory Orders," Chapter 7, "Petitions for Rule Making," Chapter 8, "Agency Procedure for Rule Making," and Chapter 9, "Waiver Rules," Iowa Administrative Code.

Legal Authority for Rule Making

This rule making is adopted under the authority provided in Iowa Code chapters 17A and 216A.

CRIMINAL AND JUVENILE JUSTICE PLANNING DIVISION[428](cont'd)

State or Federal Law Implemented

This rule making implements, in whole or in part, Iowa Code chapters 17A and 216A.

Purpose and Summary

The Department underwent statutory reorganization in 2010 (2010 Iowa Acts, Senate File 2088). The Criminal and Juvenile Justice Planning Division[428] no longer has rule-making authority; rule-making authority is vested in the Department. The Department is rescinding rules under the previous divisions and is consolidating and adopting new comprehensive rules under the Human Rights Department[421] (**ARC 6101C**, IAB 12/29/21). The text of the rescinded chapters can be located here: www.legis.iowa.gov/law/administrativeRules/chapters?agency=428&pubDate=09-22-2021.

Public Comment and Changes to Rule Making

Notice of Intended Action for this rule making was published in the Iowa Administrative Bulletin on October 20, 2021, as **ARC 5997C**. No public comments were received. No changes from the Notice have been made.

Adoption of Rule Making

This rule making was adopted by the Human Rights Board on December 1, 2021.

Fiscal Impact

This rule making has no fiscal impact to the State of Iowa.

Jobs Impact

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

Waivers

Any person who believes that the application of the discretionary provisions of this rule making would result in hardship or injustice to that person may petition the Department for a waiver of the discretionary provisions, if any.

Review by Administrative Rules Review Committee

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

Effective Date

This rule making will become effective on February 2, 2022.

The following rule-making actions are adopted:

CRIMINAL AND JUVENILE JUSTICE PLANNING DIVISION[428](cont'd)

- ITEM 1. Rescind **428—Chapter 1.**
- ITEM 2. Rescind **428—Chapter 2.**
- ITEM 3. Rescind **428—Chapter 3.**
- ITEM 4. Rescind **428—Chapter 6.**
- ITEM 5. Rescind **428—Chapter 7.**
- ITEM 6. Rescind **428—Chapter 8.**
- ITEM 7. Rescind **428—Chapter 9.**

[Filed 12/2/21, effective 2/2/22]

[Published 12/29/21]

EDITOR'S NOTE: For replacement pages for IAC, see IAC Supplement 12/29/21.

ARC 6100C

DEAF SERVICES DIVISION[429]

Adopted and Filed

Rule making related to transfer of rules

The Department of Human Rights (Department) hereby rescinds Chapter 1, "Organization," Chapter 2, "Services and Procedures," Chapter 3, "Public Records and Fair Information Practices," Chapter 4, "Forms," Chapter 5, "Employment Practices," Chapter 6, "Declaratory Orders," Chapter 7, "Petitions for Rule Making," Chapter 8, "Agency Procedure for Rule Making," Chapter 9, "Contested Cases," and Chapter 10, "Waiver Rules," Iowa Administrative Code.

Legal Authority for Rule Making

This rule making is adopted under the authority provided in Iowa Code chapters 17A and 216A.

State or Federal Law Implemented

This rule making implements, in whole or in part, Iowa Code chapters 17A and 216A.

Purpose and Summary

The Department underwent statutory reorganization in 2010 (2010 Iowa Acts, Senate File 2088). The Deaf Services Division[429] is now the Office of Deaf Services under the Community Advocacy and Services Division in the Department. The Deaf Services Division[429] no longer has rule-making authority; rule-making authority is vested in the Department. The Department is rescinding rules under the previous divisions and is consolidating and adopting new comprehensive rules under the Human Rights Department[421] (**ARC 6101C**, IAB 12/29/21). The text of the rescinded chapters can be located here: www.legis.iowa.gov/law/administrativeRules/chapters?agency=429&pubDate=09-22-2021.

Public Comment and Changes to Rule Making

Notice of Intended Action for this rule making was published in the Iowa Administrative Bulletin on October 20, 2021, as **ARC 5999C**. No public comments were received. No changes from the Notice have been made.

Adoption of Rule Making

This rule making was adopted by the Human Rights Board on December 1, 2021.

DEAF SERVICES DIVISION[429](cont'd)

Fiscal Impact

This rule making has no fiscal impact to the State of Iowa.

Jobs Impact

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

Waivers

Any person who believes that the application of the discretionary provisions of this rule making would result in hardship or injustice to that person may petition the Department for a waiver of the discretionary provisions, if any.

Review by Administrative Rules Review Committee

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

Effective Date

This rule making will become effective on February 2, 2022.

The following rule-making actions are adopted:

- ITEM 1. Rescind **429—Chapter 1.**
- ITEM 2. Rescind **429—Chapter 2.**
- ITEM 3. Rescind **429—Chapter 3.**
- ITEM 4. Rescind **429—Chapter 4.**
- ITEM 5. Rescind **429—Chapter 5.**
- ITEM 6. Rescind **429—Chapter 6.**
- ITEM 7. Rescind **429—Chapter 7.**
- ITEM 8. Rescind **429—Chapter 8.**
- ITEM 9. Rescind **429—Chapter 9.**
- ITEM 10. Rescind **429—Chapter 10.**

[Filed 12/2/21, effective 2/2/22]

[Published 12/29/21]

EDITOR'S NOTE: For replacement pages for IAC, see IAC Supplement 12/29/21.

ARC 6101C

HUMAN RIGHTS DEPARTMENT[421]

Adopted and Filed

Rule making related to reorganization of department rules

The Human Rights Department hereby amends Chapter 2, "Public Records and Fair Information Practices," Chapter 3, "Petitions for Rule Making," Chapter 4, "Agency Procedure for Rule Making," Chapter 5, "Declaratory Orders," Chapter 6, "Contested Cases," and Chapter 7, "Waiver Rules,"

HUMAN RIGHTS DEPARTMENT[421](cont'd)

and adopts new Chapter 1, “Organization and Operations,” Chapter 20, “Functions of Division,” Chapter 21, “Community Services Block Grant (CSBG),” Chapter 22, “Low-income Home Energy Assistance Program (LIHEAP),” Chapter 23, “Weatherization,” Chapter 24, “Family Development and Self-Sufficiency (FaDSS) Program,” Chapter 25, “Individual Development Account (IDA),” Chapter 30, “Functions of Division,” Chapter 31, “Juvenile Justice Youth Development Program,” Chapter 40, “Functions of Division,” and Chapter 41, “Hall of Fame,” Iowa Administrative Code.

Legal Authority for Rule Making

This rule making is adopted under the authority provided in Iowa Code chapters 17A and 216A.

State or Federal Law Implemented

This rule making implements, in whole or in part, Iowa Code chapters 17A, 216A, 232 and 541A and P.L.93-415, P.L.97-35, and P.L.98-558.

Purpose and Summary

This rule making is intended to reflect the current organizational structure and statutory requirements of Iowa Code chapter 216A. The Department has three major divisions: (1) the Division of Community Action Agencies; (2) the Division of Criminal and Juvenile Justice Planning; and (3) the Division of Community Advocacy and Services, which includes seven offices devoted to advocacy for various populations. The Department’s only gubernatorial appointment is the Director. The Human Rights Board guides the work of the Department. Other authority, duties, and responsibilities are outlined in Iowa Code chapter 216A.

This rule making reorganizes the format and structure of the rules, updates the organizational structure and operations of the agency to align with state and federal laws, rescinds rules that are outdated or no longer have statutory or legal authority, and updates legal references.

This rule making eliminates rules that are outdated, redundant, or inconsistent or incompatible with statute or with this agency’s own rules or those of other agencies and adopts consolidated and comprehensive rules under the Department of Human Rights. The Department is rescinding, in separate Adopted and Filed rule makings published concurrently with this Adopted and Filed (**ARCs 6098C, 6099C, 6100C, 6103C, 6104C, 6105C, and 6106C**, IAB 12/29/21) all rules under Iowa Administrative Code agency identification numbers 427, 428, 429, 431, 433, 434, and 435 in their entirety.

Public Comment and Changes to Rule Making

Notice of Intended Action for this rule making was published in the Iowa Administrative Bulletin on October 20, 2021, as **ARC 6004C**. A public hearing was held on November 9, 2021, at 3 p.m. via video/conference call. No one attended the public hearing. No public comments were received.

Upon further review, the following changes from the Notice have been made:

- Replaced the word “board” with “department” in rule 421—7.17(17A).
- Changed Arabic numbers to Roman numerals in the references to Iowa Code subchapters and changed the subchapter number to be consistent with the codification of the 2022 Iowa Code pursuant to 2021 Iowa Acts, House File 699, section 150.

Adoption of Rule Making

This rule making was adopted by the Human Rights Board on December 1, 2021.

Fiscal Impact

This rule making has no fiscal impact to the State of Iowa.

Jobs Impact

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

HUMAN RIGHTS DEPARTMENT[421](cont'd)

Waivers

Any person who believes that the application of the discretionary provisions of this rule making would result in hardship or injustice to that person may petition the Department for a waiver of the discretionary provisions, if any, pursuant to 421—Chapter 7.

Review by Administrative Rules Review Committee

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

Effective Date

This rule making will become effective on February 2, 2022.

The following rule-making actions are adopted:

ITEM 1. Adopt the following **new** 421—Chapter 1:

TITLE I
DEPARTMENT OPERATIONS
CHAPTER 1
ORGANIZATION AND OPERATIONS

421—1.1(17A,216A) Definitions. As used in these rules, unless the context otherwise requires:

“*Board*” means the human rights board.

“*Department*” means the department of human rights.

“*Director*” means the director of the department of human rights.

“*Underrepresented*” means the historical marginalization of populations or groups in the United States and Iowa, including but not limited to African Americans, Asian and Pacific Islanders, persons who are deaf or hard of hearing, persons with disabilities, Latinos, Native Americans, women, persons who have low socioeconomic status, at-risk youth, and adults or juveniles with a criminal history.

421—1.2(17A,216A) Authority. The department is established with the authority, powers, and duties set forth in Iowa Code chapter 216A.

421—1.3(17A,216A) History. The department was originally conceived in 1987 as an umbrella agency for several agencies that had previously operated independently and reported directly to the governor.

In 1993, the department's statutory provision in Iowa Code chapter 601K was transferred to chapter 216A.

As part of the government reorganization and efficiency bill in 2010 (2010 Iowa Acts, Senate File 2088), the department has streamlined its administrative functions and budget processes to operate as one department in a strategically cohesive manner. The director is appointed by the governor and has general supervision over the administration and operation of the department and its divisions. Administrators of the divisions are appointed by and report to the director. Ten divisions were consolidated into three divisions within the department: the division of community action agencies; the division of criminal and juvenile justice planning; and the division of community advocacy and services. Seven divisions devoted to advocacy for various populations were redesignated as offices, which are included within the division of community advocacy and services. Except for the commission of Native American affairs, all commissions within the division of community advocacy and services are limited to seven voting members. The human rights board is created within the department.

HUMAN RIGHTS DEPARTMENT[421](cont'd)

421—1.4(17A,216A) Mission. The mission of the department is to ensure basic rights, freedoms, and opportunities for all by empowering underrepresented Iowans and eliminating economic, social, and cultural barriers. The department helps individuals attain economic independence by ensuring access to government services and advancing educational achievement and entrepreneurial success consistent with their aspirations.

421—1.5(17A,216A) Organization.

1.5(1) Contact information. Requests for assistance, information, inquiries, submissions, petitions, and other communications may be directed to the department as follows: The office is located at 321 E. 12th Street, Des Moines, Iowa 50319. The main telephone number is (515)242-5655. The fax number is (515)242-6119. Regular office hours are Monday through Friday, 8 a.m. to 4:30 p.m., excluding legal holidays. The department's website is humanrights.iowa.gov.

1.5(2) Director. The duties and responsibilities of the director are described in Iowa Code section 216A.2. The director is appointed by the governor, subject to confirmation by the senate. The director serves at the pleasure of the governor. The director is the chief administrative officer of the department and, in that capacity, administers the programs and services of the department in compliance with applicable federal and state laws and regulations. The duties of the director include preparing a budget, managing the internal operations of the department, appointing the deputy director and administrators of the divisions, and employing personnel. The director serves as an ex officio member of all of the commissions or councils within the department, as well as an ex officio, nonvoting member of the human rights board.

1.5(3) Central administration. The central administration office is responsible for the overall planning, policy, management, communications, finances, and operations of the department.

1.5(4) Divisions. The department is composed of the following divisions and offices:

a. Division of community action agencies. A description of the division is contained in 421—Chapter 20.

b. Division of criminal and juvenile justice planning. A description of the division is contained in 421—Chapter 30.

c. Division of community advocacy and services. The division of community advocacy and services contains the following offices: the office of Latino affairs, the office on the status of women, the office of persons with disabilities, the office of deaf services, the office on the status of African Americans, the office of Asian and Pacific Islander affairs, and the office of Native American affairs. A description of the division is contained in 421—Chapter 40.

421—1.6(216A) Human rights board. The authority and duties of the human rights board are specified in Iowa Code section 216A.3. The department shall provide staff support to the board.

1.6(1) The board shall consist of 16 members, including 11 voting members and 5 nonvoting members and determined as follows:

a. The voting members shall consist of nine voting members selected by each of the permanent commissions within the department, and two voting members appointed by the governor. For purposes of this subrule, “permanent commissions” means the commission of Latino affairs, commission on the status of women, commission of persons with disabilities, commission on community action agencies, commission of deaf services, justice advisory board, commission on the status of African Americans, commission of Asian and Pacific Islander affairs, and commission of Native American affairs. The term for voting members is four years. The board shall select a chairperson from the voting members of the board.

b. The nonvoting members shall consist of the department director; two state representatives, one appointed by the speaker of the house of representatives and one by the minority leader of the house of representatives; and two state senators, one appointed by the majority leader of the senate and one by the minority leader of the senate. The regular term of an appointment made by a member of the general assembly shall be two years pursuant to Iowa Code section 69.16B.

HUMAN RIGHTS DEPARTMENT[421](cont'd)

1.6(2) A majority of the voting members of the board shall constitute a quorum, and the affirmative vote of two-thirds of the voting members present is necessary for any substantive action taken by the board.

1.6(3) The board shall meet not less than four times a year. Meetings shall comply with the open meetings law, Iowa Code chapter 21. Agendas and approved minutes will be posted on the department's website.

1.6(4) The board shall have the following duties:

a. Develop and monitor implementation of a comprehensive strategic plan to remove barriers for underrepresented populations and, in doing so, to increase Iowa's productivity and inclusivity, including performance measures and benchmarks.

b. Approve, disapprove, amend, or modify the budget recommended by the director for the operation of the department, subject to the budget requirements pursuant to Iowa Code chapter 8.

c. Adopt administrative rules pursuant to Iowa Code chapter 17A, upon the recommendation of the director, for the operation of the department.

d. By November 1 of each year, approve the department report to the general assembly and the governor that covers activities during the preceding fiscal year.

421—1.7(216A) Potential conflicts of interest. Any member of the department's boards, commissions, or councils established in Iowa Code chapter 216A who may have a conflict of interest shall not vote on any substantive action on the matter in conflict. When a conflict of interest is determined to exist, the member shall abstain from voting and shall be recorded as abstaining when votes are taken. A quorum may include any member who has a conflict of interest, and a statement of a conflict of interest shall be conclusive for this purpose. Any vote by a member with a conflict shall be excluded.

These rules are intended to implement Iowa Code chapters 17A and 216A.

ITEM 2. Amend 421—Chapter 2, introductory paragraph, as follows:

CHAPTER 2
PUBLIC RECORDS AND FAIR INFORMATION PRACTICES

The department of human rights hereby adopts, with the following exceptions and amendments, the uniform rules on agency procedure relating to public records and fair information practices ~~printed in the first volume of the Iowa Administrative Code published on the Iowa general assembly's website at www.legis.iowa.gov/DOCS/Rules/Current/UniformRules.pdf~~.

ITEM 3. Amend rule 421—2.1(22) as follows:

421—2.1(22) Definitions. As used in this chapter:

"Agency." In lieu of the words "(official or body issuing these rules)", insert ~~the "Department of Human Rights and the Divisions for Community Action Agencies, Criminal and Juvenile Justice Planning, Deaf Services, Persons with Disabilities, Latino Affairs, Status of Women, and Status of African-Americans."~~ "department of human rights".

"Custodian." In lieu of the words "means the agency,"₂ insert "means the director of the department of human rights ~~or the administrator of the division within which the records are maintained~~".

"Routine use" means the disclosure of a record without the consent of the subject or subjects, for a purpose which is compatible with the purpose for which the record was collected. It includes disclosures required to be made by statute other than the public records law, Iowa Code chapter 22.

ITEM 4. Amend subrule 2.3(1) as follows:

2.3(1) Location of record. In lieu of the words "(insert agency head)",₂ insert "director of the department of human rights, ~~or the administrator of the appropriate division within the department~~". In

HUMAN RIGHTS DEPARTMENT[421](cont'd)

lieu of the words “(insert agency name and address)”, insert the “Department of Human Rights ~~or the appropriate division within the department,~~ Lucas State Office Building, Des Moines, Iowa 50319.”;

ITEM 5. Amend rule 421—2.14(22) as follows:

421—2.14(22) Personally identifiable information. This rule describes the nature and extent of personally identifiable information which is collected, maintained, and retrieved by the agency by personal identifier in record systems as defined in rule ~~2-1(22)~~ 421—2.1(22). For each record system, this rule describes the legal authority for the collection or maintenance of that information; the means of storage of that information and indicates when applicable; if a data processing system matches, collates, or permits the comparison of personally identifiable information in one record system with personally identifiable information in another record system; and when the record system is confidential, indicates the statutory authority. The record systems maintained within the agency are:

2.14(1) Personnel records.

a. The agency maintains files containing information about employees, families and dependents, and applicants for ~~commission members or~~ staff positions within the agency. These files include, but are not limited to, payroll records, biographical information, medical information relating to disability, performance reviews and evaluations, disciplinary information, information required for tax withholding, information concerning employee benefits, affirmative action reports and other information concerning employees and related issues. ~~The files are maintained by department and by division.~~ Some of this information is confidential under Iowa Code section 22.7(11).

b. The legal authority for maintaining the records for state-funded programs ~~is~~ is Iowa Code sections 19A.11 and 91A.6, section 8A.106 and chapter ~~601K~~ 216A. The legal authority for maintaining the records for federally funded programs ~~is the Omnibus Budget Reconciliation Act, P.L. 97-35, Subtitle B, Section 675(c), P.L. 93-569, Title; Freedom of Information Act, 5; U.S.C. 552a; Juvenile Justice and Delinquency Prevention Act, P.L. 93-415; Victims Compensation and Assistance Act, P.L. 98-473, Title H, Chapter 14, P.L. 98-457;~~ is the Omnibus Budget Reconciliation Act, P.L. 97-35, P.L. 93-569; Juvenile Justice and Delinquency Prevention Act, P.L. 93-415; Victims Compensation and Assistance Act, P.L. 98-473, P.L. 98-457; and other federal statutes from which federal funds are granted.

c. and d. No change.

2.14(2) Advocacy records.

a. The agency maintains files containing information pertaining to clients receiving advocacy or referral services to help alleviate or solve a problem. Such information may include, but is not limited to, names and addresses of clients, documents or other material relating to advocacy issues, social or economic conditions or circumstances of particular clients, ~~department or division~~ evaluations of information about clients, medical or psychiatric data provided to the department ~~or division~~ concerning a client, and legal data related to the client. These files ~~are maintained by division and~~ may be indexed by advocacy files, client files, interpreting files or any direct service involving individual client assistance set forth in this rule or by statute.

b. The authority for maintaining these records is Iowa Code chapter ~~601K and~~ 216A; the Omnibus Budget Reconciliation Act, P.L. 97-35, ~~P.L. 93-569;~~ Juvenile Justice and Delinquency Prevention Act, P.L. 93-415; Victims Compensation and Assistance Act, P.L. 98-473, ~~P.L. 98-457;~~ and other federal statutes from which federal funds are granted.

c. ~~Most of the information is maintained on paper; however, some divisions have some records in computer form which are maintained by the respective division.~~ Information is maintained on paper, electronically, and in other available mediums.

d. Information contained within this record system is confidential under the authority of Iowa Code ~~subsection~~ sections 22.7(18) and ~~1988 Iowa Acts, House File 2255~~ 216A.6.

2.14(3) Fiscal records.

a. The agency maintains files containing fiscal information for state-funded programs and federally funded grants or contracts that may contain personally identifiable information. ~~These records are maintained by department and by division.~~

b. The authority for maintaining these records is Iowa Code chapter ~~601K, P.L. 97-35, P.L. 93-569, P.L. 93-415, P.L. 98-473, P.L. 98-457~~ 216A and other federal statutes from which federal funds are granted.

HUMAN RIGHTS DEPARTMENT[421](cont'd)

c. and d. No change.

2.14(4) *General correspondence, mailing lists, and program or grant data.*

a. The agency maintains correspondence files, grant notices and applications, conference or committee listings and reports, board and commission meeting minutes, mailing lists, program and grant information including surveys or specialized reports and activities that contain some personally identifiable information that may include names, addresses or other descriptive data. ~~These records are generally collected and maintained by division.~~

b. The authority for maintaining these records is Iowa Code chapter ~~601K~~, 216A; the Omnibus Budget Reconciliation Act, as amended, P.L. 97-35, P.L. 93-569; Juvenile Justice and Prevention Act, P.L. 93-415; Victims Compensation and Assistance Act, P.L. 98-473, P.L. 98-457; and other federal statutes from which federal funds are granted.

c. The information is maintained on paper and in computer systems ~~within each respective division.~~

d. No change.

2.14(5) No change.

ITEM 6. Amend subrule 2.15(3) as follows:

2.15(3) *Office publications.* ~~The divisions distribute~~ department distributes to the public a variety of materials including brochures and typed information regarding issues pertinent to ~~their~~ its programs or constituent groups. Also included are statistical reports, program reports and news releases.

ITEM 7. Rescind rule 421—2.16(22) and adopt the following **new** rule in lieu thereof:

421—2.16(22) Applicability. This chapter does not:

1. Require the agency to index or retrieve records which contain information about individuals by that person's name or other personal identifier.
2. Make available to the general public records which would otherwise not be available under the public records law, Iowa Code chapter 22.
3. Govern the maintenance or disclosure of, notification of or access to, records in the possession of the agency which are governed by the rules of another agency.
4. Apply to grantees, including local governments or subdivisions thereof, that administer state-funded programs, unless otherwise provided by law or agreement.
5. Make available records compiled by the agency in reasonable anticipation of court litigation or formal administrative proceedings. The availability of such records to the general public or to any subject individual or party to such litigation or proceedings shall be governed by applicable legal and constitutional principles, statutes, rules of discovery, evidentiary privileges, and applicable rules of the agency.
6. Require the agency to create, compare, or procure a record solely for the purpose of making it available.

ITEM 8. Amend **421—Chapter 2**, implementation sentence, as follows:

These rules are intended to implement Iowa Code ~~chapter 17A as amended by 1998 Iowa Acts, chapter 1202, and Iowa Code chapters 17A, 22 and 216A.~~

ITEM 9. Amend rule 421—3.1(17A), introductory paragraph, as follows:

421—3.1(17A) Adoption by reference. The department of human rights hereby adopts the petitions for rule making segment of the uniform rules on agency procedure ~~printed in the first volume of the Iowa Administrative Code~~ published on the Iowa general assembly's website at www.legis.iowa.gov/DOCS/Rules/Current/UniformRules.pdf, with the following amendments:

ITEM 10. Amend **421—Chapter 3**, implementation sentence, as follows:

These rules are intended to implement Iowa Code chapter 17A ~~as amended by 1998 Iowa Acts, chapter 1202.~~

HUMAN RIGHTS DEPARTMENT[421](cont'd)

ITEM 11. Amend rule 421—4.1(17A) as follows:

421—4.1(17A) Adoption by reference. The department of human rights hereby adopts the agency procedure for rule making segment of the uniform rules on agency procedure ~~printed in the first volume of the Iowa Administrative Code~~ published on the Iowa general assembly's website at www.legis.iowa.gov/DOCS/Rules/Current/UniformRules.pdf, with the following amendments:

1. In lieu of the words "(commission, board, council, director)", insert "director".
2. In lieu of the words "(specify time period)", insert "one year".
3. In lieu of the words "(identify office and address)", insert "Director, Department of Human Rights, Lucas State Office Building, Des Moines, Iowa 50319".
4. In lieu of the words "(designate office and telephone number)", insert "the director at (515)281-7300 voice/tty (515)242-5655".
5. In lieu of the words "(designate office)", insert "Department of Human Rights, Lucas State Office Building, Des Moines, Iowa 50319".
6. In lieu of the words "(specify the office and address)", insert "Department of Human Rights, Lucas State Office Building, Des Moines, Iowa 50319".
7. In lieu of the words "(agency head)", insert "director".

ITEM 12. Amend **421—Chapter 4**, implementation sentence, as follows:

These rules are intended to implement Iowa Code chapter 17A ~~as amended by 1998 Iowa Acts, chapter 1202.~~

ITEM 13. Amend rule 421—5.1(17A), introductory paragraph, as follows:

421—5.1(17A) Adoption by reference. The department of human rights hereby adopts the declaratory orders segment of the uniform rules on agency procedure ~~printed in the first volume of the Iowa Administrative Code~~ published on the Iowa general assembly's website at www.legis.iowa.gov/DOCS/Rules/Current/UniformRules.pdf, with the following amendments:

ITEM 14. Amend **421—Chapter 5**, implementation sentence, as follows:

These rules are intended to implement Iowa Code chapter 17A ~~as amended by 1998 Iowa Acts, chapter 1202.~~

ITEM 15. Amend rule 421—6.1(17A) as follows:

421—6.1(17A) Adoption by reference. The department of human rights hereby adopts the contested cases segment of the uniform rules on agency procedure ~~printed in the first volume of the Iowa Administrative Code~~ published on the Iowa general assembly's website at www.legis.iowa.gov/DOCS/Rules/Current/UniformRules.pdf, with the following amendments:

1. In lieu of the words "(agency name)", insert "department of human rights".
2. In lieu of the words "(designate official)", insert "director".
3. In subrule ~~7.3(2)~~ 6.3(2), delete the words "or by (specify rule number)".
4. In lieu of the words "(agency specifies class of contested case)", insert "division contested cases".
5. In lieu of the words "(specify office and address)", insert "Department of Human Rights, Lucas State Office Building, Des Moines, Iowa 50319".
6. In lieu of the words "(designate office)", insert "department of human rights".
7. In lieu of the words "(agency to designate person to whom violations should be reported)", insert "director".
8. In lieu of the words "(board, commission, director)", insert "director".
9. In lieu of the words "(the agency)", insert "department of human rights".

ITEM 16. Amend **421—Chapter 6**, implementation sentence, as follows:

These rules are intended to implement Iowa Code chapter 17A ~~as amended by 1998 Iowa Acts, chapter 1202.~~

HUMAN RIGHTS DEPARTMENT[421](cont'd)

ITEM 17. Amend rule 421—7.1(17A) as follows:

421—7.1(17A) Definition. The term “waiver” as used in this chapter means a prescribed waiver ~~or variance~~ from a specific rule or set of rules of this department applicable only to an identified person on the basis of the particular circumstances of that person.

ITEM 18. Amend rule 421—7.3(17A) as follows:

421—7.3(17A) Applicability. This chapter applies only to waivers of those ~~departmental~~ administrative rules that are within the exclusive rule-making authority of the department. This chapter shall not apply to rules that merely define the meaning of a statute, or other provisions of law or precedent, if the department does not possess statutory authority to bind a court, to any extent, with its definition.

ITEM 19. Amend rule 421—7.5(17A), introductory paragraph, as follows:

421—7.5(17A) Criteria for a waiver. The department may issue an order, in response to a completed petition ~~or on its own motion~~, granting a waiver from a rule adopted by the department, in whole or in part, as applied to the circumstances of a specified person, if the department finds that the waiver is consistent with rules ~~7.3(17A) and 7.4(17A) of this chapter~~ 421—7.3(17A) and 421—7.4(17A), that the waiver would not prejudice the substantial legal rights of any person, and either that:

ITEM 20. Rescind rule 421—7.17(17A) and adopt the following new rule in lieu thereof:

421—7.17(17A) Submission of waiver information. Within 60 days of granting or denying a waiver, the department shall make a submission on the Internet site established pursuant to Iowa Code section 17A.9A for the submission of waiver information. The submission shall identify the rules for which a waiver has been granted or denied, the number of times a waiver was granted or denied for each rule, a citation to the statutory provisions implemented by these rules, and a general summary of the reasons justifying the department’s actions on waiver requests. If practicable, the report shall detail the extent to which granting a waiver has established a precedent for additional waivers and the extent to which the granting of a waiver has affected the general applicability of the rule itself.

ITEM 21. Reserve **421—Chapter 8** to **Chapter 19**.

ITEM 22. Adopt the following new 421—Chapter 20:

TITLE II
DIVISION OF COMMUNITY ACTION AGENCIES
CHAPTER 20
FUNCTIONS OF DIVISION

421—20.1(216A) Definitions. As used in these rules, unless the context otherwise requires:

“*Administrator*” means the administrator of the division of community action agencies within the department of human rights.

“*Division*” means the division of community action agencies within the department of human rights.

421—20.2(216A) Functions of division. The functions of the division are described in Iowa Code chapter 216A, subchapter VI. The division is under the direction of an administrator who reports to the director.

421—20.3(216A) Purpose. The purpose of the division is to strengthen, supplement, and coordinate efforts to develop the full potential of each citizen by recognizing certain community action agencies and supporting certain community-based programs delivered by community action agencies.

These rules are intended to implement Iowa Code chapters 17A and 216A.

HUMAN RIGHTS DEPARTMENT[421](cont'd)

ITEM 23. Adopt the following new 421—Chapter 21:

CHAPTER 21
COMMUNITY SERVICES BLOCK GRANT (CSBG)

421—21.1(216A,PL97-35) Definitions. For the purpose of these rules, unless context otherwise requires:

“*Community action agency*” or “*eligible entity*” means any organization which was officially recognized as a community action agency under the provisions of Section 673(1) of the Omnibus Budget Reconciliation Act of 1981, Public Law 97-35, Title VI, Subtitle B, as amended, and Iowa Code sections 216A.91 and 216A.93.

“*CSBG*” means community services block grant program.

“*CSBG Act*” means the Omnibus Budget Reconciliation Act of 1981, Public Law 97-35, Title VI, Subtitle B, as amended.

“*DCAA*” means the division of community action agencies of the department of human rights.

“*Program year*” means the year beginning October 1 and ending the succeeding September 30. The program year is numbered for that year in which it ends.

“*Reduction*” means funding reduced below the proportional share of funding the eligible entity received in the previous program year.

“*Termination*” means permanent withdrawal of the eligible entity’s authority to obligate funds before that authority would otherwise expire. If an eligible entity’s authority to obligate funds is terminated, no funds may be obligated by the eligible entity after the effective date of the termination.

421—21.2(216A,PL97-35) Purpose. The CSBG as established by the Omnibus Budget Reconciliation Act of 1981, Public Law 97-35, Title VI, Subtitle B, as amended, provides assistance to states and local communities, working through a network of community action agencies and other neighborhood-based organizations, for the reduction of poverty, the revitalization of low-income communities, and the empowerment of low-income families and individuals in rural and urban areas to become self-sufficient.

Pursuant to Iowa Code section 216A.92, DCAA shall administer the community services block grant.

421—21.3(216A,PL97-35) Uses of funds. The CSBG makes available to the state of Iowa funds to be used:

21.3(1) To support activities that are designed to assist low-income families and individuals:

- a. To remove obstacles and solve problems that block the achievement of self-sufficiency;
- b. To secure and retain meaningful employment;
- c. To attain an adequate education;
- d. To make better use of available income;
- e. To obtain and maintain adequate housing and a suitable living environment;
- f. To obtain emergency assistance through loans, grants, or other means to meet immediate and urgent family and individual needs; and
- g. To achieve greater participation in the affairs of the communities involved.

21.3(2) To address the needs of youth in low-income communities through youth development programs.

21.3(3) To make more effective use of, and to coordinate with, other programs related to the purposes of this program.

421—21.4(216A,PL97-35) Apportionment distribution.

21.4(1) Iowa apportionment. There is appropriated to DCAA from the fund created by Iowa Code section 8.41(1) funds to implement the CSBG as described in the CSBG Act.

21.4(2) Distribution of funds. CSBG funds received according to subrule 21.4(1) shall be allocated to the DCAA and eligible entities as provided by federal law and in accordance with the Iowa Acts.

HUMAN RIGHTS DEPARTMENT[421](cont'd)

21.4(3) Poverty-level population. The state shall use U.S. census statistics to determine the poverty-level population in each community action area.

21.4(4) Local share. There shall be no local share required under the CSBG.

421—21.5(216A,PL97-35) Eligibility requirements. The eligibility requirements for an organization to receive and administer CSBG funds are as follows:

21.5(1) Organization. The organization must meet the definition of a “community action agency” as defined in these rules.

21.5(2) Board composition. A recognized community action agency shall be governed by a board of directors composed of at least nine members. The board membership shall follow the requirements in Iowa Code section 216A.94.

421—21.6(216A,PL97-35) Community action plan. All eligible entities shall submit a community action plan for the purpose of applying for CSBG funds. Community action plans must be outcome-based and antipoverty-focused and tie directly to the eligible entity’s community assessment.

21.6(1) Timing. Eligible entities shall be informed in writing by the DCAA of the due date for the community action plan and the amount of their allocation in accordance with subrule 21.4(2).

21.6(2) Contents. Instructions for preparing the community action plan shall be provided by the DCAA to all eligible entities. In addition to other information specified in the instructions, the community action plan must:

a. Document the continuous use of the full Results Oriented Management and Accountability cycle of assessment, planning, implementation, achievement of results, and evaluation for planning and administering the CSBG;

b. Include a budget that equals the amount of the eligible entity’s allocation;

c. Include a description of the service delivery system targeted to low-income individuals and families in the service area;

d. Include a description of how linkages will be developed to fill identified gaps in the services, through the provision of information, referrals, case management, and follow-up consultations;

e. Include a description of how CSBG funds will be coordinated with other public and private resources;

f. Include a description of how CSBG funds will be used to support innovative community and neighborhood-based initiatives related to the purposes in rule 421—21.2(216A,PL97-35); and

g. Include outcome measures to be used to measure eligible entity performance in promoting self-sufficiency, family stability, and community revitalization.

21.6(3) Nondiscrimination provisions. Eligible entities must ensure that no person shall, on the basis of race, color, national origin, sex, age, or disability, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under, any activity funded in whole or in part with CSBG funds.

21.6(4) Community assessment. Eligible entities must conduct a community assessment at least once every three years. The community assessment shall include data specific to poverty, qualitative and quantitative data, and key findings on the causes and conditions of poverty and the needs of the communities assessed. The results of the assessment shall be used to plan activities contained in the community action plan.

21.6(5) Contract. The DCAA will issue the eligible entity a CSBG contract once the DCAA accepts the community action plan. The contract shall specify required and allowable program activities, general and special conditions, program and fiscal reporting, and audit requirements.

421—21.7(216A,PL97-35) Review and acceptance of community action plans.

21.7(1) Compliance review. All activities proposed in the community action plan shall be reviewed by DCAA personnel for:

a. Compliance with the specific purposes and uses of funds outlined in rules 421—21.2(216A,PL97-35) and 421—21.3(216A,PL97-35);

HUMAN RIGHTS DEPARTMENT[421](cont'd)

b. Inclusion of assurances that the eligible entity will conduct the CSBG in compliance with all applicable laws; and

c. Inclusion and proper completion of all forms and instructions included in the request for community action plans.

21.7(2) Performance. Acceptance of community action plans is dependent on the satisfactory performance of the eligible entity in the past funding year(s). The minimum standards include: timely and adequate expenditure report submissions and program report submissions, prudent management of funds, conformance with state and federal laws relative to the restrictions in the use of funds, requirements regarding the eligible entity's annual audit, and adequate record keeping. Additionally, available records, audits, and determinations from other relevant state and federal agencies may be utilized.

421—21.8(216A,PL97-35) Payments.

21.8(1) Method of payment. Eligible entities receiving CSBG funds shall submit a monthly funding request and expenditures report containing the monthly expenditures of the eligible entity in carrying out the activities funded through the CSBG for each month in which activity occurred.

21.8(2) Payment refusal. DCAA may refuse or withhold payment of funds for good cause, such as evidence of fraud, lack of management controls, or noncompliance with CSBG contract conditions. Such refusal or withholding shall be appropriately documented, and the eligible entity shall be informed of the reason for refusal or withholding. Regular payment procedures may resume after corrective action and CSBG contract conditions have been met by the eligible entity.

21.8(3) Receipt of federal funds. All payments shall be subject to the receipt of CSBG funds by DCAA. The termination, reduction or delay of CSBG funds to the DCAA shall, at DCAA's option, be reflected in a corresponding modification to CSBG contracts already made.

421—21.9(216A,PL97-35) Amendments to CSBG contract.

21.9(1) Total budget. The total of all payments to the eligible entity by the DCAA for the activities required under the eligible entity's CSBG contract shall not exceed the total budget unless modified by a budget amendment to the CSBG contract or by written notice of a funding change by the DCAA.

21.9(2) Budget deviations. Eligible entity expenditures that exceed budgeted cost category amounts will not be disallowed for payment solely because of minor deviations from the budgeted amount. However, any deviation exceeding 10 percent of the budgeted cost category amount shall require a budget amendment to the CSBG contract, with prior approval granted by the DCAA.

21.9(3) Other amendments. Requests for community action plan or CSBG contract amendments other than those addressed in subrules 21.9(1) and 21.9(2) shall be considered on a case-by-case basis in conformance with applicable federal and state laws.

421—21.10(216A,PL97-35) Ineligible items. CSBG funds may not be used for the following activities or costs:

1. Any partisan or nonpartisan political activity or any political activity associated with a candidate, or faction group, in an election for public or party office; any activity to provide voters or prospective voters with transportation to the polls or similar assistance in connection with any such election; or any voter registration activity.

2. The purchase or improvement of land, or the purchase, construction, or permanent improvement (other than low-cost residential weatherization or other energy-related home repairs) of any building or other facility. Exceptions shall only be provided through the waiver procedure described in Section 678F(a) of the CSBG Act.

421—21.11(216A) Audits and records. Eligible entities shall arrange and pay for an annual audit. Audits shall be performed by a certified public accountant and in accordance with generally accepted auditing standards. Audit procedures shall conform to the 2 CFR Chapter I, Office of Management and Budget Governmentwide Guidance for Grants and Agreements; and Chapter II, Part 200, et al., Uniform

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Administrative Requirements, Cost Principles, and Audit Requirements for Federal Awards. In addition, DCAA may request more frequent audits or examinations of financial records of the eligible entity in order to ensure adequate financial controls are in place and operating.

421—21.12(216A,PL97-35) Designating eligible entities for unserved areas. If any geographic area of the state is not, or ceases to be, served by a community action agency, and the governor decides to serve such area, the DCAA will adhere to the requirements in Section 676A of the CSBG Act, U.S. Department of Health and Human Services statutory guidance, and other federal and state laws to solicit applications from qualified organizations.

421—21.13(216A,PL97-35) Termination and reduction of funding. The DCAA may terminate the designation of or reduce the share of CSBG funds allocated to an eligible entity if the DCAA determines that an eligible entity fails to comply with the terms of an agreement, or the Iowa CSBG State Plan, to provide CSBG services or to meet appropriate standards, goals, and other requirements established by the DCAA, including performance objectives. If the DCAA finds cause to terminate the designation of or reduce the funding of an eligible entity, the DCAA will adhere to the requirements in Section 678C of the CSBG Act, U.S. Department of Health and Human Services statutory guidance, and other federal and state laws, including provisions of notification, technical assistance, corrective action, opportunity for a hearing, and federal review, to initiate proceedings to terminate the designation of or reduce the funding of the eligible entity.

421—21.14(216A,PL97-35) Client appeal and hearing. Eligible entities shall adopt a client appeal and hearing procedure to address CSBG client complaints. The procedure shall be used for all clients to file a complaint for the services or benefits provided by the eligible entity and funded solely by the CSBG. The procedure shall also be used when a community action program, co-funded with the eligible entity's CSBG funds, does not have a community action program-specific client appeal and hearing procedure.

421—21.15(216A,PL97-35) Further criteria. The Iowa CSBG State Plan and Application and the Iowa CSBG Policies and Procedures Manual are incorporated by reference as part of these rules. If any rule in this chapter conflicts with federal law or rules, federal law or rules shall prevail.

These rules are intended to implement Iowa Code chapter 216A and P.L. 97-35.

ITEM 24. Adopt the following new 421—Chapter 22:

CHAPTER 22

LOW-INCOME HOME ENERGY ASSISTANCE PROGRAM (LIHEAP)

421—22.1(216A,PL97-35,PL98-558) Purpose. Pursuant to the requirements of the U.S. Department of Health and Human Services (DHHS) and the Social Security Administration (SSA), as set forth in Title XXVI of the Omnibus Budget Reconciliation Act of 1981, P.L. 97-35 as amended by P.L. 98-558, and Iowa Code section 216A.92, the department of human rights (department), division of community action agencies (division), will administer the low-income home energy assistance program (LIHEAP).

LIHEAP is designed to aid qualifying low-income Iowa households (homeowners and renters) in the payment of a portion of their residential heating costs for the winter heating season, to encourage regular utility payments, to promote energy awareness and to encourage reduction of energy usage through energy efficiency, client education, and weatherization.

421—22.2(216A,PL97-35,PL98-558) Household eligibility.

22.2(1) Households with incomes at or below the annually determined federal poverty guidelines, but not to exceed 150 percent of the guidelines, or an amount equal to 60 percent of the state median income for the state, according to DHHS, which are published annually in the Federal Register, may

HUMAN RIGHTS DEPARTMENT[421](cont'd)

be eligible for assistance under LIHEAP. To receive benefits, an application must be made, eligibility determined, and program funds available before any payments may be made.

22.2(2) Proof of income eligibility is required as outlined in the Iowa LIHEAP Policy and Procedures Manual. Any individual listed on a LIHEAP-approved application for the current fiscal year may not be listed on another application unless an exception is granted by the division.

22.2(3) Income criteria and guidelines are contained in the Iowa LIHEAP State Plan and the Iowa LIHEAP Policy and Procedures Manual.

22.2(4) All payments are contingent upon the availability of federal funds.

22.2(5) The amount of assistance a household may receive is determined by a payment matrix that considers household income, household size, fuel type, and other targeting factors, as described in the current Iowa LIHEAP Policy and Procedures Manual.

22.2(6) All households applying for this program will simultaneously be making application for weatherization assistance, and 421—Chapter 23 shall govern weatherization applications.

22.2(7) Both owner-occupied and renter-occupied households will be assisted.

421—22.3(216A,PL97-35,PL98-558) Local administering agencies (LAAs).

22.3(1) The department shall administer the LIHEAP program by contracting with LAAs meeting program and fiscal guidelines as required by federal law. Contracts with the LAAs will specify required and allowable program activities, DHHS regulations, special conditions, transfer of electronic data to fuel vendors and the state, program and fiscal reporting to the department, and audit requirements.

22.3(2) Each LAA will conduct outreach activities to ensure that eligible households are made aware of the program. In addition to its normal outreach functions, each LAA will authorize its workers to take applications in an applicant's home as well as at local community, church, and elderly centers and other locations deemed appropriate. A notice of the appeal and hearing procedure must be posted at each intake site, and a copy of the appeal and hearing procedure and any other state-required handouts must be given to each client at the time of application or determination.

421—22.4(216A,PL97-35,PL98-558) Application period. The application period for the program is between October 1, or the first working day of October, and April 30, or the last working day of April, or as defined in the annual Iowa LIHEAP Policy and Procedures Manual.

421—22.5(216A,PL97-35,PL98-558) Payments.

22.5(1) Types of payments. The following types of energy assistance payments may be made:

a. To suppliers on behalf of eligible households. The client's assistance shall remain as a credit on the client account until the program assistance is expended or the account is terminated.

b. Eligible households that pay an undesignated portion of the rent toward energy costs will receive assistance sent directly to the secondary vendor.

c. Direct payments may be made to eligible households as outlined in the Iowa LIHEAP Policy and Procedures Manual.

22.5(2) Duplicate and fraudulent payment control. Each LAA is required to monitor and prevent possible duplicate and other fraudulent applications and payments. Duplication cross-checks shall be based on household members' names, addresses, and social security numbers, as well as vendor account numbers.

22.5(3) Referrals. Each LAA is required to refer all suspected cases of fraud, including duplicate payments, overpayments, and fraudulent statements on applications, to the division for investigation.

421—22.6(216A,PL97-35,PL98-558) Change in status. The level of assistance for the program year will be determined based on the household's circumstances at the time of approval. If a household moves, a household of one passes away, or a household moves to a different service territory, etc., after applying for the program, the process outlined in the Iowa LIHEAP Policy and Procedures Manual is to be followed.

HUMAN RIGHTS DEPARTMENT[421](cont'd)

421—22.7(216A,PL97-35,PL98-558) Vendor agreement. A signed utility vendor agreement must be on file with the LAA before payments may be made to the vendor. If a fuel supplier does not sign a vendor agreement, a direct payment may be made to the eligible applicant. In cases where a vendor has not complied with all provisions of the vendor agreement, the state may approve direct payments to clients as an alternative.

421—22.8(216A,PL97-35,PL98-558) Crisis assistance. To be eligible for crisis assistance, a household must file an application, meet the income guidelines of LIHEAP, and meet the definition of “crisis” as defined in the Iowa LIHEAP Policy and Procedures Manual.

22.8(1) Definition.

“*Energy crisis*” means weather-related and supply shortage emergencies and other household-related emergencies, as defined in the current Iowa LIHEAP State Plan, including: a nonworking heating system, a temporary need for alternate shelter, disconnection from utility service, disconnection from utility service imminent, low or empty propane tank, and, when medically necessary, a window/portable air-conditioning unit or a repair of an existing central air unit.

22.8(2) Evaluation. Each crisis application will be evaluated individually by the LAA, who shall determine the appropriate resolution and the amount of assistance to be provided, as defined by the current Iowa LIHEAP State Plan and Iowa LIHEAP Policy and Procedures Manual.

22.8(3) Appeal procedure. Any household which has been denied crisis assistance may utilize the LIHEAP appeal procedure as described in rule 421—22.10(216A,PL97-35,PL98-558).

421—22.9(216A,PL97-35,PL98-558) Assurance 16 activities. LIHEAP customer services that encourage and enable households to reduce their home energy needs, and thereby reduce their need for energy assistance, shall be provided as assurance 16 activities. Services may include conservation education, referrals to other programs, needs assessment, budget counseling, vendor negotiations, energy assessment, energy plans, and low-cost energy efficiency measures.

421—22.10(216A,PL97-35,PL98-558) Appeal and hearing procedures. The following appeal and hearing procedures shall be used.

22.10(1) An applicant may initiate an appeal if the application was denied or if incorrect facts or improper procedures were used to determine eligibility, assistance amounts, or services. The applicant has 30 calendar days from the date of the approval or denial letter to appeal that decision by mailing or delivering the request for appeal to the LAA at which the application was made.

22.10(2) If the LAA neither approves nor denies the application within 30 calendar days of receipt of a complete application, the applicant may treat the failure to act as a denial. The applicant then has 30 additional calendar days to appeal.

22.10(3) To appeal, the applicant (claimant) must submit a written appeal to the LAA at which the applicant applied and include the action the applicant would like taken and any other information which might affect the decision. Those claimants unable to read or write shall have the LAA assist them in reading, writing, or understanding appeals and hearings and their associated procedures.

22.10(4) The LAA will act on the claimant’s request and notify the claimant of the result in writing within seven calendar days of the date an appeal was requested (postmark date if sent in mail).

22.10(5) If the claimant does not agree with the decision reached, the claimant may write the LAA within 14 calendar days of the decision (postmark date if sent in mail) and request that a state hearing be held with the division. The claimant must explain in writing why the agency’s decision is being appealed and include any information which might affect the decision.

22.10(6) The LAA will forward all information about the request for a hearing to the division, and a hearing will be scheduled within 14 calendar days of receipt of the appeal and request for a hearing. The claimant will receive written notice of a scheduled state hearing from the division. The notice will include the date, time, and place of the hearing. State hearings may be held by telephone at a mutually convenient time or in person. During the hearing, all information will be reviewed and a decision will be rendered by the division within seven calendar days.

HUMAN RIGHTS DEPARTMENT[421](cont'd)

22.10(7) The claimant may appeal the decision of the division to the Iowa department of inspection and appeals. The claimant must submit a written appeal to the division within seven calendar days (postmark date if sent in mail) of receiving the division's decision. The division will follow the appeal procedures outlined in this chapter.

421—22.11(216A,PL97-35,PL98-558) Further criteria. The Iowa LIHEAP State Plan, the Iowa LIHEAP Policy and Procedures Manual, and assistance award criteria for the program are incorporated by reference as part of these rules. If any rule in this chapter conflicts with federal law or rule, federal law or rule shall prevail.

These rules are intended to implement Iowa Code chapter 216A, P.L. 97-35, and P.L. 98-558.

ITEM 25. Adopt the following new 421—Chapter 23:

CHAPTER 23 WEATHERIZATION

421—23.1(216A,PL94-385,PL98-558) Purpose. Pursuant to the Energy Conservation and Production Act, P.L. 94-385; the Omnibus Budget Reconciliation Act, P.L. 98-558; and Iowa Code section 216A.99, the department of human rights (department), division of community action agencies (division), will administer the weatherization assistance program.

The purpose of the program is to reduce heating and cooling costs for low-income households, particularly those with elderly members, persons with disabilities, or young children, by improving the energy efficiency of their homes while ensuring their health and safety.

421—23.2(216A,PL94-385,PL98-558) Eligible households.

23.2(1) A household occupying a dwelling unit is eligible for assistance under the weatherization assistance program if the household:

- a.* Has an annual income no higher than 200 percent of the federal poverty guidelines determined in accordance with criteria established by the Director of the Office of Management and Budget (OMB).
- b.* Is receiving supplemental security income (SSI) or family investment program (FIP) assistance, regardless of income.

23.2(2) Household eligibility, including income verification, will be determined in accordance with the application requirements for the low-income home energy assistance program (LIHEAP), the application for which is considered a joint application. Household eligibility and prioritization for weatherization services are established annually.

23.2(3) Both owner-occupied and renter-occupied dwellings may be weatherized. However, rental units occupied by low-income residents shall be weatherized providing benefits accrue primarily to the low-income tenants, rents are not raised because of the weatherization, and no undue or excessive enhancement occurs to the value of the dwelling unit. Landlords of rental dwellings must agree to have their dwellings weatherized before assistance is provided.

23.2(4) Provision of all weatherization program services are contingent upon the availability of funds.

421—23.3(216A,PL94-385,PL98-558) Local administering agencies (LAAs).

23.3(1) The division shall administer the program by utilizing community action agencies (CAAs), their approved subcontractors, or other public or nonprofit entities that have shown the ability or have the capacity to undertake a timely and effective weatherization program. Program funds shall be used for the purchase and installation of weatherization materials; training and technical assistance; administration; and supportive services.

23.3(2) LAAs will be required to sign a contractual agreement which specifies required and allowable program activities, including U.S. Department of Energy regulations, special conditions, participant forms, program and fiscal reporting, and audit requirements.

HUMAN RIGHTS DEPARTMENT[421](cont'd)

421—23.4(216A,PL94-385,PL98-558) Application period. Households may apply for weatherization assistance between October 1, or the first working day of October, and September 30, or the last working day of September, as defined in the annual Weatherization Assistance Program State Plan.

421—23.5(216A,PL94-385,PL98-558) Payments.

23.5(1) Duplicate and fraudulent payment control. Each LAA is required to provide a system to monitor and prevent possible duplicate and other fraudulent applications and payments. Duplication cross-checks shall be based on the unique client/vendor identifier.

23.5(2) Referrals. Each LAA is required to refer all suspected cases of fraud, including duplicate payments, overpayments, and fraudulent statements on applications, to the division for investigation.

421—23.6(216A,PL94-385,PL98-558) Appeal and hearing procedures. The following appeal and hearing procedures shall be used.

23.6(1) When an applicant is denied assistance or wishes to file a complaint about the quality or extent of work performed, the applicant has 30 days from the date of the denial letter or completion of the work to appeal that decision by mailing or delivering the request for appeal to the LAA. Appeals for quality of work performed shall be subject to warranty requirements of the LAA and its subcontractors.

23.6(2) If the LAA neither approves nor denies an appeal within 30 calendar days of receipt, the applicant may treat the failure to act as a denial. The applicant then has 30 additional calendar days to appeal.

23.6(3) To appeal, the applicant (claimant) must submit a written appeal to the LAA through which weatherization services were provided and include the action the applicant would like taken and any other information which might affect the decision. Those claimants unable to read or write shall have the LAA assist them in reading, writing or understanding appeals and hearings and their associated procedures.

23.6(4) The LAA will act on the claimant's request and notify the claimant of the result in writing within 30 calendar days of the date an appeal was requested (postmark date if sent in mail).

23.6(5) If the claimant does not agree with the decision reached, the claimant may write the LAA within 14 calendar days of the decision (postmark date if sent in mail) and request that a state hearing be held with the division. The claimant must explain in writing why the agency's decision is being appealed and include any information which might affect the decision.

23.6(6) The LAA will forward all information concerning the request for hearing to the division, and a hearing will be scheduled within 14 calendar days of receipt of the appeal and request for a hearing. The claimant will be sent written notice of the date, time, and place of the hearing. State hearings may be held by telephone at a mutually convenient time or in person. At the hearing, all information will be reviewed and a decision rendered by the division within seven calendar days.

23.6(7) The claimant may appeal the decision of the division to the Iowa department of inspection and appeals. The claimant must submit a written appeal to the division within seven calendar days (postmark date if sent in mail) of receiving the division's decision. The division will follow the appeal procedures outlined in this chapter.

421—23.7(216A,PL94-385,PL98-558) Further criteria. The Weatherization Assistance Program State Plan and Weatherization Assistance Program Policy and Procedures Manual are incorporated by reference as part of these rules. If any rule in this chapter conflicts with federal law or rule, the federal law or rule shall prevail.

These rules are intended to implement Iowa Code section 216A.99, P.L. 94-385, and P.L. 98-558.

ITEM 26. Adopt the following new 421—Chapter 24:

CHAPTER 24
FAMILY DEVELOPMENT AND SELF-SUFFICIENCY (FaDSS) PROGRAM

PREAMBLE

HUMAN RIGHTS DEPARTMENT[421](cont'd)

These rules define and structure the family development and self-sufficiency council within the department of human rights and the family development and self-sufficiency program administered by the division of community action agencies of the department of human rights. The purpose of the program is to fund, evaluate, and provide recommendations on programs that provide services to assist families at risk of instability or dependency on the family investment program to move toward self-sufficiency.

These rules establish council membership and duties, provisions for the grant proposal process and the awarding of grants, grant contract provisions, criteria and conditions for at-risk families, provisions for referral of families, grantee responsibilities, and the requirement for program evaluation.

421—24.1(216A) Definitions. As used in these rules, unless the context otherwise requires:

“*Applicant*” means a public or private organization that applies for a family development and self-sufficiency grant through the request for proposal process.

“*Council*” means the family development and self-sufficiency council.

“*Department*” means the department of human rights.

“*Division*” means the division of community action agencies of the department of human rights.

“*Grant*” means an award approved by the council to fund a family development and self-sufficiency project.

“*Grantee*” means an applicant whose proposal is selected by the council and who enters into a grant agreement with the division.

“*Program*” or “*FaDSS program*” means the family development and self-sufficiency (FaDSS) program.

“*Proposal*” or “*grant proposal*” means an application for grant funds to fund specific projects.

421—24.2(216A) Council membership and duties. Council membership, powers and duties are established in Iowa Code section 216A.107.

421—24.3(216A) Council terms and procedures.

24.3(1) Terms of office. Unless otherwise provided by law, terms of members, election of officers, and other procedural matters shall be as determined by the council pursuant to Iowa Code section 216A.107(2).

a. The term of office for the members of the council selected by the other members of the council pursuant to Iowa Code sections 216A.107(1)“*f*” to “*h*” and “*l*” shall be three years. Such members whose terms expire may be reappointed and shall receive actual expenses incurred while serving in their official capacity, subject to statutory limits. The members as specified under Iowa Code sections 216A.107(1)“*f*” and “*g*” shall also receive per diem compensation as provided in Iowa Code section 7E.6.

b. The term of office of a legislative member of the council shall end if the legislative member ceases to be a member of the general assembly.

c. Vacancies in membership of the council shall be filled in the same manner as the original appointment.

24.3(2) Meetings and procedures.

a. The council shall meet at least four times per year. Special meetings may be called by the chairperson or upon the written request of a majority of council members.

b. Members of the council shall elect a chairperson, vice chairperson and such other officers as the council deems necessary to two-year terms at the first council meeting held after July 1 in even-numbered years. Officers shall assume office at the first meeting following the election. A vacancy in any elective office shall be filled by council action.

c. A quorum shall consist of a majority of the members eligible to vote. When a quorum is present, a position is carried by a majority of the members, or members’ designees, eligible to vote.

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d. Copies of the minutes of council meetings shall be filed in the office of the administrator of the Division of Community Action Agencies, Department of Human Rights, Lucas State Office Building, Des Moines, Iowa 50319.

e. The council is a governmental body subject to the provisions of Iowa Code chapters 21 and 22. Procedural matters of the council not addressed by these rules shall be determined according to Robert's Rules of Order, consistent with Iowa law.

f. The provisions of Iowa Code section 69.15 regarding nonattendance and vacancies shall apply to the council except that, with respect to Iowa Code section 69.15(3), the council chairperson shall accept or reject resignations and notify the member of such decision. Vacancies shall be filled as provided in subrule 24.3(1).

421—24.4(216A) Identification of conditions and criteria for families at risk. The council has identified the following conditions and criteria which may place families at risk of instability or of dependency on the family investment program:

24.4(1) Educational level of head of household.

- a.* Head of household has less than a high school education.
- b.* Head of household lacks basic literacy skills.

24.4(2) Work experience of head of household.

- a.* Head of household has never been employed.
- b.* Head of household has multiple episodes of employment lasting less than one year.
- c.* Head of household is currently unemployed.

24.4(3) Household composition.

- a.* Members are homeless or nearly homeless.
- b.* Members outside the nuclear family are in residence.
- c.* One or more children in the household were born while the parent was on public assistance.
- d.* One or more children in the household are identified as having special needs.
- e.* Household includes an alcohol or substance abuser.
- f.* Household includes a past or current perpetrator of child abuse or domestic violence.
- g.* Household includes a member with a record of incarceration.

24.4(4) Background of head of household.

- a.* Head of household was a teenager at birth of first child.
- b.* Head of household has a disability or chronic illness (mental or physical).
- c.* Head of household is a past or current victim of child abuse or domestic violence.
- d.* Head of household grew up in a household with alcohol or substance abuse.

24.4(5) Public assistance history.

- a.* Head of household grew up in a household that received public assistance.
- b.* Household has experienced multiple episodes of receipt of public assistance.
- c.* Household has been on public assistance for three or more years.

24.4(6) Other conditions. The council has also identified the following conditions that may contribute to instability or long-term dependency:

- a.* Geographic location.
- b.* Lack of employment opportunity.
- c.* Lack of available services.
- d.* Lack of transportation.

421—24.5(216A) Referral of families. Families who meet one or more of the conditions and criteria identified in rule 421—24.4(216A) may be referred to the program by the department of human services, the department of workforce development, family self-referral, or other sources. The department of human services shall provide to the division on a monthly basis a list of families who are identified as receiving family investment program benefits and who are not currently participating in the FaDSS program.

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421—24.6(216A) Funding of grants.

24.6(1) Availability of funds. The council shall develop requests for proposals for the awarding of grants, subject to availability of funds. Grants shall not exceed 36 months; however, the division shall approve grantee budgets on an annual basis, based upon and subject to available funds.

24.6(2) Grant application process. Applications for grants shall be distributed by the division through a request for proposals. Applicants shall submit proposals to the division in accordance with instructions. Applications shall be submitted by mail or hand delivery to the Bureau of Community Services, Division of Community Action Agencies, Department of Human Rights, Second Floor, Lucas State Office Building, Des Moines, Iowa 50319, by the date and time indicated in the request for proposals.

24.6(3) Grant proposals. Grant proposals for the program shall include the following elements:

a. Designation of the families to be served that meet one or more criteria for being at risk of family instability or of dependency on the family investment program, and agreement to serve families who are referred by the department of human services from the family investment program and who meet the criteria.

b. Designation of the services to be provided for the families served, including assistance regarding job-seeking skills, family budgeting, nutrition, self-esteem, methamphetamine education, health and hygiene, parenting and child education preparation, and goal-setting. Proposals shall indicate the support groups and support systems to be developed for the families during the transition between the need for assistance and self-sufficiency.

c. Designation of the manner in which other needs of the families will be provided for, including but not limited to child care assistance, transportation, substance abuse treatment, support group counseling, food, clothing, and housing.

d. Designation of the process for training of staff that provides services and the appropriateness of training for the purposes of meeting family development and self-sufficiency goals of the families served.

e. Designation of the support available within the community for the program and for meeting subsequent needs of families and the manner in which community resources will be made available to the families served.

f. Designation of the manner in which the program will be subject to audit and evaluation.

g. Designation of agreement provisions for tracking and reporting performance measures.

h. Description of project budget. Budgets must conform to all applicable state and federal requirements regarding allowable costs.

i. Description of overall organizational capacity to successfully meet program goals, including personnel and fiscal management capacity.

24.6(4) Selection of grant proposals. Criteria for selection of grant proposals include, but are not limited to, the elements identified in subrule 24.6(3). All proposals timely received shall be reviewed by the division, which shall make recommendations to the council. The council shall review the projects recommended by the division and make the final decision with respect to grant awards.

24.6(5) Notification of applicants. Applicants shall be notified of grant award decisions within 60 days after the due date for receipt of proposals.

421—24.7(216A) Grants not renewed and grants terminated or reduced. If the council determines that a grantee's project funding will not be renewed or if the council terminates or reduces a grantee's funding, the balance of funds not renewed or terminated or reduced shall be awarded by the council to other grantees for which funding is approved, based on criteria approved by the council. In the event no previously approved grantees have been selected, the council shall fund new grantees selected by the council as a result of a competitive grant application process.

421—24.8(216A) Appeal. Applicants dissatisfied with the council's actions regarding grant proposals for funds and grantees dissatisfied with termination of a contract may appeal the council's decision. The letter appealing the decision shall be submitted to the division within ten business days of the date of the

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notice of decision. The appeal must be based on a contention that the process violated state or federal law, policy, or rule; did not provide adequate public notice or was altered without adequate public notice; or involved conflict of interest or was biased or unfair. The appeal must specify the basis for the appeal and must include supporting evidence. Within 15 working days of the receipt of the appeal, the director of the department shall issue a final decision.

In the case of a grant award, no disbursements will be made to a grantee for a period of ten calendar days following issuance of the notice of decision to award. If an appeal is filed within the ten days, all disbursements will be held pending a final decision on the appeal. All applicants will be notified if an appeal is filed.

421—24.9(216A) Contract with grantee. Funds for grants approved by the council shall be awarded pursuant to a contract entered into by the division and the grantee.

24.9(1) Negotiation. The division shall conduct contract negotiations with the selected applicant, including negotiations regarding possible modifications to a grant proposal.

24.9(2) Withdrawal of contract offer. If the applicant and the division are unable to successfully negotiate a contract, the council may withdraw the award offer and award the grant to the applicant with the next-highest-scoring proposal.

24.9(3) Contract revisions. The division and the grantee may negotiate revisions to the contract to allow for nonmaterial expansion or modification of services so long as such revisions do not increase the total amount of the grant. The division shall have the right to approve an amendment to the contract budget moving grant funds between budget line items if the funds represent more than 10 percent of the budget line item.

421—24.10(216A) Grantee responsibilities.

24.10(1) Marketing. The grantee shall be responsible for marketing its services to referral sources and to families who have been referred to the program. All marketing plans, procedures, and material used by the grantee must be approved in writing by the division prior to use.

24.10(2) Selection of families. Grantees shall serve referred families who meet one or more of the risk criteria, subject to capacity limitations. For the families who voluntarily agree to participate in the program, the grantee is responsible to timely notify the division through the FaDSS data system of the enrollment. This notification shall identify the families in the department's database who are receiving grantee services.

24.10(3) Record management. The grantees shall maintain records which include, but are not limited to:

- a. Specific family information.
- b. Specific services provided.
- c. Fiscal records of expenditures.
- d. Any other specific records as may be determined necessary by the division.

24.10(4) Reports. Grantees shall provide to the division the following reports:

- a. A monthly funding request and expenditure report that includes, but is not limited to, grant funds expended as they relate to each line item in the budget.
- b. An annual report that includes a summary of the activities by the grantee during the contract period.
- c. Other reports as deemed necessary by the division.

421—24.11(216A) Evaluation. The grantee shall be evaluated by the division at least once prior to the end of each 12-month period of the contract. The purpose of the evaluation is to evaluate the progress of the grantee toward the stated goals and objectives of the project, as well as other matters relating to contractual obligations. The grantee shall receive a written report of the evaluation from the division.

These rules are intended to implement Iowa Code section 216A.107 and chapter 17A.

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ITEM 27. Adopt the following new 421—Chapter 25:

CHAPTER 25
INDIVIDUAL DEVELOPMENT ACCOUNT (IDA)

421—25.1(541A) Definitions. As used in these rules, unless the context otherwise requires:

“*Account holder*” means an individual who is the owner of an individual development account.

“*Administrator*” means the administrator of the division of community action agencies of the Iowa department of human rights.

“*Charitable contributor*” means an individual, company or organization that makes a contribution through a nonprofit association described in Section 501(c)(3) of the Internal Revenue Code, which association makes a deposit to an individual development account and which association is exempt from taxation under Section 501(a) of the Internal Revenue Code.

“*Division*” means the division of community action agencies of the Iowa department of human rights.

“*Federal poverty level*” means the poverty income guidelines established annually for a calendar year and published in the Federal Register by the U.S. Department of Health and Human Services.

“*Financial institution*” means a financial institution including, but not limited to, a bank, savings and loan, or credit union approved by the division to accept individual development accounts.

“*Household*” means the adults related by blood, marriage or adoption, or who are unrelated but have maintained a stable family relationship together over a period of time, and individuals under 18 years of age related to the above adults by marriage, blood or adoption who are living together. “Living together” refers to domicile as evidenced by the parties’ intent to maintain a home for their family and does not include a temporary visit.

“*Individual contributor*” means an individual who makes a deposit to an individual development account and is not the account holder or a charitable contributor.

“*Individual development account*” or “*IDA*” means an investment account which has the characteristics described in Iowa Code section 541A.2 and is operated by the operating organization.

“*Individual development account state match fund*” means the fund established in the state treasury under the authority of the division into which are deposited funds for payment to operating organizations for state match payments to individual investment accounts and administrative costs to implement the individual investment account program.

“*Minor account holder*” means an account holder who is younger than 18 years of age.

“*Operating organization*” means an entity selected by the division for involvement in operating individual development accounts directed to the eligible target population.

“*Source of principal*” means any of the following sources of a deposit:

1. Deposits made by the account holder.
2. Deposits of state match payments.
3. Deposits of individual development account moneys that are transferred from another individual development account holder. The moneys transferred from another individual development account shall be considered to be a deposit of principal made by the account holder.
4. Deposits made on behalf of the account holder by an individual contributor or a charitable contributor.

421—25.2(541A) Establishment of individual development accounts. An investment account qualifies as an IDA when it is established and operates in accordance with the following:

25.2(1) Operating organization. The investment account shall be established through an operating organization.

25.2(2) Account. The account shall be opened at a financial institution and kept in the name of an individual account holder.

25.2(3) Deposits. Deposits made to an IDA are also known as sources of principal and shall be made in any of the manners indicated in the definition of “source of principal” in rule 421—25.1(541A).

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25.2(4) *Investment of funds.* The funds deposited in the IDA may be invested in any investment that the financial institution is authorized to offer to the public.

25.2(5) *Income.* The account earns income.

25.2(6) *Maximum deposits of principal.* The total of all sources of principal in an individual development account may not exceed \$30,000.

421—25.3(541A) Individual development account state match fund. An individual investment account state match fund is created in the state treasury under the authority of the division, the administrator of the IDA program. Funds in the state match fund shall be used by the division to provide the state match payment for account holder deposits in accordance with Iowa Code section 541A.3 and for the costs of administration of the IDA program. At least 85 percent of the funds appropriated to the state match fund shall be used for state match payments, and the remainder may be used for the administrative costs of the operating organization. Interest or earnings on moneys deposited in the state match fund shall be credited to the fund. Notwithstanding Iowa Code section 8.33, moneys appropriated to the state match fund shall not revert to any other fund.

421—25.4(541A) Eligibility, state match payments, and state tax provisions.

25.4(1) *Eligibility based on countable household income level.* Eligibility shall be based on the prospective account holder's household income for the calendar year preceding the calendar year in which the IDA will be opened. The household income shall not exceed 200 percent of the federal poverty level as published in the same year. If an account holder's household income exceeds 200 percent of the federal poverty level in any subsequent year following the year that the account holder established the account, the account shall remain open, but the account holder shall not be eligible to receive the state savings match payment for deposits made during the year following the year when the household income exceeds 200 percent of the federal poverty level. If the prospective account holder files an income tax return on a fiscal year basis, the household income must nonetheless be computed on a calendar year basis.

25.4(2) *Countable household income.*

a. The household's countable income shall be the Iowa net income as defined in Iowa Code section 422.7, with the following inclusions and exclusions:

(1) Inclusions to the extent not already included in Iowa net income are as follows:

1. Capital gains.
2. Alimony.
3. Child support money.
4. Cash public assistance and relief, except property tax relief under Iowa Code chapter 425, subchapter II.

5. The gross payment amount of any pension or annuity including, but not limited to, railroad retirement benefits.

6. Military retirement and veterans' disability pensions.
7. Interest which is received from local, state or federal government securities.
8. Workers' compensation.
9. The gross amount of disability income or "loss of time" insurance.

(2) Exclusions are as follows:

1. Gifts from nongovernmental sources.
2. Surplus foods, including food assistance.
3. Payments received by an individual under the age of 18 under the federal Social Security Act.
4. Other in-kind relief supplied by a governmental agency.

b. Income shall not be reduced by either a net operating loss carryover or by a capital loss carryover.

25.4(3) *Determination of income status and eligibility.*

a. In lieu of calculating countable household income as provided in subrule 25.4(2) to determine income status and eligibility of an individual to hold an IDA, the operating organization may use

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evidence of the individual's enrollment in a program with income eligibility restrictions that are equal to or less than the maximum household income provided in subrule 25.4(1) as sufficient for determining an individual's eligibility to hold an IDA.

b. In order to determine the amount of countable household income of the individual seeking to open an IDA and to maintain household income records on an annual basis, the operating organization shall use any of the following methods or other methods deemed appropriate by the operating organization to obtain accurate income information:

(1) The operating organization shall ask both the individual who wishes to establish an IDA and other members of the individual's household who have filed federal or state income tax returns to furnish a copy of the returns with attached W-2 statements, to sign a release of information form permitting the operating organization to receive from the Iowa department of revenue summary information indicating the Iowa net income, or to receive a copy of the state income tax return for the specific calendar year used to establish income eligibility to participate in the IDA program and for specified successive calendar years during which the IDA account is open. The operating organization shall protect the confidentiality of this information.

(2) If the individual and members of the individual's household have not filed federal or state income tax returns for the calendar year used to determine eligibility, the operating organization shall ask the individual to provide copies of available financial records of the household to determine the amount of countable income for the calendar year used to determine eligibility.

(3) The operating organization may also ask the individual seeking to hold an IDA to sign a release of information form allowing the operating organization to obtain individual and household income records held by agencies administering the programs referred to in paragraph 25.4(3) "a." The operating organization shall use this information to verify and maintain household income records of individuals seeking to hold an IDA, thereby facilitating the administration of the IDA program. The operating organization shall maintain the confidentiality of this information. Countable household income determinations shall include the amount of the cash assistance provided through the programs referred to in paragraph 25.4(3) "a."

(4) If an individual has minimal or no financial records and the operating organization determines that the totality of the individual's circumstances corroborates a credible explanation for the absence of said records, the operating organization may accept a written self-declaration from the individual as sufficient to document initial income eligibility to hold an IDA.

c. The operating organization shall obtain and maintain income information records from the account holder and all members of the account holder's family on a yearly basis to determine continued IDA eligibility.

25.4(4) Exemption from income tax for income earned on assets in an IDA. Income earned on principal in an IDA shall be exempt from state income tax even if the account holder's household income is greater than 200 percent of the federal poverty level for the tax year.

25.4(5) State match payments. The operating organization shall determine the account holder's countable household income and account deposits on an annual basis for the purpose of computing the state match payment. The operating organization shall file with the division a claim for a state match payment on behalf of the account holder by April 30 of the year following the year in which the account holder made deposits into the IDA. The claim shall be filed on a form provided by the division. The division shall make a payment of a savings match on a 1:1 ratio on amounts of up to \$2,000 that an eligible account holder deposited in the account holder's account the previous year. The total state savings match for all years shall not exceed \$2,000 for any IDA. Neither the moneys transferred to an IDA from another IDA nor the state match received by the account holder pursuant to this subrule shall be considered an account holder deposit for purposes of determining a state match payment. The division or operating organization shall make the state match payment directly to the IDA in the manner deemed appropriate by the division.

25.4(6) Tax implications. IDAs shall be subject to department of revenue rule 701—40.44(422,541A).

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421—25.5(541A) Requests for proposals—operation of IDAs.

25.5(1) *Issuance of requests for proposals.* The division shall issue requests for proposals (RFPs) for operating organizations interested in operating an IDA program. The RFP shall require the operating organization to provide information in its proposal regarding the financial institution that the operating organization will use for the proposed IDA program. The division shall include such information in evaluating proposals submitted in response to the RFP.

25.5(2) *Review criteria used to evaluate and select proposals responding to the RFP.* The division shall evaluate and select proposals submitted by operating organizations in response to the RFP based upon, but not limited to, the criteria as provided in the RFP and the following criteria, which shall be ongoing responsibilities of the operating organization:

a. The project shall provide for a safe and secure investment mechanism for IDAs using a financial institution approved by the division. This provision shall include assurances to contributors that a process is in place to ensure that contributions will be used for approved purposes as provided in subrule 25.6(1).

b. The proposed project shall link the making of an account holder's contributions to an IDA with other services provided by or outcomes identified by the operating organization in the proposal. The proposed project shall include mechanisms for the operating organizations to monitor and enforce the identified outcomes and services.

c. The operating organization shall provide documentation establishing experience and ability to execute the project as proposed. Minimum capabilities shall include:

- (1) An ability to provide financial education including asset-specific education;
- (2) An ability to link with tax preparation assistance;
- (3) Familiarity and ability to work with the proposed target population; and
- (4) A strong record of successful management.

d. The operating organization's proposal shall include a commitment by the operating organization to provide independent matching funds for contributions made by account holders to an IDA on not less than a 1:1 ratio.

e. The proposal shall include a monitoring and evaluation plan for certifying the proposed project's outcomes.

f. The proposal shall include agreement and acknowledgment by the operating organization that it shall have ongoing responsibility for:

(1) Certifying that an investment account is an IDA based on its having the characteristics described in Iowa Code section 541A.2.

(2) Certifying annually the income eligibility of each account holder and the amount of contributions made by the account holder to the IDA during the preceding tax year, in order to determine the account holder's eligibility for the state match payment for such year.

(3) Recording annually the contributions made by the account holder, individual and charitable contributors, and the state.

(4) Submitting information regarding the IDA and account holders to the division as requested.

25.5(3) *Additional evaluation criteria in the RFP.* The division may include additional evaluation criteria in the RFP, including but not limited to the operating agency's ability to network with other agencies or to form a communitywide consortium of agencies, if desirable, to operate IDAs; ability to form an effective working relationship with banks or other financial institutions; and ability to raise funds to provide an independent match on account holder deposits.

25.5(4) *Other considerations and guidelines.* Other considerations and guidelines in implementing IDAs are:

a. The division shall have authority to designate and limit the number of locations where IDA projects shall be implemented, taking into account demographic characteristics and geographic considerations.

b. The division shall require all IDA operating organizations and projects to comply with any federal individual development account program requirements for drawing federal funding.

c. The division and the operating organization shall enter into an agreement that specifies the responsibilities of both parties. The agreement shall incorporate by reference the provisions of the RFP.

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d. The operating organization shall maintain a clear and precise audit trail of all deposits and withdrawals of funds in IDAs. All withdrawals from an IDA shall require a signature of approval from the operating organization. Upon the termination of the agreement between the operating organization and the division or upon the discontinuance of the IDA program for any reason, the IDA accounts under the management of that operating organization shall terminate and the funds in the IDAs shall be distributed to the account holders, unless the operating organization and a successor operating organization located in the same geographic area and operating an IDA program approved by the division enter into an agreement for the transfer of IDA accounts to the successor operating organization. The division shall have authority to review and approve in advance the agreement between the two operating organizations.

e. Upon the termination of an operating organization's relationship with the financial institution holding its IDA accounts, the operating organization managing the accounts shall enter into an agreement with a division-approved successor financial institution to hold the accounts and shall arrange for the transfer of the accounts to the new financial institution. The new agreement shall be subject to the division's review and advance approval.

f. If an account holder moves within the state to a location that is not served by the operating organization but is served by another operating organization with a division-approved IDA program, the original operating organization shall arrange for the transfer of the account to a financial institution that has an agreement with the operating organization in the new location. If there is no operating organization in the new location, the IDA account shall be closed, with funds in the account distributed to the account holder; alternatively, the operating organization and the account holder may jointly agree to maintain the account under the management of the existing operating organization and financial institution. The operating organization shall provide a written notification to the division of all transfers of IDA accounts to the management of a new operating organization.

421—25.6(541A) Authorized withdrawals of principal and income.

25.6(1) *Approved purposes for withdrawal of funds from an IDA.* An account holder may withdraw principal and income earned on principal from an IDA only with the written approval of the operating organization and only for the following approved purposes:

- a. Educational costs at an accredited institution of higher education, which costs include, but are not limited to, tuition, laboratory fees or other fees for use of facilities, books, and other supplies.
- b. Training costs for an accredited or licensed training program, or training program approved by the division, which costs include, but are not limited to, tuition, laboratory fees or other fees for use of facilities, books, and other supplies.
- c. Purchase of a primary residence.
- d. Capitalization of a small business start-up.
- e. An improvement to a primary residence which increases the tax basis of the property.
- f. Emergency medical costs for the account holder or for a member of the account holder's family. However, only one withdrawal from an IDA can be made for this purpose, and the amount of the withdrawal shall not exceed 10 percent of the account balance at the time of the withdrawal.
- g. Purchase of an automobile.
- h. Purchase of assistive technology, home or vehicle modification, or other device or physical improvement to assist an account holder or family member with a disability.

25.6(2) *Conditions on withdrawals of principal and income.* An account holder may withdraw funds from the account holder's IDA subject to the following conditions:

a. Any amount of principal and income earned on principal, provided the sum is authorized under subrule 25.6(1) and in accordance with the procedure for authorized withdrawals set forth under subrule 25.6(3).

b. If the account holder is 59½ years of age or older, any amount of principal and income earned on principal. Such withdrawals shall not require the approval of the operating organization.

25.6(3) *Procedures for account holder deposits and withdrawals.* The following procedures (or such other procedures as agreed upon by the operating organization and financial institution to facilitate authorized withdrawals) shall apply to account holder deposits and withdrawals from an IDA:

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a. For deposits, the account holder shall fill out and sign a deposit form provided by the operating organization, indicating the amount and date of a deposit by the account holder into the IDA, and shall submit the form to the financial institution. The form shall be signed by the financial institution, which shall send copies to the account holder and the operating organization.

b. For a withdrawal, the account holder shall fill out and sign a withdrawal form provided by the operating organization, indicating the amount, date, and purpose of the withdrawal. The account holder shall submit the form to the operating organization or its designated agent for approval and signature. The operating organization shall retain a copy and submit the withdrawal form to the financial institution to implement the electronic transfer of the funds or issuance of a check, payable to the account of the vendor as payment for an approved purpose for the withdrawal; or, if neither electronic transfer nor check issuance is possible or cost-effective, then the financial institution shall issue a two-party payee check made out to the account holder and to the vendor. If the approved purpose is for capitalization of a small business, the check shall be payable to the account holder's business account at a financial institution and to the vendor requiring payment for providing the service or product relative to the account holder's business.

421—25.7(541A) Notice of nonapproved withdrawals and closure of the account.

25.7(1) *Nonapproved withdrawals and attempted withdrawals for nonapproved purposes.* The financial institution shall notify the operating organization within five calendar days of any withdrawals or attempted withdrawals that appear to be nonapproved. The financial institution shall refuse to release any funds that do not have the written authorization of approval from the operating organization.

25.7(2) *Closure of an IDA by the operating organization.* The operating organization may close an IDA if the operating organization determines any of the following:

a. The account holder has withdrawn funds from the account for a purpose not authorized by subrule 25.6(1), or funds have been withdrawn under false pretenses and have been used for purposes other than for the approved purposes indicated at the time of the withdrawal.

b. There has been no activity in the IDA during the preceding 12 months.

c. The account holder has not complied with the terms of an IDA participation agreement between the account holder and the operating organization, after being provided notice of the requirement to comply with the agreement by the operating organization.

421—25.8(541A) Transfers of assets of an IDA.

25.8(1) *Transfers by an adult account holder.* An adult account holder may transfer all or part of the assets in the adult account holder's IDA to any other account holder's IDA. Upon compliance by the operating organization and financial institution with the requirements of rule 421—25.6(541A), IDA account holders who have transferred funds into another individual's IDA account and any beneficiaries of the transferee's IDA account shall sign a waiver of liability form releasing the operating organization and the financial institution from civil liability and responsibility for the wrongful withdrawals of funds by the account holder due to the account holder's false representation of the purpose of the withdrawal, resulting in the loss to the account balance of deposited principal funds, including individual and charitable contributions, transferred funds, and the state match payments.

25.8(2) *No transfers of assets from a minor account holder's IDA.* Neither a minor account holder nor the parents or legal guardian of such minor account holder shall have the right or ability to transfer assets from the minor account holder's IDA to the IDA of any other account holder.

25.8(3) *Transfers when the account holder dies.* At the time an IDA is established, the account holder shall name a contingent beneficiary(ies) or an account holder transferee to whom the assets of the account holder's IDA shall be transferred upon the account holder's death. Upon the account holder's death, the account assets shall be transferred to the named contingent beneficiary or to the transferee's IDA, as applicable. A named beneficiary or transferee may be changed at the discretion of the account holder. If the named beneficiary or transferee is deceased or otherwise does not accept the transfer, the assets of the deceased account holder's IDA shall be transferred to the IDA state match fund.

These rules are intended to implement Iowa Code chapter 541A.

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ITEM 28. Reserve **421—Chapter 26 to Chapter 29.**

ITEM 29. Adopt the following new 421—Chapter 30:

TITLE III
DIVISION OF CRIMINAL AND JUVENILE JUSTICE PLANNING
CHAPTER 30
FUNCTIONS OF DIVISION

421—30.1(216A) Definitions. As used in these rules, unless the context otherwise requires:

“*Administrator*” means the administrator of the division of criminal and juvenile justice planning within the department of human rights.

“*Council*” means an advisory council or board established in Iowa Code chapter 216A, subchapter VIII.

“*Department*” means the department of human rights.

“*Director*” means the director of the department of human rights.

“*Division*” means the division of criminal and juvenile justice planning within the department of human rights.

“*Juvenile justice advisory council*” or “*JJAC*” means the state advisory group described in P.L. 93-415, Section 223(a)(3), and established through executive memorandum to oversee the administration of the Juvenile Justice and Delinquency Prevention Act (JJDP) formula grants in Iowa.

421—30.2(216A,PL93-415) Functions of the division. The division of criminal and juvenile justice planning is under the direction of an administrator, who reports to the director. The division’s functions include identifying issues to improve the criminal and juvenile justice system through planning, research, data analysis, policy, youth development, and grant administration.

The functions of the division are described in Iowa Code chapter 216A, subchapter VIII.

30.2(1) The division shall provide staff support to the councils and the JJAC and shall assist them with the coordination of their efforts. Additionally, the division shall perform functions consistent with the duties and requirements outlined in Iowa Code chapter 216A, subchapter VIII; the Juvenile Justice and Delinquency Prevention Act, P.L. 93-415; and other relevant federal and state requirements.

30.2(2) The division shall establish and maintain procedures to collect and report all instances of juvenile detention and confinement occurring in the state of Iowa consistent with P.L. 93-415, Section 223(a)(15). The monitoring function shall include the following:

a. The division shall collect relevant self-report information and perform on-site verification of data from jails, police lockups, juvenile detention facilities, state training schools, mental health institutes, locked residential treatment facilities for youth, and other secure facilities.

b. Through written agreement, the jail inspection unit of the department of corrections shall provide the division and the specific jails and lockups with certification of their ability to separate juveniles and adults, consistent with P.L. 93-415, Section 223(a)(12)(A).

c. Through written agreement, the department of human services shall provide information to the division on holdings relative to P.L. 93-415, Section 223(a)(11), in contracted private facilities that the department of human services has the authority to license.

d. Through written agreement, the department of human services shall provide information to the division on holdings relative to P.L. 93-415, Section 223(a)(11), in state institutions that the department of human services administers.

30.2(3) Inquiries shall be directed to the department, the division, the councils, or the JJAC, at Lucas State Office Building, Des Moines, Iowa 50319. Office hours are 8 a.m. to 4:30 p.m., Monday through Friday, except legal holidays. The department’s telephone number is (515)242-5655, and its fax number is (515)242-6119. The department’s website is humanrights.iowa.gov.

421—30.3(216A) Functions and activity of the councils. The councils are established by Iowa Code chapter 216A, subchapter VIII, and are charged with the responsibility to identify and analyze justice

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system issues of concern; develop and assist others in implementing recommendations and plans for system improvement; and provide for a clearinghouse of justice system information to coordinate with data resource agencies and to assist others in the use of justice system data. The councils shall advise the division on its administration of state and federal grants and appropriations and shall carry out other functions consistent with Iowa Code chapter 216A, subchapter VIII.

421—30.4(216A,PL93-415) Functions and activities of the JJAC. The JJAC is established through executive memorandum pursuant to P.L. 93-415 to advise the division on juvenile justice issues; make recommendations to the governor and legislature; review and comment on the division's reporting of Iowa's compliance with the requirements of P.L. 93-415, Sections 223(a)(11), (12), (13), (14) and (23); advise the division on its administration of state and federal grants and appropriations; supervise the division's administration of federal funds received from the Office of Juvenile Justice and Delinquency Prevention (OJJDP) established in P.L. 93-415; and carry out other functions consistent with P.L. 93-415.

421—30.5(216A,PL93-415) Council and JJAC meetings.

30.5(1) Notice of meetings of councils and the JJAC shall be published 24 hours in advance of the meeting and will be mailed to interested persons upon request. The notice shall contain the specific date, time, and place of the meeting. Agendas shall be available by mail from the division to any interested persons if requested not less than five days in advance of the meeting. All meetings shall be open to the public unless a closed session is voted by two-thirds of the entire membership or by all members present for one of the reasons specified in Iowa Code section 21.5. Special or electronic meetings may be called by the chairperson upon a finding of good cause and shall be held in accordance with Iowa Code section 21.8. Meetings of councils and the JJAC shall be governed by the following procedures:

a. Persons wishing to appear before a council or the JJAC shall submit the request to the respective council not less than five days prior to the meeting. Presentations may be made at the discretion of the respective chairperson and only upon matters appearing on the agenda.

b. Persons wishing to submit written material shall do so at least five days in advance of the scheduled meeting to ensure that council or JJAC members have adequate time to receive and evaluate the material.

c. At the conclusion of each meeting, the time, date, and place of the next meeting shall be set unless the next meeting was previously scheduled and announced.

d. Cameras and recording devices may be used at open meetings provided they do not obstruct the meeting. The chairperson may request a person using such a device to discontinue its use when it is obstructing the meeting. If the person fails to comply with this request, the presiding officer shall order that person excluded from the meeting.

e. The chairperson may exclude any person from the meeting for repeated behavior that disrupts or obstructs the meeting.

f. Other meeting protocol and procedures consistent with this subrule and Iowa Code chapter 21 may be established by the councils or the JJAC through bylaws approved by a majority of the members subject to the bylaws.

30.5(2) Minutes of council or JJAC meetings are prepared and are available for inspection at the division office during business hours. Upon approval by the respective council or JJAC, the minutes will be posted on the division's website.

30.5(3) The councils or JJAC may form committees to carry out those duties as are assigned by the respective council. Meetings of the committees shall conform to the conditions listed in subrule 30.5(1) governing council and JJAC meetings.

These rules are intended to implement Iowa Code chapter 17A; Iowa Code chapter 216A, subchapter VIII; and P.L. 93-415.

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ITEM 30. Adopt the following new 421—Chapter 31:

CHAPTER 31
JUVENILE JUSTICE YOUTH DEVELOPMENT PROGRAM

421—31.1(216A,232) Definitions. As used in this chapter:

“*Administrator*” means the administrator of the division of criminal and juvenile justice planning within the department of human rights.

“*Applicant*” means a city, county, judicial district or other designated eligible entity preparing and submitting an application for funding through this program.

“*Application*” means a request to the division for funding that complies with federal and state requirements.

“*Decategorization*,” as established in Iowa Code section 232.188, means the department of human services’ program whereby approved counties are permitted to pool their allocations of designated state and federal child welfare and juvenile justice funding streams, establish local planning and governance structures, and design and implement service systems that are more effective in meeting local needs.

“*Decategorization governance board*” means the board required to provide direction and governance for a decategorization project, pursuant to Iowa Code section 232.188.

“*Division*” means the division of criminal and juvenile justice planning within the department of human rights.

“*Formula-based allocation*” means a process that uses a formula to determine funding amounts to units of government or local public planning entities on a statewide basis.

“*Grant review committee*” means a committee established by the JJAC, the councils, or the division to review and rank applications for funding. Individuals who are not members of the JJAC or the councils may serve on this committee.

“*Justice Research and Statistics Association*” or “*JRSA*” is a national nonprofit organization that provides a clearinghouse of current information on state criminal justice research, programs, and publications.

“*Juvenile justice advisory council*” or “*JJAC*” means the state advisory group described in P.L. 93-415, Section 223(a)(3), and established through executive memorandum to oversee the administration of the JJDPA formula grants in Iowa.

“*Juvenile Justice and Delinquency Prevention Act*” or “*JJDPA*” means the federal Act, P.L. 93-415.

“*Law enforcement expenditures*” means the expenditures associated with police, prosecutorial, legal, and judicial services, and corrections as reported by the units of local government to the U.S. Census Bureau during the census of governments.

“*Local public planning entities*” means entities that have a local governance structure to plan, develop and coordinate services for children and families, and provide for implementation of services for children and families. Examples of local public planning entities include, but are not limited to, units of local government such as cities or counties, decategorization governance boards, community empowerment area boards, and school districts.

“*Office of Juvenile Justice and Delinquency Prevention*” or “*OJJDP*” means the federal office within the U.S. Department of Justice that administers the JJDPA and other discretionary grants.

“*Subgrantee*” means any applicant receiving funds through the juvenile justice youth development program from the division.

“*Unit of local government*” means a county, township, city, or political subdivision of a county, township, or city that is a unit of local government as determined by the Secretary of Commerce for general statistical purposes, and the recognized governing body of an Indian tribe that carries out substantial governmental duties and powers.

421—31.2(216A,232) Purpose and goals.

31.2(1) The purpose of the juvenile justice and youth development program is to assist the state in the establishment and operation of juvenile crime prevention programs; provide for greater

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accountability in the juvenile justice system; promote positive youth development; and comply with the JJDP core requirements regarding the deinstitutionalization of status offenders, sight and sound separation of adults and juveniles in secure facilities, prohibitions on the use of adult jails to hold juveniles, and the disproportionate confinement of minority youth.

31.2(2) The primary goal of the coordinated juvenile justice and prevention program is to promote positive youth development by helping communities provide their children, families, neighborhoods, and institutions with the knowledge, skills, and opportunities necessary to foster healthy and nurturing environments that support the growth and development of productive and responsible citizens. Other specific goals of this program are to reduce youth violence, truancy, involvement in criminal gangs, substance abuse and other delinquent behavior.

421—31.3(216A,232,PL93-415) Program funding distribution.

31.3(1) The division shall distribute funds available for this program through the following methods:

- a. Competitive grants.
- b. Formula-based allocations.
- c. Sole source contracts.

31.3(2) Funding through any of the methods listed in subrule 31.3(1) may be on an annual or multiyear basis.

421—31.4(216A,232,PL93-415) Competitive grants.

31.4(1) *Application announcement.* The administrator shall announce through public notice the opening of any competitive grant application process. The announcement shall provide potential applicants with information that describes eligibility conditions, purposes for which the program funding shall be available, application procedures, and all relevant time frames established for proposal submittal and review, grant awards, and grant expenditure periods.

31.4(2) *Preapplication.* The division may request potential applicants to submit a preapplication summary of their proposals. If a preapplication is required, the division shall provide all potential applicants with sufficient information detailing the extent of the preapplication and the criteria for review. Preapplications received in a timely manner shall be presented to the grant review committee for screening. The committee shall use the same ranking system for each preapplication. The ranking system shall be based on the criteria provided to the applicant through the division activities specified in subrule 31.4(1). Applicants shall be notified in writing of the screening decisions.

31.4(3) *Content of applications.* Required elements of the applications shall be published in the request for applications and shall be based on a point system established by the division that reflects the requirements of federal and state funding sources. The division shall develop the application and selection criteria.

31.4(4) *Application review and selection process.* The division shall conduct a preliminary review of each application to ensure that the applicant is eligible and the application is complete. All applications that are submitted in a timely manner by eligible applicants and contain the necessary information shall be presented to the grant review committee. Members of the grant review committee shall review each application and shall assign numerical scores to each application using criteria and point values established by the division and listed in the request for applications. The rank order of scores assigned to the applications by the review committee shall be the basis for funding recommendations for each application reviewed. The grant review committee shall forward its funding recommendations for approval and final award decisions pursuant to rule 421—31.7(216A,232,PL93-415). Decisions to make final awards shall be consistent with applicable state and federal program requirements.

31.4(5) *Conflict of interest.* Persons shall not serve on the grant review committee or otherwise participate personally through decisions, approval, disapproval, recommendation, the rendering of advice, investigation, or otherwise in any proceeding, application, request for a ruling or other determination, contract, grant, cooperative agreement, claim, controversy, or other particular matter in which funds administered by the division are used when, to the person's knowledge, the person or a member of the person's immediate family, a partner, an organization in which the person is serving as

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an officer, director, trustee, partner, or employee or any person or organization with whom the person is negotiating or has any arrangement concerning prospective employment, or has a financial interest of less than an arms-length transaction. If a person's agency or organization submits an application, the person shall not be present when the grant review committee's recommendations are acted upon by the JJAC or the councils.

421—31.5(216A,232,PL93-415) Formula-based allocations.

31.5(1) *Funding recipients.* Only units of local government, local public planning entities, and judicial districts may be considered eligible applicants to receive funding through this distribution method. The determination of which units of local government, local public planning entities, and judicial districts are eligible applicants shall be made according to the state or federal law or regulation that makes funding available to the division for this distribution method. When such a determination is not established in law or regulation, the administrator shall make the determination with the advice of the appropriate council or the JJAC.

31.5(2) *Formula to determine individual allocation amounts.* Allocation amounts to individual units of local government or local public planning entities shall be calculated according to the state or federal law or regulation that makes funding available to the division for this distribution method. When an allocation formula for funding to be distributed by the division is not established in this chapter or other law or regulation, the division shall calculate allocations based on a formula determined by the administrator. The formula shall be based on the number of children residing in the respective areas and may also be based on poverty rates, delinquency rates and other data relevant to child and family well-being. Application materials provided to the eligible units of local government, local public planning entities, or judicial districts shall specify the formula used to calculate the allocation.

31.5(3) *Application procedures and requirements.*

a. Each unit of local government, local public planning entity, or judicial district that is eligible to be an applicant for funds pursuant to subrule 31.5(1) shall be contacted by the division and provided an application that must be completed by the applicant prior to the applicant's receipt of the allocation.

b. The application may require the submission of a comprehensive plan to prevent and reduce juvenile crime that reflects the purposes and goals in rule 421—31.2(216A,232) and that structures the coordination and collaboration of other relevant community programs and activities. Evidence of such coordination and collaboration may be required to include assurances and documentation that the plan for this program was developed to include, or be an integral part of, other areawide plans related to, for example, child welfare, substance abuse, health, or education.

c. The application may require documentation that the application was completed with the participation of representatives from, for example, law enforcement, county attorneys, county and city governments, and health, human services, education, and community service agencies.

d. The application may also require the applicant to certify and make assurances regarding policies and practices related to, but not limited to, funding eligibility, program purposes, service delivery and planning and administration capacities.

e. Each notified applicant shall submit the required information by the deadline established and announced by the division. The division reserves the right to extend the deadline.

f. Following its receipt and approval of a completed application, the division shall offer the applicant a contract authorizing the obligation of funds. These rules and all applicable state and federal laws and regulations shall become part of the contract by reference.

31.5(4) *Allocations declined, waived or combined.*

a. As allowed by federal or state law, when an eligible local public planning entity, judicial district, or unit of local government declines to submit an application for funds, such funds shall be retained by the division to be reallocated among all participating units of local government, judicial districts, or local public planning entities or to be otherwise distributed for the development of services that have a statewide impact.

b. As allowed by federal or state law, the division may permit an eligible unit of local government to waive its right to a direct allocation and request that its allocation be awarded to and expended for

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its benefit by a larger or contiguous unit of local government or local public planning entity. A written waiver shall be required from the unit of local government that waives its right to a direct allocation and names a requested unit of local government or local public planning entity to receive and expend the funds. The unit of local government, judicial district, or local public planning entity receiving the funds must agree, in writing, to accept the redirected funds, to carry out all planning and application requirements and to serve as the fiscal agent for receiving the waived allocation. The division's instructions to eligible applicants shall describe the procedures required to implement this paragraph.

c. As allowed by federal or state law, the division may permit applicants to enter into regional coalitions by planning for and utilizing combined allocations from the participating units of local government or local public planning entities. A unit of local government, judicial district, or local public planning entity shall serve as the applicant and fiscal agent for purposes of carrying out planning and application requirements, and for receiving the allocation and obligating and expending funds for the benefit of the combined units. The division's instructions to eligible applicants shall describe the process to implement this paragraph.

421—31.6(216A,232,PL93-415) Sole source contracts. The division may determine, because of the nature of a certain problem or desired programmatic response, that a competitive grant or formula-based allocation process would not be the most appropriate or expeditious process through which to award funds. In such cases, the division may seek out a potential subgrantee with which it can develop a sole source contract for services. The division shall be alert to organizational conflicts of interest and noncompetitive practices among contractors that may restrict or eliminate competition or otherwise restrain trade. The division's awarding and administration of any sole source contract shall be governed by all relevant state and federal laws and regulations.

421—31.7(216A,232,PL93-415) Program funding sources and related provisions.

31.7(1) Sources of funding may include state, federal, and other funds made available to the division for the purpose of assisting units of local government, judicial districts, and local public planning entities in improving the criminal and juvenile justice systems. The division may combine funding from federal and state appropriations and grant programs to distribute through any of the methods outlined in rule 421—31.3(216A,232,PL93-415), as allowable by the sources of the funds.

31.7(2) Other funds. With the advice of the JJAC and the councils, the division shall, consistent with applicable state and federal law and regulation, determine the distribution methods, eligible applicants and any allocation formulas to be used when making such funding available.

421—31.8(216A,232) Appeals.

31.8(1) Applicants choosing to appeal funding decisions must file a written appeal with the administrator within ten calendar days of the written notification of the program's funding decisions.

31.8(2) All letters of appeal shall clearly state the reason(s) for the appeal and evidence of the reason(s) stated. Reason(s) for appeal must be based on a contention that the rules and procedures governing the funding process have not been applied properly. All appeals must clearly state in what manner the division failed to follow the rules of the selection process as governed by these administrative rules or procedures outlined in the application materials provided to all applicants by the division. The letter of appeal must also describe the remedy being sought.

31.8(3) If an appeal is filed within the ten calendar days, the division shall not enter into a contract with any applicant involved in the application process being appealed until the administrator has reviewed and decided on all appeals received in accordance with the criteria in subrules 31.8(1) and 31.8(2). The administrator shall consider the information submitted by the appellant and relevant information from division staff when conducting the review. The review shall be conducted as expeditiously as possible so that all funds can be distributed in a timely manner.

31.8(4) The decision of the administrator shall represent the final division action for the purpose of implementing Iowa Code chapter 17A.

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421—31.9(216A,232) Contract agreement.

31.9(1) *Contract offer.* Applicants shall be notified in writing of the division's intent to fund, contingent upon the funds available. The administrator shall have flexibility in determining which state and federal funds shall be utilized in awards and allocations to subgrantees. These rules and all applicable state and federal laws and regulations shall become a part of the contract by reference.

31.9(2) *Preaward negotiation.* The applicant may be requested to modify the original application in the negotiation process. The division reserves the right to fund all or part of the applicant's application.

31.9(3) *Withdrawal of contract offer.* If the applicant and the division are unable to successfully negotiate a contract, the division may withdraw the award offer and redistribute program funds in a manner consistent with the provisions of rule 421—31.14(216A,232).

31.9(4) *Contract modifications.* The subgrantee or the division may request a modification or revision of the contract.

31.9(5) *Reimbursement of expenditures.* Funds are to be spent to meet program goals as provided in the contract. Expenditures shall be reimbursed pursuant to regular reimbursement procedures of the state of Iowa.

421—31.10(216A,232) Contract termination.

31.10(1) *Termination by subgrantee.* The contract may be terminated by the subgrantee at any time during the contract period by giving 30 days' notice to the division.

31.10(2) *Termination by the division.*

a. The division may terminate a contract upon ten days' notice when the subgrantee or any of its subcontractors fail to comply with the grant award stipulations, standards or conditions. The division may terminate a contract upon 30 days' notice when there is a reduction of funds by executive order.

b. Termination for convenience. The performance of work under the contract may be terminated by the division in accordance with this clause in whole or, from time to time, in part whenever the division shall determine that such termination is in the best interest of the state. The division shall pay all reasonable costs associated with the contract that the subgrantee has incurred up to the date of termination. The division shall not pay for any work that has not been done prior to the date of termination.

c. Termination for default. If the subgrantee fails to fulfill its obligations under this contract properly or on time, or otherwise violates any provision of this contract, the division may terminate the contract by written notice to the subgrantee. The notice shall specify the acts of commission or omission relied on as cause for termination. All finished or unfinished products and services provided by the subgrantee shall, at the option of the division, become the state's property. The division shall pay the subgrantee fair and equitable compensation for satisfactory performance prior to receipt of notice of termination.

31.10(3) *Responsibility of subgrantee at termination.* Within 45 days of the termination, the subgrantee shall supply the division with a financial statement detailing all costs up to the effective date of the termination.

421—31.11(216A,232) Required reports.

31.11(1) Expenditure claim reports shall be required from subgrantees on provided forms. The division, pursuant to regular reimbursement procedures of the state of Iowa, shall reimburse subgrantees for actual expenditures specified in the approved budget.

31.11(2) Progress reports on program outcomes, program status and financial status shall be required from subgrantees on provided forms.

31.11(3) Other reports, including audit reports prepared by independent auditors, may be required by the division and specified in the request for applications or contract to assist in the monitoring and evaluation of programs.

31.11(4) Failure to submit required reports by the due date shall result in suspension of financial payments to the subgrantee by the division until such time as the reports are received. No new awards shall be made for continuation programs where there are delinquent reports from prior grants.

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421—31.12(216A,232) Subgrantee records. Financial records, supporting documents, statistical records, and all other records pertinent to the program shall be retained by the subgrantee in accordance with the following:

31.12(1) Records for any project shall be retained for three years after final closeout and audit procedures are completed and accepted by the division.

31.12(2) Representatives of the state auditor's office and the division shall have access to all books, accounts, documents, and other property belonging to or in use by a subgrantee pertaining to the receipt of funds under these rules.

421—31.13(216A,232) Allowable costs and cost restrictions.

31.13(1) Grant funds from this program shall be used to support only those activities and services specified and agreed to in the contract between the subgrantee and the division. The contract shall identify specific cost categories against which all allowable costs must be consistently charged.

31.13(2) Funds appropriated for this program shall not be expended for supplantation of federal, state, or local funds supporting existing programs or activities. Instructions for the application and acceptance of competitive grants, formula-based allocations, and sole source contracts may specify other cost limitations, including but not limited to costs related to political activities, interest costs, fines, penalties, lawsuits or legal fees, and certain fixed assets and program equipment.

421—31.14(216A,232) Redistribution of funds. The division reserves the right to recapture and redistribute awarded funds based upon projected expenditures if it appears that funds shall not be expended by a subgrantee according to the conditions of the subgrantee's contract. Recaptured funds may be granted by the administrator to other applicants or subgrantees for services and activities consistent with the purposes and goals of the program.

421—31.15(216A,232) Compliance with state and federal laws. In acceptance of a grant, the subgrantee shall agree to comply with all applicable state and federal rules and laws, including but not limited to the JJDPA.

421—31.16(216A,232) Immunity of state and agencies. The subgrantee shall defend and hold harmless the state and any federal funding source for the state from liability arising from the subgrantee's performance or attempted performance of its contract, and the subgrantee's activities with subcontractors and all other third parties.

These rules are intended to implement Iowa Code chapter 17A; Iowa Code chapter 216A, subchapter VIII; P.L. 93-415; and P.L. 105-119.

ITEM 31. Reserve **421—Chapter 32 to Chapter 39.**

ITEM 32. Adopt the following new 421—Chapter 40:

TITLE IV
DIVISION OF COMMUNITY ADVOCACY AND SERVICES

CHAPTER 40
FUNCTIONS OF DIVISION

421—40.1(216A) Definitions. As used in these rules, unless context otherwise requires:

"*Administrator*" means the administrator of the division of community advocacy and services, which is composed of the following offices:

1. Office of Latino affairs.
2. Office on the status of women.
3. Office of deaf services.
4. Office on the status of African Americans.
5. Office of Asian and Pacific Islander affairs.

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6. Office of Native American affairs.
7. Office of persons with disabilities.

“*Commission*” means the following commissions established in Iowa Code chapter 216A:

1. Commission of Latino affairs.
2. Commission on the status of women.
3. Commission of deaf services.
4. Commission on the status of African Americans.
5. Commission of Asian and Pacific Islander affairs.
6. Commission of Native American affairs.
7. Commission of persons with disabilities.

“*Commissioner*” means a member of one of the commissions, appointed by the governor, and subject to confirmation by the senate pursuant to Iowa Code section 2.32.

“*Department*” means the department of human rights.

“*Division*” means the division of community advocacy and services within the department of human rights.

421—40.2(216A) Functions of the division. The division of community advocacy and services is under the direction of an administrator, who is appointed by and reports to the director of the department. The functions and responsibilities of the division and respective commissions are described in Iowa Code chapter 216A.

40.2(1) The administrator will assign members of the division to meet the responsibilities of each office and to assist corresponding commissions with their efforts. Commission assistance shall be provided by coordinating meetings as required in Iowa Code sections 216A.12, 216A.53, 216A.74, 216A.113, 216A.142, 216A.152, and 216A.162; providing public notice as required in the open meetings law, Iowa Code chapter 21; maintaining commission meeting records; providing data and information on programs, rules and laws which impact or serve Iowans who identify with groups represented by the offices in the division; updating the commission website in accordance with department guidelines; and reporting on division and office results, policies and processes at meetings.

40.2(2) The division will focus on achieving long-term economic, social and cultural equity for Iowans who identify with groups represented by the offices in the division. To ascertain key needs and areas of focus, the division will assess relevant data, create opportunities for Iowans who identify with groups represented by the offices in the division to connect with one another, and with state government, to raise concerns and suggest workable solutions. This will be accomplished by holding regular listening sessions, providing leadership development opportunities, and facilitating community engagement. The division will actively engage commissioners in these initiatives.

40.2(3) The division will provide assistance, training and consultation to state departments and agencies to enhance services that allow underrepresented populations to participate fully in the economic, social, and cultural life of the state.

40.2(4) The division will use its knowledge of programming and information clearinghouse to provide assistance for Iowans who identify with groups represented by the offices in the division. Direct assistance consists of the following:

- a. Connecting Iowans with state departments, agencies and other organizations that provide the specific services, expertise or knowledge necessary to meet their needs.
- b. Training or assisting Iowans to self-advocate with state and local government when possible.
- c. Enhancing statewide and local knowledge of existing services and programs available for Iowans who identify with groups represented by the offices in the division.
- d. Communicating about and advocating for the needs and the value to Iowa’s economy, culture and society of Iowans who identify with groups represented by the offices in the division.

40.2(5) The division will work in collaboration with statewide and local organizations to assess the availability and accessibility of state and local services for Iowans who identify with groups represented by the offices in the division and shall identify gaps in available services, collect data relevant to the work of the division, make recommendations for improvements, and develop and facilitate the implementation

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of improvements when necessary. Time may be allocated by the division to develop, coordinate and assist statewide and local organizations when the provision of that coordination or assistance is determined to be in alignment with the department's or division's strategic plan, and staff resources are available.

40.2(6) The division will provide assistance to develop, coordinate and assist other organizations. This may include providing division members to serve on committees, boards or working groups; to assist in creating strategic plans or action plans; to speak at events or deliver training; and to provide information about the perspective and needs of members of underrepresented groups. Time may be allocated by the division to develop, coordinate and assist other public organizations when the provision of that coordination or assistance is determined to be in alignment with the department's or division's strategic plan, and staff resources are available.

421—40.3(216A) Organization of the commissions.

40.3(1) Each commissioner is an equal voting member of the commission on which the commissioner serves. A majority of the members shall constitute a quorum, and the affirmative vote of the majority is necessary for any substantive action taken by the commission.

40.3(2) Commissions shall appoint officers to serve two-year terms by voting at a commission meeting held in the first quarter of each even-numbered fiscal year. To qualify to serve as an officer, a commissioner must have at least two years remaining in the commissioner's term of appointment to one of the commissions. Commissions may appoint officers to positions as provided in Iowa Code sections 216A.12, 216A.53, 216A.74, 216A.113, 216A.142, 216A.152, and 216A.162. The roles of officer positions that are filled by commissions include, but are not limited to, the following:

a. Chairperson. This member shall establish the draft agenda, chair each commission meeting, and work with the division to establish a meeting schedule and communicate with members of the commission on which the chairperson serves to ensure a quorum at commission meetings.

b. Vice chairperson. This member shall work with the chairperson to establish the draft agenda and chair commission meetings in the absence of the chairperson.

40.3(3) Commissions shall appoint a member to serve as a voting member of the human rights board to serve a four-year term. Commissioners who are members of the human rights board shall serve their appointed term on the board unless a majority of a commission votes to appoint a new member to represent the commission on the human rights board, or the appointed commissioner is no longer able to serve or is no longer a member of a commission.

40.3(4) To carry out its duties, a commission may establish an advisory committee, work group, or other coalition composed of any combination of the following: members of the division, members of the public, and commissioners from its own commission or from other commissions within the division. The establishment of an advisory committee, work group or coalition requires a majority affirmative vote of the membership of the commission, including the identification of a commissioner who will facilitate the work of the committee, group or coalition. Advisory committees, work groups and coalitions may make recommendations to the commission. Enactment of those recommendations requires a majority affirmative vote of the membership of the commission. Advisory committees shall include a facilitating member who is also a member of a commission. The facilitating member shall report on committee, work group or coalition meetings at regularly scheduled commission meetings and via electronic updates that shall be public record as required in the open records law, Iowa Code chapter 22.

40.3(5) Any member of a commission shall be deemed to have submitted a resignation if the member does not attend three or more consecutive commission meetings or if the member attends less than one half of the scheduled meetings held within any 12-month calendar period.

40.3(6) A member of the division or the administrator shall attend each meeting of the commissions to provide information and assistance in accordance with subrule 40.2(1).

421—40.4(216A) Meetings of the commissions.

40.4(1) Commissions shall meet as required by Iowa Code sections 216A.12, 216A.53, 216A.74, 216A.113, 216A.142, 216A.152, and 216A.162. No later than October 1, commissions shall establish and make public an annual schedule of required meetings for the following calendar year. A commission

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may alter its schedule with an affirmative vote of the majority of the members of the commission. The public shall be notified of alterations to the schedule within two business days of the official vote for alteration. A commission may hold additional special meetings with an affirmative vote of a majority of the membership of the commission. All meetings, including special meetings, shall be public meetings unless a closed session is approved pursuant to Iowa Code section 21.5. All official commission communication shall include each member of the commission, including the ex officio member, and the administrator.

40.4(2) Meeting agendas shall be posted as required by Iowa Code section 21.4. Meeting agendas will be available on the department website at least 24 hours in advance of the meeting unless the meeting meets criteria established in Iowa Code section 21.4 for an emergency meeting. Minutes of the meeting will be posted on the department website upon approval by the commission.

40.4(3) Members of the public attending a commission meeting shall request any necessary reasonable accommodations for their attendance at least five business days in advance of the scheduled meeting. Accommodations requested after this time frame will be made if reasonably possible. Accommodations may be made using appropriate services at the discretion of the department, with consideration of the needs of the public in attendance.

40.4(4) All commission meetings shall provide an opportunity for public comment. Commissions shall not limit public comment to persons who have preregistered with the commission. All members of the public addressing the commission shall be present at the meeting in person or via conference call or provide written comments. All members of the public addressing the commission in person, via conference call or in writing shall provide their full name, mailing address or other appropriate information to allow future correspondence, and city and state of residence. Commissions may limit the duration of public comment in total or per individual. The time and duration of public comment will be published on the meeting agenda at least 24 hours in advance of the meeting. The chairperson, vice chairperson, director, administrator, or member of the division may exclude any person from the meeting for comments or behavior that disrupts or obstructs the meeting.

40.4(5) Members of the public requesting to be placed on the commission agenda for a specific topic and duration shall make that request in person, by phone, by email or via the U.S. postal service to the commission chairperson or the division no later than three business days in advance of the commission meeting. The chairperson shall accept or deny a request and shall inform the individual making the request and the division of the decision no later than two business days in advance of the meeting using the same method of communication through which the request was received, followed by a written confirmation via U.S. postal service. The chairperson has sole discretion to accept or deny a request to appear on the agenda; however, denial of a scheduled time on the agenda does not preclude a member of the public from participating in the public comment portion of a meeting.

40.4(6) Substantial alterations to a published draft commission agenda shall be subject to an affirmative vote of the majority of a commission.

40.4(7) Positions of the commission, and publicly communicated messages regarding those positions from the commission, require an affirmative vote of the majority of a commission in a public meeting.

421—40.5(216A) Functions of commissions.

40.5(1) Commissions shall focus on achieving long-term economic, social and cultural equity for Iowans who identify with groups represented by the commission.

40.5(2) Biennial recommendations. To ascertain key needs and areas of focus, commissions shall provide insight and input regarding the changing needs of Iowans who identify with groups represented by the commission. This will be accomplished by assessing available data, participating in division-sponsored listening sessions or sponsoring additional listening sessions; and using this and other information to compile and present biennial policy and program recommendations to the department, board, legislature and governor by October 15 of each even-numbered year. The division shall compile all recommendations on behalf of the commissions into one document for presentation to the department, board, legislature and governor by November 15 of each even-numbered year.

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Commissions may offer more frequent recommendations with an affirmative vote of the majority of a commission.

These rules are intended to implement Iowa Code chapters 17A and 216A.

ITEM 33. Adopt the following new 421—Chapter 41:

CHAPTER 41
HALL OF FAME

421—41.1(216A) Iowa Women’s Hall of Fame.

41.1(1) Purpose. The purpose of the Iowa Women’s Hall of Fame shall be to recognize significant achievements of Iowa women and to educate the public by identifying those whose efforts have enhanced and improved the quality of life for women in Iowa, the community, state, nation or world, or a particular profession or discipline.

41.1(2) Committee. The Iowa Women’s Hall of Fame committee shall consist of three commissioners of the commission on the status of women, one serving as the committee chairperson; two public members appointed by the committee chairperson; and the chairperson of the commission on the status of women as an ex officio member.

41.1(3) Selection procedure. The committee shall solicit nominations for the Iowa Women’s Hall of Fame. The committee shall recommend to the commission on the status of women for its approval no more than four individuals to be inducted into the Iowa Women’s Hall of Fame. The committee shall plan the ceremony and reception each year for the Iowa Women’s Hall of Fame.

41.1(4) Cristine Wilson Medal for Equality and Justice. The Cristine Wilson Medal for Equality and Justice shall memorialize the efforts and accomplishments of the commission on the status of women’s first chairperson. The medal is awarded on an intermittent basis to persons whose work is deemed outstanding and a significant contribution to Iowa’s recognition as a state characterized by equality and justice. The Iowa Women’s Hall of Fame committee shall make recommendations to the commission for persons to receive this award.

41.1(5) Nomination forms and deadlines. Nomination forms and deadlines shall be posted on the human rights department’s website at humanrights.iowa.gov/cas.

421—41.2(216A) Iowa Latino Hall of Fame.

41.2(1) Purpose. The purpose of the Iowa Latino Hall of Fame shall be to recognize and honor outstanding Iowa Latinos that have contributed their talents and skills to improve the quality of life in Iowa and to provide visible examples for tomorrow’s Latino leaders.

41.2(2) Committee. The Iowa Latino Hall of Fame committee shall consist of three commissioners of the commission of Latino affairs, one serving as the committee chairperson; two public members selected by the commission of Latino affairs; and the chairperson of the commission of Latino affairs as an ex officio member.

41.2(3) Selection procedure. The committee shall solicit nominations for the Iowa Latino Hall of Fame. The committee shall recommend to the commission of Latino affairs for its approval no more than three individuals to be inducted into the Iowa Latino Hall of Fame, one individual for the Robert D. Ray Award for Equity and Justice, and one individual for the Iowa Latinx Youth Leadership Award. The committee shall plan the ceremony and reception each year for the Iowa Latino Hall of Fame.

41.2(4) Robert D. Ray Award for Equity and Justice. The Robert D. Ray Award for Equity and Justice shall recognize and honor the efforts and accomplishments of non-Latino and Latino Iowans. The award is awarded to persons whose work is deemed outstanding and a significant contribution to the equity and justice for Iowa’s new immigrants. The Iowa Latino Hall of Fame committee shall make recommendations to the commission for persons to receive this award.

41.2(5) Iowa Latinx Youth Leadership Award. The Latinx Youth Leadership Award is awarded to an Iowa Latinx youth or young professional who is making a difference in that individual’s community.

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41.2(6) *Nomination forms and deadlines.* Nomination forms and deadlines shall be posted on the human rights department's website at humanrights.iowa.gov/cas.

These rules are intended to implement Iowa Code chapters 17A and 216A.

[Filed 12/2/21, effective 2/2/22]

[Published 12/29/21]

EDITOR'S NOTE: For replacement pages for IAC, see IAC Supplement 12/29/21.

ARC 6122C

HUMAN SERVICES DEPARTMENT[441]

Adopted and Filed

Rule making related to provider rates and fee schedules

The Human Services Department hereby amends Chapter 78, "Amount, Duration and Scope of Medical and Remedial Services," Chapter 79, "Other Policies Relating to Providers of Medical and Remedial Care," and Chapter 83, "Medicaid Waiver Services," Iowa Administrative Code.

Legal Authority for Rule Making

This rule making is adopted under the authority provided in Iowa Code section 249A.4 and 2021 Iowa Acts, House File 891, section 32.

State or Federal Law Implemented

This rule making implements, in whole or in part, Iowa Code section 249A.4 and 2021 Iowa Acts, House File 891.

Purpose and Summary

As part of the 2021 Legislative Session, 2021 Iowa Acts, House File 891, appropriates funds to increase specific provider reimbursement rates. The amendments to Chapters 78, 79 and 83 do the following:

- Increase the reimbursement rates and upper rate limits for providers of Home- and Community-Based Services (HCBS) Waiver and HCBS Habilitation services beginning July 1, 2021, by 3.55 percent over the rates in effect on June 30, 2021.
- Increase the monthly caps on the total monthly cost of HCBS Waiver and Habilitation services.
- Increase the monthly cap on HCBS Supported Employment and the annual cap on Intellectual Disability Waiver Respite services.
- Increase annual or lifetime limitations for home and vehicle modifications and specialized medical equipment.
- Increase air ambulance rates to \$550 beginning July 1, 2021.

In addition, the amendments to Chapter 79:

- Add the inflation factor limitation.
- Implement the fee schedule rate in effect July 1, 2021, for air ambulance providers. 2021 Iowa Acts, House File 891, appropriates funds to increase air ambulance rates to \$550 per one-way trip.
- Implement the home health agency low utilization payment adjustment (LUPA) rate increase. This rate is applied when there are three or fewer visits provided in a 30-day period.
- Increase psychiatric medical institutions for children (PMIC) provider-specific fee schedule rate percentages over the rates in effect June 30, 2021. House File 891 appropriates \$3.9 million to increase non-State-owned PMIC provider rates over the rates in effect June 30, 2021.

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Public Comment and Changes to Rule Making

Notice of Intended Action for this rule making was published in the Iowa Administrative Bulletin on September 8, 2021, as **ARC 5903C**. This rule making was also adopted and filed emergency and published in the Iowa Administrative Bulletin as **ARC 5896C** on the same date. No public comments were received. No changes from the Notice have been made.

Adoption of Rule Making

This rule making was adopted by the Council on Human Services on December 9, 2021.

Fiscal Impact

The targeted HCBS and Habilitation increases were calculated assuming both the regular federal medical assistance percentages (FMAP) and COVID-increased FMAP. The Legislature opted for the COVID-increased FMAP scenario for both sets of services. These are the only adjustments for which the Legislature agreed to base the increase on the COVID-increased FMAP. All other adjustments are based on the regular FMAP. The FMAP is estimated at 65.14 percent in SFY22 and 62.01 percent in SFY23. As part of the 2021 Legislative Session, 2021 Iowa Acts, House File 891, appropriates funds to increase specific provider reimbursement rates.

Jobs Impact

These amendments may have a positive influence on private-sector jobs and employment opportunities in Iowa.

Waivers

Any person who believes that the application of the discretionary provisions of this rule making would result in hardship or injustice to that person may petition the Department for a waiver of the discretionary provisions, if any, pursuant to rule 441—1.8(17A,217).

Review by Administrative Rules Review Committee

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

Effective Date

This rule making will become effective on March 1, 2022, at which time the Adopted and Filed Emergency rule making is hereby rescinded.

The following rule-making actions are adopted:

ITEM 1. Amend subparagraph **78.27(10)“f”(2)** as follows:

(2) In absence of a monthly cap on the cost of waiver services, the total monthly cost of all supported employment services may not exceed ~~\$3,059.29~~ \$3,167.89 per month.

ITEM 2. Amend paragraph **78.34(9)“g”** as follows:

g. Service payment shall be made to the enrolled home or vehicle modification provider. If applicable, payment will be forwarded to the subcontracting agency by the enrolled home or vehicle modification provider following completion of the approved modifications. Payment of up to ~~\$6,366.64~~ \$6,592.66 per year may be made to certified providers upon satisfactory completion of the service.

ITEM 3. Amend paragraph **78.41(2)“i”** as follows:

i. Payment for respite services shall not exceed ~~\$7,334.62~~ \$7,595 per the member's waiver year.

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ITEM 4. Amend paragraph **78.43(5)“g”** as follows:

g. Service payment shall be made to the enrolled home or vehicle modification provider. If applicable, payment will be forwarded to the subcontracting agency by the enrolled home or vehicle modification provider following completion of the approved modifications. Payment of up to ~~\$6,366.64~~ \$6,592.66 per year may be made to certified providers upon satisfactory completion of the service.

ITEM 5. Amend paragraph **78.43(8)“c”** as follows:

c. Payment of up to ~~\$6,366.64~~ \$6,592.66 per year may be made to enrolled specialized medical equipment providers upon satisfactory receipt of the service. ~~Each month within the 12-month period, the service worker shall encumber an amount within the monthly dollar cap allowed for the member until the amount of the equipment cost is reached.~~

ITEM 6. Amend paragraph **78.46(2)“g”** as follows:

g. Service payment shall be made to the enrolled home or vehicle modification provider. If applicable, payment will be forwarded to the subcontracting agency by the enrolled home or vehicle modification provider following completion of the approved modifications. Payment of up to ~~\$6,366.64~~ \$6,592.66 per year may be made to certified providers upon satisfactory completion of the service.

ITEM 7. Amend paragraph **78.46(4)“c”** as follows:

c. Payment of up to ~~\$6,366.64~~ \$6,592.66 per year may be made to enrolled specialized medical equipment providers upon satisfactory receipt of the service.

ITEM 8. Adopt the following **new** paragraph **79.1(1)“i”**:

i. *Inflation factor.* When the department’s reimbursement methodology for any provider includes an inflation factor, this inflation factor shall not exceed the amount by which the consumer price index for all urban consumers increased during the calendar year ending December 31, 2002.

ITEM 9. Amend subrule **79.1(2)**, provider categories of “Ambulance,” “HCBS waiver service providers,” “Home- and community-based habilitation services,” “Home health agencies” and “Psychiatric medical institutions for children,” as follows:

Ambulance	Fee schedule	Ground ambulance: Fee schedule in effect 6/30/14 plus 10%. Air ambulance: Fee schedule in effect 6/30/14 plus 10% <u>7/1/21</u> .
HCBS waiver service providers, including:		Except as noted, limits apply to all waivers that cover the named provider.
1. Adult day care	For AIDS/HIV, brain injury, elderly, and health and disability waivers: Fee schedule	Effective 7/1/16 <u>7/1/21</u> , for AIDS/HIV, brain injury, elderly, and health and disability waivers: Provider’s rate in effect 6/30/16 <u>6/30/21</u> plus 1% <u>3.55%</u> , converted to a 15-minute, half-day, full-day, or extended-day rate. If no 6/30/16 <u>6/30/21</u> rate: Veterans Administration contract rate or \$1.47 <u>\$1.52</u> per 15-minute unit, \$23.47 <u>\$24.30</u> per half day, \$46.72 <u>\$48.38</u> per full day, or \$70.06 <u>\$72.55</u> per extended day if no Veterans Administration contract.
	For intellectual disability waiver:	Effective 7/1/17 <u>7/1/21</u> , for

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	Fee schedule for the member's acuity tier, determined pursuant to 79.1(30)	intellectual disability waiver: The provider's rate in effect 6/30/16 <u>6/30/21</u> plus 1% <u>3.55%</u> , converted to a 15-minute or half-day rate. If no 6/30/16 <u>6/30/21</u> rate, \$1.96 <u>\$2.03</u> per 15-minute unit or \$31.27 <u>\$32.38</u> per half day.
		For daily services, the fee schedule rate published on the department's website, pursuant to 79.1(1) "c," for the member's acuity tier, determined pursuant to 79.1(30).
2. Emergency response system:		
Personal response system	Fee schedule	Effective 7/1/13 <u>7/1/21</u> , provider's rate in effect 6/30/13 <u>6/30/21</u> plus 3% <u>3.55%</u> . If no 6/30/13 <u>6/30/21</u> rate: Initial one-time fee: \$52.04 <u>\$53.89</u> . Ongoing monthly fee: \$40.47 <u>\$41.91</u> .
Portable locator system	Fee schedule	Effective 7/1/13 <u>7/1/21</u> , provider's rate in effect 6/30/13 <u>6/30/21</u> plus 3% <u>3.55%</u> . If no 6/30/13 <u>6/30/21</u> rate: One equipment purchase: \$323.26 <u>\$334.74</u> . Initial one-time fee: \$52.04 <u>\$53.89</u> . Ongoing monthly fee: \$40.47 <u>\$41.91</u> .
3. Home health aides	Retrospective cost-related <u>Fee schedule</u>	For AIDS/HIV, elderly, and health and disability waivers effective 7/1/16 <u>7/1/21</u> : Lesser of maximum Medicare rate in effect 6/30/16 <u>6/30/21</u> plus 1% <u>3.55%</u> or maximum Medicaid rate in effect 6/30/16 <u>6/30/21</u> plus 1% <u>3.55%</u> . For intellectual disability waiver effective 7/1/16 <u>7/1/21</u> : Lesser of maximum Medicare rate in effect 6/30/16 <u>6/30/21</u> plus 1% <u>3.55%</u> or maximum Medicaid rate in effect 6/30/16 <u>6/30/21</u> plus 1% <u>3.55%</u> , converted to an hourly rate.
4. Homemakers	Fee schedule	Effective 7/1/13 <u>7/1/21</u> , provider's rate in effect 6/30/13 <u>6/30/21</u> plus 3% <u>3.55%</u> , converted to a 15-minute rate. If no 6/30/13 <u>6/30/21</u> rate: \$5.20 <u>\$5.38</u> per 15-minute unit.
5. Nursing care	Fee schedule	For AIDS/HIV, health and disability, elderly and intellectual disability waiver effective 7/1/16 <u>7/1/21</u> , provider's rate in effect 6/30/16 <u>6/30/21</u> plus 1% <u>3.55%</u> . If no 6/30/16 <u>6/30/21</u> rate: \$87.99 <u>\$91.11</u> per visit.

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6. Respite care when provided by:

Home health agency:

Specialized respite

~~Cost-based rate for nursing services provided by a home health agency~~ Fee schedule

Effective ~~7/1/16~~ 7/1/21, provider's rate in effect ~~6/30/16~~ 6/30/21 plus 4% 3.55%, converted to a 15-minute rate. If no ~~6/30/16~~ 6/30/21 rate: Lesser of maximum Medicare rate in effect ~~6/30/16~~ 6/30/21 plus 4% 3.55%, converted to a 15-minute rate, or maximum Medicaid rate in effect ~~6/30/16~~ 6/30/21 plus 4% 3.55%, converted to a 15-minute rate, not to exceed ~~\$315.09~~ \$326.28 per day.

Basic individual respite

~~Cost-based rate for home health aide services provided by a home health agency~~ Fee schedule

Effective ~~7/1/16~~ 7/1/21, provider's rate in effect ~~6/30/16~~ 6/30/21 plus 4% 3.55%, converted to a 15-minute rate. If no ~~6/30/16~~ 6/30/21 rate: Lesser of maximum Medicare rate in effect ~~6/30/16~~ 6/30/21 plus 4% 3.55%, converted to a 15-minute rate, or maximum Medicaid rate in effect ~~6/30/16~~ 6/30/21 plus 4% 3.55%, converted to a 15-minute rate, not to exceed ~~\$315.09~~ \$326.28 per day.

Group respite

Fee schedule

Effective ~~7/1/16~~ 7/1/21, provider's rate in effect ~~6/30/16~~ 6/30/21 plus 4% 3.55%, converted to a 15-minute rate. If no ~~6/30/16~~ 6/30/21 rate: ~~\$3.49~~ \$3.61 per 15-minute unit, not to exceed ~~\$315.09~~ \$326.28 per day.

Home care agency:

Specialized respite

Fee schedule

Effective ~~7/1/16~~ 7/1/21, provider's rate in effect ~~6/30/16~~ 6/30/21 plus 4% 3.55%, converted to a 15-minute rate. If no ~~6/30/16~~ 6/30/21 rate: ~~\$8.96~~ \$9.28 per 15-minute unit, not to exceed ~~\$315.09~~ \$326.28 per day.

Basic individual respite

Fee schedule

Effective ~~7/1/16~~ 7/1/21, provider's rate in effect ~~6/30/16~~ 6/30/21 plus 4% 3.55%, converted to a 15-minute rate. If no ~~6/30/16~~ 6/30/21 rate: ~~\$4.78~~ \$4.95 per 15-minute unit, not to exceed ~~\$315.09~~ \$326.28 per day.

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Group respite	Fee schedule	Effective 7/1/16 <u>7/1/21</u> , provider's rate in effect 6/30/16 <u>6/30/21</u> plus 4% <u>3.55%</u> , converted to a 15-minute rate. If no 6/30/16 <u>6/30/21</u> rate: \$3.49 <u>\$3.61</u> per 15-minute unit, not to exceed \$315.09 <u>\$326.28</u> per day.
Nonfacility care: Specialized respite	Fee schedule	Effective 7/1/16 <u>7/1/21</u> , provider's rate in effect 6/30/16 <u>6/30/21</u> plus 4% <u>3.55%</u> , converted to a 15-minute rate. If no 6/30/16 <u>6/30/21</u> rate: \$8.96 <u>\$9.28</u> per 15-minute unit, not to exceed \$315.09 <u>\$326.28</u> per day.
Basic individual respite	Fee schedule	Effective 7/1/16 <u>7/1/21</u> , provider's rate in effect 6/30/16 <u>6/30/21</u> plus 4% <u>3.55%</u> , converted to a 15-minute rate. If no 6/30/16 <u>6/30/21</u> rate: \$4.78 <u>\$4.95</u> per 15-minute unit, not to exceed \$315.09 <u>\$326.28</u> per day.
Group respite	Fee schedule	Effective 7/1/16 <u>7/1/21</u> , provider's rate in effect 6/30/16 <u>6/30/21</u> plus 4% <u>3.55%</u> , converted to a 15-minute rate. If no 6/30/16 <u>6/30/21</u> rate: \$3.49 <u>\$3.61</u> per 15-minute unit, not to exceed \$315.09 <u>\$326.28</u> per day.
Facility care: Hospital or nursing facility providing skilled care	Fee schedule	Effective 7/1/16 <u>7/1/21</u> , provider's rate in effect 6/30/16 <u>6/30/21</u> plus 4% <u>3.55%</u> , converted to a 15-minute rate. If no 6/30/16 <u>6/30/21</u> rate: \$3.49 <u>\$3.61</u> per 15-minute unit, not to exceed the facility's daily Medicaid rate for skilled nursing level of care.
Nursing facility	Fee schedule	Effective 7/1/16 <u>7/1/21</u> , provider's rate in effect 6/30/16 <u>6/30/21</u> plus 4% <u>3.55%</u> , converted to a 15-minute rate. If no 6/30/16 <u>6/30/21</u> rate: \$3.49 <u>\$3.61</u> per 15-minute unit, not to exceed the facility's daily Medicaid rate.
Camps	Fee schedule	Effective 7/1/16 <u>7/1/21</u> , provider's rate in effect 6/30/16 <u>6/30/21</u> plus 4% <u>3.55%</u> , converted to a 15-minute rate. If no 6/30/16 <u>6/30/21</u> rate: \$3.49 <u>\$3.61</u> per 15-minute unit, not to exceed \$315.09 <u>\$326.28</u> per day.

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Adult day care	Fee schedule	Effective 7/1/16 7/1/21, provider's rate in effect 6/30/16 6/30/21 plus 4% 3.55%, converted to a 15-minute rate. If no 6/30/16 6/30/21 rate: \$3.49 \$3.61 per 15-minute unit, not to exceed rate for regular adult day care services.
Intermediate care facility for persons with an intellectual disability	Fee schedule	Effective 7/1/16 7/1/21, provider's rate in effect 6/30/16 6/30/21 plus 4% 3.55%, converted to a 15-minute rate. If no 6/30/16 6/30/21 rate: \$3.49 \$3.61 per 15-minute unit, not to exceed the facility's daily Medicaid rate.
Residential care facilities for persons with an intellectual disability	Fee schedule	Effective 7/1/16 7/1/21, provider's rate in effect 6/30/16 6/30/21 plus 4% 3.55%, converted to a 15-minute rate. If no 6/30/16 6/30/21 rate: \$3.49 \$3.61 per 15-minute unit, not to exceed contractual daily rate.
Foster group care	Fee schedule	Effective 7/1/16 7/1/21, provider's rate in effect 6/30/16 6/30/21 plus 4% 3.55%, converted to a 15-minute rate. If no 6/30/16 6/30/21 rate: \$3.49 \$3.61 per 15-minute unit, not to exceed daily rate for child welfare services.
Child care facilities	Fee schedule	Effective 7/1/16 7/1/21, provider's rate in effect 6/30/16 6/30/21 plus 4% 3.55%, converted to a 15-minute rate. If no 6/30/16 6/30/21 rate: \$3.49 \$3.61 per 15-minute unit, not to exceed contractual daily rate.
7. Chore service	Fee schedule	Effective 7/1/13 7/1/21, provider's rate in effect 6/30/13 6/30/21 plus 3% 3.55%, converted to a 15-minute rate. If no 6/30/13 6/30/21 rate: \$4.05 \$4.19 per 15-minute unit.
8. Home-delivered meals	Fee schedule	Effective 7/1/13 7/1/21, provider's rate in effect 6/30/13 6/30/21 plus 3% 3.55%. If no 6/30/13 6/30/21 rate: \$8.10 \$8.39 per meal. Maximum of 14 meals per week.

HUMAN SERVICES DEPARTMENT[441](cont'd)

9. Home and vehicle modification	Fee schedule. See 79.1(17)	For elderly waiver effective 7/1/13 <u>7/1/21</u> : \$1,061.11 <u>\$1,098.78</u> lifetime maximum.
		For intellectual disability waiver effective 7/1/13 <u>7/1/21</u> : \$5,305.53 <u>\$5,493.88</u> lifetime maximum.
		For brain injury, health and disability, and physical disability waivers effective 7/1/13 <u>7/1/21</u> : \$6,366.64 <u>\$6,592.66</u> per year.
10. Mental health outreach providers	Fee schedule	Effective 7/1/16 <u>7/1/21</u> , provider's rate in effect 6/30/16 <u>6/30/21</u> plus 1% <u>3.55%</u> . If no 6/30/16 <u>6/30/21</u> rate: On-site Medicaid reimbursement rate for center or provider. Maximum of 1,440 units per year.
11. Transportation	Fee schedule	Effective 10/1/13: The provider's nonemergency medical transportation contract rate or, in the absence of a nonemergency medical transportation contract rate, the median nonemergency medical transportation contract rate paid per mile or per trip within the member's DHS region. Fee schedule in effect 7/1/21.
12. Nutritional counseling	Fee schedule	Effective 7/1/16 <u>7/1/21</u> for non-county contract: Provider's rate in effect 6/30/16 <u>6/30/21</u> plus 1% <u>3.55%</u> , converted to a 15-minute rate. If no 6/30/16 <u>6/30/21</u> rate: \$8.76 <u>\$9.07</u> per 15-minute unit.
13. Assistive devices	Fee schedule. See 79.1(17)	Effective 7/1/13 <u>7/1/21</u> : \$115.62 <u>\$119.72</u> per unit.
14. Senior companion	Fee schedule	Effective 7/1/16 <u>7/1/21</u> for non-county contract: Provider's rate in effect 6/30/16 <u>6/30/21</u> plus 1% <u>3.55%</u> , converted to a 15-minute rate. If no 6/30/16 <u>6/30/21</u> rate: \$1.89 <u>\$1.96</u> per 15-minute unit.
15. Consumer-directed attendant care provided by:		
Agency (other than an elderly waiver assisted living program)	Fee agreed upon by member and provider	Effective 7/1/16 <u>7/1/21</u> , provider's rate in effect 6/30/16 <u>6/30/21</u> plus 1% <u>3.55%</u> , converted to a 15-minute rate. If no 6/30/16 <u>6/30/21</u> rate: \$5.35 <u>\$5.54</u> per 15-minute unit, not to exceed \$123.85 <u>\$128.25</u> per day.

HUMAN SERVICES DEPARTMENT[441](cont'd)

Assisted living program (for elderly waiver only)	Fee agreed upon by member and provider	Effective 7/1/16 <u>7/1/21</u> , provider's rate in effect 6/30/16 <u>6/30/21</u> plus 4% <u>3.55%</u> , converted to a 15-minute rate. If no 6/30/16 <u>6/30/21</u> rate: \$5.35 <u>\$5.54</u> per 15-minute unit, not to exceed \$123.85 <u>\$128.25</u> per day.
Individual	Fee agreed upon by member and provider	Effective 7/1/16 <u>7/1/21</u> , \$3.58 <u>\$3.71</u> per 15-minute unit, not to exceed \$83.36 <u>\$86.32</u> per day. When an individual who serves as a member's legal representative provides services to the member as allowed by 79.9(7) "b," the payment rate must be based on the skill level of the legal representative and may not exceed the median statewide reimbursement rate for the service unless the higher rate receives prior approval from the department.
16. Counseling:		
Individual	Fee schedule	Effective 7/1/16 <u>7/1/21</u> , provider's rate in effect 6/30/16 <u>6/30/21</u> plus 4% <u>3.55%</u> , converted to a 15-minute rate. If no 6/30/16 <u>6/30/21</u> rate: \$11.45 <u>\$11.86</u> per 15-minute unit.
Group	Fee schedule	Effective 7/1/16 <u>7/1/21</u> , provider's rate in effect 6/30/16 <u>6/30/21</u> plus 4% <u>3.55%</u> , converted to a 15-minute rate. If no 6/30/16 <u>6/30/21</u> rate: \$11.44 <u>\$11.85</u> per 15-minute unit. Rate is divided by six, or, <u>six</u> , if the number of persons who comprise the group exceeds six, the actual number of persons who comprise the group.
17. Case management	Fee schedule	For brain injury and elderly waivers: Fee schedule effective 7/1/21, provider's rate in effect 7/1/18 <u>6/30/21 plus 3.55%</u> .
18. Supported community living	For brain injury waiver: Retrospectively limited prospective rates. See 79.1(15)	For brain injury waiver effective 7/1/16 <u>7/1/21</u> : \$9.28 <u>\$9.61</u> per 15-minute unit, not to exceed the maximum daily ICF/ID rate per day plus 3.927% <u>7.477%</u> .
	For intellectual disability waiver: Fee schedule for the member's acuity tier, determined pursuant to 79.1(30). Retrospectively limited prospective rate for SCL 15-minute unit. See 79.1(15)	For intellectual disability waiver effective 7/1/17 <u>7/1/21</u> : \$9.28 <u>\$9.61</u> per 15-minute unit. For daily service, the fee schedule rate published on the department's website, pursuant to 79.1(1) "c," for the member's acuity tier, determined pursuant to 79.1(30).

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19. Supported employment:		
Individual placement and support	Fee schedule	Fee schedule in effect 7/1/16 7/1/21.
Individual supported employment	Fee schedule	Fee schedule in effect 7/1/16 7/1/21. Total monthly cost for all supported employment services not to exceed \$3,059.29 \$3,167.89 per month.
Long-term job coaching	Fee schedule	Fee schedule in effect 7/1/16 7/1/21. Total monthly cost for all supported employment services not to exceed \$3,059.29 \$3,167.89 per month.
Small-group supported employment (2 to 8 individuals)	Fee schedule	Fee schedule in effect 7/1/16 7/1/21. Maximum 160 units per week. Total monthly cost for all supported employment services not to exceed \$3,059.29 \$3,167.89 per month.
20. Specialized medical equipment	Fee schedule. See 79.1(17)	Effective 7/1/13 7/1/21, \$6,366.64 \$6,592.66 per year.
21. Behavioral programming	Fee schedule	Effective 7/1/16 7/1/21, provider's rate in effect 6/30/16 6/30/21 plus 4% 3.55%. If no 6/30/16 6/30/21 rate: \$11.45 \$11.86 per 15 minutes.
22. Family counseling and training	Fee schedule	Effective 7/1/16 7/1/21, provider's rate in effect 6/30/16 6/30/21 plus 4% 3.55%, converted to a 15-minute rate. If no 6/30/16 6/30/21 rate: \$11.44 \$11.85 per 15-minute unit.
23. Prevocational services, including career exploration	Fee schedule	Fee schedule in effect 7/1/16 7/1/21.
24. Interim medical monitoring and treatment:		
Home health agency (provided by home health aide)	Cost-based rate for home health aide services provided by a home health agency Fee schedule	Effective 7/1/16 7/1/21: Lesser of maximum Medicare rate in effect 6/30/16 6/30/21 plus 4% 3.55%, converted to a 15-minute rate, or maximum Medicaid rate in effect 6/30/16 6/30/21 plus 4% 3.55%, converted to a 15-minute rate.
Home health agency (provided by nurse)	Cost-based rate for nursing services provided by a home health agency Fee schedule	Effective 7/1/16 7/1/21: Lesser of maximum Medicare rate in effect 6/30/16 6/30/21 plus 4% 3.55%, converted to a 15-minute rate, or maximum Medicaid rate in effect 6/30/16 6/30/21 plus 4% 3.55%, converted to a 15-minute rate.

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Child development home or center	Fee schedule	Effective 7/1/16 <u>7/1/21</u> , provider's rate in effect 6/30/16 <u>6/30/21</u> plus 4% <u>3.55%</u> , converted to a 15-minute rate. If no 6/30/16 <u>6/30/21</u> rate: \$3.49 <u>\$3.61</u> per 15-minute unit.
Supported community living provider	Retrospectively limited prospective rate. See 79.1(15)	Effective 7/1/16 <u>7/1/21</u> , provider's rate in effect 6/30/16 <u>6/30/21</u> plus 4% <u>3.55%</u> , converted to a 15-minute rate. If no 6/30/16 <u>6/30/21</u> rate: \$9.28 <u>\$9.61</u> per 15-minute unit, not to exceed the maximum ICF/ID rate per day plus 3.927% <u>7.477%</u> .
25. Residential-based supported community living	Fee schedule for the member's acuity tier, determined pursuant to 79.1(30)	Effective 7/1/17 <u>7/1/21</u> : The fee schedule rate published on the department's website, pursuant to 79.1(1) "c," for the member's acuity tier, determined pursuant to 79.1(30).
26. Day habilitation	Fee schedule for the member's acuity tier, determined pursuant to 79.1(30)	Effective 7/1/17 <u>7/1/21</u> : Provider's rate in effect 6/30/16 <u>6/30/21</u> plus 4% <u>3.55%</u> , converted to a 15-minute rate. If no 6/30/16 <u>6/30/21</u> rate: \$3.51 <u>\$3.63</u> per 15-minute unit. For daily service, the fee schedule rate published on the department's website, pursuant to 79.1(1) "c," for the member's acuity tier, determined pursuant to 79.1(30).
27. Environmental modifications and adaptive devices	Fee schedule. See 79.1(17)	Effective 7/1/13 <u>7/1/21</u> , \$6,366.64 <u>\$6,592.66</u> per year.
28. Family and community support services	Retrospectively limited prospective rates. See 79.1(15)	Effective 7/1/16 <u>7/1/21</u> , provider's rate in effect 6/30/16 <u>6/30/21</u> plus 4% <u>3.55%</u> , converted to a 15-minute rate. If no 6/30/16 <u>6/30/21</u> rate: \$9.28 <u>\$9.61</u> per 15-minute unit.
29. In-home family therapy	Fee schedule	Effective 7/1/16 <u>7/1/21</u> , provider's rate in effect 6/30/16 <u>6/30/21</u> plus 4% <u>3.55%</u> , converted to a 15-minute rate. If no 6/30/16 <u>6/30/21</u> rate: \$24.85 <u>\$25.73</u> per 15-minute unit.
30. Financial management services	Fee schedule	Effective 7/1/13 <u>7/1/21</u> , provider's rate in effect 6/30/13 <u>6/30/21</u> plus 3% <u>3.55%</u> . If no 6/30/13 <u>6/30/21</u> rate: \$68.97 <u>\$71.42</u> per enrolled member per month.
31. Independent support broker	Rate negotiated by member	Effective 7/1/16 <u>7/1/21</u> , provider's rate in effect 6/30/16 <u>6/30/21</u> plus 4% <u>3.55%</u> . If no 6/30/16 <u>6/30/21</u> rate: \$16.07 <u>\$16.64</u> per hour.
32. to 34.	No change.	

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35. Assisted living on-call service providers (elderly waiver only)	Fee agreed upon by member and provider	\$26.08 <u>\$27.01</u> per day.
Home- and community-based habilitation services:		
1. Case management	Fee schedule. See 79.1(24) "d"	Effective 7/1/18 <u>7/1/21</u> : Fee schedule in effect 7/1/18 <u>6/30/21</u> plus 3.55%.
2. Home-based habilitation	See 79.1(24) "d"	Effective 7/1/13 <u>7/1/21</u> : \$11.68 per 15-minute unit, not to exceed \$6,083 per month, or \$200 per day. Fee schedule in effect <u>7/1/21</u> .
3. Day habilitation	See 79.1(24) "d"	Effective 7/1/13 <u>7/1/21</u> : \$3.30 <u>\$3.42</u> per 15-minute unit or \$64.29 <u>\$66.57</u> per day.
4. Prevocational habilitation Career exploration	Fee schedule	Fee schedule in effect May 4, 2016 <u>7/1/21</u> .
5. Supported employment:		
Individual supported employment	Fee schedule	Fee schedule in effect May 4, 2016 <u>7/1/21</u> . Total monthly cost for all supported employment services not to exceed \$3,029.00 <u>\$3,136.53</u> per month.
Long-term job coaching	Fee schedule	Fee schedule in effect May 4, 2016 <u>7/1/21</u> . Total monthly cost for all supported employment services not to exceed \$3,029.00 <u>\$3,136.53</u> per month.
Small-group supported employment (2 to 8 individuals)	Fee schedule	Fee schedule in effect May 4, 2016 <u>7/1/21</u> . Maximum 160 units per week. Total monthly cost for all supported employment services not to exceed \$3,029.00 <u>\$3,136.53</u> per month.
Home health agencies		
1. Skilled nursing, physical therapy, occupational therapy, speech therapy, home health aide, and medical social services; home health care for maternity patients and children	Fee schedule. See 79.1(26). For members living in a nursing facility, see 441—paragraph 81.6(11) "r."	Effective 7/1/18 <u>7/1/21</u> : Medicare LUPA rates in effect on 6/30/18 plus a 3% increase. <u>7/1/21</u> : The Medicaid LUPA fee schedule rate published on the department's website.
2. and 3. No change.		
Psychiatric medical institutions for children:		
1. Inpatient in non-state-owned facilities	Fee schedule	Effective 7/1/14 <u>7/1/21</u> : non-state-owned facilities provider-specific fee schedule in effect.
2. and 3. No change.		

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ITEM 10. Amend paragraph **83.2(2)“b,”** table, as follows:

Skilled level of care	Nursing level of care	ICF/ID
\$2,792.65 <u>\$2,891.79</u>	\$959.50 <u>\$993.56</u>	\$3,742.93 <u>\$3,875.80</u>

ITEM 11. Amend paragraph **83.42(2)“b”** as follows:

b. The total monthly cost of the AIDS/HIV waiver services shall not exceed the established aggregate monthly cost for level of care. The monthly cost of AIDS/HIV waiver services cannot exceed the established limit of ~~\$1,876.80~~ \$1,943.43.

ITEM 12. Amend paragraph **83.102(2)“b”** as follows:

b. The total cost of physical disability waiver services, excluding the cost of home and vehicle modifications, shall not exceed ~~\$705.84~~ \$730.90 per month.

ITEM 13. Amend paragraph **83.122(6)“b”** as follows:

b. The total cost of children’s mental health waiver services needed to meet the member’s needs, excluding the cost of environmental modifications, adaptive devices and therapeutic resources, may not exceed ~~\$2,006.34~~ \$2,077.57 per month.

[Filed 12/6/21, effective 3/1/22]

[Published 12/29/21]

EDITOR’S NOTE: For replacement pages for IAC, see IAC Supplement 12/29/21.

ARC 6119C

INSURANCE DIVISION[191]

Adopted and Filed

Rule making related to review of rules

The Insurance Division hereby amends Chapter 15, “Unfair Trade Practices,” Chapter 16, “Replacement of Life Insurance and Annuities,” Chapter 25, “Military Sales Practices,” Chapter 28, “Credit Life and Credit Accident and Health Insurance,” Chapter 30, “Life Insurance Policies,” Chapter 33, “Variable Life Insurance Model Regulation,” and Chapter 70, “Utilization Review,” Iowa Administrative Code.

Legal Authority for Rule Making

This rule making is adopted under the authority provided in Iowa Code sections 505.8, 505.27A, 505B.1, 507B.4, 507B.12, 508A.4, 509.16, 514F.3 and 522B.18.

State or Federal Law Implemented

This rule making implements, in whole or in part, Iowa Code chapters 505B, 507B, 508, 508A, 509, 514F and 522B and Iowa Code section 505.27A.

Purpose and Summary

These amendments are a result of the Division’s review of rules and generally update the chapters by removing duplicative definitions and unnecessary language, clarifying procedures, correcting statute references, conforming to current Iowa Code language, and reflecting current practices.

Public Comment and Changes to Rule Making

Notice of Intended Action for this rule making was published in the Iowa Administrative Bulletin on November 3, 2021, as **ARC 6015C**. No comments were received. A change from the Notice have been made to the definition of “consumer credit transaction” for consistency. A change has also been made to

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remove Items 37 through 39, because identical amendments have been adopted in another rule making (**ARC 6121C**, IAB 12/29/21). The remaining items have been renumbered accordingly.

Adoption of Rule Making

This rule making was adopted by Douglas Ommen, Iowa Insurance Commissioner, on December 8, 2021.

Fiscal Impact

This rule making has no fiscal impact to the State of Iowa.

Jobs Impact

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

Waivers

Any person who believes that the application of the discretionary provisions of this rule making would result in hardship or injustice to that person may petition the Division for a waiver of the discretionary provisions, if any, pursuant to 191—Chapter 4.

Review by Administrative Rules Review Committee

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

Effective Date

This rule making will become effective on February 2, 2022.

The following rule-making actions are adopted:

ITEM 1. Amend paragraph **15.13(1)“b”** as follows:

b. An insurer shall maintain a complete record of all the complaints received since the date of its last examination by the insurer's state of domicile or port-of-entry state. This record shall indicate the total number of complaints, their classification by line of insurance, the nature of each complaint, the disposition of each complaint, and the time it took to process each complaint. Appendix IV III sets forth the minimum information required to be contained in the complaint record.

ITEM 2. Amend paragraph **15.14(1)“c”** as follows:

c. Payment of interest at the rate of 10 percent per annum if the commissioner finds that the insurer failed to pay interest as required under Iowa Code section ~~507B.4, subsection 12~~ 507B.4(3)“p”;

ITEM 3. Amend paragraph **15.32(1)“a,”** definitions of “Clean claim” and “Insurer,” as follows:

“*Clean claim*” means clean claim as defined in ~~2001 Iowa Acts, chapter 69, section 8(2b)~~ Iowa Code section 507B.4A.

“*Insurer*” means insurer as defined in ~~2001 Iowa Acts, chapter 69, section 7~~ Iowa Code section 507B.4.

ITEM 4. Amend rule **191—15.32(507B)**, implementation sentence, as follows:

This rule is intended to implement Iowa Code sections 507B.4A, 514G.102 and 514G.111 ~~and 2015 Iowa Acts, House File 632, section 21.~~

ITEM 5. Amend rule **191—15.33(507B)**, implementation sentence, as follows:

This rule is intended to implement Iowa Code section 507B.4, ~~subsection 9, as amended by 2001 Iowa Acts, chapter 69.~~

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ITEM 6. Amend paragraph **15.64(1)“d”** as follows:

d. When an application is received via the Internet:

(1) Taking reasonable steps to make the Buyer’s Guide available for viewing and printing on the insurer’s ~~Web site~~ website shall be deemed to satisfy the requirement that the Buyer’s Guide be provided no later than five business days after receipt of the application.

(2) Taking reasonable steps to make the disclosure document available for viewing and printing on the insurer’s ~~Web site~~ website shall be deemed to satisfy the requirement that the disclosure document be provided no later than five business days after receipt of the application.

ITEM 7. Amend paragraph **15.65(1)“b”** as follows:

b. The insurer’s legal name, physical address, ~~Web site~~ website address and telephone number;

ITEM 8. Amend subrule 15.83(1) as follows:

15.83(1) The indexed products training shall include information on all topics listed in the most recent version of the indexed products training outline available at the division’s ~~Web site,~~ www.iid.iowa.gov website, iid.iowa.gov.

ITEM 9. Amend rule 191—15.85(507B,522B) as follows:

191—15.85(507B,522B) Verification of training. Insurers, producers and third-party contractors may verify a producer’s completion of the indexed products training by accessing the division’s ~~Web site at~~ www.iid.iowa.gov website, iid.iowa.gov.

ITEM 10. Amend rule **191—16.22(507B)**, definition of “Producer,” as follows:

“*Producer*” means a person licensed under Iowa Code chapter ~~522~~ 522B.

ITEM 11. Amend paragraph **16.23(1)“b”** as follows:

b. Group life insurance or group annuities where there is no direct solicitation of individuals by an insurance producer. Direct solicitation shall not include any group meeting held by an insurance producer solely for the purpose of educating or enrolling individuals or, when initiated by an individual member of the group, assisting with the selection of investment options offered by a single insurer in connection with enrolling that individual. Group life insurance or group annuity certificates marketed through direct-response solicitation shall be subject to the provisions of rule ~~16.28(507B)~~ 191—16.28(507B).

ITEM 12. Amend subrule 25.1(3) as follows:

25.1(3) This chapter is issued under the authority of ~~2007 Iowa Acts, House File 499, section 7~~ Iowa Code section 505.27A.

ITEM 13. Amend rule **191—25.4(505)**, definitions of “Insurance producer,” “Insurer” and “MyPay,” as follows:

“*Insurance producer*” means ~~a person required to be licensed under the laws of this state to sell, solicit or negotiate life insurance, including annuities~~ the same as defined in Iowa Code section 522B.1.

“*Insurer*” means ~~an insurance company required to be licensed under the laws of this state to provide life insurance products, including annuities~~ the same as defined in Iowa Code section 522B.1.

“*MyPay*” is a Defense Finance and Accounting Service (DFAS) ~~Web-based~~ web-based system that enables service members to process certain discretionary pay transactions or provide updates to personal information data elements without using paper forms.

ITEM 14. Amend rule 191—25.7(505) as follows:

191—25.7(505) Reporting requirements. No insurer may participate in any military sales unless that insurer has implemented a system to report to the Iowa insurance commissioner in a manner prescribed by the commissioner any military sales disciplinary actions about which the insurer had actual awareness, or in the exercise of ordinary care should have known, at the time of the action, and unless the insurer also has reported such action to the commissioner. Failure to comply with this rule shall be a violation of this chapter and shall subject the insurer to penalties set forth in rule ~~25.8(505)~~ 191—25.8(505).

INSURANCE DIVISION[191](cont'd)

ITEM 15. Amend **191—Chapter 25**, implementation sentence, as follows:

These rules are intended to implement Iowa Code ~~chapter 505 and 2007 Iowa Acts, House File 499, section 7~~ section 505.27A.

ITEM 16. Amend rule **191—28.2(509)**, definition of “Consumer credit transaction,” as follows:

“*Consumer credit transaction*” shall ~~have the same definition as set out~~ mean the same as defined in Iowa Code section ~~537.1301(11) to (14)~~ 537.1301.

ITEM 17. Amend subrule 28.3(7) as follows:

28.3(7) *Renewal or refinancing of the indebtedness.* If the indebtedness is discharged due to renewal or refinancing prior to the scheduled maturity date, the insurance in force shall be terminated before any new insurance may be issued in connection with the renewed or refinanced indebtedness. In all cases of termination prior to scheduled maturity, a refund shall be paid or credited to the debtor as provided in rule ~~28.8(509)~~ 191—28.8(509). In any renewal or refinancing of the indebtedness, the effective date of the coverage as respects any policy provision shall be deemed to be the first date on which the debtor became insured under the policy covering the indebtedness which was renewed or refinanced, at least to the extent of the amount and term of the indebtedness outstanding at the time of renewal and refinancing of the debt. This subrule shall apply to all consumer credit transactions renewed pursuant to Iowa Code section 537.2504 or 537.2505.

ITEM 18. Amend subrules 28.3(9) and 28.3(10) as follows:

28.3(9) *Voluntary prepayment of indebtedness.* If a debtor prepays the indebtedness other than as a result of death or through a lump sum disability payment:

a. Any credit life insurance covering the indebtedness shall be terminated and an appropriate refund of the credit life insurance premium shall be paid to the debtor in accordance with rule ~~28.9(509)~~ 191—28.9(509); and

b. Any credit accident and health insurance covering the indebtedness shall be terminated and an appropriate refund of the credit accident and health insurance premium shall be paid to the debtor in accordance with rule ~~28.9(509)~~ 191—28.9(509). If a claim under the coverage is in progress at the time of prepayment, the amount of refund may be determined as if the prepayment did not occur until the payment of benefits terminates. No refund need be paid during any period of disability for which credit accident and health benefits are payable. A refund shall be computed as if prepayment occurred at the end of the disability period.

28.3(10) *Involuntary prepayment of indebtedness.* If an indebtedness is prepaid by the proceeds of a credit life insurance policy covering the debtor or by a lump sum payment of a disability claim under a credit insurance policy covering the debtor, then it shall be the responsibility of the insurer to see that the following are paid to the insured debtor, if living, or the beneficiary, other than the creditor, named by the debtor or to the debtor's estate:

a. In the case of prepayment by the proceeds of a credit life insurance policy, or by the proceeds of a lump sum total and permanent disability benefit under credit life coverage, an appropriate refund of the credit accident and health insurance premium in accordance with rule ~~28.9(509)~~ 191—28.9(509);

b. In the case of prepayment by a lump sum disability claim, an appropriate refund of the credit life insurance premium in accordance with rule ~~28.9(509)~~ 191—28.9(509);

c. No change.

ITEM 19. Amend rule **191—28.5(509)** as follows:

191—28.5(509) Determination of reasonableness of benefits in relation to premium charge.

28.5(1) *General standard.* Under the credit insurance law, benefits provided by credit insurance policies must be reasonable in relation to the premium charged. This requirement is satisfied if the premium rate charged develops or may be reasonably expected to develop a loss ratio of not less than 50 percent. With the exception of deviations approved under rule ~~28.11(509)~~ 191—28.11(509), the rates shown in rules ~~28.7(509)~~ 191—28.7(509) and ~~28.8(509)~~ 191—28.8(509), as adjusted pursuant to rule ~~28.10(509)~~ 191—28.10(509), shall be conclusively presumed to satisfy this general standard.

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28.5(2) *Nonstandard coverage.* If any insurer files for approval of any form providing coverage more restrictive than that described in rules ~~28.7(509)~~ 191—28.7(509) and ~~28.8(509)~~ 191—28.8(509), the insurer shall demonstrate to the satisfaction of the insurance commissioner that the premium rates to be charged for the restricted coverage will develop or may be reasonably expected to develop a loss ratio not less than that contemplated for standard coverage at the premium rates described in these rules.

28.5(3) *Coverage without separate charge.* If no specific charge is made to the debtor for credit insurance, the standards of this rule are not required to be used; but any premium rates resulting from the standards used which exceed the premium rate standards set out in rules ~~28.7(509)~~ 191—28.7(509) and ~~28.8(509)~~ 191—28.8(509) must be filed with the insurance commissioner. For purposes of this subrule, it will be considered that the debtor is charged a specific amount for insurance if an identifiable charge for insurance is disclosed in the credit or other instrument furnished the debtor which sets out the financial elements of the credit transactions, or if there is a differential in finance, interest, service or other similar charge made to debtors who are in like circumstances, except for their insured or noninsured status.

ITEM 20. Amend subrule 28.10(2) as follows:

28.10(2) The insurance commissioner will, no later than on a triennial basis, review the loss ratio standards set forth in rule ~~28.5(509)~~ 191—28.5(509), and the prima facie rates set forth in rules ~~28.7(509)~~ 191—28.7(509) and ~~28.8(509)~~ 191—28.8(509) and determine the rate of expected claims on a statewide basis, compare the rate of expected claims with the rate of actual claims for the preceding triennium determined from the incurred claims and earned premiums at prima facie rates reported in the annual statement supplement, and publish the adjusted actual statewide prima facie rates to be used by insurers during the next triennium. These rates will reflect the difference between (a) actual claims based on experience; and (b) expected claims based on the loss ratio standards set forth in rule ~~28.5(509)~~ 191—28.5(509) applied to the prima facie rates set forth in rules ~~28.7(509)~~ 191—28.7(509) and ~~28.8(509)~~ 191—28.8(509).

ITEM 21. Amend subrules 28.11(2) and 28.11(3) as follows:

28.11(2) *Use of prima facie rates.* An insurer that files rates or has rates on file that are not in excess of the prima facie rates shown in rules ~~28.7(509)~~ 191—28.7(509) and ~~28.8(509)~~ 191—28.8(509), to the extent adjusted pursuant to rule ~~28.10(509)~~ 191—28.10(509), may use those rates without further proof of their reasonableness.

28.11(3) *Use of rates higher than prima facie rates.* An insurer may file for approval of and use rates that are higher than the prima facie rates shown in rules ~~28.7(509)~~ 191—28.7(509) and ~~28.8(509)~~ 191—28.8(509), to the extent adjusted pursuant to rule ~~28.10(509)~~ 191—28.10(509), if it can be expected that the use of higher rates will result in a ratio of claims incurred to premiums earned (assuming the use of the higher rates) that is not less than 50 percent for those accounts to which the higher rates apply and that the upward deviations will not result on a statewide basis in that insurer having a ratio of claims incurred to premiums earned less than the expected loss ratio underlying the current prima facie rate developed or adjusted pursuant to rule ~~28.10(509)~~ 191—28.10(509).

If rates higher than the prima facie rates shown in rules ~~28.7(509)~~ 191—28.7(509) and ~~28.8(509)~~ 191—28.8(509), to the extent adjusted pursuant to rule ~~28.10(509)~~ 191—28.10(509), are filed for approval, the filing shall specify the account to which the rates apply. The rates may be:

a. and b. No change.

ITEM 22. Amend rule 191—30.1(508) as follows:

191—30.1(508) Purpose. In the best interest of the citizens of Iowa and to maintain a fair and honest life insurance market, certain types of life policy forms and certain policy provisions shall be either prohibited, altered or clarified as set out herein.

This rule is intended to implement Iowa Code section 505.8 and chapter 508.

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ITEM 23. Amend rule 191—30.2(508) as follows:

191—30.2(508) Scope. These rules shall apply to all insurance policies issued by insurance companies holding a certificate of authority under the provisions of Iowa Code chapter 508.

This rule is intended to implement Iowa Code section 505.8 and chapter 508.

ITEM 24. Amend rule 191—30.3(508) as follows:

191—30.3(508) Definitions. Certain life insurance policy forms and provisions referred to herein shall have the following meaning:

30.3(1) ~~“Founders policy.” The term or name assigned to~~ “Founders policy” means a policy of insurance offered to the public by a newly organized stock life insurance company, issued on a participating basis with the representations that the purchasers will share preferentially in the future divisible surplus earnings of the company arising from all classes of business, both participating and nonparticipating, and all plans of insurance.

30.3(2) ~~“Profit-sharing policy.” It is any~~ “Profit-sharing policy” means a policy form which contains provisions or is represented in such a way that the policyholder will be eligible to preferentially participate in any future distribution of general corporate profits.

30.3(3) ~~“Coupon policy.” It is any~~ “Coupon policy” means a policy or contract of life insurance, other than annuity, which contains in addition to basic life insurance benefits a series of annual pure endowment benefits evidenced in the policy contract by a series of coupons each of which matures on the maturation date of an annual pure endowment. For the purposes of these rules, policies containing annual pure endowments evidenced by coupons, passbooks or other devices generally acquainted with savings, banking or investment institutions shall be considered coupon policies.

30.3(4) ~~“Pure endowment benefit.” It is~~ “Pure endowment benefit” means a guaranteed insurance benefit, actuarially determined, the payment of which is contingent upon the survival of the insured to a specific point in time.

ITEM 25. Amend rule 191—30.4(508) as follows:

191—30.4(508) Prohibitions, regulations and disclosure requirements. In accordance with the purpose expressed in ~~30.1(508)~~ rule 191—30.1(508) and in conjunction with the intent of Iowa Code section 508.28, the use of certain types of policy forms and policy provisions shall be subject to the following prohibitions and regulations:

30.4(1) to 30.4(5) No change.

This rule is intended to implement Iowa Code sections 508.25 and 508.28.

ITEM 26. Adopt the following **new** implementation sentence in rule **191—30.5(508)**:

This rule is intended to implement Iowa Code sections 508.25 and 508.28.

ITEM 27. Adopt the following **new** implementation sentence in rule **191—30.6(508)**:

This rule is intended to implement Iowa Code sections 508.25 and 508.28.

ITEM 28. Adopt the following **new** implementation sentence in rule **191—30.7(508,515)**:

This rule is intended to implement Iowa Code sections 508.2 and 515.109.

ITEM 29. Amend rule 191—30.8(509) as follows:

191—30.8(505B,509) Electronic delivery of group life insurance certificates.

30.8(1) to 30.8(4) No change.

This rule is intended to implement Iowa Code chapters 505B and 509.

ITEM 30. Amend rule 191—30.9(505,508) as follows:

191—30.9(505 505B,508) Notice of cancellation, nonrenewal or termination of life insurance and annuities.

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30.9(1) to 30.9(4) No change.

This rule is intended to implement Iowa Code chapters 505B and 508.

ITEM 31. Rescind the chapter implementation sentence in **191—Chapter 30**.

ITEM 32. Amend rule 191—33.2(508A) as follows:

191—33.2(508A) Definitions. As used in this chapter:

33.2(1) “*Affiliate*” of an insurer means any person, directly or indirectly, controlling, controlled by, or under common control with such insurer; any person who regularly furnishes investment advice to such insurer with respect to its separate accounts for which a specific fee or commission is charged; or any director, officer, partner, or employee of any such insurer, controlling or controlled person, or person providing investment advice or any member of the immediate family of such person.

~~**33.2(2)** Rescinded IAB 3/24/99, effective 4/28/99.~~

33.2(3) “*Assumed investment rate*” means the rate of investment return which would be required to be credited to a variable life insurance policy, after deduction of charges for taxes, investment expenses, and mortality and expense guarantees to maintain the variable death benefit equal at all times to the amount of death benefit, other than incidental insurance benefits, which would be payable under the plan of insurance if the death benefit did not vary according to the investment experience of the separate account.

33.2(4) “*Benefit base*” means the amount to which the net investment return is applied.

33.2(5) “*Commissioner*” means the ~~insurance commissioner of the state of Iowa.~~ same as defined in rule 191—1.1(502,505).

33.2(6) “*Control*” (including the terms “controlling,” “controlled by” and “under common control with”) means the possession, direct or indirect, of the power to direct or cause the direction of the management of policies of a person, whether through the ownership of voting securities, by contract other than a commercial contract for goods or nonmanagement services, or otherwise, unless the power is the result of an official position with or corporate office held by the person. Control shall be presumed to exist if any person, directly or indirectly, owns, controls, holds with the power to vote, or holds proxies representing more than 10 percent of the voting securities of any other person. This presumption may be rebutted by a showing made to the satisfaction of the commissioner that control does not exist in fact. The commissioner may determine, after furnishing all persons in interest notice and opportunity to be heard and making specific findings of fact to support such determination, that control exists in fact, notwithstanding the absence of a presumption to that effect.

33.2(7) “*Flexible premium policy*” means any variable life insurance policy other than a scheduled premium policy as specified in subrule 33.2(15).

33.2(8) “*General account*” means all assets of the insurer other than assets in separate accounts established pursuant to Iowa Code section 508A.1 or pursuant to the corresponding section of the insurance laws of the state of domicile of a foreign or alien insurer, whether or not for variable life insurance.

33.2(9) “*Incidental insurance benefit*” means all insurance benefits in a variable life insurance policy, other than the variable death benefit and the minimum death benefit, including but not limited to accidental death and dismemberment benefits, disability benefits, guaranteed insurability options, family income, or term riders.

33.2(10) “*May*” is permissive.

33.2(11) “*Minimum death benefit*” means the amount of the guaranteed death benefit, other than incidental insurance benefits, payable under a variable life insurance policy regardless of the investment performance of the separate account.

33.2(12) “*Net investment return*” means the rate of investment return in a separate account to be applied to the benefit base.

33.2(13) “*Person*” means an individual, corporation, partnership, association, trust, or fund.

33.2(14) “*Policy processing day*” means the day on which charges authorized in the policy are deducted from the policy’s cash value.

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“Producer” means the same as defined in rule 191—10.2(522B).

~~33.2(15)~~ *“Scheduled premium policy”* means any variable life insurance policy under which both the amount and timing of premium payments are fixed by the insurer.

~~33.2(16)~~ *“Separate account”* means a separate account established pursuant to Iowa Code section 508A.1 or pursuant to the corresponding section of the insurance laws of the state of domicile of a foreign or alien insurer.

~~33.2(17)~~ *“Shall”* is mandatory.

~~33.2(18)~~ *“Variable death benefit”* means the amount of death benefit, other than incidental insurance benefits, payable under a variable life insurance policy dependent on the investment performance of the separate account, which the insurer would have to pay in the absence of any minimum death benefit.

~~33.2(19)~~ *“Variable life insurance policy”* means any individual policy which provides for life insurance the amount or duration of which varies according to the investment experience of any separate account or accounts established and maintained by the insurer as to such policy, pursuant to Iowa Code section 508A.1 or pursuant to the corresponding section of the insurance laws of the state of domicile of a foreign or alien insurer.

ITEM 33. Amend subrule 33.3(2), introductory paragraph, as follows:

~~33.3(2)~~ *Filing for approval to do business in this state.* ~~The commissioner may, at the commissioner’s discretion, require that an~~ An insurer, before it delivers or issues for delivery any variable life insurance policy in this state, shall file with this division the commissioner the following information for the consideration of the commissioner in making the determination required by subrule 33.3(1):

ITEM 34. Amend subrule 33.4(1) as follows:

~~33.4(1)~~ *Filing of variable life insurance policies.* ~~All~~ Prior to delivery or issuance for delivery in this state, all variable life insurance policies, and all riders, endorsements, applications and other documents which are to be attached or made a part of the policy and which relate to the variable nature of the policy, shall be filed with the commissioner using the National Association of Insurance Commissioners’ System for Electronic Rate and Form Filing (SERFF) and shall be approved by the commissioner prior to delivery or issuance for delivery in this state. Insurance companies must comply with the commissioner’s requirements regarding filing, including SERFF general instructions, Iowa general instructions and the specific submission requirements for the type of insurance for which the companies are submitting documents, as set out on the SERFF website at www.serff.org.

a. and b. No change.

c. A filing which has not been previously approved, disapproved or questioned shall be deemed approved on or after 30 days from its receipt by the ~~division~~ commissioner.

ITEM 35. Amend subparagraph ~~33.4(3)~~ **“a”**(5) as follows:

(5) A captioned provision that the policyholder may return the variable life insurance policy within ten days of receipt of the policy by the policyholder, and receive a refund equal to the sum of:

1. No change.

2. The value of the amounts allocated to any separate accounts under the policy, on the date the returned policy is received by the insurer or its agent producer;

ITEM 36. Amend subparagraph ~~33.6(10)~~ **“c”**(4) as follows:

(4) A statement provided by the proposed advisor as to whether the advisor or any person associated therewith:

Has been convicted within ten years of any felony or misdemeanor arising out of such person’s conduct as an employee, salesperson, officer or director of an insurance company, a banker, an insurance agent producer, a securities broker, or an investment advisor involving embezzlement, fraudulent conversion, or misappropriation of funds or securities, or involving the violation of Section 1341, 1342, or 1343 of Title 18 of United States Code;

Has been permanently or temporarily enjoined by order, judgment, or decree of any court of competent jurisdiction from acting as an investment advisor, underwriter, broker, or dealer, or as an

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affiliated person or as an employee of any investment company, bank, or insurance company, or from engaging in or continuing any conduct or practice in connection with any such activity;

Has been found by federal or state regulatory authorities to have willfully violated or have acknowledged willful violation of any provision of federal or state securities laws or state insurance laws or of any rule or regulation under any such laws; or

Has been censured, denied an investment advisor registration, had a registration as an investment advisor revoked or suspended, or been barred or suspended from being associated with an investment advisor by order of federal or state regulatory authorities; and

ITEM 37. Amend rule 191—70.4(505,514F) as follows:

191—70.4(505,514F) Standards. For the purpose of certification and compliance under rule ~~70.3(505,514F)~~ 191—70.3(505,514F), the most recently available utilization review standards adopted by URAC shall be used.

A copy of the standards and application for accreditation may be obtained from the Utilization Review Accreditation Commission, ~~1227 25th Street N.W., Suite 610, Washington, D.C. 20037~~ at www.urac.org. A copy of the standards shall be readily available and maintained on the premises of any third-party payor conducting utilization review.

ITEM 38. Amend rule 191—70.8(76GA,ch1202) as follows:

191—70.8(76GA,~~ch1202~~ 514C) Utilization review of postdelivery benefits and care. When performing utilization review of inpatient hospital services related to maternity and newborn care, including but not limited to length of postdelivery stay and postdelivery follow-up care, a third-party payor shall use the guidelines adopted under the provisions of rule 191—81.3(76GA,~~ch1202~~ 514C) and shall not deselect, require additional documentation, require additional utilization review, terminate services to, reduce payment to, or in any manner provide a disincentive to an attending physician solely on the basis that the attending physician provided or directed the provision of services in compliance with those guidelines. This does not preclude a third-party payor from monitoring a patient's stay or making reasonable inquiries necessary to assess patient progress in accordance with the guidelines and to coordinate discharge planning or postdischarge care.

This rule is intended to implement Iowa Code section 514C.11.

ITEM 39. Amend subrules 70.10(1) and 70.10(2) as follows:

70.10(1) Purpose. This rule implements Iowa Code section 514F.6 ~~as amended by 2010 Iowa Acts, Senate File 2201, section 16,~~ which provides for the retrospective payment of clean claims for covered services provided by a physician, advanced registered nurse practitioner or physician assistant during the credentialing period, once the physician, advanced registered nurse practitioner or physician assistant is credentialed.

70.10(2) Definitions. For purposes of this rule, the definitions found in Iowa Code section 514F.6 ~~as amended by 2010 Iowa Acts, Senate File 2201, section 16,~~ shall apply. In addition, the following definitions shall apply:

“Application date” means the date on which the health insurer or other entity responsible for the credentialing of health care professionals on behalf of the health insurer receives the health care professional's completed application for credentialing.

“Clean claim” means clean claim as defined in Iowa Code section 507B.4A(2) “b.”

“Health care professional” means a physician, advanced registered nurse practitioner or physician assistant.

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“*Health insurer*” means the same as a carrier, as defined in Iowa Code section 513B.2(4), that provides health insurance coverage, as defined in Iowa Code section 513B.2(12).

[Filed 12/8/21, effective 2/2/22]

[Published 12/29/21]

EDITOR’S NOTE: For replacement pages for IAC, see IAC Supplement 12/29/21.

ARC 6121C

INSURANCE DIVISION[191]

Adopted and Filed

Rule making related to review of rules

The Insurance Division hereby amends Chapter 29, “Continuation Rights Under Group Accident and Health Insurance Policies,” Chapter 35, “Accident and Health Insurance,” Chapter 36, “Individual Accident and Health—Minimum Standards and Rate Hearings,” Chapter 71, “Small Group Health Benefit Plans,” Chapter 73, “Health Insurance Purchasing Cooperatives,” Chapter 74, “Health Care Access,” Chapter 75, “Iowa Individual Health Benefit Plans,” Chapter 76, “External Review,” Chapter 79, “Prior Authorization—Prescription Drug Benefits,” Chapter 80, “Well-Child Care,” Chapter 81, “Postdelivery Benefits and Care,” and Chapter 85, “Regulation of Navigators,” Iowa Administrative Code.

Legal Authority for Rule Making

This rule making is adopted under the authority provided in Iowa Code sections 505.8, 505.21, 509.13, 509A.14, 513B.1, 513B.18, 513C.12, 514C.4, 514C.23, 514C.28, 514C.34, 514D.3, 514J.117 and 514K.1, and 1993 Iowa Acts, Senate File 380 [chapter 158].

State or Federal Law Implemented

This rule making implements, in whole or in part, Iowa Code chapters 509, 509A, 513B, 513C, 514C, 514D, 514J and 514K; Iowa Code sections 505.21, 509B.3 and 509B.5; and 1993 Iowa Acts, chapter 158.

Purpose and Summary

These amendments are a result of the Division’s review of rules. These amendments generally update the chapters by removing duplicative definitions and unnecessary language, clarifying procedures, correcting statute references, conforming to current Iowa Code language, and reflecting current practices.

Chapter 73 is rescinded and reserved. Health insurance purchasing cooperatives (HIPCs) were created by 1993 Iowa Acts, chapter 158. HIPCs preceded the Affordable Care Act (ACA), which was enacted in 2010. The ACA now provides health insurance options to individuals and small groups, rendering HIPCs obsolete as a mechanism to purchase health insurance.

Public Comment and Changes to Rule Making

Notice of Intended Action for this rule making was published in the Iowa Administrative Bulletin on October 20, 2021, as **ARC 6002C**. No comments were received. No changes from the Notice have been made.

Adoption of Rule Making

This rule making was adopted by Douglas Ommen, Iowa Insurance Commissioner, on December 8, 2021.

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Fiscal Impact

This rule making has no fiscal impact to the State of Iowa.

Jobs Impact

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

Waivers

Any person who believes that the application of the discretionary provisions of this rule making would result in hardship or injustice to that person may petition the Commissioner for a waiver of the discretionary provisions, if any, pursuant to 191—Chapter 4.

Review by Administrative Rules Review Committee

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

Effective Date

This rule making will become effective on February 2, 2022.

The following rule-making actions are adopted:

ITEM 1. Amend rule **191—29.1(509B)**, definition of “COBRA,” as follows:

“*COBRA*” means ~~Title X of the federal Consolidated Omnibus Budget Reconciliation Act (P.L. 99-272), as amended by the Tax Reform Act of 1986 (P.L. 99-514), 29 U.S.C. §1161, that may allow an employee or member to temporarily keep health coverage.~~

ITEM 2. Amend rule **191—35.6(509)**, implementation sentence, as follows:

These rules are intended to implement Iowa Code section ~~509.6~~ **509.5**.

ITEM 3. Adopt the following **new** implementation sentence in rule **191—35.7(509)**:

This rule is intended to implement Iowa Code section 509.6.

ITEM 4. Amend subrule 35.8(1) as follows:

35.8(1) Purpose. The purpose of this rule is to authorize the electronic delivery of accident and health group insurance certificates in an efficient manner by insurers and group policyholders, while guaranteeing that individual plan members still receive the important information contained in such group insurance certificates, as required by Iowa Code section ~~509.3(2)~~, 509.3(1) “b,” and as allowed by the uniform electronic transactions Act, Iowa Code chapter 554D.

ITEM 5. Amend subrule 35.8(3), introductory paragraph, as follows:

35.8(3) Electronic delivery—insurance companies. The insurer will be deemed to comply with the requirements of Iowa Code section ~~509.3(2)~~ 509.3(1) “b” if the group insurance certificate is delivered to the group policyholder electronically and if:

ITEM 6. Amend subrule 35.8(4), introductory paragraph, as follows:

35.8(4) Electronic delivery—group policyholders. The group policyholder will be deemed to comply with the requirements of Iowa Code section ~~509.3(2)~~ 509.3(1) “b” if the group insurance certificate is delivered to the individual plan member electronically and if:

ITEM 7. Amend rule **191—35.20(509A)**, implementation sentence, as follows:

This rule is intended to implement Iowa Code chapter 509A ~~and 2003 Iowa Acts, chapter 83.~~

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ITEM 8. Amend rule **191—35.34(509A)**, implementation sentence, as follows:

These rules are intended to implement Iowa Code chapters 509 and 514C and 1999 Iowa Acts, Senate File 276.

ITEM 9. Amend rule 191—35.36(514K) as follows:

191—35.36(514K) Purpose. These rules implement Iowa Code Supplement section 514K.1(2) which requires the commissioner and the director of public health to annually publish a consumer guide. These rules apply to all carriers providing health insurance coverage in the individual, small employer group and large group markets that utilize a preferred provider arrangement and to all health maintenance organizations.

ITEM 10. Amend subrule 35.37(3) as follows:

35.37(3) Each health maintenance organization and insurer using a preferred provider organization health network shall transmit the requested information by electronic mail or ~~diskette~~ in a format prescribed by the division.

ITEM 11. Amend rule **191—35.38(514K)**, implementation sentence, as follows:

These rules are intended to implement Iowa Code Supplement section 514K.1(2).

ITEM 12. Amend subrule **35.40(2)**, definition of “Autism spectrum disorders,” as follows:

“*Autism spectrum disorders*” means the following neurological disorders as defined under the following diagnostic classes within the American Psychiatric Association’s Diagnostic and Statistical Manual of Mental Disorders, edition ~~DSM-IV-TR~~ DSM-5:

1. Autistic disorders. Diagnostic code 299.00.
2. Rett’s Disorder. Diagnostic code 299.80.
3. Childhood Disintegrative Disorder. Diagnostic code 299.10.
4. Asperger’s Disorder. Diagnostic code 299.80.
5. Pervasive Developmental Disorder NOS. Diagnostic code 299.80.

ITEM 13. Amend paragraph **36.7(1)“j”** as follows:

j. Insurers issuing policies which provide hospital or medical expense coverage on an expense-incurred or indemnity basis other than incidentally, to a person(s) eligible for Medicare by reason of age, shall provide to the policyholder a Medicare supplement buyer’s guide in the form of the booklet “~~Guide to Health Insurance for People with Medicare~~” “Choosing a Medigap Policy: A Guide to Health Insurance for People with Medicare” developed jointly by the National Association of Insurance Commissioners and the ~~Health Care Financing Administration~~ Centers for Medicare and Medicaid Services of the U.S. Department of Health and Human Services. Delivery of the buyer’s guide shall be made whether or not the policy qualifies as a “Medicare supplement coverage” in accordance with 191—Chapter 37. Except in the case of direct response insurers, delivery of the buyer’s guide shall be made at the time of application and acknowledgment of receipt of certification of delivery of the buyer’s guide shall be provided to the insurer. Direct response insurers shall deliver the buyer’s guide upon request but not later than at the time the policy is delivered.

ITEM 14. Amend paragraph **36.7(1)“k”** as follows:

k. Outlines of coverage delivered in connection with policies defined in this chapter as Hospital Confinement Indemnity, Specified Disease or Limited Benefit Health Insurance Coverages to persons eligible for Medicare by reason of age shall contain, in addition to the requirements of 36.7(6), 36.7(10) and 36.7(12), the following language which shall be printed on or attached to the first page of the outline of coverage:

This policy IS NOT A MEDICARE SUPPLEMENT policy. If you are eligible for Medicare review the ~~Medicare Supplement Buyer’s Guide~~ Choosing a Medigap Policy: Guide to Health Insurance for People with Medicare, issued by the Centers for Medicare and Medicaid Services, available from the company.

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ITEM 15. Amend subrule 36.7(8), introductory paragraph, as follows:

36.7(8) Disability income protection coverage (outline of coverage). An outline of coverage, in the form prescribed below, shall be issued in connection with policies meeting the standards of ~~36.6(6)~~ 36.6(7) of this chapter. The items included in the outline of coverage must appear in the sequence prescribed:

ITEM 16. Amend subrule 36.7(9), introductory paragraph, as follows:

36.7(9) Accident only coverage (outline of coverage). An outline of coverage, in the form prescribed below, shall be issued in connection with policies meeting the standards of ~~36.6(7)~~ 36.6(8). The items included in the outline of coverage must appear in the sequence prescribed:

ITEM 17. Amend rule 191—36.20(514D,83GA,SF2201), parenthetical implementation statute, as follows:

191—36.20(514D,83GA,SF2201 505) Rate hearings.

ITEM 18. Amend paragraph **36.20(1)“b”** as follows:

b. Applicability. This rule applies to all individual health insurance policies issued or to be issued in Iowa except those excluded by ~~2010 Iowa Acts, Senate File 2201, section 8(4A).~~ Iowa Code section 505.19(5)“a.”

ITEM 19. Amend subrule **36.20(2)**, definitions of “Carrier,” “Filing” and “Health insurance,” as follows:

“*Carrier*” shall mean a health insurance carrier licensed to do business in the state as used in ~~2010 Iowa Acts, Senate File 2201, section 8~~ Iowa Code section 505.19.

“*Filing*” shall mean a rate filing presented to the division for approval pursuant to this chapter, ~~and Iowa Code chapter chapters 505 and 514D and 2010 Iowa Acts, Senate File 2201,~~ through the National Association of Insurance Commissioners’ System for Electronic Rate and Form Filing.

“*Health insurance*” shall mean the same as “health insurance” is used in ~~2010 Iowa Acts, Senate File 2201, section 8;~~ Iowa Code section 505.19 and excludes the types of insurance listed in ~~2010 Iowa Acts, Senate File 2201, section 8(4A).~~ Iowa Code section 505.19(5)“a.”

ITEM 20. Amend subrule 36.20(7) as follows:

36.20(7) Confidentiality. Information submitted to the division as part of a filing and as part of the hearing process shall constitute a public record under Iowa Code chapter 22 except as provided in Iowa Code ~~section sections 505.17 and 2010 Iowa Acts, Senate File 2201, section 6~~ 505.19.

ITEM 21. Amend rule **191—36.20(514D)**, implementation sentence, as follows:

This rule is intended to implement Iowa Code ~~chapter chapters 505 and 514D and 2010 Iowa Acts,~~ Senate File 2201.

ITEM 22. Amend rule 191—71.10(513B) as follows:

191—71.10(513B) Creditable coverage. For purposes of this chapter, creditable coverage shall have the same definition as ~~1997 Iowa Acts, House File 701, section 10~~ Iowa Code section 513B.2.

ITEM 23. Amend rule **191—71.22(514C)**, implementation sentence, as follows:

These rules are intended to implement Iowa Code chapters 513B and 514C ~~and 1999 Iowa Acts,~~ Senate File 276.

ITEM 24. Amend rule **191—71.26(513B)**, implementation sentence, as follows:

This rule is intended to implement Iowa Code ~~Supplement~~ section 513B.18.

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ITEM 25. Rescind and reserve **191—Chapter 73**.

ITEM 26. Amend rule 191—74.6(505), introductory paragraph, as follows:

191—74.6(505) Violation of chapter. A violation of this chapter may be reported to the ~~consumer and legal affairs~~ market regulation bureau of the division. The division, upon finding that the employer has failed to offer an eligible employee access to health care or health insurance, may do any of the following:

ITEM 27. Amend rule 191—75.2(513C) as follows:

191—75.2(513C) Definitions. As used in this chapter:

“*Eligible resident*” means an individual who has been legally domiciled in this state for a period of 60 days. For purposes of this chapter, legal domicile is established by living in this state and obtaining an Iowa motor vehicle operator’s license, registering to vote in Iowa, or filing an Iowa income tax return. A child is legally domiciled in this state if the child lives in this state and if at least one of the child’s parents or the child’s guardian is legally domiciled in this state for a period of 60 days. A person with a developmental disability or another disability which prevents the person from obtaining an Iowa motor vehicle operator’s license, registering to vote in Iowa, or filing an Iowa income tax return, is legally domiciled in this state by living in the state for 60 days.

“*Insured group health plan*” as that term is referenced in Iowa Code section 513C.3 includes a health benefit plan offered directly through an employer with two or more employees and a plan offered through an employer with two or more employees under a group discretionary trust or association plan.

“*Risk characteristic*” means the health status, claims experience or any similar characteristic related to the health status or experience of an individual under a health benefit plan.

“*Risk load*” means the percentage above the applicable base premium rate that is charged by a carrier to an individual to reflect the risk characteristics of such individual.

Other terms shall be defined pursuant to ~~1995 Iowa Acts, chapter 5~~ Iowa Code chapter 513C.

ITEM 28. Amend rule 191—75.16(514C) as follows:

191—75.16(513C,514C) Diabetic coverage. All carriers shall provide benefits in the standard health benefit plan for the cost associated with equipment, supplies, and education for the treatment of diabetes pursuant to Iowa Code section ~~514C.14~~ 514C.18.

ITEM 29. Amend rule **191—75.16(514C)**, implementation sentence, as follows:

These rules are intended to implement Iowa Code chapters 513C and 514C ~~and 1997 Iowa Acts, House File 701; 1995 Iowa Acts, chapter 204, section 14; 1996 Iowa Acts, chapter 1219, section 52; and 1999 Iowa Acts, Senate File 276.~~

ITEM 30. Strike “e-mail” wherever it appears in **191—Chapter 76** and insert “email” in lieu thereof.

ITEM 31. Strike “E-mail” wherever it appears in **191—Chapter 76** and insert “Email” in lieu thereof.

ITEM 32. Amend rule 191—76.1(514J) as follows:

191—76.1(514J) Purpose. This chapter is intended to implement Iowa Code chapter 514J and the federal Patient Protection and Affordable Care Act, Pub. L. No. 111-148 as amended by the federal Health Care and Education Reconciliation Act of 2010, Pub. L. No. 111-152, which amends the Public Health Service Act and adopts, in part, ~~new~~ 42 U.S.C. Section 300gg-19. These rules address issues which are unique to the external review process in this state and provide a uniform process for covered persons of health carriers providing health insurance coverage or the covered persons’ authorized representatives to request and receive an external review of adverse determinations and final adverse determinations as defined in Iowa Code sections 514J.102(1) and 514J.102(18) and as referenced in Iowa Code section 514J.109(1). Health carriers defined in Iowa Code section 514J.102(23), and included in paragraph 76.2(2)“c” are subject to these rules.

INSURANCE DIVISION[191](cont'd)

ITEM 33. Amend subrule 76.2(1) as follows:

76.2(1) The rules contained in this chapter shall apply to any health benefit plan as defined in Iowa Code section ~~514J.102(19)~~ 514J.102 other than those excluded under Iowa Code section 514J.103(2), for any plan that is offered or issued by a health carrier as defined in Iowa Code section ~~514J.102(23)~~ 514J.102, if the plan was issued in Iowa, and if the external review request is filed with the commissioner on or after July 1, 2011.

ITEM 34. Amend subrule 76.4(2) as follows:

76.4(2) Requests for expedited review may be made orally to initiate the process, and the commissioner may require submission of additional documentation such as physician certifications ~~or~~ and medical information releases as is deemed practicable under the time constraints.

ITEM 35. Amend subrule 76.9(6) as follows:

76.9(6) A list of certified independent review organizations shall be maintained by the commissioner and shall be available through the ~~Web site~~ website of the Iowa insurance division, ~~www.iid.state.ia.us~~ iid.iowa.gov.

ITEM 36. Amend **191—Chapter 76**, Appendix A, unnumbered paragraph “7,” as follows:
You can obtain a copy of the External Review Request Form from: the Iowa Insurance Division, 1963 Bell Avenue, Suite 100, Des Moines, Iowa 50315; telephone 877-955-1212 or 515-654-6600; facsimile 515-654-6500; ~~Web site~~ www.iid.iowa.gov ~~website~~ iid.iowa.gov.

ITEM 37. Amend **191—Chapter 76**, Appendix B, Section 4, as follows:

SECTION 4. SIGNATURE AND RELEASE OF MEDICAL RECORDS

To appeal your health carrier’s denial, you must sign and date this external review request form and consent to the release of medical records.

I, _____, hereby request an external review. I attest that the information provided in this application is true and accurate to the best of my knowledge. I authorize my insurance company and my health care providers to release all relevant medical or treatment records to the independent review organization ~~and the Iowa Insurance Division~~. I understand that the independent review organization ~~and the Iowa Insurance Division~~ will use this information to make a determination on my external review and that the information will be kept confidential and will not be released to anyone else. This release is valid for one year.

Signature of covered person/patient or legal representative (parent, guardian, conservator or other – please specify)

Date:

ITEM 38. Amend **191—Chapter 76**, Appendix E, numbered paragraph “6,” as follows:

6. Set forth a description of fees to be charged by the independent review organization for external reviews:

ITEM 39. Strike “as amended by 2015 Iowa Acts, House File 632, section 9” wherever it appears in **191—Chapter 79**.

ITEM 40. Amend subrule 79.3(2) as follows:

79.3(2) *Posting of prior authorization form.* The approved prior authorization form shall be made available electronically on the ~~Web site~~ website of the division and on the ~~Web site~~ website of each health carrier, health benefit plan or pharmacy benefits manager that uses the form. Health carriers, health benefit plans and pharmacy benefits managers shall allow health care providers to submit a prior authorization request electronically.

INSURANCE DIVISION[191](cont'd)

ITEM 41. Amend **191—Chapter 80** as follows:

CHAPTER 80
WELL-CHILD CARE

191—80.1(505,514H) Purpose. The purpose of this chapter is to ~~implement Iowa Code section 514H.7A, as amended by 1993 Iowa Acts, House File 236, thereby setting set~~ forth those requirements deemed appropriate by the commissioner for the general provision of coverage for benefits for routine well-child care.

191—80.2(505,514H) Applicability and scope. This chapter shall apply to all group accident and sickness insurance, group nonprofit health service plans and prepaid group plans of health maintenance organizations delivered or issued for delivery in this state after March 1, 1993. However, this chapter shall not apply to those basic benefit policies approved under Iowa Code chapter ~~514H~~ 513C.

191—80.3(505,514H) Effective date. This chapter shall be effective on July 2, 1993, and shall be applicable to all new filings of group accident and sickness insurance, group nonprofit health service plans and prepaid group plans of health maintenance organizations made after that date and all other policies and contracts covered by this chapter delivered or issued for delivery prior to July 2, 1993, upon the date of renewal.

191—80.4(505,514H) Policy definitions. No group accident and sickness insurance, group nonprofit health service plan or prepaid group plan of a health maintenance organization delivered or issued for delivery in this state shall contain definitions respecting the matters set forth unless such definitions comply with the requirements of this rule.

80.4(1) *“Well-child care”* means pediatric preventive services appropriate to the age of a child from birth to age seven as defined by current Recommendations for Preventive Pediatric Health Care of the American Academy of Pediatrics. The Recommendations may be obtained by contacting the American Academy of Pediatrics at 141 Northwest Point Boulevard, P.O. Box 927, Elk Grove Village, Illinois 60009-0927. Pediatric preventive services shall include, at a minimum, a history and complete physical examination as well as developmental assessment, anticipatory guidance, immunizations, vision and hearing screening, and laboratory services including, but not limited to, screening for lead exposure as well as blood levels.

80.4(2) *“Developmental assessment”* and *“anticipatory guidance”* mean the services described in the Guidelines for Health Supervision II, published by and obtainable from the American Academy of Pediatrics.

191—80.5(505,514H) Benefit plan.

80.5(1) Every group accident and sickness insurance policy, group nonprofit health service plan or prepaid group plan of a health maintenance organization shall provide benefits for well-child care for any child covered by the policy or contract at approximately the following age intervals: birth, 2 weeks, 2 months, 4 months, 6 months, 9 months, 12 months, 15 months, 18 months, 24 months or two years, three years, four years, five years and six years.

80.5(2) Minimum benefits may be limited to one visit payable to one provider for all services provided at each visit cited in this rule.

80.5(3) Benefits shall be subject to any policy provisions which apply to other services covered by such policy, except as set forth in 80.5(5).

80.5(4) This rule does not apply to disability income, specified disease, Medicare supplement, hospital indemnity, long-term care or trip/travel policies.

80.5(5) The provisions of this benefit will supersede any deductible requirements.

These rules are intended to implement Iowa Code ~~sections~~ section 505.8 and ~~514H.7A~~.

INSURANCE DIVISION[191](cont'd)

ITEM 42. Amend rule 191—81.3(514C) as follows:

191—81.3(514C) Postdelivery benefits. Every person issuing contracts under the scope of this chapter providing maternity benefits, which are not limited to complications of pregnancy, or newborn care benefits, shall not terminate inpatient benefits or require discharge of a mother or the newborn from a hospital following delivery earlier than determined to be medically appropriate by the attending physician after consultation with the mother and in accordance with the most recent edition of the Guidelines for Perinatal Care, Third Edition, 1992, by the American Academy of Pediatrics and the American College of Obstetricians and Gynecologists, which provide that when complications are not present, the postpartum hospital stay ranges from a minimum of 48 hours for a vaginal delivery to a minimum of 96 hours for a Cesarean birth, excluding the day of delivery. In accordance with those guidelines, in the event of a discharge from the hospital prior to the minimum stay established in the guidelines, a postdischarge follow-up visit shall be provided to the mother and newborn by providers competent in postpartum care and newborn assessment if determined medically appropriate as directed by the attending physician. Copies of this publication may be obtained through the Iowa Insurance Division, 1963 Bell Avenue, Suite 100, Des Moines, Iowa 50315, telephone (515)654-6600.

ITEM 43. Amend subrule 85.8(3) as follows:

85.8(3) If a navigator has provided an ~~e-mail~~ email address to the division, the division has the option to send information to the navigator through the ~~e-mail~~ email address rather than through the mail.

ITEM 44. Amend subrule 85.12(5) as follows:

85.12(5) A listing of subjects that could potentially be included on the navigator's examination may be provided on the division's ~~Web site at <http://www.iid.state.ia.us/>~~ website.

[Filed 12/8/21, effective 2/2/22]

[Published 12/29/21]

EDITOR'S NOTE: For replacement pages for IAC, see IAC Supplement 12/29/21.

ARC 6120C

INSURANCE DIVISION[191]

Adopted and Filed

Rule making related to licensing of public adjusters

The Insurance Division hereby amends Chapter 55, "Licensing of Public Adjusters," Iowa Administrative Code.

Legal Authority for Rule Making

This rule making is adopted under the authority provided in Iowa Code section 522C.3.

State or Federal Law Implemented

This rule making implements, in whole or in part, Iowa Code chapter 522C.

Purpose and Summary

This rule making updates the chapter by correcting cross-references, clarifying procedures and public adjuster duties, and updating language. This rule making also further clarifies acceptable contract terms and processing of claim payments.

INSURANCE DIVISION[191](cont'd)

Public Comment and Changes to Rule Making

Notice of Intended Action for this rule making was published in the Iowa Administrative Bulletin on November 3, 2021, as **ARC 6010C**. A public hearing was held on December 1, 2021, at 10 a.m. via conference call.

Ten oral comments were received from individuals, public adjusters, and national associations. Many of these commenters were concerned with the proposed fee cap of 10 percent, the limitation of the financial interest with a contractor, and conflict of interest changes.

The Division received seven written comments, which are summarized as follows:

1. The National Association of Public Insurance Adjusters supported many of the proposed changes but was concerned with the fee cap and payments on supplemental claims.
2. The American Policyholder Association was concerned with the potential limiting of consumer access to public adjusters.
3. The American Association of Public Insurance Adjusters was concerned with the fee cap and financial interest changes.
4. A public adjuster was concerned with the fee cap.
5. A public adjuster was concerned with the fee cap, time period of claim payment, escrow accounts, financial interest, and supplemental claim payments.
6. The Mutual Insurance Association of Iowa was supportive of the rule making and would like to see additional language to curb unethical behavior.
7. An individual was supportive of the rule making and would like to see additional language to curb bad behavior by some public adjusters.

The Division is not adopting the following amendments at this time:

- New paragraph 55.14(1)“1” regarding a fee limit.
- Amendments to subrule 55.14(3) regarding a time period for an insurer to offer a policy limit.
- Amendments to subrule 55.14(4) regarding a financial interest written disclosure.
- Amendments to subrule 55.17(4) to 55.17(6) regarding financial interests.
- New subrule 55.17(14) regarding conflict of interest. Proposed subrule 55.17(15) has been renumbered as 55.17(14) herein.
- Amendments to subrule 55.18(3) regarding a fee limit.
- Amendments to subrule 55.18(4) regarding supplemental claim payments.

The Division intends to engage in further discussions with the interested parties regarding proposals related to fees, conflicts of interest, and timing of payments in order to collect more data and research as well as soliciting suggestions for alternative language. The Division invites interested parties to submit further comments and suggestions regarding these items.

Adoption of Rule Making

This rule making was adopted by Douglas Ommen, Iowa Insurance Commissioner, on December 8, 2021.

Fiscal Impact

This rule making has no fiscal impact to the State of Iowa.

Jobs Impact

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

Waivers

Any person who believes that the application of the discretionary provisions of this rule making would result in hardship or injustice to that person may petition the Division for a waiver of the discretionary provisions, if any, pursuant to 191—Chapter 4.

INSURANCE DIVISION[191](cont'd)

Review by Administrative Rules Review Committee

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

Effective Date

This rule making will become effective on February 2, 2022.

The following rule-making actions are adopted:

ITEM 1. Amend rule 191—55.5(522C) as follows:

191—55.5(522C) Issuance of resident license.

55.5(1) License of individual. Before approving an individual's application, the division shall find that the applicant:

- a. No change.
- b. Has not committed any act that ~~is a ground for~~ could result in denial, suspension or revocation of a license as set forth in rule ~~191—55.17(522C)~~ 191—55.12(522C);
- c. to f. No change.
- g. Is at least 18 years of age; ~~and~~
- h. Has successfully passed the public adjuster examination pursuant to rule 191—55.6(522C);
~~and~~
- i. Has submitted to the division the contract the applicant intends to use pursuant to rule 191—55.14(522C).

55.5(2) License of business entity. Before approving a business entity's application, the division shall find that the business entity has:

- a. Paid the fees set forth in rule 191—55.20(522C);
- b. Designated a licensed public adjuster responsible for the business entity's compliance with the insurance laws, rules and regulations of this state; ~~and~~
- c. Designated a licensed individual public adjuster responsible for the business entity's compliance with the insurance laws, rules, and regulations of this state; ~~and~~
- d. Submitted to the division the contract the applicant intends to use pursuant to rule 191—55.14(522C).

55.5(3) Supplemental documentation. The division may require the applicant for either type of license to supply any documents reasonably necessary to ~~verify the information contained in the application~~ aid the division in making its determination.

ITEM 2. Amend rule 191—55.8(522C) as follows:

191—55.8(522C) Nonresident license reciprocity.

55.8(1) Unless denied licensure pursuant to rule 191—55.12(522C), an individual or business entity for whom Iowa is not the individual's or business entity's home state, but whose home state awards nonresident public adjuster licenses to residents of Iowa on the same basis, must satisfy the following requirements to obtain an Iowa nonresident public adjuster license:

- a. Be licensed as a resident public adjuster and in good standing in the individual's home state;
- b. Submit a proper request for licensure to the division through the NIPR Gateway; ~~and~~
- c. Pay the appropriate fees required, as set forth in rule 191—55.20(522C);
- d. Be trustworthy, reliable, and of good reputation, evidence of which may be determined by the division; and
- e. Submit to the division the contract the applicant intends to use pursuant to rule 191—55.14(522C).

INSURANCE DIVISION[191](cont'd)

55.8(2) and **55.8(3)** No change.

55.8(4) If an individual's or business entity's home state does not license public adjusters or business entity public adjusters or does not award nonresident public adjuster licenses to residents of Iowa on the same basis, the nonresident individual or business entity shall follow the procedures for obtaining a license set out in rule 191—55.5(522C).

55.8(5) The division may require an applicant to supply any documents reasonably necessary to aid the division in making its determination.

ITEM 3. Adopt the following new paragraph **55.9(7)“g”**:

g. A public adjuster applying for renewal of a license shall submit to the division a copy of the contract the applicant intends to use pursuant to rule 191—55.14(522C).

ITEM 4. Amend subrule 55.12(1) as follows:

55.12(1) The commissioner may place on probation, suspend, revoke or refuse to issue or renew a public adjuster's license; may levy a civil penalty in accordance with Iowa Code section 505.7A; or may take corrective action pursuant to Iowa Code section 505.8, or any combination of actions, for any one or more of the following causes:

a. to p. No change.

q. Failing to report to the division any notifications or actions required to be reported pursuant to rule 191—55.9(522C); ~~or~~

r. Failing to file reports required by this chapter; ~~or~~

s. Failing or refusing to cooperate in an investigation by the division.

ITEM 5. Amend subrule 55.14(1) as follows:

55.14(1) Public adjusters shall ensure that all contracts for their services are in writing and contain the following terms:

a. ~~Legible full name of the adjuster signing the contract, as specified in division records; Name and address of the public adjuster negotiating the contract and, if applicable, the name, address, and license number of the business entity with which the public adjuster is associated;~~

b. to j. No change.

k. ~~Full salary, fee commission, compensation or other considerations~~ Compensation the public adjuster is to receive for services, whether it be an hourly rate, flat fee, percentage of settlement, or some other method of compensation, and a detailed explanation of how the amount is to be specifically calculated based on the services provided by the public adjuster.

ITEM 6. Amend subrule 55.14(5) as follows:

55.14(5) A public adjuster contract may not contain any contract term that:

a. and b. No change.

c. Imposes collection costs or late fees; ~~or~~

d. Precludes a public adjuster from pursuing civil remedies; ~~or~~

e. Restricts an insured's right to initiate and maintain direct communications with the insured's attorney, the insurer, the insurer's adjuster, the insurer's attorney, or any other person regarding settlement of the insured's claim.

ITEM 7. Amend rule 191—55.15(522C) as follows:

191—55.15(522C) Escrow accounts. A public adjuster who receives, accepts or holds, on behalf of an insured, any funds toward the settlement of a claim for loss or damage shall deposit the funds in a non-interest-bearing escrow or trust account in a financial institution that is insured by an agency of the federal government in the public adjuster's home state or where the loss occurred.

ITEM 8. Amend subrule 55.16(1) as follows:

55.16(1) A public adjuster shall maintain a complete record of each transaction as a public adjuster. The records required by this rule shall include the following:

a. to h. No change.

INSURANCE DIVISION[191](cont'd)

- i.* The name of the attorney representing the insured, if applicable, and the name of the claims representative of the insurance company; ~~and~~
- j.* Evidence of financial responsibility in a format prescribed by the insurance division; and
- k.* All records related to the authorization and notice requirements of subrule 55.17(14).

ITEM 9. Amend subrule 55.17(1) as follows:

55.17(1) A public adjuster shall serve with objectivity and complete loyalty the interest of the ~~public adjuster's client~~ insured and shall render to the insured in good faith such information, counsel and service, as within the knowledge, understanding and opinion of the licensed public adjuster, as will best serve the insured's insurance claim needs and interest.

ITEM 10. Amend subrule 55.17(7) as follows:

55.17(7) Licensed public adjusters may not solicit a ~~client~~ an insured for employment between the hours of 8 p.m. and 9 a.m.

ITEM 11. Amend subrule 55.17(10) as follows:

55.17(10) A public adjuster shall not knowingly make any false oral or written material statements regarding any person engaged in the business of insurance to any insured ~~client~~ or potential insured ~~client~~.

ITEM 12. Adopt the following new subrule 55.17(14):

55.17(14) Authorization and notice of claim payments.

a. If the public adjuster and the insured contract for the public adjuster to be named as a co-payee on any claim payments issued by the insurance company, the public adjuster shall obtain written authorization from the insured in order for the public adjuster to sign or endorse a payment, draft, or check on behalf of an insured.

b. The authorization can be withdrawn by the insured at any time upon written notice to the public adjuster. Authorization and notice may be given and received through electronic means in compliance with Iowa Code section 554D.110. All records of authorization and notice must be maintained by the public adjuster in compliance with rule 191—55.16(522C).

c. If the public adjuster is granted authorization and receives a check, the public adjuster must do the following:

- (1) Endorse the check or payment for deposit only into the public adjuster's non-interest-bearing escrow or trust account; and
- (2) Notify the insured of the deposit of funds no later than five business days after receipt by the public adjuster.

[Filed 12/8/21, effective 2/2/22]

[Published 12/29/21]

EDITOR'S NOTE: For replacement pages for IAC, see IAC Supplement 12/29/21.

ARC 6102C

LABOR SERVICES DIVISION[875]

Adopted and Filed

Rule making related to fact-finding interviews regarding contractor registration revocation

The Labor Commissioner hereby amends Chapter 150, "Construction Contractor Registration," Iowa Administrative Code.

Legal Authority for Rule Making

This rule making is adopted under the authority provided in Iowa Code section 91C.6.

LABOR SERVICES DIVISION[875](cont'd)

State or Federal Law Implemented

This rule making implements, in whole or in part, Iowa Code section 91C.5.

Purpose and Summary

For a contractor that no longer meets the criteria for registration, Iowa Code section 91C.5 establishes a revocation procedure requiring a fact-finding interview to assure that a contractor is not in compliance with registration requirements. Subrule 150.11(3), which relates to Iowa Code section 91C.5, previously defaulted to an in-person fact-finding interview with an option for a telephone interview. The amendment to subrule 150.11(3) defaults to a telephone fact-finding interview with videoconference as an option, but also provides for a contractor to request an in-person fact-finding interview at least 72 hours before the interview is scheduled to begin.

Public Comment and Changes to Rule Making

Notice of Intended Action for this rule making was published in the Iowa Administrative Bulletin on October 6, 2021, as **ARC 5959C**. No public comments were received. No changes from the Notice have been made.

Adoption of Rule Making

This rule making was adopted by the Commissioner on November 29, 2021.

Fiscal Impact

This rule making has no fiscal impact to the State of Iowa.

Jobs Impact

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

Waivers

Any person who believes that the application of the discretionary provisions of this rule making would result in hardship or injustice to that person may petition the Commissioner for a waiver of the discretionary provisions, if any, pursuant to 875—Chapter 1.

Review by Administrative Rules Review Committee

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

Effective Date

This rule making will become effective on February 2, 2022.

The following rule-making action is adopted:

Amend subrule 150.11(3) as follows:

150.11(3) Fact-finding interview. The purpose of the fact-finding interview is to ensure the contractor is not in compliance before the registration is revoked. ~~All fact-finding interviews shall be held in the offices of the division. A telephone interview may be conducted upon request. The contractor may file a request for an in-person fact-finding interview at least 72 hours before the fact-finding interview is scheduled to begin. Otherwise, the fact-finding interview will be conducted by telephone. The contractor may notify the fact finder of a telephone number to use at least 24 hours~~

LABOR SERVICES DIVISION[875](cont'd)

before the fact-finding interview is scheduled to begin. Otherwise, the fact finder shall call the number on file for the contractor. The fact-finding interview may be conducted via videoconference if the fact finder and the contractor make arrangements in advance.

[Filed 11/29/21, effective 2/2/22]

[Published 12/29/21]

EDITOR'S NOTE: For replacement pages for IAC, see IAC Supplement 12/29/21.

ARC 6103C

LATINO AFFAIRS DIVISION[433]

Adopted and Filed

Rule making related to transfer of rules

The Department of Human Rights (Department) hereby rescinds Chapter 1, "Organization," Chapter 2, "Qualification of Language Interpreters," Chapter 3, "Petitions for Rule Making," Chapter 4, "Agency Procedure for Rule Making," Chapter 5, "Declaratory Orders," Chapter 6, "Public Records and Fair Information Practices," and Chapter 7, "Contested Cases," Iowa Administrative Code.

Legal Authority for Rule Making

This rule making is adopted under the authority provided in Iowa Code chapters 17A and 216A.

State or Federal Law Implemented

This rule making implements, in whole or in part, Iowa Code chapters 17A and 216A.

Purpose and Summary

The Department underwent statutory reorganization in 2010 (2010 Iowa Acts, Senate File 2088). The Latino Affairs Division[433] is now the Office of Latino Affairs under the Community Advocacy and Services Division in the Department. The Latino Affairs Division[433] no longer has rule-making authority; rule-making authority is vested in the Department. The Department is rescinding rules under the previous divisions and is consolidating and adopting new comprehensive rules under the Human Rights Department[421] (**ARC 6101C**, IAB 12/29/21). The text of the rescinded chapters can be located here: www.legis.iowa.gov/law/administrativeRules/chapters?agency=433&pubDate=09-22-2021.

Public Comment and Changes to Rule Making

Notice of Intended Action for this rule making was published in the Iowa Administrative Bulletin on October 20, 2021, as **ARC 5998C**. No public comments were received. No changes from the Notice have been made.

Adoption of Rule Making

This rule making was adopted by the Human Rights Board on December 1, 2021.

Fiscal Impact

This rule making has no fiscal impact to the State of Iowa.

Jobs Impact

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

LATINO AFFAIRS DIVISION[433](cont'd)

Waivers

Any person who believes that the application of the discretionary provisions of this rule making would result in hardship or injustice to that person may petition the Department for a waiver of the discretionary provisions, if any.

Review by Administrative Rules Review Committee

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

Effective Date

This rule making will become effective on February 2, 2022.

The following rule-making actions are adopted:

- ITEM 1. Rescind **433—Chapter 1.**
- ITEM 2. Rescind **433—Chapter 2.**
- ITEM 3. Rescind **433—Chapter 3.**
- ITEM 4. Rescind **433—Chapter 4.**
- ITEM 5. Rescind **433—Chapter 5.**
- ITEM 6. Rescind **433—Chapter 6.**
- ITEM 7. Rescind **433—Chapter 7.**

[Filed 12/2/21, effective 2/2/22]

[Published 12/29/21]

EDITOR'S NOTE: For replacement pages for IAC, see IAC Supplement 12/29/21.

ARC 6104C

PERSONS WITH DISABILITIES DIVISION[431]**Adopted and Filed****Rule making related to transfer of rules**

The Department of Human Rights (Department) hereby rescinds Chapter 1, "Organization," Chapter 2, "Public Records and Fair Information Practices," Chapter 4, "Petitions for Rule Making," Chapter 5, "Agency Procedure for Rule Making," Chapter 6, "Declaratory Orders," and Chapter 7, "Waiver Rules," Iowa Administrative Code.

Legal Authority for Rule Making

This rule making is adopted under the authority provided in Iowa Code chapters 17A and 216A.

State or Federal Law Implemented

This rule making implements, in whole or in part, Iowa Code chapters 17A and 216A.

PERSONS WITH DISABILITIES DIVISION[431](cont'd)

Purpose and Summary

The Department underwent statutory reorganization in 2010 (2010 Iowa Acts, Senate File 2088). The Persons with Disabilities Division[431] is now the Office of Persons with Disabilities under the Community Advocacy and Services Division in the Department. The Persons with Disabilities Division[431] no longer has rule-making authority; rule-making authority is vested in the Department. The Department is rescinding rules under the previous divisions and is consolidating and adopting new comprehensive rules under the Human Rights Department[421] (**ARC 6101C**, IAB 12/29/21). The text of the rescinded chapters can be located here: www.legis.iowa.gov/law/administrativeRules/chapters?agency=431&pubDate=09-22-2021.

Public Comment and Changes to Rule Making

Notice of Intended Action for this rule making was published in the Iowa Administrative Bulletin on October 20, 2021, as **ARC 6000C**. No public comments were received. No changes from the Notice have been made.

Adoption of Rule Making

This rule making was adopted by the Human Rights Board on December 1, 2021.

Fiscal Impact

This rule making has no fiscal impact to the State of Iowa.

Jobs Impact

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

Waivers

Any person who believes that the application of the discretionary provisions of this rule making would result in hardship or injustice to that person may petition the Department for a waiver of the discretionary provisions, if any.

Review by Administrative Rules Review Committee

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

Effective Date

This rule making will become effective on February 2, 2022.

The following rule-making actions are adopted:

PERSONS WITH DISABILITIES DIVISION[431](cont'd)

- ITEM 1. Rescind **431—Chapter 1.**
- ITEM 2. Rescind **431—Chapter 2.**
- ITEM 3. Rescind **431—Chapter 4.**
- ITEM 4. Rescind **431—Chapter 5.**
- ITEM 5. Rescind **431—Chapter 6.**
- ITEM 6. Rescind **431—Chapter 7.**

[Filed 12/2/21, effective 2/2/22]

[Published 12/29/21]

EDITOR'S NOTE: For replacement pages for IAC, see IAC Supplement 12/29/21.

ARC 6108C

PUBLIC HEALTH DEPARTMENT[641]

Adopted and Filed

Rule making related to adoption records

The Public Health Department hereby amends Chapter 95, "Vital Records: General Administration," and Chapter 99, "Vital Records Modifications," Iowa Administrative Code.

Legal Authority for Rule Making

This rule making is adopted under the authority provided in Iowa Code section 144.3.

State or Federal Law Implemented

This rule making implements, in whole or in part, Iowa Code chapter 144 and 2021 Iowa Acts, House File 855.

Purpose and Summary

2021 Iowa Acts, House File 855, adds provisions to Iowa Code chapter 144 to allow an adult adoptee to obtain a noncertified copy of the adoptee's original certificate of birth and provides biological parents the ability to complete a contact preference form and medical history form. These amendments implement these changes.

Public Comment and Changes to Rule Making

Notice of Intended Action for this rule making was published in the Iowa Administrative Bulletin on September 22, 2021, as **ARC 5926C**. No public comments were received.

One change from the Notice has been made. Since the publication of the Notice, 2021 Iowa Acts, House File 855, has been codified. References in the rule making to House File 855 have been removed accordingly.

Adoption of Rule Making

This rule making was adopted by the State Board of Health on November 10, 2021.

Fiscal Impact

This rule making has no fiscal impact to the State of Iowa.

PUBLIC HEALTH DEPARTMENT[641](cont'd)

Jobs Impact

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

Waivers

Any person who believes that the application of the discretionary provisions of this rule making would result in hardship or injustice to that person may petition the Department for a waiver of the discretionary provisions, if any, pursuant to the Department's waiver provisions contained in 641—Chapter 178.

Review by Administrative Rules Review Committee

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

Effective Date

This rule making will become effective on February 2, 2022.

The following rule-making actions are adopted:

ITEM 1. Amend subrule 95.6(1) as follows:

95.6(1) Fees for services provided by state registrar or county registrar. The following fees shall be charged and remitted for the various services provided by the state registrar or the county registrar.

a. The state registrar or county registrar, as applicable, shall charge a fee of ~~\$20~~ \$15 for a certified copy of a vital record. If, following a search, no record is found and no certified copy is printed, the ~~\$20~~ \$15 fee may be retained. ~~On and after July 1, 2019, this fee will revert to \$15.~~

b. The state registrar shall charge a fee of ~~\$20~~ \$15 to prepare an adoption certificate, ~~to~~ amend a certificate, ~~to~~ amend a certificate of live birth to reflect a legal change of name, ~~to~~ prepare a delayed certificate, ~~to~~ process other administrative or legal actions, prepare a noncertified copy of an original certificate of birth pursuant to Iowa Code section 144.24A, or for preparation of prepare copies of supporting documents on file in the state registrar's office. ~~On and after July 1, 2019, this fee will revert to \$15.~~ No fee shall be charged for establishment of paternity.

c. The state registrar shall charge a fee of \$25 to file a completed application for the mutual consent voluntary adoption registry.

d. The state registrar shall charge a fee of \$5 to update applicant information maintained in the mutual consent voluntary adoption registry and the declaration of paternity registry.

e. The state registrar shall charge a fee of ~~\$20~~ \$15 to amend an abstract or other legal documentation in support of the preparation of a new certificate. ~~On and after July 1, 2019, this fee will revert to \$15.~~

f. The state registrar shall charge a fee of \$35 to issue a commemorative copy of a certificate of birth or a certificate of marriage pursuant to Iowa Code section 144.45A. Fees collected shall be deposited in the emergency medical services fund established in Iowa Code section 135.25.

g. The state registrar shall charge a fee of ~~\$20~~ \$15 for the purpose of issuing an uncertified copy of a certificate of birth resulting in stillbirth pursuant to Iowa Code section 144.31A. ~~On and after July 1, 2019, this fee will revert to \$15.~~

ITEM 2. Amend subrule 95.6(4) as follows:

95.6(4) Search of county registrar's records—fee for uncertified copy. A person who is requesting an uncertified copy of a vital record in the custody of the county registrar shall conduct the search of the county files to locate the record. If a copy is requested, the county registrar may charge a fee of ~~no more than \$5 for an uncertified copy of the county record~~ pursuant to Iowa Code section 22.3. The fee shall be retained by the county.

PUBLIC HEALTH DEPARTMENT[641](cont'd)

ITEM 3. Amend paragraph **95.6(5)“a”** as follows:

a. All fees collected by the county registrar and the state registrar shall be distributed as follows:

(1) For fees collected by a county registrar, with the exception of the fee in subrule 95.6(4), the county registrar shall retain \$4 of each ~~\$20~~ \$15 fee collected by that office. ~~On and after July 1, 2019, this \$20 fee will revert to \$15.~~ Fees collected shall be divided as follows:

1. For a birth certificate or a marriage certificate, the state registrar shall receive ~~\$13~~ \$8, and \$3 shall be deposited in the general fund of the state, except for the fee collected pursuant to paragraph 95.6(1) “*f.*” ~~On and after July 1, 2019, the amount received by the state registrar will revert to \$8.~~

2. For a death certificate, the state registrar shall receive ~~\$11~~ \$6, the office of the state medical examiner shall receive \$3, and \$2 shall be deposited in the general fund of the state. ~~On and after July 1, 2019, the amount received by the state registrar will revert to \$6.~~

(2) For fees collected by the state registrar, the state registrar shall retain all fees, with the exception of the fees in paragraph 95.6(1) “*a.*,” of which the state registrar shall retain ~~\$14~~ \$9 of each ~~\$20~~ \$15 fee collected for the issuance of certified copies. ~~On and after July 1, 2019, the fee collected will revert to \$15 and the amount retained by the state registrar will revert to \$9.~~ The \$6 balance of certified copy fees collected by the state registrar shall be divided as follows:

1. and 2. No change.

ITEM 4. Renumber rules ~~641—95.14(144)~~ to ~~641—95.16(144)~~ as ~~641—95.15(144)~~ to ~~641—95.17(144)~~.

ITEM 5. Adopt the following new rule 641—95.14(144):

641—95.14(144) Access to original certificate of birth prior to adoption. Notwithstanding any provision of law to the contrary, an adopted person who was born in this state and whose original certificate of birth was substituted with a new certificate of birth pursuant to Iowa Code section 144.24 based upon the adoption, or an entitled person, may apply for and obtain a noncertified copy of the original certificate of birth of the adopted person who is the subject of the original certificate of birth in accordance with this rule, including with any required redaction of personally identifiable information pursuant to Iowa Code section 144.24A(2).

95.14(1) Entitlement.

a. If an adopted person who is the subject of the original certificate of birth is submitting the application, the adopted person shall be at least 18 years of age at the time the application is filed.

b. If an entitled person is submitting the application, the adopted person who is the subject of the original certificate of birth shall be deceased at the time the application is filed.

95.14(2) The adopted person or the entitled person requesting a noncertified copy of the original certificate of birth shall file a written application with the state registrar on a form and in the manner prescribed by the state registrar.

95.14(3) Upon receipt of the written application, proof of identification pursuant to paragraph 95.9(3) “*a.*,” and payment of a fee pursuant to paragraph 95.6(1) “*b.*,” the state registrar shall issue a noncertified copy of the original certificate of birth to the applicant in accordance with this rule, including with any required redaction of personally identifiable information pursuant to Iowa Code section 144.24A(2). At the time of such issuance, the state registrar shall also provide to the applicant any contact preference form or medical history form completed and submitted to the state registrar including with any required redaction of personally identifiable information pursuant to Iowa Code section 144.24A(2).

a. A biological parent may file a contact preference form prescribed by the state registrar in accordance with the provisions outlined in Iowa Code section 144.24A(2) and state the biological parent’s preference for contact by an adopted person or an entitled person following application for and issuance of the noncertified copy of the original certificate of birth under this rule. The contact preference form shall be provided to the biological parent in accordance with Iowa Code section 600A.4. A contact preference form may be completed or updated by the biological parent at any time at the request of the biological parent.

PUBLIC HEALTH DEPARTMENT[641](cont'd)

b. A biological parent may file a medical history form prescribed by the state registrar in accordance with the provisions outlined in Iowa Code section 144.24A(3) and provide medical history of the biological parent and any blood relatives. The medical history form shall be provided to the biological parent in accordance with Iowa Code section 600A.4. A medical history form may be completed or updated by the biological parent at any time at the request of the biological parent.

c. Upon receipt of a completed contact preference form or medical history form, the state registrar shall attach any such completed form to the original certificate of birth.

d. For the purposes of this rule, “entitled person” means the spouse of the adopted person who is deceased or an adult related to the adopted person who is deceased within the second degree of consanguinity.

e. An application may be submitted under this rule by an adopted person or an entitled person to obtain a noncertified copy of an adopted person’s original certificate of birth in accordance with this rule, if the adopted person who is the subject of the original certificate of birth was born before January 1, 1971.

f. Beginning January 1, 2022, an application may be submitted under this rule by an adopted person or an entitled person to obtain a noncertified copy of an adopted person’s original certificate of birth in accordance with this rule, notwithstanding the date of birth of the adopted person who is the subject of the original certificate of birth prescribed under paragraph 95.14(3) “*b.*”

This rule is intended to implement Iowa Code sections 144.24A and 600A.4.

ITEM 6. Adopt the following **new** subrule 99.13(3):

99.13(3) The clerk of the court shall, within 30 days of issuance, deliver one certified copy of any adoption decree, and any contact preference form or medical history form associated with the certified copy of any adoption decree for the purposes of Iowa Code section 144.24A, and fee pursuant to rule 641—95.6(144) to the state registrar of vital statistics to prepare a certificate of birth as prescribed in Iowa Code section 144.19.

ITEM 7. Amend subrule 99.14(4) as follows:

99.14(4) The county registrar and state registrar shall seal the original certificate of live birth. The state registrar shall place the original certificate of live birth and all related adoption information in a sealed file, and the file shall not be opened and inspected except by the state registrar for administrative purposes or upon an order from a court of competent jurisdiction pursuant to Iowa Code section 144.24 or as provided in Iowa Code section 144.24A.

[Filed 12/7/21, effective 2/2/22]

[Published 12/29/21]

EDITOR’S NOTE: For replacement pages for IAC, see IAC Supplement 12/29/21.

ARC 6105C

STATUS OF AFRICAN-AMERICANS, DIVISION ON THE[434]

Adopted and Filed

Rule making related to transfer of rules

The Department of Human Rights (Department) hereby rescinds Chapter 1, “Organization,” Chapter 2, “Public Records and Fair Information Practices,” Chapter 3, “Petitions for Rule Making,” Chapter 4, “Agency Procedure for Rule Making,” Chapter 5, “Declaratory Orders,” Chapter 6, “Contested Cases,” and Chapter 7, “Waiver Rules,” Iowa Administrative Code.

Legal Authority for Rule Making

This rule making is adopted under the authority provided in Iowa Code chapters 17A and 216A.

STATUS OF AFRICAN-AMERICANS, DIVISION ON THE[434](cont'd)

State or Federal Law Implemented

This rule making implements, in whole or in part, Iowa Code chapters 17A and 216A.

Purpose and Summary

The Department underwent statutory reorganization in 2010 (2010 Iowa Acts, Senate File 2088). The Division on the Status of African-Americans[434] is now the Office on the Status of African-Americans under the Community Advocacy and Services Division in the Department. The Division on the Status of African-Americans[434] no longer has rule-making authority; rule-making authority is vested in the Department. The Department is rescinding rules under the previous divisions and is consolidating and adopting new comprehensive rules under the Human Rights Department[421] (**ARC 6101C**, IAB 12/29/21). The text of the rescinded chapters can be located here: www.legis.iowa.gov/law/administrativeRules/chapters?agency=434&pubDate=09-22-2021.

Public Comment and Changes to Rule Making

Notice of Intended Action for this rule making was published in the Iowa Administrative Bulletin on October 20, 2021, as **ARC 6003C**. No public comments were received. No changes from the Notice have been made.

Adoption of Rule Making

This rule making was adopted by the Human Rights Board on December 1, 2021.

Fiscal Impact

This rule making has no fiscal impact to the State of Iowa.

Jobs Impact

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

Waivers

Any person who believes that the application of the discretionary provisions of this rule making would result in hardship or injustice to that person may petition the Department for a waiver of the discretionary provisions, if any.

Review by Administrative Rules Review Committee

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

Effective Date

This rule making will become effective on February 2, 2022.

The following rule-making actions are adopted:

STATUS OF AFRICAN-AMERICANS, DIVISION ON THE[434](cont'd)

- ITEM 1. Rescind **434—Chapter 1.**
- ITEM 2. Rescind **434—Chapter 2.**
- ITEM 3. Rescind **434—Chapter 3.**
- ITEM 4. Rescind **434—Chapter 4.**
- ITEM 5. Rescind **434—Chapter 5.**
- ITEM 6. Rescind **434—Chapter 6.**
- ITEM 7. Rescind **434—Chapter 7.**

[Filed 12/2/21, effective 2/2/22]

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EDITOR'S NOTE: For replacement pages for IAC, see IAC Supplement 12/29/21.

ARC 6106C

STATUS OF WOMEN DIVISION[435]

Adopted and Filed

Rule making related to transfer of rules

The Department of Human Rights (Department) hereby rescinds Chapter 1, "Description," Chapter 2, "Duties," Chapter 3, "Iowa Women's Hall of Fame," Chapter 4, "Public Records and Fair Information Practices," Chapter 7, "Declaratory Orders," Chapter 8, "Petitions for Rule Making," Chapter 9, "Agency Procedure for Rule Making," and Chapter 10, "Waiver Rules," Iowa Administrative Code.

Legal Authority for Rule Making

This rule making is adopted under the authority provided in Iowa Code chapters 17A and 216A.

State or Federal Law Implemented

This rule making implements, in whole or in part, Iowa Code chapters 17A and 216A.

Purpose and Summary

The Department underwent statutory reorganization in 2010 (2010 Iowa Acts, Senate File 2088). The Status of Women Division[435] is now the Office on the Status of Women under the Community Advocacy and Services Division in the Department. The Status of Women Division[435] no longer has rule-making authority; rule-making authority is vested in the Department. The Department is rescinding rules under the previous divisions and is consolidating and adopting new comprehensive rules under the Human Rights Department[421] (**ARC 6101C**, IAB 12/29/21). The text of the rescinded chapters can be located here: www.legis.iowa.gov/law/administrativeRules/chapters?agency=435&pubDate=09-22-2021.

Public Comment and Changes to Rule Making

Notice of Intended Action for this rule making was published in the Iowa Administrative Bulletin on October 20, 2021, as **ARC 6001C**. No public comments were received. No changes from the Notice have been made.

Adoption of Rule Making

This rule making was adopted by the Human Rights Board on December 1, 2021.

STATUS OF WOMEN DIVISION[435](cont'd)

Fiscal Impact

This rule making has no fiscal impact to the State of Iowa.

Jobs Impact

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

Waivers

Any person who believes that the application of the discretionary provisions of this rule making would result in hardship or injustice to that person may petition the Department for a waiver of the discretionary provisions, if any.

Review by Administrative Rules Review Committee

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

Effective Date

This rule making will become effective on February 2, 2022.

The following rule-making actions are adopted:

- ITEM 1. Rescind **435—Chapter 1.**
- ITEM 2. Rescind **435—Chapter 2.**
- ITEM 3. Rescind **435—Chapter 3.**
- ITEM 4. Rescind **435—Chapter 4.**
- ITEM 5. Rescind **435—Chapter 7.**
- ITEM 6. Rescind **435—Chapter 8.**
- ITEM 7. Rescind **435—Chapter 9.**
- ITEM 8. Rescind **435—Chapter 10.**

[Filed 12/2/21, effective 2/2/22]

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EDITOR'S NOTE: For replacement pages for IAC, see IAC Supplement 12/29/21.